

May 8, 1998

HAND DELIVERY

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

Re: Obligation of the President's Foreign Intelligence Advisory Board to Comply with the JFK Assassination Records Collection Act

Dear Chuck:

I am enclosing herewith a copy of a letter of today's date to Frank W. Fountain, the Assistant Director and Counsel of the President's Foreign Intelligence Advisory Board (PFIAB), advising him that PFIAB, like all other agencies and offices of the federal government, is required to comply with the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 note ("JFK Act").

We were informed earlier today by Mr. Fountain, that the Chairman of PFIAB has determined that his Board will not comply with the JFK Act unless it receives instructions to the contrary from the President. Although the Review Board and PFIAB have had ongoing and cordial discussions during the past several months, this notification apparently prevents further action until the President intervenes.

The JFK Act requires PFIAB, like all other Executive Branch agencies and offices, to comply with its provisions. The JFK Act defines a "Government office" to include "any office of the Federal Government that has possession or control of assassination records including . . . any . . . executive branch office or agency, and any independent agency."

§ 3(5). Heretofore, every federal agency, Cabinet-level department, independent agency, legislative committee, and court has agreed to cooperate with the important mandate of the

Assassination Records Review Board. PFIAB is the first and only federal office to refuse.

Under the JFK Act, the Review Board's powers include the authority to "direct a Government office to transmit to the Archivist assassination records as required under this Act . . ." § 7(j)(1)(B). The Act further authorizes the Review Board to require government offices "to make available to the Review Board . . . information, records, or testimony . . . which the Review Board has reason to believe is required to fulfill its functions and responsibilities under this Act." § 7(j)(1)(C)(ii).

The Review Board has identified specific "assassination records" that are in the possession of PFIAB.

Pursuant to the above-stated powers, the Review Board is directing PFIAB to process the records and make them available to the Review Board and the National Archives.

The Review Board would greatly appreciate your assistance in advising PFIAB that it, like all other government offices, is required to comply with the JFK Act.

Sincerely,

T. Jeremy Gunn
Executive Director

Enclosure

cc: Frank W. Fountain
PFIAB

William H. Leary
National Security Council