

June 3, 1998

VIA FACSIMILE AND U.S. MAIL

Mr. Will Johnson
John F. Kennedy Library
Columbia Point
Boston, Massachusetts 02125-3398

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

Dear Mr. Johnson:

I am writing to you in your capacity as the designated official responsible for ensuring that the John F. Kennedy Presidential Library ("JFK Library") has complied with the requirements of the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act").

In light of the need to complete our work by September 1998, I would like to address with you several outstanding issues: (1) completion of the JFK Library's work under the JFK Act; (2) obtaining certain additional information in response to questions we have for the JFK Library; and (3) submission of the Final Declaration of Compliance by the JFK Library.

1. Completion of the JFK Library's Work Under the JFK Act

We appreciate and acknowledge the substantial contribution of records that the JFK Library has made to the JFK Assassination Records Collection ("JFK Collection") at the National Archives and Records Administration ("NARA") in College Park, Maryland. Based on the JFK Library's initial Statement of Compliance, as well as our ongoing work with the Library, however, we believe several additional items have not yet been completed by the JFK Library. I am writing to find out the status of these matters and to obtain confirmation that they will be completed no later than September 1998. They are as follows:

a. Records Collections. The JFK Library identified certain records collections to be placed in the JFK Collection at NARA (*see* JFK Library's initial Compl. Stmt.). It is our understanding that certain assassination-related materials from various record collections have not yet been sent to the JFK Collection. The records collections at issue, and the remaining issues, are as follows:

- Robert F. Kennedy-- All records that have been identified as assassination records or

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records denoted "EHU's" (*i.e.*, records providing an enhanced historical understanding of events surrounding the assassination) should be transferred to the JFK Collection. We wish to confirm that the Library's review of RFK records included certain personal papers subject to a deposit agreement.

- John F. Kennedy Medical Records-- It is our understanding that certain medical records of President Kennedy remain closed. We would like to obtain more information regarding the nature of these records and their availability to the public.
- Jacqueline Kennedy-- With respect to Jacqueline Kennedy's papers donated after her death, we had identified certain files that the JFK Library staff would review for assassination records. If assassination records are identified, the JFK Library will seek the permission of the Kennedy family to open those records.
- Ted Kennedy-- [Review Board should follow-up?]
- Sargent Shriver/Eunice Kennedy Shriver-- We wish to clarify whether there are materials relating to the assassination in these records and, if so, what the status is for opening these materials up.
- Burke Marshall-- The JFK Library had submitted to Mr. Marshall certain papers for his review, and we have not yet heard what the status is regarding the release of these materials.
- McGeorge Bundy-- It is our understanding that the JFK Library was negotiating with the family of McGeorge Bundy to obtain additional papers of his. We seek to know what the status is with regard to that effort.
- Arthur Schlesinger-- We seek to learn whether the JFK Library has obtained the authorization of Mr. Schlesinger to release certain of his papers. It is our understanding that these additional materials include his diary entries post-dating the assassination and materials on the Manchester book (*The Death of a President*).
- Theodore White-- We understand that Mr. White's "Camelot papers" have recently been forwarded to the JFK Collection, but we would like confirmation that all relevant White papers have been reviewed and any assassination records identified, including

those records that were closed until one year after Jacqueline Kennedy's death..

- DOJ Criminal Division Records (on microfilm)-- After their initial review, the JFK Library and NARA concluded that certain Criminal Division records should be designated as assassination records and processed accordingly.
- Nicholas Katzenbach-- It is our understanding that a small amount of assassination records were identified from the Katzenbach papers; they should be forwarded to the JFK Collection.
- Gordon Chase-- Records related to the Dillon Commission have been identified among Mr. Chase's personal papers and will need to be forwarded to the JFK Collection.
- Roger Hilsman-- It is our understanding that certain additional assassination records were identified from the Hilsman papers and would be forwarded to the JFK Collection.
- Roswell Gilpatric-- It is our understanding that assassination records were identified from the Gilpatric papers and would be forwarded to the JFK Collection.
- Evelyn Lincoln-- The JFK Library has sent certain Lincoln papers to the JFK Library. However, we recently designated some additional items which we understand will be sent to the JFK Collection.
- Additional National Security Files relating to Cuba-- These files are continuing to be referred and processed jointly by the Review Board and the JFK Library. However, the JFK Library will have to ensure the physical transfer of these records to the JFK Collection, as well as update the computer database for these records.

