

## *Assassination Records Review Board*

### *National Performance Review*

#### *Phase II Options Paper*

*February 28, 1995*

#### *Overview*

*The Assassination Records Review Board is an independent federal agency within the executive branch created to oversee the identification and public release of records related to the assassination of President John F. Kennedy.*

*The Review Board was established by The President John F. Kennedy Assassination Records Collection Act of 1992 (PL 102-526), and was signed into law by President George Bush. The five members of the Board*

were appointed by President Clinton, confirmed by the United States Senate, and sworn in on April 11, 1994.

The fiscal year 1995 budget, the first year of funding for the Review Board, is \$2.15 million. The President's fiscal year 1996 budget proposal includes \$2.41 million for the Review Board.

The Review Board consists of the following five private citizens: John R. Tunheim, Chair; Minnesota Chief Deputy Attorney General; Dr. Henry F. Graff; Professor Emeritus of History at Columbia University; Dr. Kermit L. Hall; Dean, College of Humanities, and Professor of History and Law at The Ohio State University; Dr. William L. Joyce; Associate University Librarian for Rare Books and Special Collections at Princeton University; and Dr. Anna K. Nelson; Adjunct Professor of History at The American

University.

The Review Board is currently supported by a senior staff consisting of an executive director, a general counsel, a records review and acquisition manager, an administration and financial affairs officer, and a press and public affairs officer. In addition to the senior staff, the Board currently employs five analysts and plans to hire an additional (number)

### **Mission and Goals**

The Board has until October 1, 1996 to fulfill its mandate, plus an additional year at the Board's discretion to complete its responsibilities.

The law mandates that all assassination-related materials be housed in a single collection in the National Archives and Records Administration (NARA).

*The Review Board is an integral part of the law which requires all federal agencies to make an initial assessment of whether they possess records relating to the assassination. The agencies themselves will conduct the initial review to determine whether their records may be disclosed immediately or whether disclosure should be postponed. The agencies must then give all records that are not disclosed to the Review Board. The Review Board will then evaluate all agency decisions to postpone the release of records. Once the Board completes its review of an agency's recommendation for postponement, all records, including those that have a postponed release date, will be transferred to NARA. The Act requires that all assassination records must be opened by 2017, with the exception of records certified for continued postponement by the President.*

## *Assessment of Key Functions*

*Five different official federal investigations have dealt with the assassination of President Kennedy to some degree, yet the public is not satisfied that all of their questions about the assassination of President Kennedy have been answered and the demand for the opening of the records continues unabated. The result was the passage of The President John F. Kennedy Assassination Records Collection Act of 1992, which included the creation of the Assassination Records Review Board.*

*The Senate report of The President John F. Kennedy Assassination Records Collection Act of 1992 stated that " the underlying principles guiding the legislation are independence, public confidence, efficiency and cost effectiveness."*

*The Review Board was created because of the failure of federal agencies to release assassination records in a timely manner. The Board is necessary to ensure an independent and enforceable mechanism for disclosure under uniform standards for review.*

*The Review Board will ensure that as many assassination records as possible are released during its existence. The structure set up by the law will achieve the cost effectiveness goal the Congress outlined by eliminating the need for the processing Freedom of Information Act requests and the costly litigation that goes with FOIA litigation. In addition, with the Act's stated presumption that all assassination records will be publicly disclosed, the cost of federal agencies keeping hundreds of thousands of documents unnecessarily classified will be eliminated.*

*The goal of achieving a uniform system of declassifying national security information is consistent with the President's goal as articulated in the President's draft Executive Order on Classified National Security*

*Information. As the President stated in the draft Executive Order, "Our democratic principals require that the American people be informed concerning the activities of their Government." The creation of the Review Board embodies these principals.*

*The Review Board will save the American public money by releasing the assassination records in an orderly, efficient and timely manner. But, its importance runs deeper and goes to the very foundation of our government.*

*The current, disturbing phenomenon of public mistrust in our government began, some argue, with the assassination of President Kennedy and its cloudy aftermath. A poll in late 1994 showed the percentage of*

Americans who "trust the government in Washington to do what is right" has dropped from 76 percent in 1964, shortly after the death of President Kennedy, to 19 percent today. 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 and redefine the meaning of, and need for, secrecy in government.