

Start-up

During the first six months of FY1995, the Board was engaged in creating its infrastructure -- building a new federal agency from the ground up. Three aspects of our enabling legislation complicated this initial phase and necessitated a slower, more gradual start-up:

1. *The JFK Act prohibits the hiring of current federal employees.*

We were prohibited from arranging details or transfers of qualified government employees. The provision of the act seriously reduced the universe of qualified applicants.

2. *The JFK Act requires all employees to have a top secret security clearance.*

The clearance process is extremely unpredictable and time consuming. Consequently, we did not have a critical mass of cleared staff until May of this year.

3. *The JFK Act requires that the Board offices be suitable for the storage of large quantities of security-classified documents.*

This requirement limited the selection of office space for the Board and required special construction features. As a result, the Board was unable to occupy its office space until March of this year, and consequently could not accommodate more than a skeleton staff.

As a result of the delays in staffing and construction, the Board was not in a position to begin the actual review of documents until June of this year. Even though the Board could not engage in the full-scale review of assassination records during most of FY1995, it used its time and resources effectively in preparing the way for the efficient and confident review in the future.

Development of Computer System

We spent considerable time and energy in developing a computer system that allows us to track the thousands of documents that we have to review, record the actions of the Board, and produce the many and varied reports that the Act requires.

Critical Mass of Knowledge: Getting Up to Speed

To make intelligent and responsible decisions about the release or postponement of assassination records requires substantial knowledge not only about the assassination of President Kennedy and the concerns of those who study it, but also about the agencies who own the records and their responsibilities and concerns. Some of the knowledge is highly technical in nature and involves issues that are extremely sensitive. Each member of the staff, prior to getting his or her clearance,

engaged in a program of reading and study focused on the assassination and the agencies in question. In addition, the staff arranged a series of substantive briefings for the Board conducted by other federal agencies.

Requested Information

I. Review Board Meetings and Public Hearings

The United States Congress made clear with the passage of The President John F. Kennedy Assassination Records Collection Act of 1992 that it wanted to “ensure that there is an adequate opportunity for public input and participation.” In order to comply with the intent of the law, the Review Board immediately conducted a public hearing after being sworn in and upon receiving its FY1995 funding and has maintained a very public approach during the past year. Although the very nature of the Board’s work, the review of classified documents, requires many closed meetings, the public hearings and opening of at least part of most Board meetings has allowed interested members of the public to observe and participate in the Board’s work.

The Board has conducted several meetings, both open and closed, for a range of purposes including: start-up discussion and decision making, promulgating definition guidance for “assassination records,” briefings with federal agencies, and the review of classified records. In addition, the Review Board held public hearings in Washington, DC, Dallas, Boston and New Orleans. The Review Board meetings and public hearings conducted during fiscal year 1995 will be discussed in separate sections below.

II. Review Board Meetings

The Review Board has conducted 14 meetings in Washington, DC, 12 of which took place during fiscal year 1995. The early meetings involved necessary start-up discussions and briefings with federal agencies regarding assassination records held by these agencies. Since June 1995, as will be discussed below, the Board has been engaged in the review of documents.

A. April 12, 1994 National Archives Building Washington, DC

This was the first meeting conducted by the Review Board following the members being sworn-in on April 11th. This first meeting was attended by all of the Board members. It was an organizational meeting at which the first order of business

conducted was the election of Board Member John R. Tunheim as Chair. In addition, other topics on the agenda included discussion of: the transition budget, the FY1995 budget request, the timetable and process for appointing an Executive Director, a resolution seeking an extension of the Board's time period, and plans and timetable for the Board's first year. A representative of the National Archives also gave a presentation on the status of the JFK Collection housed at the College Park, Maryland facility. This first meeting of the Review Board was anxiously awaited by historians and researchers, approximately 100 of whom attended.