Any records requiring declassification by U.S. intelligence or military agencies must be sent to the Review Board by June 15 in order for the Review Board to assist the Library with the referral process. This is because our final joint declassification session with the military and intelligence agencies is scheduled for June 23-25.

Finally, it is our understanding that there may be additional, unprocessed assassination records among

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the papers of Richard Goodwin; Ralph Dungan; Carl Kaysen; Edwin Martin; Kenneth O'Donnell; and Chalmers Roberts. If so, please forward any such assassination records to the JFK Collection.

b. Presidential Recordings. It is our understanding that numerous Presidential recordings (meetings and telephone conversations) remain closed. See JFK initial Compl. Stmt, Tables F & G. We would like to get a more specific report on the plan for opening up these records for the public. [Are there particular Presidential recordings we want to go into the JFK Collection as assassination records?]

c. Oral History Interviews. For the most part the oral history interviews identified as assassination records under the JFK Act have been forwarded to NARA. However, we had identified some additional oral history interviews that should be processed under the JFK Act. We request that the JFK Library use its best efforts to obtain authorization to release the following oral history interviews:

George Smathers¹

James Rowley

Walter Sheridan²

Godfrey McHugh

Malcolm Kilduff

Ralph Yarborough

Burke Marshall

¹ With respect to Mr. Smathers, the Library had written to him seeking his authorization to release his interview, but we have have heard nothing further from the Library.

² Although release of Mr. Sheridan's oral history interview had been held in abeyance due to ongoing litigation regarding certain of his papers, we recommend that the Library take the necessary steps to have have his interview release irrespective of the status of the litigation, which does not pertain to his interview.

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Dave Powers

The JFK Library also agreed to process as assassination records certain closed oral history interviews cited by Arthur Schlesinger in his book, *RFK and His Times*. Please confirm that the JFK Library is taking steps to secure the release of those interviews. They are:

John McCone

Robert Morgenthau

Daniel Patrick Moynihan

Charles Spaulding

Frank Mankiewicz

John Siegenthaler

Lem Billings

Peter Maas

Finally, we are attempting to secure permission from a representative of the Kennedy family to open up the audio interviews of Robert Kennedy and Jacqueline Kennedy conducted by William Manchester.

d. William Manchester Papers. I wish to address with you the important matter of the William Manchester papers relating to his book, *The Death of a President*, and reflecting interviews he conducted with numerous individuals centrally involved in events relating to President Kennedy's assassination. As I understand the nature of these materials, they constitute a rich historical body of primary source material on the assassination and its aftermath. To date, our efforts to have this material opened to the public or, at a minimum, inspected by the Review Board, have been unsuccessful.

The Library has advised the Review Board previously that these papers are merely on deposit with the Library and remain the legal property of Mr. Manchester. It is my understanding that there is no

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present agreement between Mr. Manchester and the Library providing for the public release of these materials at any time in the future. Accordingly, we request that the JFK Library again use its best efforts to persuade Mr. Manchester to open up these materials now or, failing that, to at least open them up by a specific future date. In addition, separate from public release, we request that the JFK Library make the papers available for inspection by the Review Board.

2. Request for Additional Information Regarding JFK Library Records

We have several questions regarding records at the JFK Library, as well as the review that was done to identify assassination-related records in the Library's custody. We request that the Library include its responses to these questions in its Final Declaration of Compliance to be submitted, under penalty of perjury, to the Review Board. We ask that these questions be answered by the most knowledgeable officials of the JFK Library, and that you identify those officials in the Final Declaration. We may, after reviewing the Final Declaration, decide to conduct a deposition of the Library regarding these matters. The questions we have are as follows:

a. Records Collections

- According to the JFK Library's initial Compliance Statement, the Library has "338 personal papers collections and bodies of federal records." Compl. Stmt. ¶2a(1).

Did the JFK Library review or inventory all 338 record collections to identify any assassination records within those collections? Were any records collections, or portions of records collections, excluded from review under the JFK Act for any reason? If so, please identify the records collections or the portions of the records collections and why they were considered exempt from review or release. (We also request that a list of the 338 records collections be appended to the Final Declaration of Compliance so that one can see the universe of records collections reviewed by the JFK Library under the JFK Act).

- Does the 338 figure exclude any other records collections (or portions of record collections) that may be in the physical possession, or control, of the JFK Library, including any records collections that may be on deposit but not in the legal custody of the JFK Library? Please list any additional record collections that may not have been included in the 338 figure, irrespective of the legal status of the collection.
- Were there any records collections (or portions of record collections) that were, at any time, in

the physical possession, or control, of the JFK Library, but which were subsequently removed from its custody? If so, please identify those record collections.

