

Introduction - Review Board Meetings and Public Hearings

The United States Congress made clear with the passage of The President John F. Kennedy Assassination Records Collection Act of 1992 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 Review Board immediately conducted a public hearing after receiving upon receiving its FY 1995 funding and has maintained a very public approach during the past year. Although the very nature of the Board’s work, the review of classified documents, requires many closed meetings, the public hearings and opening of at least part of most Board meetings has allowed interested members of the public to observe and participate in the Board’s work.

The Board has conducted several meetings, both open and closed, for a range of purposes including: start-up discussion and decision making, promulgating definition guidance for assassination records, briefings with federal agencies, and the review of classified records. In addition, the Review Board held public hearings in Washington, D.C., Dallas, Boston and New Orleans. The Review Board meetings and public hearings conducted during fiscal year 1995 will be discussed in separate sections below.

Review Board Meetings

The Review Board conducted 15 meetings during fiscal year 1995 in Washington, D.C. The early meetings involved necessary start-up discussions and briefings with federal agencies regarding assassination records held by these agencies. Since June 1995, as will be discussed below, the Board has been engaged in the review of documents.

1. Public Meeting

April 12, 1994

National Archives Building

Washington, D.C.

This was the first meeting conducted by the Review Board following the members being sworn-in on April 11th. This first meeting was attended by all of the Board members. It was an organizational meeting at which the first order of business conducted was the election of Board Member John R. Tunheim as Chair. In addition, other topics on the agenda included discussion of: the transition budget, the FY 1995 budget request, the timetable and process for appointing an executive director, a resolution seeking an extension of the Board’s time period, and plans and timetable for the Board’s first year. A representative of the National Archives also gave a presentation on the status of the JFK Collection housed at the College Park, Maryland facility.

This first meeting of the Review Board was anxiously awaited by historians and researchers, approximately 100 of whom attended.

2. Public Meeting

July 12, 1994

National Archives Building

Washington, D.C.

The Review Board conducted its second organizational meeting with all of the members present to further discuss organizational, staffing, funding, and document review issues. Dr. Hall gave a report on the search for an executive director, which was followed by a motion to formally offer the position to Dr. David G. Marwell. The motion carried unanimously and it was announced that he would begin working for the Review Board in August. The members also unanimously voted to extend the term of the Review Board until October 1995, pending passage of technical amendments before the Congress to further extend the Board's term. Members discussed the plans for Board for the remainder of fiscal year 1994. Other matters considered by the Board included: a report on obtaining office space, and a review of agencies' progress in reviewing records.

The Board received an update from a representative from the National Archives, who explained what additions had been made to the JFK Collection since the Board's initial meeting in April.

The Chair reserved time at the meeting for members of the public to be heard. Three members of the public, Dr. John Newman, James Lesar, Esq.; and Mark Zaid, Esq., each took the opportunity allowed by the Chair to discuss issues relative to the JFK Collection.

Approximately 75 members of the public, historians and researchers attended the meeting.

3. Meeting (Open/Closed)

December 13, 14, 1994

ARRB Temporary Offices

Washington, D.C.

The Board met for two days for private and public meetings, On Decemver 13th, in private meetings attended by all five Board members and the senior staff consisting of David Marwell, Executive Director; T. Jeremy Gunn, Associate Director for Researhc and Analysis; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration and Fianance; and Cheryl Walter, General Counsel.

The Board discussed the Dallas public hearing and what follow-up was required with regard to the testimony that was given. The agenda als included a discussion of 1995 planning issues which include future hearings, future agency visits, meeting with the President and an experts conference. Mr. James Hasting, of the National Archives and Records Administration gave the Board and staff a briefing on ??????????. Following the briefing, the staff briefed members of the Board on personnel, progress on the preparation of records for review and the definition guidance on assassination records.

The afternoon session of the December 13th meeting concluded with briefings on government travel, ethics regulations, the Sunshine in Government Act and press policy.