B. July 12, 1994
National Archives Building
Washington, DC

The Review Board conducted its second organizational meeting with all of the members present to further discuss organizational, staffing, funding, and document review issues. Dr. Hall gave a report on the search for an Executive Director, which was followed by a motion to formally offer the position to Dr. David G. Marwell. The motion carried unanimously and it was announced that he would begin working for the Review Board in August. The members also unanimously voted to extend the term of the Review Board until October 1995, pending passage of technical amendments before the Congress to further extend the Board's term. Members discussed the plans for the Board for the remainder of fiscal year 1994. Other matters considered by the Board included: a report on obtaining office space, and a review of agencies' progress in reviewing records.

The Board received an update from a representative from the National Archives, who explained what additions had been made to the JFK Collection since the Board's initial meeting in April.

The Chair reserved time at the meeting for members of the public to be heard. Three members of the public, Dr. John Newman, James Lesar, Esq.; and Mark Zaid, Esq., each took the opportunity allowed by the Chair to discuss issues relative to the JFK Collection.

Approximately 75 members of the public, historians and researchers attended the meeting.

C. December 13/14, 1994 (Open/Closed)
ARRB Offices

Washington, DC

The Board met for two days for private and public meetings. On December 13th, in private meetings attended by all five Board members and the senior staff, the Board discussed the Dallas public hearing and what follow-up was required with regard to the testimony that was given. The agenda also included a discussion of 1995 planning issues which included future hearings, future agency visits, meeting with the President and an experts conference. Mr. James Hastings, of the National Archives and Records Administration gave the Board and staff a briefing on issues pertaining to the JFK Collection and the Board's responsibilities relating to the records it creates. Following the briefing, the staff briefed members of the Board on personnel, progress on the preparation of records for review and the definition guidance on assassination records.

The afternoon session of the December 13th meeting concluded with briefings on government travel, ethics regulations, the Sunshine in Government Act and press policy.

On December 14, 1995, the Review Board and staff members were briefed by several officials from the Federal Bureau of Investigations on various informant issues which relate to the collection of assassination records held by the Bureau.

The Board conducted a public meeting at the temporary offices on the afternoon of December 14th. The meeting was attended by all of the Review Board members and the senior staff. Ms. Miriam Nisbet (Special Counsel to the Archivist of the United States) and Mr. Mike Reynolds (Director of the Textual Reference Division of the National Archives) testified on the Archives opposition to the inclusion of assassination-related artifacts in the definition of an "assassination record." Mr. Steven Tilley (JFK Liaison for the National Archives and Record Administration) gave the Board an update on recent additions to the JFK Collection.

Approximately 40 members of the public attended the open part of the Review Board's meeting.

- D. January 25, 1995 (Closed)
National Archives Building
Washington, DC

The Review Board conducted a closed meeting at which the entire Review Board was

present. The agenda included: a discussion, preparation for, and a vote on the publication in the Federal Register of the draft definition on “assassination records,” a presentation by the Executive Director on the records review process, a preliminary review of House Select Committee on Assassinations records and Warren Commission records, a discussion of a recently-decided court case, Assassination Archives and Research Center v. Department of Justice, involving the JFK Act, an update on the experts conference, and planning the Review Board schedule.

Later in the afternoon on January 25, 1995, the members of the Review Board and Executive Director Marwell met with FBI Director Louis Freeh at FBI headquarters.

E. March 6/7, 1995(Closed)
ARRB Offices
Washington, DC

The Review Board conducted a closed meeting with all members of the Review Board present. The following staff members were present: David Marwell, Executive Director; T. Jeremy Gunn, Associate Director for Research and Analysis; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration; Sheryl Walter, General Counsel, and Philip Golrick, Analyst.

The Review Board received a briefing from the Executive Director on the hiring and assignment of members. In addition, he updated the Board members on the procedures for issuing security clearances to staff members. The Board also was advised of the schedule for the visit to the John F. Kennedy Library and the public hearing in Boston, Massachusetts.

Later in the morning, the Review Board and staff received a classified briefing from representatives of the Central Intelligence Agency.

In the afternoon meeting, General Counsel Sheryl Walter summarized the status of the public comment process regarding the proposed definition guidance for assassination records published in the Federal Register on February 8, 1995. Most of the comments submitted were from private citizens, although the FBI submitted comments and the CIA and the National Archives and Records Administration intended to do so.

