

December 27, 1994

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Dear XXXXXXX:

### **Introduction**

As I know you and the members of the Committee are aware, the Assassination Records Review Board was established by The President John F. Kennedy Assassination Records Collection Act of 1992, (P.L. 102-526), which was signed into law by President Bush on October 26, 1992. The Review Board is an independent federal panel created to oversee the identification and public release of all records related to the assassination of President Kennedy. I would like to take this opportunity to outline for you the progress the Review Board has made, particularly since it received its appropriations for Fiscal Year 1995. In addition, I have included below a brief chronology of events related to the Board since the Act was signed into law.

### **The Board**

The five members of the Board were sworn in on April 11, 1994. The delay between the actual signing of the Act by President Bush and the Board members being nominated and sworn in was due primarily to the change in Administrations. In addition, as the Committee is aware, presidential appointments, qualifications for the security clearances, and Senate confirmation of five individuals simply takes time.

The Board is a highly-qualified group of professionals who are deeply committed to public access, and to the value of the assassination records to the American public and future generations. The members of the Board nominated by President Clinton and confirmed by the United States Senate are:

1. John R. Tunheim, Chair. Chief deputy Attorney General in the State of Minnesota.

2. Dr. Henry F. Graff. Professor Emeritus of History at Columbia University.
3. Dr. Kermit L. Hall. Dean of College of Humanities at Ohio State University.
4. Dr. William L. Joyce, Associate Librarian and Archivist at Princeton University.
5. Dr. Anna K. Nelson. Professor of History at American University.

### **The Senior Staff**

In late October and early November, after the Review Board received its funding for Fiscal Year 1995, the senior staff was hired quickly. The senior staff will clearly play a critical role as the Board seeks to fulfill its mandate. This experienced and professional senior staff appointed by the Board includes the following individuals:

David G. Marwell. Marwell is the Executive Director. He is responsible for the administration and coordination of the Board's review of records, directs all official activities conducted by the Board, serves as the principal liaison to government offices, and supervises the staff. He is the former Director of the Berlin Document Center and the former Chief of Investigative Research in the Office of Special Investigations at the Department of Justice.

T. Jeremy Gunn, Esq. Gunn is coordinating records review and analysis. He was an attorney with the Washington law firm of Covington and Burling until he joined the Board staff.

Thomas E. Samoluk, Esq. Samoluk oversees media relations and public affairs. He is a former Assistant Attorney General and Communications Director for the Office of the Massachusetts Attorney General.

Tracy J. Shycoff. Shycoff is responsible for administrative and financial affairs. She previously held a similar position with the National Commission on AIDS.

Sheryl L. Walter, Esq. Walter is the Board General Counsel. Prior to joining the Board senior staff she was the General Counsel for the National Security Archives, a non-profit foreign policy research institute, in Washington, D.C.

In addition, by February 1995, five analysts and an administrative assistant will have joined the Board's staff.

### **Public Meetings and Public Hearings**

The Congress made clear that it wanted to "ensure that there is an adequate opportunity for public input and participation." In order to comply with the intent of the law, the Board has already held three public meetings in Washington, D.C. and conducted two public hearings, in Washington and Dallas.

The three public meetings held in Washington, D.C. to date (April 12, 1994; July 12, 1994; December 14, 1994) were an effort to allow interested members of the public to observe and participate in the Board's work. Each of the meetings have been well-attended by a range of interested citizens.

The two public hearing held to date (October 11, 1994 in Washington, D.C.; November 18, 1994 in Dallas, Texas) were the second means used by the Review Board to communicate with the American public. At the October hearing, the Board heard from 13 witnesses. This hearing focused on defining the term "assassination record." At the December hearing in Dallas, Texas, the Board heard from 19 witnesses who testified about the existence of various assassination records that they believe should be secured and made public.

### **Compliance with the Act by Governmental Agencies**

The Board is not yet in a position to comment authoritatively on issues of compliance by governmental agencies. The Board is aware that several agencies are making efforts and devoting resources to the review of assassination records. The Board visited the FBI, the CIA, Department of State and Lyndon Baines Johnson Library and witnessed well-organized efforts to review records. In addition, the senior staff met with representatives from the CIA and FBI in late December 1994 to be brought up-to-date on the status of the Agency's records review.

