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14 **UNITED STATES DISTRICT COURT**
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16 THE MARY FERRELL FOUNDATION,
17 INC.; JOSIAH THOMPSON; and GARY
18 AGUILAR,

19 Plaintiffs,

20 v.

21 JOSEPH R. BIDEN, in his official capacity as
22 President of the United States; and
23 NATIONAL ARCHIVES AND RECORDS
24 ADMINISTRATION,

25 Defendants.

No. 3:22-cv-06176-RS

DECLARATION OF LAWRENCE
SCHNAPF

Date: April 30, 2023

Time: 1:30 pm

Dept: Hon. Richard Seeborg

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1. I am Lawrence P. Schnapf. My residence is 55 E.87th Street, #8B/8C, New York, New York 10128. I am an attorney admitted to practice in New York and New Jersey, and was admitted pro hac vice to the United States District Court for the Northern District of California to serve as co-counsel for the plaintiffs in this case.
2. On February 25, 2022, I sent a letter to Mr. David S. Ferriero, Archivist of the United States under my letterhead signed by myself and three other attorneys (“Ferriero Letter”). I also emailed a copy of this letter to Mr. Gary Stern, general counsel of the National Archives and Records Administration (NARA) on the same day.
3. The Ferriero letter requested Mr. Ferriero to have NARA as the “successor in function” to the Assassination Records Review Board (the “Board”) that was created pursuant to the President John F. Kennedy Assassination Records Collection Act (“JFK Act”) to take certain discrete actions to so that the JFK Records Collection could be completed..
4. The Ferriero Letter reminded both Mr. Ferriero and Mr. Stern that a number of government offices had not completed assassination records searches that had been requested by the Board shortly before it ceased operating in 1998, that these government offices had a continuing duty under the Act to search for and transmit assassination records to NARA and that NARA as the successor in function to the Board duty to obtain additional information and records from agencies as well as direct them to locate lost and missing records.
5. The Ferriero Letter requested NARA to (1) Complete ARRB Compliance Program for the recalcitrant agencies; (2) Demand NARA Tender Additional Assassination Records Requests to certain government offices based on information collected from my communications with JFK researchers, authors and historians; (3) Submit an enforcement

referral to the Attorney General in connection with lost, missing and destroyed Assassination Records and (4) submit a referral to the Attorney General to unseal certain FBI BRILAB and CAMTEX surveillance tapes of Carlos Marcello and (5) request an update on the completion of the Identification Aid Program and when they would become available to the American public.

6. To assist NARA with this request, an appendix was included with the Ferriero Letter that identified suggested specific supplemental assassination record search requests for NARA to perform. This list was prepared in consultation with and assistance from numerous researchers, authors, historians, including members of the Mary Ferrell Foundation (MFF).
7. I never received a response to the Ferriero Letter from Mr. Ferriero, the acting Archivist or Mr. Stern.
8. On December 9, 2022, I received an email from Mr. Roger Odisio forwarding email exchanges he had with NARA in connection a question he sent to the SpecilAccess_FOIA@nara.gov portal about the JFK Collection. He asked: “What has the National Archives been doing to keep the Collection up to date? Does NARA accept recommendations for records to be added to the Collection?”
9. Mr. Odisio received the following response from Mr. Gene Morris from the Archives II Textual Reference Branch on November 17th:

“This is in response to your request for information about the JFK assassination Record Collection. I have an official answer for the question about the addition of new records to the Collection. The short answer is: **yes, we do accept recommendations.**”

If an agency locates assassination records that should have been transferred to the ARRB, it must transfer them to NARA. **If you believe that there may be records outside the custody of NARA that belong in our holdings, we ask that you provide the details to NARA's General Counsel.** [emphasis added]

10. On November 18, Mr. Odisio followed up on Mr. Morris' suggestion and emailed Gary Stern, NARA general counsel asking him to add the Darnell and Wiegman films to the JFK Collection and explained why they were important to the JFK assassination story. Mr. Odisio advised me that he has yet to hear from Mr. Sterns or anyone else at NARA.

I declare under penalty of perjury that the foregoing is true and correct and of my own knowledge or based on information and belief and I believe that all such matters are true and correct. Executed on March 7, 2023, in New York City, New York.

_____/s/ Lawrence P. Schnapf_____

Lawrence P. Schnapf