

BY FACSIMILE AND FIRST-CLASS MAIL

April 21, 1997

Lt. Col. Gregory Rath
Assistant Chief of Staff
White House Military Office
Washington, D.C. 20502

Re: White House Communications Agency Records and the
JFK Assassination Records Collection Act, 44 U.S.C. § 2107

Dear Lt. Col. Rath:

In connection with our conversation on April 10, this is to confirm that the White House Communications Agency ("WHCA") will forward to the JFK Assassination Records Collection at the National Archives the original of its historical file entitled "President Kennedy Assassination." This file contains the statements of WHCA personnel who were on duty at the time of the assassination, as well as a 1966 cable listing calls recorded by the White House on the day of the assassination. You should coordinate with Steven D. Tilley, Chief, JFK Assassination Records Collection, National Archives and Records Administration ("NARA"), regarding procedures for proper transmission of these assassination records to the JFK Collection.

This will also memorialize your representation to me that the WHCA does not have any 1963-64 records, including any White House or Air Force 1 communications from that time period. Given the importance of these records, which relate to communications to and from the President, the Review Board will require firm substantiation that, in fact, no such records remain within the possession, custody, or control of either the WHCA or the White House Military Office, which oversees the WHCA. In particular, the Review Board requires an assurance that all avenues have been pursued to locate any such records that may be in storage.

Accordingly, the Review Board now seeks from the WHCA, as it has from other federal agencies,¹ an

¹ The Review Board has established a Compliance Program under the JFK Act under which all relevant Federal agencies document their compliance with the JFK Act and demonstrate that their record searches have been comprehensive. *See, e.g.*, Nov. 27, 1996 Review Board letter to the National Security Agency ("NSA") requesting NSA's participation in the Compliance Program

Lt. Col. Gregory Rath
April 21, 1997
Page 2

affidavit demonstrating that a thorough and diligent search has been made for records relating to the assassination of President Kennedy. The WHCA affidavit should describe what was done to confirm that there are no 1963-64 records whatsoever in the custody or control of WHCA (or the White House Military Office), including records of communications between Air Force 1 and Andrews Air Force Base on the day of the assassination, as well as communications between the White House and other agencies during the months following the assassination. In particular, the affidavit should confirm how it was determined that there are no 1963-64 WHCA records in storage at any Federal Records Center, at the National Archives, or with any other federal agency. If these 1963-64 records of the WHCA have, in fact, all been destroyed, then the affidavit should describe generally the categories of records destroyed, when they were destroyed, and submit any available documentary proof memorializing this destruction. The affidavit will need to be executed under oath in the form prescribed by 28 U.S.C. § 1746.

To assist you in preparing the affidavit, we have enclosed a draft form of affidavit upon which to model the WHCA's affidavit. See Attachment B hereto. In this draft affidavit, we have noted some of the material points that should be explained by the WHCA in order to demonstrate that a diligent search has been made. This draft is not intended to preclude the WHCA from stating any other facts that are material to the issue of its records. We request the WHCA to submit its compliance affidavit no later than July 1, 1997.

(Attachment A hereto). This program involves submission of initial affidavits, follow-up meetings with the agency, execution of final affidavits under oath, and, possibly, depositions. At this time, the Review Board does not believe it will be necessary to impose on the WHCA all the requirements of the Compliance Program provided that the affidavit submitted by the WHCA adequately addresses all issues raised herein.

Lt. Col. Gregory Raths

April 21, 1997

Page 3

In the event any additional records relating to President Kennedy's assassination should be found, please inform us. Thank you for your cooperation, and please do not hesitate to contact us with any questions you may have.

Sincerely,

Ronald G. Haron

Senior Attorney

Attachments

cc: Terry W. Good, Director,
Records Management,
Executive Office of the President

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