It is worth noting that other agencies, notably the United States Army, have yet to release any records. As soon as the Board is able to begin the review process in earnest, it will be in a position to report on agency compliance with some precision.

### **Defining an Assassination Record**

A threshold question for the Review Board involves the definition of an "assassination record." The Senate Report on the Act stated that "it is intended that the Review Board issue guidance to assist in articulating the scope or universe of assassination records as government offices and the Review Board undertakes their responsibilities." (Government Affairs Committee) No. 102-328, page 20. The definition is important not only as a guide for federal agencies, but will also set the parameters for much of the Board's future work.

The Board heard testimony from 13 witnesses on how to define an "assassination record" at its October 11, 1994 public hearing in Washington, D.C. The Board intends to issue a draft definition early in 1995. The draft definition will be noticed in the Federal Register and will be followed by a period for public comment.

### **Chronology**

The following brief chronology of events was prepared to give you a quick overview of the activities and major actions related to the Board through calendar year 1994:

**October 26, 1992** - The John F. Kennedy Assassination Records Review Act of 1992 is signed into law by President Bush.

**September - December 1993** - Members of the Board are nominated by President Clinton.

**February 1994** - The Board is confirmed by the United States Senate.

**April 11, 1994** - The Board is sworn in by Supreme Court Justice Ruth Bader Ginsberg.

**April 12, 1994** - The Board holds its first public meeting in Washington, D.C.

**Spring, 1994** - Transition funding provided by the White House.

**July 12, 1994** - The Board holds its second public meeting.

**August 15, 1994** - Executive Director David G. Marwell begins.

**September 1994** - The Board occupies its temporary offices.

**October 1, 1994** - The Board receives its Fiscal Year 1995 funding of \$2.15 million.

**October 11, 1994** - The Board conducts its first public hearing in Washington D.C.

**October 26, 1994** - Technical amendments to the Act extending the term of the Board, and clarifying the powers of the Board and staff hiring authority, are signed into law by the President.

**November 7, 1994** - The Board's complete senior staff is in place.

**November 18, 1994** - The Board conducts its second public hearing in Dallas, Texas.

**December 14, 1994** - The Board holds its third public meeting in Washington, D.C.

**December 21, 1994** - Construction of the Board's permanent offices begins.

### **Plans for Calendar Year 1995**

#### **Records Review**

As the Board continues to increase the staff and security clearances are completed, preparations for the actual review of assassination records are being made. Members of the senior staff preliminarily reviewed FBI records which are being withheld in late December 1994. It is anticipated that analysts will begin to review a large volume of records by the end of February 1995.

**Public Hearings**

The Board plans to continue to hold public hearings around the country to gain additional insight into the existence of assassination records, make itself accessible and the process open, consistent with the clear intent of the Congress. Possible locations for public hearings in Fiscal Year 1995 are Boston, Miami, New Orleans and Los Angeles.

**Staffing**

Within the parameters of its budget, the Board will continue to hire analysts and support staff to ensure the expeditious review and release of assassination records to allow interested members of the public to make their own judgments about the assassination and the events surrounding it.

**Conclusion**

The first several months of Fiscal Year 1995 were a time of significant progress for the Review Board and staff. Several public meetings and public hearings allowed the Board to be observed at work and to hear from the American public about records related to the assassination of President Kennedy. The hiring of an experienced senior staff in late 1994 and plans for additional staffing have set the stage for the Board to make great strides during Fiscal Year 1995.

The Review Board intends to fulfill its mandate to review and oversee the review and public release of assassination records with the underlying principles which the Congress articulated: independence, public confidence, efficiency and cost effectiveness, speed of records disclosure and enforceability.

The Board looks forward to working with the Committee members and staff. Please do not hesitate to contact me if you have comments or questions.

Sincerely,

John R. Tunheim  
Chair

