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Overview

Five federal investigations over the last three decades have dealt to some degree with the assassination of President Kennedy, and yet the public continues to question the facts of the assassination as well as the motives and actions of its government. The demand for the complete opening of all relevant records continues unabated. As a result of this demand, and in an effort to create a responsible, cost-effective, and efficient system for the release of these records, the Congress passed The President John F. Kennedy Assassination Records Collection Act of 1992 ("the Act"), which mandated the creation of the Assassination Records Review Board (ARRB).

The ARRB was created to oversee the identification and public release of records related to the assassination of President John F. Kennedy. The five-member Board was appointed by President Clinton, confirmed by the United States Senate, and sworn in on April 11, 1994.

The Board, consisting of five distinguished citizens representing the legal, historical, and archival professions and serving in a part-time capacity, is currently supported by a senior staff consisting of an executive director, a general counsel, a chief of review and analysis, an administrative officer, and a press and public affairs officer. In addition to the senior staff, the Board currently employs eight analysts, two administrative support personnel, and a part-time computer specialist. The Board has either made offers to or plans to hire the following additional personnel: three investigators, two additional administrative support personnel, and ten

additional analysts.

Mission and Goals

The Senate report on the Act establishing the Review Board states that "the underlying principles" guiding the legislation were "efficiency and cost effectiveness" as well as independence and public confidence in the identification and release of all records related to the assassination of President Kennedy.

The Review Board was created because of the failure of federal agencies to release records relating to the assassination in a timely manner. The Review Board is necessary to ensure an independent and enforceable mechanism for disclosure under uniform standards for review. The Review Board will ensure that all assassination records are identified, secured, and, to the extent possible, released during its existence. The Review Board structure established by Congress in the Act will achieve the cost effectiveness goal the Congress outlined by eliminating the need for agencies across the government to process future Freedom of Information Act requests for these records and avoid the costly litigation that often results from these requests. In addition, another benefit flowing from the Act's stated presumption that all assassination records will be publicly disclosed is that the high cost to federal agencies of storing and protecting hundreds of thousands of documents that would remain unnecessarily classified will be eliminated.

Beyond the Review Board achieving its prescribed goals of efficiency and

cost effectiveness, which it is uniquely situated to do, there is a far more important if less tangible benefit from the Review Board's operations. The disturbing phenomenon of public mistrust in our government began, some argue, with the assassination of President Kennedy and its cloudy aftermath and is tied to the perception that the government is keeping important facts from the American people about the motives and actions of its institutions and personnel. A poll in late 1994 showed the percentage of Americans who "trust the government in Washington" has dropped from 76 percent in 1964, shortly after the death of President Kennedy, to 19 percent today. As the preamble to President Clinton's draft Executive Order on Classified National Security Information states, "Our democratic principles require that the American people be informed concerning the activities of their Government." The Assassination Records Review Board has the opportunity not only to make publicly available records that may clarify the facts surrounding the assassination, but also, along the way, the opportunity to reverse this trend of mistrust and redefine the meaning of, and need for, secrecy in government. In this sense, the Review Board is an important agent in the reinvention of government.

Assessment of Key Functions

The Review Board is a key element in a larger process of agency record review and release established by the Act. All federal agencies are required to identify records in their possession that may relate to the assassination and to determine whether these records may be disclosed immediately or whether disclosure should be postponed. The Review Board evaluates all agency decisions to postpone the release of records. Once the Board completes its review of agency recommendation for postponement, all records, including those that have postponed release dates, will be

transferred to NARA to be housed in the John F. Kennedy Assassination Record Group. The Act requires that all assassination records must be released by 2017, with the exception of records certified for continued postponement by the President.

In addition, the Board has been given the responsibility and broad powers to identify and secure any additional assassination records held by federal, state, and local governments. Moreover, the Board's tenure is by statute of limited duration: the Board has an initial life span of three years.

Option 1: Termination

A premature termination of the ARRB would have a disastrous effect on public confidence. Such an action would fuel speculation about government motives and compound the very issues that gave rise to the legislation in the first place. Rather than clarifying and settling troubling issues, a termination of the ARRB would amplify and aggravate them. To achieve the goals of the Act, there is no alternative to the ARRB. Indeed, the Review Board was conceived of as an alternative to ineffective, insufficient, and costly past efforts to achieve the results that the Act sought to address.

The conditions that gave rise to the ARRB still exist, and the mandate that the ARRB has been given is arguably more timely and important than it was at the time the legislation was passed in 1992. In the short life of the ARRB, the competing interests of the public's right to know about the activities of its government on the one hand, and the legitimate requirements of the government to protect sensitive information on the

other, have presented themselves in clear and compelling ways. The Board's responsibility to balance these interests is as complex as it is important.

Option 2: Restructuring

As an agency with a daunting mission and limited time and resources, the ARRB has devoted significant energy to creating an efficient, effective, and productive organization. Nearing the end of a start-up phase that has been devoted to conceiving of and implementing a structure that is capable of meeting our responsibilities within the time and resource limits imposed on us, it is difficult to address the subject of restructuring. Having just invented ourselves in consultation with or assisted by Congress and various other government agencies and after a process of careful planning and analysis, we find it difficult to find any advantage or appeal in any other approach or structure.