- Were there any record collections (or portions of records collections) from the Kennedy administration or Kennedy administration officials that, to the JFK Library's knowledge, were in the physical possession, or control, of the National Archives or the General Services Administration ("GSA"), but which were subsequently removed from its custody? If so, please identify those record collections.
- Were there any record collections (or portions of record collections) that, to the JFK Library's knowledge, were withheld from being donated, loaned, or otherwise transmitted to the JFK Library? If so, please identify those record collections.
- Does the JFK Library know of, or have any information regarding, the existence, identity, or disposition of any records of Robert F. Kennedy that are not at the JFK Library (including Robert Kennedy's 1963 desk diaries and his 1962-63 telephone messages)? If so, please identify the records and what is known about them.
- Does the JFK Library know of, or have any information regarding, the existence, identity, or disposition of any dictabelt, dictaphone, or other audio recordings of President Kennedy or Kennedy administration officials that are not at the JFK Library (excluding the recent audio recordings discovered from Robert White)? If so, please identify the recordings and what is known about them.
- Does the JFK Library know of, or have any information regarding, the existence, identity, or disposition of any of President Kennedy's records maintained by Evelyn Lincoln that are not at the JFK Library (excluding any records that have been publicly identified as part of Mrs. Lincoln's estate)?
- Does the JFK Library know of, or have any information regarding, the existence or disposition of White House usher logs from the Kennedy administration? (Have the papers of Jacqueline Kennedy Onassis been searched for these types of White House logs?)
- Does the JFK Library know of, or have any information regarding, the existence, identity, or disposition of any records of Kennedy administration officials that are not at the JFK Library (and which are not publicly available at another institution)?

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- Does the JFK Library know of, or have any information regarding, the existence, identity, or disposition of records relating to President Kennedy's assassination that are not in the JFK Library (and which are not publicly available at another institution)?
- Has the JFK Library made any attempts to secure records relating to the assassination of President Kennedy? If so, please identify the records and what is known about them, including the known custodian of the records.
- Does the JFK Library know of, or have any information regarding, the existence, identity, or disposition of records maintained by John F. Kennedy or Robert F. Kennedy from 1961 through 1965, or otherwise relating to events in that period, that are presently in the possession, custody, or control of a Kennedy family member or Kennedy family representative? If so, please identify the records and what is known about them.
- Has the JFK Library made any attempts to secure any records from a Kennedy family member or Kennedy family representative? If so, please identify the records the Library has sought to obtain and what is known about the records.

b. Oral History Interviews

- In its initial compliance statement, the JFK Library stated that it has 900 "processed and deeded oral history interviews" (Compl. Stmt. ¶ 2a(1)) and 300 unprocessed or not transcribed oral history interviews (Compl. Stmt. ¶ 2c(4)).
- Does the JFK Library have a total of 1,200 oral history interviews in its possession or control (irrespective of the legal or processing status of the oral history interview)? If the Library has additional interviews, please identify them.
- Were any oral history interviews removed from the JFK Library or otherwise turned over to the interviewee (without a copy being left at the Library)? If so, please identify the interviews.
- How did the JFK Library determine whether the assassination of President Kennedy was discussed in (a) any of the 900 processed interviews and (b) any of the 300 unprocessed interviews?

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3. Submission of the Final Declaration of Compliance

We request that the JFK Library submit its Final Declaration of Compliance, under the JFK Act, on or about August 3, 1998. It is our hope that, by early August 1998, the JFK Library will have finished its work under the JFK Act. The Final Declaration should be executed under penalty of perjury in the form prescribed by 28 U.S.C. §1746.³ The request that the Final Declaration be submitted under oath is one that we have made of all Federal agencies under the JFK Act.

Finally, I have tried to summarize, as accurately as possible, all remaining issues for completion of the JFK Library's work under the JFK Act so that we can ultimately ensure that all assassination records are declassified and placed in the JFK Collection by September 1998. However, please do not hesitate to advise me if there is anything in my letter that is inaccurate or incomplete. Irene Marr and I are available to cooperate with you in completing and resolving any outstanding matters, and please contact us if you have any questions.

Thank you 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: Christopher M. Runkel, Acting General Counsel
NARA
Steven D. Tilley, Chief
JFK Collection, NARA

³ Thus, the declarant would state at the end of the Final Declaration that "I declare under penalty of perjury that the foregoing is true and correct. Executed at Boston, Massachusetts on this ___ day of ____ 1998."