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ASSASSINATION RECORDS REVIEW BOARD

Freedom of Information Act Statement of Organization, Functions, and

Authority Delegations

AGENCY: *Assassination Records Review Board*

ACTION: *Notice*

SUMMARY: *The Assassination Records Review Board (Review Board) is issuing the following notice in accordance with the affirmative disclosure provisions of the Freedom of Information Act (FOIA). The FOIA requires each Federal agency to publish in the Federal Register a statement of its organization and functions. This notice provides a brief history of the Review Board, describes the organization of the Review Board, and identifies the primary responsibilities of the Review Board.*

FOR FURTHER INFORMATION CONTACT: *T. Jeremy Gunn, Acting
General Counsel, Assassination Records Review Board, 600 E Street,
N.W., 2nd Floor, Washington, D.C. 20530.*

SUPPLEMENTARY INFORMATION: Congress conceived of the Assassination Records Review Board (Review Board) as an independent Federal agency to oversee the identification and release of records related to the assassination of President John F. Kennedy.

President Bush signed into law The President John F. Kennedy Assassination Records Collect Act of 1992, 44 U.S.C. 2107 (1992) (JFK Act) in October, 1992, and President Clinton appointed the five members of the Review Board. The Review Board members were sworn in on April 11, 1994, after confirmation by the Senate.

The JFK Act gives the Review Board the authority to identify, secure, and make available all records related to the assassination of President Kennedy. The Act provides that “[a]ll Government records concerning the assassination of President John F. Kennedy should carry a presumption of immediate disclosure.” The Act mandates that all assassination records be housed in a single collection at the National Archives and Records Administration (NARA).

The Review Board oversees a larger process of agency record review and release established by the JFK Act. The Act requires all Federal agencies to identify records in their

possession that may relate to the assassination and to determine whether such records may be disclosed immediately or whether the agency will ask the Review Board to postpone release of the information. The Review Board then evaluates all agency decisions to postpone the release of records. The Act allows the Review Board to sustain Federal agencies' requests for postponements only if the information at issue falls into defined categories, such as national security, intelligence gathering, and privacy, provided the agency provides the Review Board "clear and convincing evidence" of some harm that outweighs the public interest in disclosure. Once the Review Board completes its review of agency recommendations for postponement, all records, including those that have postponed release dates, will be transferred to the National Archives for inclusion in the John F. Kennedy Assassination Record Collection. The JFK Act requires that all assassination records be released by the year 2017, with the exception of records that the President of the United States certifies for continued postponement after that point.

The Review Board will seek to identify and secure assassination records held by Federal, state, and local governments as well as records held by private entities.

The Senate report on the JFK Act states that "the underlying principles guiding the legislation are independence, public confidence, efficiency, and cost effectiveness." In order to achieve these objectives, the Act gives the Review Board the specific powers to: (1) direct Government offices to provide identification aids and organize assassination records; (2) direct Government offices to transmit assassination records to the National Archives; (3)

obtain assassination records that have been identified and organized by a Government office; (4) direct Government offices to investigate the facts, additional information, records, or testimony from individuals which the Review Board has reason to believe is required; (5) request the Attorney General to subpoena private persons to compel testimony, records, and other relevant information; (6) require any Government office to account in writing for the destruction of any records relating to the assassination of President Kennedy; (7) receive information from the public regarding the identification and public disclosure of assassination records; and (8) hold hearings, administer oaths, and subpoena witnesses and documents.

The Review Board is currently supported by a senior staff consisting of an Executive Director, an Associate Director for Communications, an Associate Director for Administration, and an Associate Director for Research and Analysis, who is also serving as Acting General Counsel. In addition to the senior staff, the Review Board has hired a Chief Investigator, fourteen analysts, four administrative support personnel, an investigator, and a part-time computer specialist.

Activities of the Review Board are carried out through the operation of a central office located in Washington, D.C. The Review Board's office is located at 600 E Street, N.W., 2nd Floor, Washington, D.C. 20530.

The Review Board has until October 1, 1996, to fulfill its mandate, plus an additional year at the Review Board's discretion to complete its responsibilities.

The Review Board issues this notice in accordance with the affirmative disclosure

provisions of the FOIA, at 5 U.S.C. 552(a)(1).

Dated: September _____, 1995

David G. Marwell

Executive Director