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The Assassination Records Review Board Continues to Make Strides

by

Judge John R. Tunheim

Chair

Introduction

I would like to take this opportunity to thank the Assassination Archives and Research Center for this opportunity to communicate with its membership. We have tried very hard to keep the research community informed about our activities through frequent mailings, news releases, and public hearings. Because we are so deeply into the review of federal records that involve classified information, much of our work has to be done behind closed doors. That is why I particularly appreciate this opportunity to give you an update on the work of the Review Board.

Review of Federal Records

A little more than one year ago, the Assassination Records Review Board made history when it released its first set of documents to the public. It had never happened before: a group of private citizens, representing the American public, told the federal government that previously secret information had to be made public. Hopefully those CIA documents released by the Board in July 1995 will prove to have been the first step toward greater openness in government and more citizen participation.

As of the end of August, the Review Board has voted to release information contained in more than 2,300 documents that were previously unavailable to the public. The vast majority of the postponements on which the Board has voted have been made public. Many of the redactions that the Board has kept closed have been social security numbers which as a matter of policy the Board decided not to make public. In instances where the Board felt obliged under the JFK Act to keep information closed, we took advantage of an important provision of the Act that allows us to use substitute language. On those occasions, we released the information that was relevant to the assassination, while still protecting the actual text of the document that we believed still required protection.

The work of the Review Board has resulted in the release of additional assassination records by federal agencies that we call "consent releases." These are documents that contain information

which the agencies had originally intended to seek to keep closed. However, upon seeing the precedents set by the Board when voting to open information contained in other documents, the agencies have decided not to fight to keep similar information in other documents closed. As a result, approximately 2,400 other assassination documents have been opened in full. Although the Board ultimately did not have to cast votes to open these "consent release" documents, without the leverage created by the presence of the Board, these documents would have remained closed.

The Board is on the verge of an important milestone in the CIA files. I am pleased to announce that we have nearly completed our review of the CIA's Oswald 201 File. These records constitute the core collection of CIA records that previously have been identified as assassination records. The Review Board has conducted a word-by-word review of each of the postponements in these records and has, in the vast majority of cases, opened up the records to the public.

In addition to reviewing the Oswald 201 file, the Review Board continues its word-by-word review of FBI postponements. While conducting this work, the Review Board has also been releasing some miscellaneous records from the House Select Committee on Assassinations (HSCA), as well as records from several other federal agencies.

During the next phase of its work, the Review Board will be redirecting its attention to two new categories of records: the HSCA archives and the CIA records that were segregated at the time of the HSCA and are now known by the name of the "Sequestered Collection."

The HSCA archives are now physically in the possession of the Review Board at our offices in Washington, D.C. During the upcoming months, we will be conducting a word-by-word review of each proposed redaction in the HSCA records and we expect to be releasing in the near future many interesting records from the HSCA collection.

While the Review Board is turning its attention to its detailed review of the HSCA records, it will also be reviewing the CIA's Sequestered Collection. The Sequestered Collection ranges from records of direct relevance to the assassination to others for which the Review Board is unable to identify any relevance. We are now attempting to establish an approach to the handling of these records that is fully consistent with our mandate and responsibilities, and, at the same time, reflects a reasonable and appropriate investment of (Board, staff, and agency) resources. Separating the "wheat from the chaff," and devoting our time to a detailed review of postponements in the "wheat," is essential to completing the most important parts of our mission on time.

To help us determine the best approach to handling the large volume of records in the Sequestered Collection, we held a public hearing on August 6, 1996 in Washington, DC. The Board heard testimony from members of the research community, including James Lesar of the Assassination

Archives and Research Center, representatives of the CIA, our General Counsel, Jeremy Gunn, and Steve Tilley of the National Archives. The hearing was very helpful to the Board as we grapple with this difficult area. We expect to reach a final decision on the issue in the near future. We will keep you apprised.

Medical Evidence Inquiry

As many of you are aware, the Review Board has several ongoing areas of investigation relating to different categories of assassination records. One of these investigations of records involves the medical evidence in the assassination. As part of our review of the medical evidence, we have deposed the three doctors involved in President Kennedy's autopsy, Drs. James Humes, "J" Thornton Boswell and Pierre Finck, as well as the autopsy photographer, John Stringer.