The meeting concluded with a Board briefing on personal privacy issues arising under the postponement provisions of the Act. The discussion proceeded to preliminary

consideration of privacy issues presented in 18 sample documents in which agencies have sought postponement of particular information under the relevant section of the Act, and comparison of these documents with 6 documents that, although released in full, contain similarly sensitive information. The Review Board made no decisions on these proposed postponements, and no vote was taken.

On the morning of March 7th, the Review Board received a classified briefing from representatives of the National Security Agency.

- F. March 7, 1995(Open)
National Archives Building
Washington, DC

The first matter on the agenda was an update from Mr. Steven Tilley, the JFK Collection Liaison from the National Archives, on additions to the JFK Collection at the National Archives.

As the second matter on the agenda, the Review Board heard additional public comment on the Board's proposed definition guidance on "assassination records."

The witnesses testifying before the Board were:

- William Baugh, FBI
- Terry O'Connor, FBI
- Mark Zaid, Esq.
- James Lesar, Esq.
- John Judge
- Joseph Backes

Sheryl Walter, General Counsel, also gave an overview of the written public comments which had been received to date.

Following the meeting, the Board and senior staff met with the Director of the Secret Service.

- G. April 12, 13 1995 (Closed)
ARRB Offices
Washington, DC

The items on the agenda were: the status of the Zapruder film, the Board schedule, definition guidance, intelligence sources and methods postponements, informant postponements, privacy postponements, and the one-day experts conference in May.

H. May 3, 1995 (Closed/Open)
ARRB Offices
Washington, DC

The Review Board met in closed session in the morning. The Board discussed the FBI response procedure and the Board Document Review Procedure.

In the afternoon, the Board conducted an open meeting. The first matter on the agenda was a discussion and vote on the final definition guidance for "assassination records," based upon the draft that was published in the Federal Register for notice and comment on February 8, 1995. The Board voted unanimously to approve the final definition guidance.

The Review Board also received an update on the JFK Collection at the National Archives from Ms. Mary Ronan.

I. May 16, 1995 (Closed)
ARRB Offices
Washington, DC

The Review Board conducted a closed experts conference to provide assistance to the Board in identifying and locating records related to the assassination of President Kennedy. The outside conference participants were selected for their expertise, knowledge, experience, and diverse viewpoints.

The experts who attended: were Professor Robert Blakey, Dr. David Garrow, James Lesar, Esq., Professor Paul Hoch, Dr. John M. Newman, Mr. David S. Lifton, and Professor W. David Slawson.

Based on the discussion, suggestions, and comments from the experts conference, a detailed follow-up worksheet containing more than 300 references to assassination records or categories of records to be pursued was compiled by the Review Board staff.

- J. May 17/18, 1995 (Closed)
ARRB Offices
Washington, DC

The Review Board met in closed session for two days. The agenda included the preliminary review of CIA documents, administrative issues.

- K. June 6/7, 1995 (Closed)
ARRB Offices
Washington, DC

The Review Board met in closed session for two days.

The primary purpose of this meeting was the review of documents postponed in part or in full by federal agencies. The Review Board formally voted to release in full sixteen documents from the CIA's Oswald files which contain information that the Agency has kept classified. These were the Review Board's first formal determinations to release records under the President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act). The CIA documents which the Review Board voted to release in full principally related to the opening of Lee Harvey Oswald's "201 file" and to certain issues connected with his visit to Mexico City in the fall of 1963, only weeks before President Kennedy was assassinated. These documents have been publicly available, but contain many redactions.

- L. July 17/ 18, 1995 (Closed/Open)
ARRB Offices
Washington, DC

The Review Board met in an open meeting on the morning of July 17th. All of the Review Board members were in attendance.

Matters on the agenda for the open meeting were: review and acceptance of the minutes from the June 28, 1995 open meeting, discussion of the Board's schedule, and discussion of comments on various proposed regulations.

