

DOJ brief to the D.C. Circuit in AARC v. DOJ

page	text
3	“The [JFK Act] establishes a <i>special</i> process of review and transmission of records”
10	“Congress created a <i>specialized</i> five-member Review Board and an integrated administrative process to enforce the [JFK Act]’s disclosure standards. Given the elaborate and carefully crafted review process created by Congress, there is no basis for [plaintiff]’s position that it should be permitted to directly enforce the JFK Act’s disclosure standards in district court and ignore the rest of the Act.”
11	“ <i>The JFK Act establishes its own system, distinct from FOIA, for reviewing materials and deciding whether records related to the assassination should be disclosed. AARC cannot circumvent that review process and enforce the JFK Act’s disclosure standards through a FOIA action.</i> ”
12-13	“[I]n enacting the JFK Act, Congress established a <i>specialized</i> review board, and an elaborate administrative process to administer, implement and enforce the Act’s disclosure standards. There is no basis for seeking direct judicial enforcement of the Act’s disclosure standards while disregarding the enforcement and review scheme established by Congress.”
16	“The integrated design of the JFK Act illustrates that the Act’s postponement standards <i>are not self-enforcing</i> . Rather, they were designed to be enforced through the Review Board, and are (as to Executive Branch documents) subject to the decision of the President. Given the elaborate and carefully crafted review process created by Congress, there is no basis for [plaintiff]’s position that it should be permitted to directly enforce the JFK Act’s disclosure standards in district court.”
23	“As the district court held here, the “JFK Act does not affect existing law applicable to FOIA requests.”
24	“AARC contends that if a document is released by an agency under the JFK Act for public disclosure in the [Collection], then the agency would also be required to re-release the document if a FOIA request is made for the same material. *** [The JFK Act] is a system separate and independent of the FOIA.”