

VIA FACSIMILE & FIRST CLASS MAIL

May 5, 1997

Mr. Bradley S. Gerratt
Director
John Fitzgerald Kennedy Library
Columbia Point
Boston, Massachusetts 02125

Re: John Fitzgerald Kennedy Library Compliance with the JFK Assassination
Records Collection Act, 44 U.S.C. § 2107

Dear Mr. Geratt:

I am writing to request that the John Fitzgerald Kennedy Library ("JFK Library") provide the Assassination Records Review Board ("Review Board") with certain formal assurances that it has located, and will be releasing, all records relating to the assassination of President Kennedy that are within its possession, custody or control.

Since 1994, the Review Board has been working with a number of Federal agencies, as well as the JFK Library, to locate and publicly release records related to the assassination of President Kennedy. These actions have been taken pursuant to The President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (Supp. V 1994) ("JFK Act"). At the JFK Library, we have been working with Mr. William Johnson, Ms. Megan Desnoyers, and Ms. Stephanie Fawcett and have appreciated their assistance. We particularly appreciated the JFK Library's help in organizing and implementing the Review Board's week-long joint Agency review of records in June 1996. The success of this unusually large-scale venture was due, in large part, to the Library's thorough preparation and fine staff support throughout the week.

The purpose of this letter is to request the JFK Library's cooperation in assisting the Review Board in discharging its responsibility of assuring Congress and the American people that the goals of the JFK Act have been accomplished to the greatest reasonable extent. We want to assure the American people that the United States government has identified, located, and released all records relating to the assassination of President Kennedy. Indeed, one of the purposes of the JFK Act is to certify to the public that the United States government is not withholding relevant materials related to the assassination. *See, e.g., Assassination Materials Disclosure Act*, H. R. Rep. No. 625, Part 2, 102d

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Cong. 2d Sess. 9 (1992) (“The Federal Government’s failure to release official materials has contributed to numerous conspiracy theories and fueled charges of government complicity in the assassination [A] salutary purpose is served in opening these files [relating to the JFK assassination] to allay the suspicion of government cover-up.”).

The Review Board has recently considered how it, along with the relevant Federal agencies, can best demonstrate to the American public that a thorough, good faith, and diligent effort has been made to locate and release all remaining assassination-related records within the control of the United States government (and that the government is not withholding any such materials from public disclosure). To make this showing to the public, the Review Board has requested the relevant Federal agencies to provide a complete and specific accounting of their efforts to locate and release assassination-related records, including a full explanation for any destruction of such records. Such requests have been directed specifically to the Lyndon B. Johnson and Gerald R. Ford Presidential Libraries . Since the JFK Library retains important papers from the Kennedy administration, the Review Board considers the JFK Library’s accounting of its search efforts to be of paramount importance. The JFK Library’s participation in this formal accounting process will help to assure the American public that the utmost efforts have been made to locate and release any existing assassination- related records.

Accordingly, pursuant to its Congressional mandate under the JFK Act to “create an enforceable, independent, and accountable process for the public disclosure of such records,” 44 U.S.C. § 2107 (2) (a) (3), the Review Board in the past few months has requested the relevant agencies to adhere to a specific and formal compliance program (hereinafter “JFK Act Compliance Program”) outlined below and devised by the Review Board pursuant to its powers under Section 7(j)(1)(A), (B), (C), (D), and (F) of the JFK Act. We hereby request that the JFK Library also participate in this program and undertake the following measures by the dates provided (these dates were set in view of the fact that the Review Board’s operations currently are scheduled to expire on September 30, 1997):

1. Designation of Agency Compliance Official (or officials) and Statement of Intent to Comply with the JFK Act. We request that, by May 30, 1997, the JFK Library designate a Compliance Official who ultimately will be responsible for ensuring that the Library has complied with its obligations under the JFK Act, including the identification, location, and organization of assassination records and the transmission of those records to the JFK Assassination Records Collection (“JFK Collection”) at the National Archives and Records Administration (“NARA”). If necessary, the JFK Library may designate more than one person with knowledge of the measures that have been undertaken to locate assassination records.

We also request that by May 30, 1997, the Library convey its agreement to adhere to the compliance procedures outlined in this letter. To the extent that any compliance procedure described below appears to be unreasonable or to present difficulties that we may not have anticipated, please explain why and make alternate suggestions to us.

