

June 25, 1998

Mr. Frank Fountain
Counsel
President's Foreign Intelligence Advisory Board
Old Executive Office Building--Room 340
Washington, DC 20502

Dear Frank:

This letter is to confirm our receipt of the PFIAB records identified by the Assassination Records Review Board staff as related to the assassination of President John F. Kennedy and to respond to PFIAB Chairman Warren Rudman's letter of May 13, 1998. We appreciate your sending the records to the ARRB for processing and presentation to the Review Board for a vote. PFIAB is now in compliance with the President John F. Kennedy Records Collection Act of 1992, 44 U.S.C. §2107 note ("JFK Act").

As agreed, the ARRB staff will create Record Identification Forms (RIF) for each PFIAB record and prepare the documents for inclusion in the JFK Collection at the National Archives and Records Administration after the Review Board's vote. Copies of the RIFs and a duplicate set of records will be sent to the PFIAB after the Review Board makes its formal determinations.

According to the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. §2107 ("JFK Act"), "all Government records concerning the assassination of President John F. Kennedy should carry a presumption of immediate disclosure." JFK Act §2(a)(2). Indeed, "only in the rarest cases is there any legitimate need for continued protection of such records." JFK Act § 2(a)(7). To the extent that a government entity, such as the PFIAB, seeks to postpone the release of records or information, the JFK Act places the burden of proving the need for postponement squarely on the shoulders of the government office. Congress requires government offices to submit to the Review Board "clear and convincing evidence" in support of any proposed postponements. JFK Act §6,9(c)(1).

Should the PFIAB wish to propose the postponement of any information contained within its records, a representative of the PFIAB may make a presentation to the Review Board or the PFIAB may present its evidence in writing. The PFIAB also may present additional evidence as to why the

designated records should not be considered assassination records. Copies of Chairman Rudman's May 13, 1998 letter have been made available to the Review Board members and will be brought to their attention again prior to their vote on the PFIAB records. The Review Board will then make its formal determinations and the PFIAB will have the opportunity to appeal those determinations to the President.

In your letter of June 16, 1998, you noted that PFIAB had provided only one copy of the designated records since the records at issue "are already at the National Archives." The National Archives has informed us that the PFIAB records are in courtesy storage and have not been legally accessioned by NARA as federal records. Therefore, the Review Board requests a "clean" master copy of the designated records which will be placed in protected storage at NARA by the Review Board for release with the JFK Collection in 2017.

Finally, your letter noted that two documents, number 198 and 199 (RIF Numbers 177-10002-10083 and 177-10002-10084) from the Lyndon Baines Johnson Library, had been referred to PFIAB by the Review Board. We request the return of the two documents which were sent to you since they are the copies designated for the JFK Collection at NARA and are marked with the original declassification stamps from other reviewing agencies. If you wish, you may make copies of the documents for your retention.

If you or your staff have any questions concerning the processing of the PFIAB records, please feel free to contact either Michelle Combs or me. Michelle will be contacting you shortly to pick up the clean copy of the designated records and the two documents from the Johnson Library.

Sincerely,

T. Jeremy Gunn
Executive Director