

Assassination Records Review Board

Congress conceived of the Assassination Records Review Board (ARRB) as an alternative to ineffective and insufficient past efforts to clarify widely held troubling questions about the assassination of President Kennedy. Demand for the release of all records relevant to these questions has clogged agency Freedom of Information offices for years and is a symptom of a widespread lack of confidence in what our government does and says. As a result of this demand, and in an effort to create a responsible, cost-effective, and efficient system for the release of these records, Congress passed The President John F. Kennedy Assassination Records Collection Act of 1992 ("the Act"), which mandated the creation of the ARRB.

Congress created the Review Board after a long and thorough process of bipartisan inquiry, debate, and compromise. Driven by acute public interest, the Congress considered a wide variety of approaches to the problem of restoring public confidence in government institutions. The Act, signed into law by President Bush in October 1992, defined a process for the release of assassination-related material and created the Review Board to oversee and coordinate the process. The result was a unique and unprecedented approach to the important issue of the public's right to know about the activities of its government. Significantly, Congress intended for the Board to complete its task quickly, and the Act has a clear sunset provision that requires the Board to cease operation by September 30, 1997.

The Review Board will ensure that all assassination records are identified, secured, and, to the extent possible, released to the JFK Collection at the National Archives. The structure established by the Act will achieve Congress' cost effectiveness goal by eliminating the need for the processing of Freedom of Information Act requests and the costly litigation that often accompanies them. In addition, with the Act's stated presumption that all assassination records will be publicly disclosed, the cost of federal agencies keeping hundreds of thousands of documents unnecessarily classified will be eliminated.

Beyond achieving its prescribed goals of efficiency and cost effectiveness, the Review Board has a far more important non-economic benefit. The disturbing phenomenon of public mistrust in our government began to increase considerably after the assassination of President Kennedy and is characterized by a widely held perception that the government has kept important facts from the American people about the motives and actions of its institutions and personnel. A poll in late 1994 showed the percentage of Americans who "trust the government in Washington" has dropped from 76 percent in 1964, shortly after the death of President Kennedy, to 19 percent today. The Assassination Records Review Board has not only the opportunity to release public records that may clarify the facts surrounding the assassination, but also to reverse this trend of mistrust.

The Review Board is operating within its anticipated budget. During the past six months, the Board has established offices, purchased equipment, hired and trained its professional staff, and obtained the

appropriate security clearances. The Board's startup costs have been spent. The Board is now equipped to focus exclusively on the review and release of JFK documents. A premature termination of the ARRB would have a disastrous effect on public confidence. Such an action would fuel speculation about government motives and compound the very issues that gave rise to the legislation in the first place. Rather than clarifying and settling troubling issues, a termination of the ARRB would amplify and aggravate them.

To achieve the goals of the Act, there is no alternative to the ARRB, which was itself conceived of as an alternative to unsatisfactory mechanisms in the past. The Congress could have assigned the Review Board's important task to the National Archives, but it did not. It did not because it understood that for this effort to be successful, an independent body had to be given the responsibility and authority to act. The independence of the Review Board was a crucial element in the design of the review process, and provisions to guarantee its independence can be found throughout the Act. The National Archives, which plays its own important role in the process outlined in the Act, is neither equipped nor prepared to assume the Board's delicate and critical responsibilities. In the short life of the ARRB, the competing interests of the public's right to know about the activities of its government on the one hand, and the legitimate requirements of the government to protect sensitive information on the other, have presented themselves in clear and compelling ways. The Board's responsibility to balance these interests is as complex as it is important. It is a responsibility that can only be carried out by an independent entity and is inconsistent with the role of the National Archives.

Moreover, the National Archives is the custodian of numerous assassination-related records. These include records of other agencies that have been accessioned by the Archives, records of the Archives itself, as well as donated records within the Presidential Library system. Since many of these records are closed to the public and therefore subject to review under the Act, the National Archives is not a disinterested party. For this reason, the National Archives would face an insurmountable conflict of interest, and the public would be poorly served if the Archives were to receive the Board's mission and mandate.

Elimination of the Review Board would not simply mean that an important task would be left undone. A premature end to the Review Board's activities would inevitably and significantly add to the speculation that the American government has something that it wants to hide.