The Review Board met in closed session for the review, discussion, and decisions on records postponed in part or in full by federal agencies. The Board voted to open in full 16 FBI documents and 2 CIA

documents. The FBI documents relate to their investigation of Oswald while he was in the Soviet Union in 1960 and 1961; the Communist Party, USA reaction to the assassination; and Jack Ruby's shooting of Oswald. The CIA documents related to Oswald's trip to Mexico City.

In addition, the Board made a determination regarding whether certain records meet the definition of an assassination record. By unanimous vote, the Review Board designated all serials dated after January 1, 1960, in Sections 1-16 of the FBI Headquarters file on Sam Giancana as "assassination records."

M. August 2/3 1995 (Closed/Open)
ARRB Offices
Washington, DC

The Review Board met in closed session on the morning of August 2nd.

The Board met in closed session for the review, discussion and decisions on records postponed in part or in full by federal agencies. The attending members voted to release 16 CIA documents in full and 21 CIA documents in part. These documents have been publicly available, but contain many redactions. For the first time, the Board sustained the CIA's position that some information relating to sensitive intelligence sources and methods should not be publicly released at this time. The Board indicated in its notification to the President that some redacted parts of the documents still need to be protected, but also noted they contain no information about the assassination of President Kennedy or about Lee Harvey Oswald. In other instances, the Board proposed substitute language which gives some relevant

information in place of the redactions, while not revealing the sensitive intelligence information. The Review Board voted to release 393 of the 478 redactions that the CIA was seeking to still keep secret in these 37 documents.

Following the completion of the closed meeting, the Board held an open meeting. The matters on the agenda were the review and acceptance of minutes from the July 17th open meeting, delegation of subpoena powers, and consideration of Government in Sunshine Act and FOIA regulations.

Approximately 10 members of the public, researchers and historians attended the open meeting.

N. August 28/29, 1995 (Closed)
ARRB Offices
Washington, DC

The Review Board met in closed session for the *review, discussion and decisions on* records postponed in part or in full by federal agencies.

The Review Board voted to release 43 CIA documents, 27 in full and 16 in part. These documents relate to Lee Harvey Oswald's trip to Mexico City in the fall of 1963, only weeks before the assassination of President Kennedy. The Board has focused much of its attention on this part of the CIA files to date. In addition, the Board voted to release 11 FBI documents (including duplicate copies), 9 in full and 2 in part. These FBI documents involved: the Bureau's investigation of the Fair Play for Cuba Committee in 1961; the Bureau's post-assassination investigation of Michael R. Paine, the husband of Ruth Paine, with whom Marina Oswald was staying prior to the assassination; discussion of the relations of the FBI, the Warren Commission, and the Dallas District Attorney's office; and a 1967 document on reaction to the Warren Commission Report. All of the FBI and CIA documents have been available to the public, but contain many redactions.

The Board agreed with the CIA and the FBI that some information relating to sensitive intelligence sources and methods, and informants should not be publicly released at this time. The Board voted that one entire CIA document and some redacted parts of other documents still need to be protected, but also noted they contain no information about the assassination of President Kennedy or about Lee Harvey Oswald. In other instances, the Board proposed substitute language which gives some relevant information in place of the redactions, while not revealing the sensitive intelligence information. The Board voted to release 142 of the 173 redactions in this group of documents.

- O. September 20/21, 1995 (Closed/Open)
ARRB Offices
Washington, DC

The Review Board met in closed session over the course of two days for the *review, discussion and decisions on* records postponed in part or in full by federal agencies.

The Board voted to release 61 CIA documents, 56 in full and 5 in part. These records related to Oswald's trip to Mexico City. In addition, the Board voted to release 10 FBI documents, 1 in full and 9 in part. (These FBI documents were reconsidered by the Board following a previous vote to allow the FBI an additional 30 days to present additional information.)

The Board also received separate briefings in closed session from the CIA and the FBI regarding various issues connected with their respective assassination records collections.

On the afternoon of September 21st, the Board held an open meeting to review and accept the minutes of the August 3rd open meeting and to discuss and vote on Privacy Act regulations and other notices for the Federal Register.

Approximately 25 members of the public, historians and researchers attended the open meeting.

