

May 26, 1998

VIA FACSIMILE AND U.S. MAIL

Ms. Tina Houston
Supervisory Archivist
Lyndon Baines Johnson Library
2313 Red River Street
Austin, Texas 78705

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

Dear Tina:

I am writing to you in your capacity as the designated official responsible for ensuring that the Lyndon B. Johnson Presidential Library ("LBJ Library") has complied with 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 am writing to address with you the following: (1) completion of the LBJ Library's work under the JFK Act and (2) the Library's submission of its Final Declaration of Compliance.

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

We have reviewed the initial Statement of Compliance submitted by the LBJ Library in July 1997. Based on this initial Statement, as well as ongoing communications between the LBJ Library and the staff of the Review Board, we believe that the Library's searches under the JFK Act have been sufficient to identify all potential sources of assassination-related materials in its custody. In addition, we acknowledge and appreciate the extensive set of materials that have been forwarded by the LBJ Library to the JFK Assassination Records Collection ("JFK Collection") at the National Archives and Records Administration ("NARA").

However, it is our understanding that there remains certain work to be completed, consisting of the review of specific record collections to determine if they contain assassination records, as well as the

Ms. Tina E. Houston
May 26, 1998
Page 2

forwarding of previously designated assassination records to the JFK Collection or to the Review Board for agency referral and declassification.

Set forth below is our understanding of the categories of records that must be reviewed and/or transmitted by the Library:

(1) Jacqueline Kennedy audiotapes. The LBJ Library informed the Review Board in March 1997 that the Library had decided to open the audiotapes of President Johnson's telephone conversations with Mrs. Kennedy. The Library had stated that these recordings would be opened along with the next scheduled release of Presidential recordings by September 1998. Please confirm in the Final Declaration of Compliance that these tapes will be released by that time.

(2) Other Presidential Recordings. Please confirm in the Final Declaration that all Presidential recordings containing discussion relating to President Kennedy's assassination have been opened and transferred to the JFK Collection. For example, we note that, in the LBJ Library's initial Compliance Statement, the Library had identified "21 additional conversations after August 1964 which are related to the assassination," but which had not yet been "processed." See Initial Compl. Stmt. ¶ 2(c).

(3) Oral Histories. We request that the LBJ Library review some remaining oral histories to determine if they contain any material relating to the assassination (some of these were identified as "unprocessed" oral histories (see Initial Compl. Stmt. Attachment F, at 30)). The oral histories identified for review are:

McGeorge Bundy
Lucien Conein
John B. Connally
Cartha D. DeLoach
Walter Jenkins
Lyndon Baines Johnson
Lynda Johnson Robb
Luci Johnson Turin (1978 interview)
Robert S. McNamara
Kenneth O'Donnell
Jacqueline Kennedy Onassis

Ms. Tina E. Houston
May 26, 1998
Page 3

Theodore Shackley
Sargent Shriver
Marty Underwood

Some of these, including the Marty Underwood oral history, may have been thoroughly reviewed. For those oral histories relating to the assassination, please state whether they have been transferred to the JFK Collection. (If permission to open any of the relevant oral histories has been denied, please advise us so that we may consider what, if any, additional steps can be taken).

We note that the LBJ Library's initial Compliance Statement (Attachment F, at 27) makes note of "special oral history interviews" that were conducted by entities other than the LBJ Library. To the extent not previously identified to the Review Board, please advise us if there are any such oral history interviews not open to the public. Finally, please advise us as to the status (restricted versus open) of any assassination-related materials contained within the diary tapes (and any oral history interview) of Lady Bird Johnson.

(4) Mildred Stegall Name Files. A set of name files of Mildred Stegall were identified by the Review Board staff in March 1997 as possibly containing materials relating to the assassination. However, apparently due to a miscommunication between us, these files have not been reviewed for assassination-related material. Given the time constraints, the LBJ Library has agreed that a member of the Review Board staff (Dr. Michelle Combs) may review the files for assassination-related material. The Review Board will request authorization from the FBI to release those files containing assassination-related material. The LBJ Library will then be responsible for transferring the records to the JFK Collection, including the preparation of the requisite record identification forms.