On December 14, 1995, the Review Board and staff members were briefed by several officials from the Federal Bureau of Investigations on various informant issues which relate to the collection of assassination records held by the Bureau.

The Board conducted a public meeting at the temporary offices on the afternoon of December 14th. The meeting was attended by all of the Review Board members and the senior staff. Ms. Miriam Nisbet, special counsel to the Archivist of the United States and Mr. Mike Reynolds, director of the Textual Reference Division of the National Archives testified on the Archives opposition to the inclusion of assassination-related artifacts in the definition of an "assassination record." Mr. Steven Tilley, the JFK liaison for the National Archives and Record Administration testified gave the Board an update on recent additions to the JFK Collection.

Approximately members of the public attended the open part of the Review Board's meeting.

4. Meeting (Closed)

January 25, 1995

National Archives Building

Washington, D.C.

The Review Board conducted a closed meeting at which the entire Review Board and the following staff members were present: David Marwell, Executive Director; T. Jeremy Gunn, Associate Director for Research and Analysis; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration and Finance; Cheryl Walter, General Counsel, and Philip Golrick, analyst. Steven Tilley, JFK Collection liaison for the National Archives and Records Administration was also in attendance for parts of the meeting.

The agenda included: a discussion, preparation for, and a vote on the publication in the Federal Register of the draft definition on "assassination records," a presentation by the Executive Director on the records review process, a preliminary review of House Select Committee on Assassinations records and Warren Commission records, a discussion of a recently-decide court case, Assassination Archives and Research Center v. Department of Justice, involving the JFK Act, an update on the experts conference, and planning the Review Board schedule.

Later in the afternoon on January 25, 1995, the members of the Review Board and Executive Director Marwell met with FBI director Louis Freeh at FBI headquarters

5. Meeting (Closed)

March 6, 7 1995

ARRB Temporary Offices

Washington, DC

The Review Board conducted a closed meeting with all members of the Review Board present. The following staff members were present: David Marwell, Executive Director; T. Jeremy Gunn, Associate Director for Research and Analysis; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration and Finance; Sheryl Walter, General Counsel, and Philip Golrick, analyst.

The Review Board received a briefing from the Executive Director on the hiring and assignment of members. In addition, he updated the Board members on the procedures for issuing security clearances to staff members. The Board also was advised of the schedule for the visit to the John F. Kennedy Library and the public hearing in Boston, Massachusetts

Later in the morning, the Review Board and staff received a classified briefing from representatives of the Central Intelligence Agency.

In the afternoon meeting, General Counsel Sheryl Walter summarized the status of the public comment process regarding the proposed definition guidance for assassination records published in the Federal Register on February 8, 1995. Most of the comments submitted were from private citizens, although the FBI submitted comments and the CIA and the National Archives and Records Administration intended to do so.

The meeting concluded with a Board briefing on personal privacy issues arising under the postponement provisions of the Act. The discussion proceeded to preliminary consideration of privacy issues presented in 18 sample documents in which agencies have sought postponement of particular information under the relevant section of the Act, and comparison of these documents with 6 documents that, although released in full, contain similarly sensitive information. The Review Board made no decisions as these proposed postponements and no vote was taken.

On the morning of March 7th, the Review Board received a classified briefing from representatives of the National Security Agency. Chairman Tunheim, Dr. Nelson, Dr. Joyce, Dr. Hall, Dr. Marwell, Dr. Gunn, Ms. Walter, Mr. Samoluk, and Ms. Shycoff attend the briefing.

Meeting (Open)

March 7, 1995

National Archives Building

Washington, D.C.

The meeting was attended by all of the Board members and the following staff members: David Marwell, Executive Director; T. Jeremy Gunn, Associate Director for Research and Analysis; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration and Finance; Sheryl Walter, General Counsel, and Philip Golrick, analyst, Gene Burpoe, analyst, Christopher Barger, analyst, Laura Denk, analyst, Eric Scheincoff, analyst, Michelle Seguin, analyst; Kevin Tiernan, analyst, Joan Zimmerman, analyst; Eileen Sullivan, administrative assistant; and Valeries Sails, administrative assistant.

