

BY FACSIMILE AND FIRST-CLASS MAIL

August 26, 1998

Senator Warren B. Rudman
Chairman
President's Foreign Intelligence Advisory Board
Old Executive Office Building--Room 340
Washington, DC 20502

Re: PFIAB Records and the JFK Assassination Records Collection Act, 44 U.S.C. § 2107

Dear Senator Rudman:

Thank you for appearing before the Assassination Records Review Board ("Review Board") today to explain the position of the President's Foreign Intelligence Advisory Board ("PFIAB") with respect to release of its records under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act"). The Review Board has asked me to submit this letter to you on their behalf.

In response to many of your questions to the Review Board during your presentation, we have reviewed our correspondence with the PFIAB staff and have determined that many of your questions have been previously addressed. Attached you will find three letters (May 8, 1998, May 27, 1998, June 25, 1998) sent to PFIAB General Counsel Frank W. Fountain by then Review Board Executive Director T. Jeremy Gunn which explain the requirements of the JFK statute and the relevancy of PFIAB records on specific subjects to the Kennedy assassination. We also would call your attention to a memoranda sent by Mr. Dietering to Mr. Gunn on March 12, 1998 which asked for some clarification of the relevancy of PFIAB records "before we go forward with a proposal to the President for release." In response, Jeremy Gunn and Michelle Combs of the Review Board staff met with Randy Dietering and Frank Fountain on March 30, 1998 to answer questions concerning the relevancy of certain records. In addition, Michelle Combs and Frank Fountain have discussed the relevancy of particular records numerous times in the past five months.

In their closed meeting of August 25, 1998, the Review Board voted to declare the PFIAB records as "assassination records" under the standards of the JFK Act. National Archive Record Identification Forms (RIFs) have now been produced for each PFIAB record. At the Review Board's next meeting on September 8, 1998, they will vote on the redactions to those records requested by CIA, NSA, NSC, FBI, the Department of State, the Department of Defense, and the PFIAB. Prior to the Review Board's September 8 vote, your staff will be provided with a complete set of the PFIAB records redacted by the Review Board staff to reflect the staff's recommendations concerning redactions to be presented to the Review Board for their vote. Once the Review Board has voted on the records, PFIAB will have ten days to appeal the decision to the President under the provisions of the JFK Act.

We hope that you will defer to the Board's judgement that these are assassination records and take the steps necessary to secure their release.

Jeremy Gunn first met with Randy Dietering to review the PFIAB meeting agendas on April 17, 1997.

Discussions between the staffs of PFIAB and the Review Board on the relevancy, processing, and release of the PFIAB records have been proceeding since at least the beginning of February 1998. Given the limited time remaining in the Review Board's tenure, the PFIAB records must be processed expeditiously.

If you or your staff have any further questions, please feel free to contact me.

Sincerely,

Laura Denk
Executive Director