

December 22, 1997

HAND DELIVERY

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Counsel
The White House
Washington, D.C. 20500

Dear Chuck:

I am writing to advise you of two issues that may be of background interest to you.

First, Judge Mikva, former Counsel to the President, asked that the Assassination Records Review Board keep him informed regarding our declassification actions that were likely to result in appeals to the President under the President John F. Kennedy Assassination Records Collection Act of 1992 ("JFK Act"). Under the JFK Act, agencies are permitted to appeal the Board's decisions to the President, who has the "sole and nondelegable authority" to make final determinations. The President's decisions, 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).

It now appears likely that the Central Intelligence Agency, the State Department, and possibly other agencies will appeal Board decisions that are expected next month. I am enclosing a copy of a letter of today's date to Deputy Secretary of State Strobe Talbott that addresses, in an unclassified format, one of the upcoming issues.

Second, Chairman Dan Burton of the House Government Reform and Oversight Committee, who sponsored the legislation extending the life of the Board until September 30, 1998, has taken a personal interest in ensuring that the Board's work is completed and that Executive Branch agencies comply fully with the JFK Act. We have not detected in Chairman Burton's personal interest anything other than an appropriate desire to facilitate the Board's completion of its work. After consultation between the Review Board staff and his Committee staff, Chairman Burton sent letters to CIA Director Tenet and IRS Commissioner Rossotti urging them to take steps to bring their agencies

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into full compliance with the JFK Act (copies enclosed). It is our understanding that Chairman Burton will be sending appropriate letters to other agencies as the situation requires.

Although there is no need for you to take any action with regard to either of the issues outlined above, we would, of course, be pleased to discuss them further and to provide any additional background information that would be helpful to you or your staff.

Best of wishes for the holiday season.

Sincerely,

T. Jeremy Gunn
Executive Director

Enclosures