

April 24, 1998

BY FACSIMILE & U.S. MAIL

LCDR R. D. Bastien  
Office of Naval Intelligence  
4251 Suitland Road  
Washington, D.C. 20395-5270

Re: Office of Naval Intelligence Compliance with the JFK Assassination Records  
Collection Act, 44 U.S.C. § 2107

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Dear LCDR Bastien:

Following up on my letter of March 23, 1998 to ONI, I am writing to set forth the procedures to be followed by the Office of Naval Intelligence ("ONI") in submitting to the Assassination Records Review Board ("Review Board") a statement of compliance demonstrating that it has completed its obligations under the John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act"). (I am addressing this letter to you since you have been designated as the JFK Act Compliance Official for ONI. *See* April 9, 1998 Letter from Captain J.E. Darrah to J. Gunn). This formal statement of compliance that we request would detail the efforts of ONI to identify and make available to the public records relating to the assassination of President Kennedy. The Review Board is currently obtaining comparable statements from all other relevant federal agencies. We have been working with the ONI in locating and declassifying ONI's assassination-related records, and we appreciate the cooperation we have received from ONI.

A formal compliance statement by ONI would assist 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 paramount 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 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 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 hiding any such materials from public disclosure). Accordingly, pursuant to its Congressional mandate 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 seeks to have the ONI provide a complete and specific accounting of its efforts to locate and release assassination-related records, including a full explanation for any destruction of such records.

The Review Board therefore requests that ONI adhere to certain formal procedures, outlined below, for documenting its compliance with the JFK Act. These requirements have been devised by the Review Board pursuant to its powers under Section 7(j)(1)(A), (B), (C), (D), and (F) of the JFK Act. These procedures are as follows:

1. Designation of Agency Compliance Official (or officials) and statement of intent to comply with the JFK Act. We had requested that ONI designate an Agency Compliance Official who ultimately will be responsible for ensuring that ONI has complied with its obligations under the JFK Act, including the identification, location, and organization of assassination records and the transmission of those records for inclusion in the JFK Assassination Records Collection at the National Archives and Records Administration (“NARA”). We have been informed that you have been designated as ONI’s Compliance Official. If necessary, ONI may designate additional persons with knowledge of the measures that have been undertaken to locate assassination records.

We request that, by May 8, 1998, ONI 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. Final Declaration of Compliance with the JFK Act. We request that the ONI submit

to the Review Board, by June 22, 1998, a written statement of its compliance with the JFK Act (hereinafter referred to as ONI's "Final Declaration of Compliance"). This Final Declaration of Compliance is to be ONI's comprehensive and final report to the American public of what it has done to locate and publicly release records relating to the assassination. ONI's Final Declaration of Compliance, as well as those of other agencies, will be included in our final report to Congress. This Final Declaration of Compliance shall include, to the fullest reasonable extent, the following information:

- a. A description of the steps that ONI took to identify and locate assassination records including, but not limited to, an identification of the major record collections and files that were consulted in ONI's search, any ONI file indices consulted, the names and titles of the persons who were responsible for conducting the searches, the physical locations of the records that were searched, the off-site storage facilities (*e.g.*, Federal Records Centers) searched, the specific steps that were taken to locate and retrieve materials in archives, and any other criteria used by ONI to locate assassination records.
- b. A description of the steps that ONI took to locate records or information specifically requested by the Review Board.
- c. To the extent that any assassination-related records are known to have been destroyed by ONI or any ONI official, a full and specific explanation of the circumstances surrounding the destruction of such records.
- d. The status of any remaining work that needs to be completed by ONI in order to comply fully with the JFK Act, including an identification of the categories of records that must be processed and transmitted to NARA, a description of any additional searches for files that must be done, and the projected date(s) for completion of these tasks.

This Final Declaration of Compliance should be executed under oath in the form prescribed by 28 U.S.C. § 1746.<sup>1</sup>

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<sup>1</sup> Thus, the ONI compliance official would state at the conclusion of the Final Declaration of

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Compliance that "I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C. on this \_\_ day of \_\_\_\_ 1998."

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3. Review Board Interview With Agency Compliance Official (or Officials). After submission of ONI's Final Declaration of Compliance, and after the Review Board's consideration of the Declaration, the Board may request that the Agency Compliance Official (as well as any persons who helped prepare ONI's Statement of Compliance) be made available to the Board for an interview regarding the search for assassination records in the custody of ONI. If necessary, the interview will be used as an opportunity to resolve any outstanding questions regarding ONI's search for assassination records, including any follow-up tasks to be completed by ONI.

We look forward to receiving your initial response, by May 8, 1998, that provides ONI's commitment to adhere to the procedures outlined in this letter. To the extent that you have any questions or suggestions regarding these procedures, please do not hesitate to contact me, Doug Horne, or Ronald Haron at (202) 724-0088.

Thank you for your cooperation with our work.

Sincerely,

T. Jeremy Gunn  
Executive Director