

April 15, 1998

HAND DELIVERY

Charles F.C. Ruff, Esq.
Counsel
The White House
Washington, D.C. 20500

Dear Chuck:

I am writing to give you some advance notice of an issue that may require your office's attention in the near future. As I described to you in a letter a few months ago, Judge Mikva, former Counsel to the President, asked that the Assassination Records Review Board advise him regarding our declassification actions that were likely to result in appeals to President Clinton under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (as amended) (JFK Act).

We were advised yesterday that the United States Secret Service intends to appeal to the President some recent Review Board decisions. Under the procedures established by Judge Mikva, an agency wishing to make an appeal to the President would be required to do so within seven days after receiving formal notification from the Board. In order to provide agencies with as much lead time as possible, we typically give them -- as we have done in this instance -- advance notice two weeks prior to the official notification that is required to be published in the *Federal Register*. Accordingly, we anticipate that, unless the Secret Service reconsiders its position, the President will receive notice of an appeal by May 4, 1998.

Under the JFK Act, the President has the "sole and nondelegable authority" to make final determinations regarding Review Board determinations. The President's decisions, under the statute, should be made, in writing, within 30 days of the publication of the Board's decisions. See 44 U.S.C. § 2107.9(d)(1).

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I would be pleased to discuss this issue further with you or your representative.

Sincerely,

T. Jeremy Gunn
Executive Director

cc: William H. Leary
National Security Council

Jane E. Vezeris
United States Secret Service

Donald Personette, Esq.
United States Secret Service