

House Committee on Government Operations. *Assassination Materials Disclosure Act of 1992*. H.Rep. 102-625 Part 1, 102d Cong., 2d Sess. (1992):

“From the issuance of the Warren Commission Report in 1964, many Americans have expressed doubts about its findings and speculated about the events surrounding the assassination. Continued, unjustified secrecy increases those doubts and speculation, and fuels a growing distrust in the institutions of government . . . prompt disclosure of all records relating to the assassination is the best way to fulfill the American people’s right to know what happened to their President.” (Page 8.)

“It is the Committee’s intent . . . to create as simple a mechanism as possible for reviewing and releasing assassination records, *while both guarding the Review Board’s independence and preserving its flexibility.*” (Page 14).

“It is the Committee’s expectation that the Executive Director will play an active role in assisting the Review Board both in the review of the records and in discussions with executive branch agencies when concerns arise about publicly releasing specific records. . . . [T]he Executive Director is established as an advocate of the Review Board, not of the agencies. . . . The Director must always operate under the same presumption as the Review Board, that a document should be made public unless there is clear and convincing evidence that it falls within a category for postponement of release. It is the duty of the Director to represent that position in any discussion with agencies.” (Page 15.)

“Section 10(d) prohibits any individual who has had any involvement with any official investigation [of the assassination] . . . from serving as member of the Review Board or as Executive Director. The Committee included this prohibition *to help ensure the credibility and independence of the Review Board.*” (Page 32.)

House Committee on the Judiciary. *Assassination Materials Disclosure Act of 1992*. H.Rep. 102-625 Part 2, 102d Cong., 1st Sess. (1992).

“While enactment . . . will not resolve all doubts regarding President Kennedy’s assassination, a salutary purpose is served in opening these files to allay the suspicion of government cover-up. H.J. Res. 454, provides for such document release, *supervised by an impartial panel*, pursuant to a procedure which allows the widest disclosure possible consistent with national security and privacy needs.” (Page 9.)

“while a considerable amount of Kennedy assassination material has been deposited at the Archives, there are still quantities of these kinds of records dispersed in agency and presidential library files. Furthermore, some of the assassination materials at the Archives remain in the custody of authorities other than the Archivist. Consequently, the gathering of

Federal records relating to the Kennedy assassination in an centralized location under one authority is essential.” (Page 16.)

“[T]he compelling public interest of full release of assassination material . . . is best met by providing that such release be determined by an independent body appointed in a manner specifically established to avoid potential conflicts of interest<sup>1</sup> . . . *Such an impartial body is necessary to certify to the American people that all assassination material has been released or is validly withheld within the narrow exemptions permitted under the law.*” (Page 20.)

House Committee on Government Operations. *Further Legislation Needed For Release of Kennedy Assassination Records.* H.Rep. 103-587, 103d Cong., 2d Sess. (1994):

11/17/93 testimony of Gerald Posner, Esq.: “this committee, even if it needs to amend the act in any way, should consider giving the Review Board as much time as possible. This is a very important point. The impression in the public is that the government has somehow either hidden documents or has something to hide, and therefore has created an impression which may appear open but then may not be.” (Page 9.)

11/17/93 testimony of Major John M. Newman, Ph.D.: “I would like to add my voice to those that would encourage you to amend the act and allow the Review Board its full 2 years of work. There is an awful lot of work to be done.” (Page 11.)

*Assassination Materials Disclosure Act of 1992: Hearings on H.J. Res. 454 Before the Legislation and National Security Subcommittee of the House Committee on Government Operations, 102d Cong., 2d Sess. (April 28, May 15, July 22, 1992):*

Statement of the Honorable Louis Stokes: “The resolution establishes an impartial, independent 5-member Review Board with overall responsibility for reviewing and opening files [appointed by federal court, as with independent counsels]. . . . The reason for this structure goes to the very reason why this resolution had to be introduced -- the trust of the American people in our government. So as to dispel any notion of impropriety and to ensure no connections to anyone who might possibly have been involved in the investigations, we created this Review Board . . . . This establishes a neutral body for these deliberations.” (Pages 54-55.)

Stokes testimony: “we thought it best to have an independent agency . . . comprised of five

---

<sup>1</sup>The bill discussed in this report would have given the D.C. Circuit the power to appoint Board members, as under the independent counsel statute.

distinguished individuals who had no former relationship with . . . any committees in the Congress, or with any Government agencies. There would be no question in the public's mind about the ability of these five people to look at any requests for release of materials and be able to do it in a fair, impartial, and judicious manner." (Page 71.)

**NOTE:** In a predecessor bill, released assassination material of broad historical interest was to be printed and published by the GPO. The bill called on the National Archives to determine which released material was of broad historical interest for this purpose.

**Regarding this provision,** Dr. Don W. Wilson, Archivist, National Archivist of the United States, testified: "With regard to the subsequent publication of high interest documents we strongly support the resolution's provision of using the Government Printing Office to publish those released assassination materials of 'broad public interest.' *We urge that the decision of what to publish be left to the Review Board and not the Archives. Determining what is of 'public interest' in this area of inquiry is not really an archival function and would be better left to independent subject matter specialists. We should strive to be the central source for all released materials and leave the selective decisions on public interest to others.*" (Page 423.)

*Assassination Materials Disclosure Act of 1992: Hearing on H.J. Res. 454 Before the House Committee on the Judiciary, 102d Cong., 2d Sess. (May 12, 1992).*

Statement of Mr. Stokes: "Our intent is to establish a neutral body and give legitimacy to our efforts. The very structure and appointment of the Board is designed to accomplish this by dispelling any notion of prejudice by any political persuasions or improprieties of any manner. Thus, it is imperative that the Review Board be an independent agency." (Page 49.)

Testimony of Mr. Stokes (on why the bill being discussed put appointment power in a federal court): "We wanted a completely independent body. We wanted citizens, not Government employees in any respect. . . we think this is the best way for the American people to have complete faith and trust that the persons reviewing these documents and persons who have control over anything that is not released not be beholden to any political interests." (Page 59.)

Statement of Hamilton Fish, ranking minority (that is, Republican) member on the Committee: "Mr. Stokes, *I certainly agree with your statement about the need for an unbiased, credible group making the determination about release.*" (Page 61.)

Testimony of Don Wilson, NARA: "the joint resolution . . . calls for release of assassination materials having broad public interests. . . we urge the decision of what to publish be left to the Review Board and not to the National Archives. Determining what meets this definition

is not an archival function and would be better left to independent subject matter specialists. The National Archives should strive to be the central source for all released materials and leave the selection of documents to others." (Page 74.)

golrick -- e:\wp-docs\lhisrev.wpd