

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

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Dear Chuck:

I am writing in response to Chairman Rudman's letter to you dated May 13, 1998. Fortunately, a copy of his letter arrived in our offices while the Review Board was in session and I was able to distribute copies to the Board members. The Board discussed the letter and asked that I, as the person designated by the JFK Act as the "principal liaison to Government offices," JFK Act § 8(a)(4)(A), respond. Although I would take issue with a number of statements in Chairman Rudman's letter, and am prepared to do so if it would serve any useful purpose, I nevertheless believe that it is important that we focus on three critical issues.

First, the Chairman does not dispute my statement that PFIAB is a "government office" within the meaning of the JFK Act and that PFIAB, like all other executive branch offices, is required to comply with the Act.

Second, PFIAB is the sole executive branch entity that has failed to comply with the basic requirements of the JFK Act. For example, under the law, all agencies are required to identify assassination records, prepare RIFs, and transfer the records to NARA within 300 days. Today, more than 1,500 days later, PFIAB has -- as far as we are aware -- failed to prepare any such forms or to transfer any such records to NARA. Among the most startling and perplexing of Chairman Rudman's statements was that PFIAB's records "are already at the National Archives, where they

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have been since at least early 1997 . . . (Rudman letter at 2). As the attached letter from Steven D. Tilley, head of the JFK Collection at NARA attests, he has never received any such records from PFIAB.

Third, rather than citing any statutory exemption for the non-release of records, Chairman Rudman refers to "PFIAB's historical and proper role as confidential advisors to the President in the most sensitive area of foreign intelligence." Although we presume that PFIAB has historically not made such information publicly available, it should nevertheless be clear that the express purpose of the JFK Act was to repudiate the tradition of non-disclosure of records deemed relevant to the assassination. With regard to the Chairman's suggestion that PFIAB members "confidential advisors" and therefore PFIAB records are peculiarly exempt from the mandate of the JFK Act, we must point out that there were numerous officials in the Kennedy and Johnson administrations who were "confidential advisors" to the presidents, including Attorney General Kennedy, Director of Central Intelligence McCone, and Secretary of Defense McNamara. Neither the Department of Justice, the Kennedy Library, the Central Intelligence Agency, nor the Department of Defense has objected to the release of information on the grounds that these gentlemen were "confidential advisors" on national security issues. Indeed, in my own discussions with former Secretary McNamara, he strongly urged that we release to the public tape recordings of his discussions with President Kennedy.

Sincerely,

T. Jeremy Gunn  
Executive Director

Enclosure

cc: Frank W. Fountain  
PFIAB

William H. Leary  
National Security Council