

DRAFT

November 18, 1996

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Mr. Harry Middleton
Director
Lyndon Baines Johnson Library
2313 Red River Street
Austin, Texas 78705

Re: **LBJ Library's** Compliance with the JFK Assassination Records
Collection Act, 44 U.S.C. § 2107

Dear **Mr. Middleton**:

Since 1994, the Assassination Records Review Board (Review Board) has been working with several Federal agencies and other organizations, including the **LBJ Library**, 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 **Tina Houston, Regina Greenwell, and Claudia Anderson** of the **LBJ Library** and have appreciated the cooperation we have received. **They provided valuable assistance to two members of our staff who visited the LBJ Library last December.**

The purpose of this letter is to advise the LBJ Library of the JFK Act Compliance Program that the Review Board has established 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 operations currently are scheduled to expire on September 30, 1997, we want to advise you now of the steps that will need to be taken during the upcoming year.

One of the broad purposes of the JFK Act is to dispel the public perception that the United States Government is withholding relevant materials related to the assassination. *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 the steps it has taken to locate and release relevant records that relate to the Kennedy assassination, including a full explanation of the circumstances surrounding the destruction of any relevant records. **Since the LBJ Library retains Presidential papers from the Johnson administration, it is important that the Library also participate in this compliance program. The Library’s participation will help to assure the American public that the utmost efforts have been made to locate and release any existing assassination related records from among Johnson’s presidential papers.**

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 dates provided.

1. Designation of Compliance Official (or officials) and statement of intent to comply with the JFK Act. By December 2, 1996, the LBJ Library shall designate a Compliance Official who ultimately will be responsible for ensuring that the Library 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 **Tina Houston** will serve in this position, we nevertheless await your formal confirmation. To the extent necessary to fully describe its compliance with the JFK Act, the Library may designate additional persons with knowledge of the measures that have been undertaken to locate assassination records.

We also request that your letter also conveys your agreement to adhere to the compliance procedures outlined in this letter. 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. Initial Statement of Compliance. By January 6, 1997, the Compliance Official shall prepare an initial written statement of the Library’s compliance with the JFK Act (“Statement of Compliance”), setting forth the steps that the Library has taken to locate and process assassination records. The written statement shall include, to the fullest reasonable extent, the following information:

- a. A complete description of all steps that the Library took to identify and locate assassination records including, but not limited to, an identification of the major record collections and files that were consulted in the Library's search, any file indices consulted, the names and titles of the persons who were tasked with conducting searches, the physical locations of the records that were searched, any off-site storage facilities searched, the specific steps that were taken to locate and retrieve materials in archives, and any other criteria used by the Library to locate assassination records.

The LBJ Library has, on a somewhat informal basis, kept the Review Board informed of its previous efforts to locate assassination records. In addition, based on recent discussions with the LBJ Library staff, we understand that further work is being done by the Library to identify and process additional assassination records. The Library's Statement of Compliance will need to describe these efforts. Plans are also underway for the Review Board to visit the LBJ Library to conduct an on-site review of national security material and pertinent country files to determine whether these contain records relevant to the assassination.

- b. A description of the steps that the Library took in direct response to specific requests of the Review Board to locate certain additional records or information relating to the assassination. **We understand that a review of the Presidential Daily Briefs, National Security Files and relevant tape recordings and transcripts is underway. Tina Houston has also informed us that previously postponed Jacqueline Kennedy letters to President Johnson have been opened and are being forwarded to NARA and that the tapes of Mrs. Kennedy's phone conversations are still being reviewed.**

c. In the event that any assassination-related records have been destroyed by the Library, **or if the Library has any knowledge regarding the destruction of any Presidential materials by others,** a full and specific explanation of the circumstances surrounding the destruction of such records.

- d. The status of remaining work that you can now identify that needs to be completed by the Library in order to comply fully with the JFK Act,

including an identification of the categories of 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 Compliance Official (or Officials). Shortly after the submission of the Library's written Statement of Compliance, the Compliance Official (as well as any persons who helped prepare the Library's initial Statement of Compliance) shall be made available to the Review Board for an interview regarding the location of the Library's assassination records. The interview will be used as an opportunity to resolve any outstanding questions regarding the Library's search, including any follow-up tasks to be completed by the Library. The Review Board anticipates that these interviews will be conducted in January 1997.
4. Submission of Final Declaration of Compliance. By July 1, 1997, the Library 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, under oath, its compliance with the provisions of the JFK Act (the "Final Declaration of Compliance"). This final declaration shall set forth all of the information initially set forth in the initial Statement of Compliance and shall also supplement the initial Statement of Compliance by detailing any further steps that were conducted by the Library in identifying and locating assassination records. The Final Declarations of Compliance, including that of the LBJ Library, will be included in our final report to Congress.
5. Compliance Depositions. Starting on or about August 1, 1997, the Review Board may conduct depositions, under oath, of the Compliance Official along with any other officials with responsibility for complying with the JFK Act. The decision to take a compliance deposition of a federal agency or other organization 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 the LBJ Library, the Library's responsible designee(s) will be expected to testify under oath with respect to any and all issues relating to the Library'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

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Final Declaration of Compliance. 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 December 2, that designates your 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.

Thank you for your cooperation with our work.

Sincerely,

David G. Marwell
Executive Director

cc: Assassination Records Review Board
Senate Committee on Governmental Affairs
House Committee on Governmental Operations,
Subcommittee on Legislation and National Security
House Committee on the Judiciary,
Subcommittee on Economic and Commercial Law
Tina Houston, Supervisory Archivist, LBJ Library

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