2. Initial Statement of Compliance. We request that the Compliance Official prepare, by June 16, 1997, an initial written statement of the JFK Library's compliance with the JFK Act ("Initial Statement of Compliance"), setting forth the steps that the Library has taken to locate and process assassination records. The Review Board recognizes that many of the relevant federal agencies, and the JFK Library as well, have previously written letters to the Review Board apprising it of their progress at various stages of identifying and processing assassination records under the JFK Act. The JFK Library's Statement of Compliance, while it may include information previously reported to the Board, is to be the preliminary version of the Library's Final Declaration of Compliance to the American public of what it has done to locate records relating to the assassination (*see* item number 4 below). This initial Statement of Compliance shall include, to the fullest reasonable extent, the following information:

- a. A complete description of all steps that the JFK Library took to identify and locate assassination records including, but not limited to, an identification of the major record collections, holdings, and files that were consulted in the Library's search (including any records that are closed to the public); any research or finding aids, file indices, or computerized databases that were consulted; the names and titles of the persons who were tasked with conducting searches; and any other criteria used by the Library to locate assassination records.

Moreover, we seek all information in the possession of the JFK Library regarding any Kennedy administration records that may have been withdrawn from the collection through Burke Marshall or by any other person.

- b. To the extent that any assassination-related records have been destroyed by the Library, or if the Library has any knowledge regarding the destruction of any

Presidential materials by others, a full and specific explanation of the circumstances surrounding the destruction of such records.

- c. An identification and description of any records that have been removed from the JFK Library or altered by the JFK Library, to the extent that such records may reasonably contain materials relating to the assassination.
 - d. The status of remaining work that you can now identify that needs to be completed by the Library in order to comply fully with the JFK Act, including an identification of the categories of records that must be processed and transmitted to the JFK Collection at NARA, a description of any additional searches for files that must be done, and the projected date(s) for completion of these tasks.
3. Review Board Interview With Agency Compliance Official (or Officials). Shortly after the submission of the JFK Library's Initial Statement of Compliance, we will ask that the Library's Compliance Official (as well as any persons who helped prepare the Library's Initial Statement of Compliance) be made available to the Review Board for an interview regarding the Library's search for, and identification of, assassination records. The interview will be used as an opportunity to resolve any outstanding questions regarding the Library's search, including any follow-up tasks to be completed by the Library. The Review Board anticipates that this interview will be conducted in June or July of 1997.
 4. Submission of Final Agency Declaration of Compliance. By August 29, 1997, the JFK Library should expect to complete the process of identification, location, and declassification of its assassination records at which time it should submit to the Review Board a Final Declaration certifying, under oath, its compliance with the provisions of the JFK Act (the "Final Declaration of Compliance"). This Final Declaration shall set forth all of the information initially set forth in the Initial Statement of Compliance and shall also supplement the Initial Statement of Compliance by detailing any further steps that were conducted by the Library in identifying and locating assassination records. It is the intention of the Review Board to submit the agencies' Final Declarations of Compliance, including the Final Declaration of the JFK Library, with the Board's final report to Congress.

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5. Compliance Depositions. Starting on or about September 1, 1997, the Review Board, pursuant to its statutory authority, may conduct depositions, under oath, of the JFK Library's Compliance Official along with any other Library officials with responsibility for complying with the JFK Act. The decision to take a compliance deposition of a Federal agency will be made on a case by case basis, taking into account the importance of the agency to the work of the JFK Act and the sufficiency of the agency's efforts to account fully for its compliance with the JFK Act. In the event that the Review Board decides to commence a compliance deposition of the JFK Library, the Library's responsible designee(s) will be expected to testify under oath with respect to any and all issues relating to the Library's record search, including the scope of the search, the identity of files searched, the destruction of any relevant records, and any other matters set forth in the Final Declaration of Compliance. Any person obligated to appear for a deposition under oath shall be fully entitled to have legal representation.

We look forward to receiving your initial response, by May 30, that designates your Agency Compliance Official and includes your agreement to the procedures outlined in this letter. To the extent that you have any questions or suggestions regarding the Compliance Program, please do not hesitate to contact our General Counsel, T. Jeremy Gunn, at (202) 724-0088, or Thomas Samoluk, a staff member who resides in Boston, at (617) 482-1350.

Thank you for your continuing cooperation with our work.

Sincerely,

David G. Marwell
Executive Director

cc: William Johnson, Chief Archivist, JFK Library
Elizabeth A. Pugh, General Counsel, NARA

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