

The Board has received a copy of the CIA's appeal of three Board Decisions.

First, it should be noted that this appeal is untimely. The appeal deadline for each of the records at question has long since tolled, and this appeal falls outside any provision of the JFK Act. The CIA's dire warnings of the serious harm that would follow the release of the information in question lacks credibility if one considers that each of the records could have been released to the public thirty days after the CIA was notified of the Board's decision. If we are to believe the CIA's claim of harm, then we must consider their delay in raising the appeal as reckless.

Second, we note with some distress that the arguments made on appeal include information withheld from the Board at the time of its original decision. It is awkward for the Board to read -- for the first time in an appeal to the President -- information that would have assisted it reaching its initial determinations.

The Board takes very seriously its twin responsibilities of making important information about the assassination of President Kennedy available to the public while at the same time protecting legitimate concerns of national security. The process cannot work as Congress intended, however, if the Board is not in possession of all relevant evidence at the time it makes its determinations.

Whereas, the Board could take the position that the significant delays and irregular process that characterize this appeal render it void, it feels uncomfortable in responding without a more complete understanding of the additional evidence that exists to support the CIA's assertions of harm.