

Potential Questions for Jack at House Government Reform Subcommittee Hearing; Suggested
Answers

I. Introduction

The key points for the question and answer period are the following:

1. The Board is committed to finishing the job;
2. There are identifiable records that need to be reviewed; it is not a “fishing expedition” with an additional year;
3. In its last year, the Board will benefit by its experiences from the previous three years;
4. With an additional year, the Board will submit a more complete final report and ensure federal agency compliance

II. Review Board Records Review Pace

1. Question:

What guarantees do we have that you will not be back here next year?

Answer:

The members of the Review Board are personally committed to completing our job if given the additional year. We do not think that the process should be dragged on beyond an additional year.

We are confident that one more year will be sufficient to get through the two large blocks of remaining records from the CIA and FBI, ensure agency compliance and submit a truly final report.

We have benefitted from our experiences to date. Many of the issues that we spent a lot of time debating and discussing have now been decided.

In addition, we have developed an effective and efficient system to ensure that the remaining records are processed.

2. Question:

What evidence is there that the pace of review to date indicates that you will finish?

Answer:

Our pace has increased dramatically. Most of the key policy issues have been decided. We have now been working with the agencies for three years. We know what to expect from them and they know what to expect from us.

The system we have designed for the “Sequestered Collections” at the CIA and FBI are based on our

experience and has been developed for these collections. We have spent a lot of time on analyzing what has to be done and we are confident it will be successful.

3. Question:

Won't people always claim that there are additional records which are being hidden?

Answer:

You are probably correct. But, I believe that the vast majority of Americans will believe that the Board has made a good faith effort to release all the records possible and account for everything that has a postponed release date.

4. Question:

Isn't the cost per document released very expensive?

Answer:

The process was very time intensive in the beginning. We now have the experience of going through prolonged debate on some difficult issues.

It is important to remember that we are dealing with the most difficult documents. These are the ones that the agencies have been most protective of, in some instances, for almost 40 years. Issues having to do with national security, informants or relations with foreign governments cannot be taken lightly. That is why we moved carefully, but deliberately. Now we are prepared to go to the next stage and complete the process. The pay-off would be in our fourth and final year.

5. Question:

What would the Board do if it did not get the additional year?

Answer:

We would seek to finish the records that are in the pipeline and complete the agency compliance program. Two very important collections of records from the CIA and FBI would remain secret and not be reviewed by the Board. Our final report would reflect everything that we were able to do.

III. Highlights of Records Review to Date

6. Question:

What has the Board revealed that is new?

Answer:

I look at this as a giant puzzle. We have been adding pieces to the puzzle. Some are big. Some

are small, but they are all important to the puzzle.

The records that we have released relative to Mexico City and Oswald's trip there several weeks before the assassination have been very important.

The private collection of records from J. Lee Rankin and records from the Garrison investigation are important.

I believe that there may be interesting documents to come in the FBI and CIA Sequestered Files because the HSCA cast the net so wide. With the benefit of another 20 years, there may be records in there that mean much more to the assassination story now.

7. Question:

What is the most important document that the Board has released?

Answer:

There are documents relating to Mexico City that have been important. For example, the HSCA Staff Report on Oswald's trip to Mexico City tells about the intelligence community activities, as well as Oswald's stay there.

I think it is really for others to judge the documents we have released. I also think that all of what we have done will not be fully appreciated until people have had an opportunity to through the vast number of records that are now in the JFK Collection and piece them all together.

IV. Other Agencies

8. Question:

Have you received cooperation from federal agencies?

Answer:

To varying degrees, we have received cooperation. It was difficult for some agencies to focus on their responsibilities under the JFK Act at first. After working with them, we now have good relations with all of the agencies, but there is much more to do. The compliance program is an effort to ensure that all agencies have met their obligations under the JFK Act and that it is to be documented in the final report.

9. Question:

How do know that agencies will finish?

Answer:

Most of the records to be reviewed are with the CIA and the FBI. Each of these agencies has pledged to cooperate and finish this job.

10. Question:

How do you know that there has not been destruction of records?

Answer:

Through our compliance program, which will be part of our final report, we will document all assassination records, including any that were destroyed. Agencies will be held accountable.

Through interviewing agency staff personnel and cross referencing documents that exist, we would hope to find any evidence that documents were destroyed.

V. Personal

11. Question:

How are you able to serve on this Board as a federal judge?

Answer:

I was not a judge when nominated, confirmed and sworn in. We looked at the JFK Act and believe that given my unique situation that the law was really aimed at ensuring that at the time of nomination and getting sworn in, a member of the Board was not being taken from the federal government. I look forward to completing the job I began with the other members.

VI. Foreign Countries

12. Question:

What is the status of your dealings with Cuba? Other nations?

Answer:

Consistent with the JFK Act, we have requests into the following governments that may have assassination records:

Russia
Belarus
Great Britain
France
Germany
Japan

Cuba

Mexico

Canada

These requests are pending.

VII. Opinion on the Assassination

13. Question:

What is your opinion on what happened with the assassination?

Answer:

As you know, the Board will not issue findings on who assassinated the President. That is not our mandate. Our job is to release the records.

Although it is best to leave it at that, I will say that I am probably like most Americans in that I have unanswered questions. We have answered some of them and probably created some questions for other people. But, the important thing is that if given an additional year will be able to say that the American government is not hiding information on the assassination from the American public.

VIII. Zapruder Film

14. Questions:

What has the Board done on the Zapruder film?

Did you exceed your authority?

What role for Congress?

Shouldn't you have consulted with the Congress first?

Who will pay for the Zapruder film?

Who will decide the cost?

What is the next step?

Is the original that important?

Answer:

The JFK Act itself states that assassination records in the possession of federal agencies are to be part of the JFK Collection. The Board voted to do what the Act says.

The Board voted in April that it was our intent to make the film part of the JFK Collection at the National Archives on August 1, 1998.

The wording of our resolution and the timing ensures that our commitment to giving the Congress an opportunity to weigh in is fulfilled.

The Board carefully considered this issue and had an important public hearing at which expert testimony was taken. It was our decision that the original film should belong to the American public. We do not believe that a copy is sufficient.

We intend to consult with the Congress.

The cost remains an issue to be decided by the Court of Claims or the Congress could decide to take action. Of course, the easiest thing would be for the Zapruder family to donate the film to the American people.

The Board has left sufficient time to sort out the pending issues