

DRAFT

November 4, 1996

INITIAL AGENCY COMPLIANCE LETTER

[Date]

Agency Head
Address
Washington, D.C.

Re: Compliance of the [insert agency name] with the JFK Assassination Records
Collection Act, 44 U.S.C. § 2107

Dear [Agency Head]:

Since 1994, the Assassination Records Review Board (Review Board) has been working with several Federal agencies, including [identify agency], to locate and declassify records related to the assassination of President Kennedy. These actions have been taken pursuant to The President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (Supp. V 1994) (JFK Act). We have been working with [names of personnel at agency working on JFK matters of [identify agency] and have appreciated the cooperation we have received. [Insert any Agency-specific background information.]

The purpose of this letter is to advise your agency of the JFK Act Compliance Program that the Review Board is establishing to ensure Congress and the American people that the goals of the JFK Act have been accomplished to the greatest reasonable extent. Because the Review Board's mandate is slated to expire on September 30, 1997, we want to advise you now of the steps that we anticipate being taken during the upcoming year.

As you know, one of the broad purposes of the JFK Act was to dispel any public perception that the United States Government is withholding relevant materials on the assassination from the public. *See, e.g., Assassination Materials Disclosure Act*, H. R. Rep. No. 102-625, Part 1, 102d Cong. 2d Sess. (1992) ("The Federal Government's failure to release official materials has contributed to numerous conspiracy theories and fueled charges of government complicity in the assassination . . . a salutary purpose is served in opening these files [regarding the JFK assassination] to allay the suspicion of government cover-up."). The Review Board believes that this purpose can best be effected if each agency fully explains what steps it has taken to locate relevant records that relate to the Kennedy

assassination, including a full explanation of the circumstances surrounding any destruction of such records.

Accordingly, under the powers granted to the Review Board by Section 7(j)(1)(A), (B), (C), (D), and (F) of the JFK Act, we hereby notify you of the following measures that should be taken by the date provided.

1. Designation of Agency Compliance Official (or officials) and statement of intent to comply with the JFK Act. By November 22, 1996, each agency shall designate an Agency Compliance Official who is ultimately responsible for assuring that the agency has complied with its obligations under the JFK Act, including the identification, location, and organization of assassination records and the transmission of those records to the National Archives and Records Administration ("National Archives"). [Although the Review Board assumes that [name of agency liaison person] will serve in this position, we nevertheless await your formal designation.]

We also request that in your letter designating the Agency Compliance Official you also describe your agreement to adhere to the compliance procedures outlined below. To the extent that any compliance procedure described below appears to be unreasonable or to present difficulties that we may not have anticipated, we request that you identify with specificity those procedures and make alternate suggestions to us.

2. Declaration of Initial Compliance. By December 15, 1996, the Agency Compliance Official shall cause to be executed a Declaration of Initial Compliance, under oath, by a person or persons with actual knowledge, setting forth the steps that the agency has taken to locate assassination records. The declaration shall include, to the fullest reasonable extent, the following information:
 - a. A complete description of all steps that the agency took to identify any assassination records within the possession, custody, or control of the agency, including but not limited to an identification of any departmental file indices consulted, the names and titles of the persons who were tasked with conducting the search, the physical locations for the search, whether the search included off-site storage facilities (*e.g.*, Federal Records Centers), the

specific steps that were taken to locate and retrieve materials in archives, and the criteria used by the agency to locate assassination records.

- b. A description of the steps that the agency took to locate specific records or files requested by the Review Board as additional records or information relating to the assassination.
 - c. A description of the assassination records that the agency has, to date, transmitted to the National Archives pursuant to the JFK Act. To the extent practicable, the description shall include the custodian, origin and identity of the file or record, a summary of the relevant subjects covered by the file or record, and the approximate volume of records transmitted. If the records are so voluminous that such a narrative description is not feasible, then the Compliance Official may append to the declaration any available indices or finding aids the agency has prepared to identify those assassination records transmitted to the National Archives, including a brief explanation of how such indices or finding aids were prepared. To the extent known, the agency shall identify those records that were previously made available to the Wartren Commission or the House Committee on Assassinations.
 - d. The status of remaining work to be done by the agency in fully complying with the JFK Act, including an identification of the remaining records that must be processed and transmitted to the National Archives, a description of any additional searches for files that must be done, and the projected date(s) for completion of these tasks.
3. Review Board Interview With Agency Compliance Official. Shortly after the submission of the agency's declaration, the Agency Compliance Official (as well as any signatories to the Declaration of Initial Compliance) shall be made available to the Review Board for an interview regarding the location of agency assassination records. The interview will be used as an opportunity to resolve any outstanding questions regarding the agency's search, including any follow-up tasks to be completed by the agency. The Review Board anticipates that these interviews will be conducted in December 1996 and January 1997.
 4. Submission of Final Agency Declaration of Compliance. By July 1, 1997, the

agency should expect to complete the process of identification, location, and declassification of its assassination records at which time it will submit to the Review Board a final declaration certifying its compliance with the provisions of the JFK Act. This final declaration shall also supplement the earlier declaration by detailing any further steps that were conducted by the agency in identifying and locating assassination records.

5. Compliance Depositions. Starting on or about August 1, 1997, the Review Board may conduct depositions, under oath, of the Agency Compliance Official along with any other agency officials with responsibility for complying with the JFK Act. The decision to take a compliance deposition of an agency will be made on a case by case basis, taking into account the importance of the agency to the work of the JFK Act and the sufficiency of the agency's efforts to account fully for its compliance with the JFK Act. In the event that the Review Board decides to commence a compliance deposition of an agency, the responsible agency designee will be expected to testify under oath with respect to any and all issues relating to the agency's record search, including the scope of the search, the identity of files searched, the destruction of any relevant records, and any other matters set forth in the declarations. Any person obligated to appear for a deposition under oath shall be fully entitled to obtain legal representation.

We look forward to receiving your initial response, by November 22, that designates your Agency Compliance Official and includes your statement regarding your position with respect to the provisions outlined in this letter. To the extent that you have any questions or suggestions regarding the Compliance Program, please do not hesitate to contact our General Counsel, T. Jeremy Gunn, at (202) 724-0088.

Sincerely,

David G. Marwell
Executive Director

Draft Model Compliance Letter

Date

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cc: Assassination Records Review Board
 [Appropriate Congressional Oversight Committees]
 [Appropriate contacts at agency]

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