

The JFK Assassination and the Public's Right to Know

by
John R. Tunheim
Chair
Kennedy Assassination Records Review Board

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"All Government records concerning the assassination of President John F. Kennedy should carry a presumption of immediate disclosure."

With these words the President John F. Kennedy Assassination Records Collection Act gave the American public an extraordinary and unprecedented opportunity for insight into its government and its history. The Assassination Records Review Board, the independent presidentially-appointed federal panel which was created by the Act, will decide which Kennedy assassination records will be declassified and made public. Beyond simply fulfilling the specific mandate of the law, the result we seek is a restoration of confidence in government which will hopefully extend far beyond questions that have lingered for more than 30 years about the Kennedy assassination.

The Review Board, a panel of five private citizens, was not created to re-investigate the assassination of President Kennedy. Its responsibilities are to identify all records relating to the assassination and review postponed records and information for public release. The Board was created because the American public continues to demand answers about what occurred in Dallas on November 22, 1963. When the Board completes its work, those who are interested will be able to research the assassination records and draw their own conclusions.

The breadth of the powers accorded the Review Board could signal the dawning of a new era of openness about, and understanding of, our recent history. The specific authority granted to the Review Board include:

First, the power to direct the government offices to organize and transmit to the National Archives all "assassination records;"

Second, the power to inquire into all facts regarding government offices' handling of assassination records and to investigate additional information that may be required to fulfill those responsibilities.

Third, the power to compel testimony and documents from private persons, if those documents are relevant to the Review Board's responsibilities;

Fourth, the power to require an accounting regarding any destruction of assassination records; and

Fifth, the power to hold hearings, to administer oaths, to subpoena witnesses and documents and, importantly, to immunize witnesses.

The law sets up precise categories of information that may be subject to postponement. They include:

- * Disclosure of intelligence agents;
- * Intelligence sources;
- * Military defense issues and agreements with foreign governments;
- * Risk of harm to individuals;
- * Invasion of personal privacy;
- * Intelligence gathering methods; and
- * Methods of protecting government officials.

However, the Review Board must find clear and convincing evidence that public interest in release is outweighed by the harm caused by release before it can postpone a record. In other words, there is broad discretion vested in the Board in all these determinations. The Review Board can be overruled by the President for executive branch records and by the Congress for congressional branch records.

The Review Board has been given the authority under the law to dictate to government agencies what they are obligated to tell the American public. In the aftermath of the Cold War, Watergate and Iran-Contra, the Board's work could be a precedent-setting opportunity to recalibrate the definition of, and the need for, certain government confidentiality. The current aura of public mistrust of government spawned in part by a too broadly defined need for government secrecy could be greatly diminished if the responsible release of Kennedy assassination records can demonstrate that the results will not be devastating. In such a new environment, classified government information would be viewed with more credibility and respect.

The controversy over the assassination of President Kennedy is likely to continue, even after the Assassination Records Review Board no longer exists. The Board's job is to assure the American public that information about the assassination is not being hidden by any branch or agency of the federal government. In the process, perhaps we will see a renewed public confidence in government, more openness and a road map for how government business can be conducted effectively in the future, without keeping unnecessary secrets from us.

