

Assassination Records Review Board

600 E Street NW ■ Second Floor ■ Washington, DC 20530

July 18, 1995

BY FACSIMILE AND U.S. MAIL

Mr. Harry F. Connick
District Attorney
Office of the District Attorney of New Orleans
619 South White Street
New Orleans, LA 70119

Dear Mr. Connick:

We thank you again for taking the time to testify to the Assassination Records Review Board during our recent visit to New Orleans, and for your generous offer to donate to the National Archives the Clay Shaw records from the District Attorney's office. We look forward to the inclusion of those records in the JFK Collection in the Archives.

As you know, we received an unsolicited shipment of materials that appear to be Grand Jury records from the Clay Shaw investigation. Mrs. Camille Buras of your office has telefaxed subpoenas to us seeking these documents. We are also aware that Richard Brown of the Department of Justice, representing the Board, has been in contact with Mrs. Buras regarding this matter. Our receipt of these materials puts both you and us in a very difficult position. We fully appreciate and acknowledge the special character that attaches to Grand Jury transcripts. In respect to this concern, we took special security precautions to lock the materials into our safe and strictly to limit access to them. We can now safely say that, apparently for the first time in twenty years, these materials are now locked in a government safe and are out of the hands of private citizens and the media.

It is our goal to comply fully with all relevant law that governs our receipt and possession of these materials. We certainly understand that Louisiana Grand Jury law and the Louisiana criminal code serve important interests. We are, however, also bound by the constraints of our enabling legislation, The President John F. Kennedy Records Collection Act of 1992, 44 U.S.C. § 2107 (the JFK Act). As you know, the JFK Act imposes legal obligations on Federal government agencies that come into possession of records related to the assassination of President Kennedy.

Mr. Harry Connick
July 12, 1995
Page 2

("Assassination record" means a record that is related to the assassination of President John F. Kennedy, that was created or made available for use by, *obtained by, or otherwise came into the possession of . . . any independent agency. . . .*" Sec. 3(2)(J) (emphasis added). Our law thus requires that we preserve all records related to the assassination and that this law "*shall take precedence over any other law . . . judicial decision construing such law, or common law doctrine that would otherwise prohibit such transmission or disclosure*" Sec. 11(a) (emphasis added).

Because we both must comply with the appropriate legal obligations, we would like to raise with you the possibility of pursuing an accommodation that protects both of our interests at the same time that we ensure that we are scrupulously complying with the law. We understand, for example, that you might need the records that were sent to us returned to you during your investigation. We presume that you are also aware that much of the secrecy that originally attached to the Grand Jury testimony has been compromised by reports recently appearing in the media and by the access that some individuals have had to copies of the Grand Jury records.

We, like you, have no desire to have this issue become one in which we become obligated to expend valuable taxpayer resources arguing complicated and tangled legal issues before the courts. We welcome any proposals you may have that will satisfy all of our needs and our Counsel, Mr. Richard Brown, awaits your suggestions.

Sincerely yours,

Assassination Records Review Board

John R. Tunheim
Chairman

Dr. Kermit L. Hall

Dr. Anna Kasten Nelson

Dr. William L. Joyce

cc: Richard Brown, Esq.
U.S. Department of Justice

Mr. Harry Connick
July 12, 1995
Page 3

1. agree to return original, keep copy
2. go to Louisiana court
 Jointly
 Separately
3. go to Federal court