(5) Secret Service Activity Reports. The Library has obtained Secret Service clearance to release certain Secret Service reports in full. Please confirm that these reports have been transmitted to the JFK Collection. If there are any other Secret Service records relating to the assassination, or portions of such records, that have not been cleared by the Secret Service for release, please advise us as soon as possible.

(6) Walt Rostow Papers. It is our understanding that you or your staff have confirmed with Mr. Rostow that his personal papers, which post-date his period with the Johnson administration, do not have any records of relevance to the assassination. However, we understand that the Library has reviewed Mr. Rostow's office files from his tenure with the

Johnson White House, including Mr. Rostow's appointment books. Please confirm whether any assassination records from these files have been identified and processed for the JFK Collection.

(7) Clifton Carter, John Macy, Lawrence O'Brien, Drew Pearson, and William Westmoreland Files. It is our understanding that you have completed the review of these papers. Please advise us as to the status of identifying and processing any assassination records located among these papers. We want to confirm that we are in possession of all assassination records that need to be referred to appropriate agencies for release.

(8) Walter Jenkins Shorthand Notes. The LBJ Library commenced the transcribing of these materials, but was interrupted due to the illness of the shorthand transcriber. Please advise us whether Mr. Jenkins' notes for November 1963 have been transcribed, what other notes have yet to be transcribed, and the priority for transcribing the balance of Mr. Jenkins' notes. We suggest that priority be given to transcribing Mr. Jenkins' notes from November 1963 through 1964. Please let us know whether this can be realistically accomplished prior to September 1998.

(9) John McCone Files. Please confirm that we have been provided with all assassination records identified from among the papers of John McCone. We want to be certain that all assassination records from Mr. McCone's files have been forwarded for referral and release under the JFK Act.

(10) "Additional Material Identified as Related to the JFK Assassination." Please state in the Final Declaration of Compliance the latest status with respect to the items listed in Attachment G to the Library's initial Statement of Compliance (entitled "Additional Material Identified as Related to the JFK Assassination"). At the time the initial Compliance Statement was filed, the processing of these materials was ongoing. We wish to confirm that the processing of these materials has been completed.

(11) Other Unprocessed Assassination Records. Please verify the status of any other remaining assassination records that have been identified but not yet processed for inclusion in the JFK Collection, including any records that have been assigned record identification forms but which have not been referred to appropriate agencies or which otherwise remain postponed in full. Finally, to the extent not already disclosed to the Review Board, please identify any additional assassination records that may have been identified through the

Ms. Tina E. Houston
May 26, 1998
Page 5

Library's systematic review of its classified holdings.

I have tried to summarize, as accurately as possible, all remaining issues for completion of the LBJ 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. As you know, Michelle Combs of my staff will be available at the LBJ Library next week to assist in completing and resolving any outstanding matters, and you may raise any questions you have with her.

2. Submission of Final Declaration of Compliance

We request that, by August 3, 1998, the LBJ Library submit its Final Declaration of Compliance to the Review Board setting forth the Library's work under the JFK Act. In this Final Declaration, the Library should update the information provided in its previous, July 1997 compliance statement. We hope that the LBJ Library's work can be completed by August 3 when it submits its Final Declaration.

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 Federal agencies under the JFK Act.

Thank you for your cooperation in meeting the requirements of the Review Board's compliance program under the JFK Act, and please contact us if you have any questions.

Sincerely,

T. Jeremy Gunn
Executive Director

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 Austin, Texas on this ___ day of ___ 1998."

Ms. Tina E. Houston
May 26, 1998
Page 6

cc: Christopher M. Runkel, Acting General Counsel
NARA

Steven D. Tilley, Chief
JFK Assassination Records Collection, NARA