Our work in the area of the medical evidence has led to many questions by researchers. I would like to take this opportunity to make several points and hopefully answer many of your questions.

First, some general points regarding the Board's mandate as it relates to the pursuit of the medical evidence. The Board is not authorized by the JFK Act to reinvestigate the assassination. The mandate of the Board is to make the JFK Collection at the National Archives as complete as possible and available to the American public. The Board had no specific mandate to delve into the controversies of the medical evidence. In fact, the Board is "pushing the envelope" on its authority under the Act in an effort to make the record regarding the medical evidence as complete as possible.

Second, the only way to fairly and reasonably judge the results of the depositions of the autopsy doctors is to review the transcripts of the depositions. The Board has stated that those transcripts will be made public upon the conclusion of the Board's inquiry into the medical evidence; likely to be the end of this year. This decision to hold off on the public release of the transcripts for now is important to ensure the integrity and professionalism of the inquiry into the medical evidence while it is ongoing.

Third, through the passage of the JFK Act, the Congress created a part-time citizens board with a full-time professional staff. The Congress clearly envisioned an experienced and professional staff taking on major responsibilities at the direction of the Board. That is exactly what has occurred in this matter. The several members of the staff, including the Executive Director and the General Counsel, who were involved in the depositions were extraordinarily prepared. Significant time and resources went into the effort and the results will demonstrate it.

Fourth, preparation for the depositions involved input from members of the research community, as well as outside medical consultation, study of relevant materials from all past government

investigations, and a careful review of all the relevant available literature on the subject. From the very beginning of the Board's existence, correspondence have been received with suggestions, leads and requests, relative to the medical evidence. All of the information received has been carefully reviewed and, in many instances, has been helpful.

"Scelso" HSCA Documents

A category of records that has received a lot of attention involve a former CIA employee who testified before the HSCA in executive session under the pseudonym "John Scelso." I would like to tell you as much as we can right now about this individual and the relevant records.

The Review Board has postponed the name of this former CIA employee who was involved in the assassination investigation. The Board voted to release the individual's name in 188 "Scelso" documents on either May 1, 2001, or three months after the death of the individual whose name is postponed, whichever occurs first.

The Review Board is very much aware of the research community's interest in knowing the identity of the person identified in the records under the pseudonym of "John Scelso." The ARRB received extensive information about the true identity of Mr. Scelso. Because of issues related to his identity, the Board decided that Mr. Scelso should be protected for five years, after which his true name will be revealed.

The ARRB is obtaining additional information regarding Mr. Scelso's work at the CIA both before and after the assassination. Much of this information has already been revealed in Mr. Scelso's sworn testimony before the HSCA, which will be made available to the public shortly. In addition, the information gathered by the ARRB regarding Mr. Scelso also will be made available within the next year.

Completing Our Mandate

Many researchers have expressed concern about the amount of work that the Board still has ahead of it and the limited amount of time (about thirteen months) in which to complete it. Please be assured that the Board intends to work very hard and fulfill its mandate in the time allocated. However, the Board's ability to do so is at least in part dependent upon the various federal agencies that hold assassination records and the progress that they make in processing documents. Clearly, the pace for the review of documents must continue to increase for the Board to complete its task.

The Review Board continues to operate under the assumption that it will shut down operations on September 30, 1997, as dictated by the law. It would not be up to the Board to extend its mandate beyond that date. Such a decision would be reserved for the Congress and the President.

Conclusion

I hope that this report on behalf of the Review Board has been of interest to the research community. The members of the Board appreciate the support and constructive advice we have received from so many of you since we began this overwhelming task. We will continue to work toward fulfilling our mandate during the coming year and keeping you informed about our progress. During the course of our efforts, I hope that we have renewed some public confidence in government.

As I have stated before, your input is important. Please do not hesitate to contact us if you have any comments or questions for the Board or staff. We can be reached by writing to: Assassination Records Review Board, 600 E Street, NW, Second Floor, Washington, D.C. 20530 or calling: (202) 724-0088.