

October 31, 1996

BY TELECOPIER AND HAND DELIVERY

Amy Krupske, Esq.
General Counsel's Office
National Archives and Records Administration
7th and Pennsylvania
Washington, D.C. 20408

Dear Amy:

I am writing in reference to our conversation yesterday regarding the *Death of A President* records that are in the custody of the John F. Kennedy Library and to which the Assassination Records Review Board has been attempting to gain access for more than one year.

Under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (Supp. V 1994), the Review Board is authorized "to direct a Government office¹ to make available to the Review Board . . . information, records, or testimony from individuals, which the Review Board has reason to believe is required to fulfill its functions" Sect. 7(j)(1)(C)(ii).

When the Review Board first sought access to the *Death of A President* records (excepting Mr. Manchester's interviews with Jacqueline and Robert Kennedy), the Kennedy Library requested that we submit our application in writing to Mr. Manchester through the Library. Although we do not believe that we were obligated to apply in the manner requested by the Library, we were pleased to do so in an effort to cooperate with their preferred procedures.

On August 12, 1996, in a letter to the Director of the Kennedy Library, we submitted our third written application for the papers and also notified the Library that, pursuant to our statutory authority, we wished to have access to the *Death of A President* papers no later than September 16, 1996. Those

¹A "government office" is defined as including, *inter alia*, the National Archives, "including Presidential archival depositories" Sections 3(5)(D) and 3(7).

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papers have not yet been made available to the Review Board and the Kennedy Library currently is in a state of non-compliance with this instruction.

While the Board considers what future actions it may wish to take, I request that you instruct your client as to its obligations under the law and that your client be informed that, under no circumstances, should the *Death of A President* papers leave the custody of the Kennedy Library and that no person be granted access to those papers until the Review Board has first had an opportunity to fulfill its legal obligations and review those records.

Although we would very much like to resolve the issues in an amicable way -- and we solicit your assistance to this end -- there should be no misunderstanding on your client's part with respect to its obligations under controlling Federal law.

Sincerely,

T. Jeremy Gunn
General Counsel and
Associate Director for Research and Analysis