The first matter on the agenda was an update from Mr. Steven Tiley, the JFK Collection Liaison from the National Archives, on additions to the JFK Collection at the National Archives.

As the second matter on the agenda, the Review Board heard additional public comment on the Board's proposed definition guidance on "assassination records."

The witnesses testifying before the Board were:

William Baugh, FBI

Terry O'Connor, FBI

Mark Zaid, Esq.

James Lesar, Esq.

John Judge

Joseph Backes

Sheryl Walter, General Counsel, also gave an overview of the written public comments which had been received to date.

6. Meeting (Closed)

April 12, 13 1995

ARRB Offices

Washington, D.C.

All of the Review Board members attended this meeting, along with the following members of the staff: David Marwell, Executive Director; T. Jeremy Gunn, Associate Director for Research and Analysis; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration and Finance; and Sheryl Walter, General Counsel.

The items on the agenda were: the status of the Zapruder film, the Board schedule, definition guidance, intelligence sources and methods postponements, informant postponements, privacy postponements, and the on-day experts conference in May.

7. Meeting (Closed/Open)

May 3, 1995

ARRB Offices

Washington, D.C.

The Review Board met in closed session in the morning. All Board members, except Dr. Henry Graff, and the following staff members were in attendance: David Marwell, Executive Director; T. Jeremy Gunn, Associate Director for Research and Analysis; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration and Finance; and Sheryl Walter, General Counsel.

The Board discussed the FBI response procedure and the Board Document Review Procedure.

In the afternoon, the Board conducted an open meeting. The first matter on the agenda was a discussion and vote on the final definition guidance for "assassination records," based upon the draft that was published in the Federal Register for notice and comment on February 8, 1995. The Board voted unanimously to approve the final definition guidance.

The Review Board also received an update on the JFK Collection at the National Archives from Ms. Mary Ronan.

8. Experts Meeting (Closed)

May 16, 1995

ARRB Offices

Washington, D.C.

The Review Board conducted a closed experts conference to provide assistance to the Board in identifying and locating records related to the assassination of President Kennedy. The outside conference participants were selected for their expertise, knowledge, experience, and diverse viewpoints.

Board members in attendance were: Chairman John R. Tunheim, Dr. Anna Nelson, and Dr. William Joyce. The following members of the staff participated: Dr. David Marwell, T. Jeremy Gunn, Thomas E. Samoluk, Sheryl Walter, Anne E. Buttimer, Phil Golrick, Dr. Mary S. McAuliffe. Other staff members who attended were: Christopher M. Barger, Manuel E. Legaspi, Kevin Tiernan, Dennis J. Quinn, Michelle M. Seguin, Joan Zimmerman, Joseph Freeman, Laura Denk, Robert Skiro, Eric Scheinkopf and Noelle Gray.

The experts who attended: were Professor Robert Blakey, Dr. David Garrow, James Lesar, Esq., Professor Paul Hoch, Dr. John M. Newman, Mr. David S. Lifton, Professor W. David Slawson.

Based on the discussion, suggestion and comments from the experts conference, a detailed follow-up worksheet containing more than 300 references to assassination records or categories of records to be pursued was compiled by the Review Board staff

9. May 18, 1995 - Meeting (Closed)

10. June 6, 7, 1995 - Meeting (Closed)

The Assassination Records Review Board, an independent federal agency overseeing the review and release of records related to the assassination of President John F. Kennedy, has formally voted to release in full sixteen documents from the CIA's Oswald files which contain information that the Agency has kept classified. These are the Review Board's first formal determinations to release records under the President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act). Notification of the Board's decisions has been sent to President Clinton and he now has 30 days to agree or disagree with these decisions. The CIA documents which the Review Board voted to release in full principally relate to the opening of Lee Harvey Oswald's "201 file" and to certain issues connected with his visit to Mexico City in the fall of 1963, only weeks before President Kennedy was assassinated. These documents have been publicly available, but contain many redactions. The redactions are based upon one of two provisions in the JFK Act which permit the postponement of information that the Agency thinks: (a) would reveal "an intelligence agent whose identity currently requires protection," or (b) would reveal "an intelligence source or method which is currently utilized" and the disclosure of which "would interfere with the conduct of intelligence activities." After careful review of the documents and the evidence supplied by the CIA, the Review Board voted unanimously to release the records in their entirety without redaction.