III. Board Public Hearings

- A. October 11, 1994
National Archives Building
Washington, DC

The topic of the hearing was defining the term "assassination record." Providing guidance on the definition was an early and important priority for the Board and the federal agencies that have records related to the assassination. The Board heard from 13 witnesses who offered a wide range of opinions on the parameters which the Board should set under the JFK Act with regard to what constitutes an "assassination record." This input from the public was important because the Congress had made clear that the definition should be broad and go beyond the records of the Warren Commission and the House Select Committee on Assassinations. The goal of the Review Board was to provide clear guidance to agencies on what records they are responsible for producing to ensure that the American public has as complete a record as possible of the assassination. Many of the suggestions made by witnesses at this hearing were incorporated into the final "assassination record" definition

guidance.

The following witnesses presented oral testimony to the Review Board:

Ms. Page Putnam Miller
James H. Lesar
Mark S. Zaid
Charles J. Sanders
John Newman
Daniel Alcorn
Peter Dale Scott
John Judge
William Kelly
Harrison Livingstone
Max Holland
Martin Barkley
Daryl Weatherly

The following individuals provided the Board with written submissions:

Page Putnam Miller
James H. Lesar
Charles J. Sanders and Mark S. Zaid
John Newman
Daniel Alcorn
Peter Dale Scott
John Judge
William Kelly
Harrison Livingstone
Max Holland
Daryl Weatherly
Kathleen Cunningham
Carol Hewett
Gerald Posner
Dick Russell
Martin Shackelford

Nearly 100 members of the public, researchers, historians, and media representatives attended this hearing.

- B. November 18, 1994
Earl Cabell Federal Building
Dallas, Texas

The Board conducted its second public hearing in Dallas, Texas because it was the location of the assassination and there remains a high level of interest and a great potential for the retrieval of records not yet part of the JFK Records Collection. The hearing gave interested members of the public the opportunity to offer their expertise on the existence and location of assassination records. The Review Board heard testimony from 19 witnesses listed below. They offered important testimony on a range of different topics related to assassination records.

The Review Board heard oral testimony from the following witnesses:

Jim Marrs
David J. Murrah
Adele E.U. Edisen
Gary Mack
Robert Vernon
Thomas Wilson
Wallace Milam
Beverly Oliver Masegee
Steve Osborn
Philip TenBrink
John McLaughlin
Gary L. Aguilar
Hal Verb
Thomas Meros
Lawrence Sutherland

Joseph Backes
Martin Shackelford
Roy Schaeffer
Kenneth Smith

The following individuals provided the Review Board with written submissions:

Jim Marrs
David J. Murrah
Adele E. U. Edisen
Gary Mack
Thomas Wilson
Wallace Milam
Beverly Oliver Masegee
Steve Osborn
Philip TenBrink
Gary Aguilar
Hal Verb
Lawrence Sutherland
Ernest C. Brandt
Don Carleton
Karen Clem
Frank DeBenedictis
Mary Ferrell
Christopher LaPlante
Lamar Waldron
Theresa Seay

Nearly 100 members of the public, researchers, historians, and media representatives attended this hearing.

- C. March 24, 1995
Massachusetts State House
Boston, Massachusetts

The Review Board conducted a public hearing at which it heard testimony on the identification and location of assassination records, discussed finalizing the proposed definition guidance on “assassination records,” and received an update by the National Archives on the JFK Collection.

All of the Review Board members, except for Dr. Henry Graff attended, along with the following staff members: David G. Marwell, Executive Director; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration; and Sheryl Walter, General Counsel.

The following witnesses testified at the hearing:

George Michael Evica, professor and author
Philip H. Melanson, Political Science Professor at the University of
Massachusetts-Dartmouth and the author of *Spy Saga: Lee
Harvey Oswald and U.S. Intelligence*, published in 1990
Edgar Tatro, teacher
Priscilla Johnson McMillan, History Professor at the Harvard
Russian Research Center and the author of *Marina and Lee*, published
in 1977
Dick Russell, author of *The Man Who Knew Too Much*
Richard Trask Author of *Pictures of the Pain: Photography and
the Assassination of President Kennedy*, published in 1994
Steven D. Tilley, National Archives

Approximately 100 members of the public and media representatives attended the hearing.

