

Assassination Records Review Board
600 E Street NW ▪ Suite 208 ▪ Washington, DC 20530

March 27, 1997

James P. Johnston
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P.O. Box 3089
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Dear Mr. Johnston:

This is in further response to your November 3, 1994 letter to John Tunheim, chair of the Assassination Records Review Board, and in follow-up of his February 14, 1995 letter to you. I apologize again for the delay in responding to your queries in a more substantive way. As Mr. Tunheim wrote you, we have spent the last few months in an intense startup phase, but have finally moved into offices and are moving forward on many fronts to fulfill the Review Board's mandate as outlined in its enabling legislation.

The law establishing the Review Board, titled *The Assassination Records Collection Act of 1992*, 44 U.S.C. §2107 note (ARCA), and its accompanying legislative history, sets out the powers vested in the Review Board to aid in accomplishing its goals. I have enclosed a copy of the ARCA for your reference. You asked several questions in your letter, some of which I cannot answer at this time without more information. In particular, your letter states that your client, who wishes to reveal

information and/or documents to the Review Board "executed a secrecy agreement with the CIA" would like to know the legal status of that agreement as it relates to your client and dealings he may have with the Review Board. I would be happy to look into this matter further if you can provide me more specific information about the nature of the agreement.

In response to your question about the Board's subpoena and other powers, the Board does have the power under the Act to subpoena witnesses and documents, to take sworn testimony, and to grant witness immunity. See ARCA Sections 7(j), 7(k) and 8(c). The Review Board also has the power "to inquire of any Executive agency as to the existence of further records that may be assassination materials beyond those made available by that agency to obtain access to such records, and to use its subpoena power in support of this authority." See ARCA Section 8(d). Section 11(a) provides that "When this Act requires . . . public disclosure, it shall take precedence over any other law . . . that would otherwise prohibit such transmission or disclosure."

The Review Board is very interested in any information, materials, or documents your client may be willing to provide to it and would be happy to work with you and your client to that end. Any additional factual information you can provide to us related to the issues you raised in your letter would be most helpful in pursuing that goal. I would be happy to discuss this matter with you and to explore the options that may be available in this matter. Feel free to call me at the Review Board at (202) 724-0088, ext. 231 or to write me directly at the Review Board's address listed above if you have any questions or wish to discuss this further.

Thank you for getting in touch with the Review Board on your client's

behalf. I look forward to hearing from you soon.

Sincerely,

*Sheryl L. Walter
General Counsel*

Attachment

*cc (without attachment): John R. Tunheim, Chair
David Marwell, Executive Director*