

BY FACSIMILE AND FIRST-CLASS MAIL

February 28, 1997

Senator Warren Rudman
Chairman
President's Foreign Intelligence Advisory Board
Old Executive Office Building
Room 340
Washington, D.C. 20502

Re: Presidential Records and the JFK Assassination Records Collection Act, 44 U.S.C. § 2107

Dear Senator Rudman:

Thank you for appearing before the Assassination Records Review Board ("Review Board") today to explain the position of the President's Foreign Intelligence Advisory Board ("PFIAB") with respect to release of its records under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act").

The Review Board has asked me to submit this letter to you on their behalf. As the Board understands your position, PFIAB records are not subject to the JFK Act and are not releasable except upon express, voluntary consent by the President. The Review Board members are concerned that many important, historically relevant records identified by the Board will not be released by PFIAB under the JFK Act or under any other legal framework. During PFIAB's briefing for the Board, Board member Kermit Hall had inquired whether there were any circumstances under which PFIAB records would ever be released to the public at any time. You stated that PFIAB records are not subject to the Freedom of Information Act, but you could not state whether or not there are other mechanisms under which PFIAB records might ultimately be released.

We would like to definitively clarify whether PFIAB records are subject to any procedures for the release of records. This was not made clear in the PFIAB briefing. Accordingly, could you advise the Review Board whether or not PFIAB considers itself subject to the requirements of Executive Order 12958 governing declassification of Federal records. We ask that PFIAB provide any written materials that relate to the issue of whether PFIAB is subject to Executive Order 12958. Could you

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also inform us as to the status of the releasability of PFIAB records in connection with the State Department's preparation of the *Foreign Relations of the United States ("FRUS")* series. We request a copy of any agreement between the State Department and PFIAB regarding access to PFIAB records in connection with *FRUS*. Finally, we request that PFIAB disclose whether it is subject to, or has consented to, any other laws, regulations, or procedures for the release of its records.

We ask that you provide this information so that we can better understand PFIAB's position with respect to the applicability of the JFK Act to its records. Thank you for forwarding this information to the Review Board.

Sincerely,

Laura Denk
Executive Director