

November 4, 1997

BY FACSIMILE & FIRST-CLASS MAIL

Mr. Robert Hogarth, Chief  
Document Services Branch  
Bureau of Alcohol, Tobacco & Firearms  
650 Massachusetts Ave., N.W.  
Room 3450  
Washington, D.C. 20226

Re: Bureau of Alcohol, Tobacco & Firearms' Compliance with the  
JFK Assassination Records Collection Act, 44 U.S.C. § 2107

Dear Mr. Hogarth:

Thank you for submitting the Final Declaration of Compliance for the Bureau of Alcohol, Tobacco, and Firearms ("ATF") (dated July 14, 1997), which sets forth ATF's final statement regarding its compliance with the President John F. Kennedy Assassination Records Collection Act of 1992 ("JFK Act").

First, the Final Declaration you submitted is not made under oath. We therefore request that you re-execute the Final Declaration under oath in the form prescribed by 28 U.S.C. § 1746.<sup>1</sup> We have asked all agencies to submit their Final Declarations of Compliance under oath.

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<sup>1</sup> Thus, you, as the declarant, should state at the end of the Final Declaration that "I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C. on this \_\_\_ day of November, 1997."

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Second, we have reviewed ATF's Final Declaration of Compliance and have concluded that, aside from re-execution of the Final Declaration, ATF's work under the JFK Act is complete. Furthermore, we do not anticipate conducting a compliance deposition. It is our understanding that ATF has identified only a handful of assassination records and that these relate to ATF's communications with the House Select Committee on Assassinations ("HSCA") in the late 1970's. Ideally, the Review Board would like to have had ATF specifically account for the absence of records regarding the investigation of President Kennedy's assassination, including 1960's records relating to ATF's involvement in the investigation and its 1970's legal records relating to the HSCA investigation. However, recognizing that ATF's search efforts have been comprehensive and well-documented (and will be under oath), we have no further search requests or suggestions at this time.<sup>2</sup> The Review Board might request that ATF conduct further record searches if we acquire information suggesting any additional, unexplored avenues for accounting for ATF records relating to the assassination. Should ATF locate any additional records relating to the assassination, please transmit those records to the Chief of the JFK Assassinations Records Collection ("JFK Collection") at the National Archives and Records Administration ("NARA") in College Park, Maryland.

Third, please continue to review, under the JFK Act, ATF equities in any assassination records that may be referred to you by other agencies.

Please contact me if you have any further questions, and thank you again for your cooperation in meeting the requirements of the Review Board's compliance program under the JFK Act.

Sincerely,

T. Jeremy Gunn  
Executive Director

cc: Steven D. Tilley, Chief, JFK Assassination Records Collection,

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<sup>2</sup> In view of the fact that ATF was a division within the Internal Revenue Service prior to 1972, we will pursue with IRS whether they retain any ATF investigative records from the 1960's that relate to the assassination.

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