

March 18, 1997

BY FEDERAL EXPRESS

Ms. Stephanie Fawcett  
Senior Declassification Archivist  
John Fitzgerald Kennedy Library  
Columbia Point  
Boston, Massachusetts 02125

Dear Stephanie:

I am enclosing the fifteen rolls of microfilmed records from the Department of Justice, Criminal Division, numbered 139, 140, 141, 142, 143, 145, 147, 178, 179, 228, 229, 604, 608, 615, and 717,<sup>1</sup> which the Kennedy Library had made available to the ARRB for our review. We have completed our examination of the records on the enclosed microfilm rolls.

Last week, we discussed with the members of the Review Board how the ARRB and the Kennedy Library might discharge our responsibilities under the JFK Act regarding records sent by the Criminal Division to the Kennedy Library, in the circumstance of a pending Freedom of Information Act (FOIA) request for the same set of records. We suggest the following procedures as an efficient way to ensure appropriate implementation of both statutes:

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<sup>1</sup>Although Roll 717 has been identified as containing records from the Criminal Division, it in fact contains records of the Civil Rights Division.

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(1) We request that, in your review and processing of Criminal Division materials under the FOIA request, you send hard copies of any records that directly and expressly relate to the assassination of President Kennedy to the NARA facility at College Park, Maryland, for inclusion in the JFK Assassination Records Collection.<sup>2</sup> If any record directly and expressly relates to the assassination of President Kennedy, but cannot be released in full to the public (*e.g.*, because it contains grand jury information), we ask that you send a copy of the record to the ARRB. In some cases, we may be able to clear the record for release (*e.g.*, by petitioning the court that presided over the grand jury to authorize release). Based on our sampling of the Criminal Division microfilm rolls and our phone conversations with you, we expect there to be relatively few records falling within this category, and even fewer that cannot be immediately released to the public.

(2) We propose that you process and release the remaining records under the FOIA, as you described on March 11 in your phone conversation with Phil Golrick. We further request that, periodically, you make available to Tom Samoluk of our staff any information that you are referring to third agencies or withholding from release under FOIA. In this fashion, we will be able to determine whether any information that may not be released under FOIA is sufficiently related to the assassination of President Kennedy for the ARRB to take an interest under the JFK Act.

The above procedures are our suggestions. If you have any questions, or anticipate difficulties that we may not foresee, please do not hesitate to contact me.

Sincerely yours,

T. Jeremy Gunn, Esq.  
General Counsel and  
Associate Director for Research and Analysis

Enclosures

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<sup>2</sup>For example, we would regard the records on Roll 615 discussing the allegations of Clarence Daniel Smelley that Jimmy Hoffa ordered the assassination of President Kennedy as directly and expressly related to the assassination.

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cc: Elizabeth Pugh, Esq.  
Mr. Steven D. Tilley