

Assassination Records Review Board

600 E Street NW ▪ Suite 208 ▪ Washington, DC 20530

February 22, 1995

Jerry Rubino, Director
Security and Emergency Planning Staff
Room 6525
Department of Justice
10th & Constitution Ave., NW
Washington, D.C. 20530

RE: Draft Memorandum of Understanding re Justice Department Advice
to the

Assassination Records Review Board's on Adjudication of Staff
Clearances

Dear Jerry:

Per our conversation yesterday afternoon with Jerry Schroeder, accompanying this letter is a draft Memorandum of Understanding (MOU) that outlines a proposed arrangement under which the Justice Department would provide advice and counsel to the Assassination Records Review Board in the ARRB's adjudication of security clearances for candidates for ARRB employment.

This proposed procedure would entail only Justice Department review of background investigation files already completed by the Office of Personnel Management's Office of Federal Investigations (OPM-OFI), and neither requires nor contemplates additional investigation activity by

Justice. It also does not provide for Justice to adjudicate clearances on the ARRB's behalf, but provides only that Justice would review candidate background investigation files and, based on the Justice Department's knowledge, experience and expertise in these matters, provide the ARRB with supporting advice and counsel in the ARRB's clearance adjudication process. As I explained to Jerry Schroeder in my meeting with him yesterday, the Board has a limited life span and will at most need advice and counsel on the adjudication of clearances for approximately 20 candidates in all.

From our experience operating under the statutory language that designates GSA as a source of administrative support for the ARRB's activities, we do not believe that provision precludes Justice from providing us the type of assistance outlined in the draft MOU. We already have MOU's with several agencies besides GSA for different types of administrative support, including one with OPM-OFI for its conduct of ARRB staff candidates' background investigations. In addition, our MOU with GSA shows the breakdown of administrative support GSA provides us and does not include support for securing staff security clearances. Thus, we believe that there is no statutory bar to Justice providing this assistance.

The ARRB seeks by this request for assistance to ensure that the clearances issued to ARRB staff are done so consistent with accepted standards so that we can proceed to accomplish the work that Congress set out for us of securing broad public release of documents agency-wide regarding the assassination of President Kennedy. The Justice Department's advisory support would be of great assistance in helping the Board to accomplish that goal.

The Board's Executive Director, David Marwell, is out of the country this week but will be back in the office on February 27 and is anxious to

move this process forward as soon as possible thereafter. If you have any questions or wish to discuss this further, please give me a call at 724-0088.

Again, the Assassination Records Review Board appreciates the Justice Department's willingness to consider assisting us in this matter. It was a pleasure to meet you yesterday afternoon and I look forward to hearing from you soon.

Sincerely,

*Sheryl L. Walter
General Counsel*

Enclosure

cc: David Marwell