

July 20, 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 expiration of the Review Board's mandate by September 1998, I am writing to request that the JFK Library complete its work under the JFK Act and submit, by August 20, 1998, its Final Declaration of Compliance.

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

We appreciate and acknowledge the JFK Library's substantial contribution of records 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 (dated July 25, 1997), as well as our ongoing work with the Library, we understand that several additional matters are being completed by the JFK Library. I understand that Stephanie Fawcett and Megan Desnoyers of the Library have been working closely with Irene Marr of our staff to complete all outstanding work of the JFK Library.

Among the more important records that have not yet been placed in the JFK Collection are certain records designated from the official papers of Robert F. Kennedy. We had identified 7 assassination records and 138 other records that would provide an enhanced historical understanding of events

Mr. Will Johnson
July 20, 1998
Page 2

surrounding the assassination. Please confirm that all such records have been, or will be, placed in the JFK Collection before September 30, 1998. We consider this to be of paramount importance.

In addition, we understand that audiotapes and transcripts of interviews conducted by William Manchester of Robert F. Kennedy and Jacqueline Kennedy are held by the JFK Library but are closed until the year 2067 under agreements relating to transfer of these materials to the JFK Library. In the Final Declaration of Compliance, we ask that the JFK Library confirm that it has physical and legal custody of the tapes and transcripts, include a description of the dates and length of the interviews, and identify the person(s) with authority to consent to release of the interviews before 2067. Also, please confirm that the JFK Library is taking appropriate archival measures to preserve the audiotapes, including making preservation copies as necessary.

2. Submission of the Final Declaration of Compliance

We request that the JFK Library submit its Final Declaration of Compliance, under the JFK Act, by August 20, 1998. It is our hope that, by 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. § 1746.¹ The request that the Final Declaration be submitted under oath is one that we have made of all relevant Federal agencies under the JFK Act.

We have reviewed the JFK Library's initial Statement of Compliance, which was generally satisfactory in describing the Library's work under the JFK Act. We ask that the Library update the Final Declaration of Compliance to reflect the additional work it has undertaken in the past year (*e.g.*, the JFK Library Punch List should be updated). As part of the JFK Library's Final Declaration, we also ask that the Library provide certain additional information not addressed in the initial Compliance Statement. We recognize that the JFK Library has been cooperative in informally providing this information to Review Board staff member Irene Marr. We ask, however, that the Library submit, in writing and as part of its Final Declaration, the information requested below:

a. Records Collections

¹ 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."

Mr. Will Johnson
July 20, 1998
Page 3

- Were any record collections (or portions thereof) ever in the possession, custody or control of the JFK Library, but subsequently removed from its custody? For example, as with the Sheridan records, were there any records that were in the possession of the JFK Library, but that were returned to the donor or depositor? If so, please identify those records.
- Are any record collections (or portions thereof) in the possession or custody of the JFK Library, but not formally accessioned into the Library's holdings? If so, please identify those records and state whether they were reviewed under the JFK Act.
- As among the JFK Library record collections that are not generally available to the public, please identify those collections that were reviewed under the JFK Act based on the Library's determination that the collections "could reasonably be expected to contain" assassination records. Compl. Stmt. ¶ 2a(2). Please also identify those non-public record collections that were not reviewed based on a determination that they were not reasonably expected to contain assassination records.
- Please confirm that all records of President Kennedy, Jacqueline Kennedy Onassis, Evelyn Lincoln, and Robert Kennedy, which are in the possession of the JFK Library, were reviewed under the JFK Act and that all assassination-related records from those collections have been placed in the JFK Collection. If the JFK Library considered any assassination-related records from these collections as not subject to release under the JFK Act, please identify those records and explain the basis for their being considered exempt from the JFK Act.
- From among the Kennedy administration records placed with the National Archives and/or the General Services Administration ("GSA") for ultimate transfer to the JFK Library, is the JFK Library aware of any such records that were not forwarded to the 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 dictabelt, dictaphone, or other audio recordings of President Kennedy or Kennedy administration officials that are not at the JFK Library (in addition to 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

Mr. Will Johnson
July 20, 1998
Page 4

at the JFK Library (in addition to any records that have been publicly identified as part of Mrs. Lincoln's estate or that may be in the custody or control of Robert White)?

- 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 Robert Kennedy's 1963 desk diaries or his 1962-63 telephone messages? If so, please state what is known about them.
- Does the JFK Library have any actual knowledge of the existence, identity, or disposition of any Kennedy administration records personally retained by any Kennedy administration officials? If so, please identify the records and what is known about them.
- Has the JFK Library made any attempts to secure donations of any records relating to the assassination of President Kennedy that are not now in the JFK Collection? 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 any records maintained by John F. Kennedy or Robert F. Kennedy from 1961 through 1965, or otherwise relating to events in that period, that may presently be 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.
- Are there any assassination-related records, audio recordings, photographs, or film or video recordings at the JFK Library that have not been released due to a governing deed of gift or deposit agreement? If so, please identify those records and explain the basis for their being considered exempt from the JFK Act.

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 oral history interviews that are unprocessed or not transcribed (Compl. Stmt. ¶ 2c(4)). How did the JFK Library

Mr. Will Johnson
July 20, 1998
Page 5

identify those interviews that contained information relating to the assassination of President Kennedy?

- As among the 300 or other oral history interviews that are either unprocessed, not transcribed, or unavailable to the public, please identify the interviews that were reviewed or inventoried under the JFK Act and those that were not.
- Were any oral history interviews removed from the JFK Library or otherwise turned over to the interviewee (without a copy being left with the Library)? If so, please identify the interviews.
- Are there any oral history interviews, which relate or refer to the assassination, that have not been released due to a governing deed of gift or deposit agreement? If so, please identify those interviews and explain the basis for their being considered exempt from the JFK Act.

We appreciate the cooperation of the JFK Library in meeting its obligations under the JFK Act, including the Review Board's compliance program. Please do not hesitate to contact us if you have any questions.

Sincerely,

Ronald G. Haron
Associate General Counsel

cc: Christopher M. Runkel, Acting General Counsel,
NARA

Steven D. Tilley, Chief,
JFK Collection, NARA