During this visit to Boston, the Review Board and staff also had a day-long closed meeting on March 23rd with officials from the John F. Kennedy Library. The meeting focused on the collection of assassination records at the Library and their responsibilities articulated under the Act.

- D. June 28, 1995
Old U.S. Mint Building
New Orleans, Louisiana

The Board heard testimony on the identification and location of assassination records in the greater New Orleans area and received an update by a representative from the National Archives on the JFK Collection and recent additions.

The Review Board heard from the following witnesses:

The Honorable Lindy Boggs, former Congresswoman
The Honorable Harry F. Connick, Sr., New Orleans District
Attorney
Wayne Everard, Archivist, City of New Orleans Archives
Michael L. Kurtz, Professor at Southeastern Louisiana
Stephen Tyler, documentary producer and director
Cynthia Anne Wegmann, Esq.
Steven D. Tilley, National Archives

Approximately 125 members of the public and media representatives attended the public hearing.

Following the completion of testimony at the public hearing, the Board held a public meeting. The agenda included the following matters: discussion of the Government in Sunshine Act regulation, the FOIA/PA regulation, and the Board procedures.

Several of the approximately 125 attendees of the public hearing remained for the public meeting.

IV. Investigative Issues

The Board's investigative staff currently has over 60 issues under active investigation. These issues range from complex undertakings like identifying and locating all members, staffers, and consultants of former investigative bodies that looked into the assassination, to locating and interviewing a key witness. Our database of investigative contacts lists nearly 700 since it went on line in April. Our investigative effort has yielded encouraging results including the addition of several large and important private record collections to the JFK collection.

V. Public Information Program

The Review Board and staff have focused significant resources on fulfilling the Congress' clear intent that interested members of the American public be kept informed of the Board's activities. Several different means have been utilized to provide information about the Board's work.

- A. News releases are prepared on every official action taken by the Review Board. The releases are provided to all national media organizations, as well as many major city news outlets and any media organization that has expressed a prior interest in the Review Board. The Board regularly sends approximately 250 media representatives its releases and advisories.
- B. Through the media outreach effort, the Review Board members or staff have had contact with more than 350 radio, television and newspaper outlets through interviews and appearances.
- C. The Review Board maintains an active mailing list of over 300 interested parties. Information on all Board actions is mailed to every individual who has ever made an inquiry to the Review Board.
- D. All correspondence received by the Review Board is carefully reviewed and prompts an official response on behalf of the Board.
- E. The staff keeps an up-to-date information packet (enclosed) which is sent to any member of the public inquiring about the work of the Review Board.
- F. Board members and staff speak to groups about the work of the Review Board through the speakers program.

VI. Regulatory Actions

The Review Board has issued the following notices and proposed and final rules:

"Guidance on Interpreting and Implementing the President John F. Kennedy Assassination Records Collection Act of 1992," Proposed Interpretive Regulation, 60 F.R. 7,506 (February 8, 1995).

Rules Implementing the Government in the Sunshine Act," Notice of Proposed Rulemaking, 60 F.R. 32,930 (June 26, 1995).

“Guidance on Interpreting and Implementing the President John F. Kennedy Assassination Records Collection Act of 1992,” Final Regulations, 60 F.R. 33,345 (June 28, 1995).

“Rules Implementing the Freedom of Information Act,” Notice of Proposed Rulemaking, 60 F.R. 34,193 (June 30, 1995).

“Assassination Records Review Board Rules of Procedure,” adopted on July 12, 1995.

“Rules Implementing the Privacy Act,” Notice of Proposed Rulemaking, 60 F.R. 39,905 (August 4, 1995).

“Rules Implementing the Government in the Sunshine Act,” Final Rulemaking, 60 F.R. 45,335 (August 31, 1995) (to be codified at 36 CFR Part 1405).

“Rules Implementing the Freedom of Information Act,” Final Rulemaking, 60 F.R. 45,338 (August 31, 1995) (to be codified at 36 CFR Part 1410).