

December 8, 1997

Mr. Frederick D. Hess
Director, Office of Enforcement Operations
Criminal Division
United States Department of Justice
1001 G Street, N.W. Suite 1075
Washington, D.C. 20530

Re: Department of Justice, Criminal Division, Equities in
the Records of the Federal Bureau of Investigation Subject To *The*
John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107

Dear Mr. Hess:

The staff of the John F. Kennedy Assassination Records Review Board has identified a number of FBI documents that we intend to present to the Review Board for review of postponements at the Review Board meeting on February 17, 1998. Among the documents we identified are documents in which the Office of Information and Privacy has equities.

Since you are the individual that the Criminal Division designated as the person responsible for compliance with the JFK Act, we are identifying these documents to you now so that you can decide whether you wish to postpone release of the information in question. Please keep in mind the provisions of the JFK Act which anticipate that information will be withheld from public release only in "the rarest cases" and only pursuant to one of the provisions of Section 6 of the Act. The FBI is sending the documents at issue directly to Frank Newett and Keith Dyson of your Department, who have routinely handled Criminal Division equities in the FBI's assassination records.

So that we may adequately prepare our presentation to the Review Board with the benefit of any submission you may wish to make, you must submit evidence or arguments in support of any postponements you choose to assert in writing **no later than February 1, 1998**. **If you do not respond to this letter by the above deadline, we will assume that your agency intends to release in full its equities in the FBI record at issue, and we will recommend that the Review Board vote to release in full your agency's equities in the record.**

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In many of the FBI documents with third agency equities, we believe that the third agencies could, consistent with their current guidelines for JFK assassination-related information, consent to full release of the information at issue.

If you have any questions regarding the documents identified on the enclosed forms, please call Carol Keeley or Debbie Beatty of the JFK Task Force at the FBI at (202) 324-0571 or Laura Denk or Kevin Tiernan of the Review Board staff at (202) 724-0088. Thank you, in advance, for your cooperation.

Sincerely,

T. Jeremy Gunn
Executive Director

Enclosure

cc: Frank R. Newett, Assistant Director
Keith Dyson
Office of Enforcement Operations
Criminal Division
United States Department of Justice
1001 G Street, N.W., Suite 1075
Washington D.C. 20530

Attachment
to December 8, 1997, Letter to Mr. Frederick D. Hess, United States Department of Justice
Deadline for Evidence Submission Date: February 1, 1998
Review Board Meeting Date: February 17, 1998

The Review Board staff intends to present documents from the following files to the Review Board for its consideration on February 17, 1998. Please present evidence on any postponements that you wish to claim to the Review Board staff on or before February 1, 1998.

Mitchell Werbell
William Alexander Morgan
Jose Rasco Bermuda
Joseph Merola