

May 22, 1998

HAND DELIVERY

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

Re: Reply of the Assassination Records Review Board to the United States Secret Service's
Appeal of the Review Board's Formal Determinations

Dear Chuck:

I have the honor of submitting herewith the Assassination Records Review Board Reply to the United States Secret Service's Appeal of the Review Board's April 13, 1998 Formal Determinations.

Under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107, the President has the "sole and nondelegable authority" to make the final decision regarding the Review Board's formal determinations to release records. The President's decisions, under the statute, should be made, in writing, within 30 days of the publication of the Board's formal determinations. *See* 44 U.S.C. § 2107.9(d)(1). The Review published the relevant formal determinations in the *Federal Register* on April 30, 1998. *See* 63 Fed. Reg. 23,717 (1998). Although the Review Board has no unrealistic expectations that the President's decision will be made by May 30, the statute nevertheless contemplates a timely decision by the President.

The Secret Service and the Review Board have exchanged drafts of their respective Appeal and Reply during the past two weeks with the hope that there might be some means of resolving their differences. Because the exchange has not resolved the disagreement, both the Secret Service and the Review Board are submitting their final drafts concurrently. It is our understanding that the Secret Service may submit a further response to the Review Board's reply and the Review Board may respond thereto.

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The Review Board would be pleased to meet with you or your representative to discuss this matter further.

Sincerely,

T. Jeremy Gunn
Executive Director

Enclosure

cc: William H. Leary
National Security Council

Jane E. Vezeris
Deputy Assistant Director
United States Secret Service