11. July 17, 18 1995 - Meeting (Closed/Open)

In other Review Board action, on July 31, 1995, President Clinton was notified that the Board had voted to open in full 16 FBI documents and 2 other CIA documents. The FBI documents relate to their investigation of Oswald while he was in the Soviet Union in 1960 and 1961; the Communist Party, USA reaction to the assassination; and Jack Ruby's shooting of Oswald. The CIA documents relate to Oswald's trip to Mexico City. The FBI has appealed the Board's decision to the President on 9 of the 10 documents (as well as some duplicates). The CIA

has notified the Review Board that it will not appeal. President Clinton has 30 days from the date of notification to agree or disagree with the Board's determinations on these documents.

12. August 2, 3 1995 - Meeting (Closed/Open)

The Review Board voted to release 16 CIA documents in full and 21 CIA documents in part. These documents have been publicly available, but contain many redactions. For the first time, the Board sustained the CIA's position that some information relating to sensitive intelligence sources and methods should not be publicly released at this time. The Board indicated in its notification to the President that some redacted parts of the documents still need to be protected, but also noted they contain no information about the assassination of President Kennedy or about Lee Harvey Oswald. In other instances, the Board proposed substitute language which gives some relevant information in place of the redactions, while not revealing the sensitive intelligence information. The Review Board voted to release 393 of the 478 redactions that the CIA was seeking to still keep secret in these 37 documents.

13. August 28, 1995 - Meeting (Closed)

The Review Board voted to release 43 CIA documents, 27 in full and 16 in part. These documents relate to Lee Harvey Oswald's trip to Mexico City in the fall of 1963, only weeks before the assassination of President Kennedy. The Board has focused much of its attention on this part of the CIA files to date. In addition, the Board voted to release 11 FBI documents (including duplicate copies), 9 in full and 2 in part. These FBI documents involve: the Bureau's investigation of the Fair Play for Cuba Committee in 1961; the Bureau's post-assassination investigation of Michael R. Paine, the husband of Ruth Paine, with whom Marina Oswald was staying prior to the assassination; discussion of the relations of the FBI, the Warren Commission, and the Dallas district attorney's office; and a 1967 document on reaction to the Warren Commission Report. All of the FBI and CIA documents have been available to the public, but contain many redactions.

14. September 20, 21, 1995 - Meeting (Closed/Open)

Board Public Hearings

1. Public Hearing
October 11, 1994
Washington, D.C.

The topic of the hearing was defining the term "assassination record." Providing guidance on the definition was an early and important priority for the Board and the federal agencies that have records related to the assassination. All five members of the Board attended the hearing. The Board heard from 13 witnesses who offered a wide range of opinions on the parameters which the Board should set under the JFK Act with regard to what constitutes an "assassination record." This input from the public was important because the Congress had made clear that the definition should be broad and go beyond the records of the Warren Commission and the House Select Committee on Assassinations. The goal of the Review Board was to provide clear guidance to agencies on what records they are responsible for producing to ensure that the American public has as complete a record as possible of the assassination. Many of the suggestions made by witnesses at this hearing were incorporated into the final "assassination record" definition guidance.

The following members of the Review Board staff attended this meeting:

David G. Marwell, Executive Director

Tracy Shycoff, Associate Director for Administration and Finance

The following witnesses presented oral testimony to the Review Board:

Ms. Page Putnam Miller

James H. Lesar

Mark S. Zaid

Charles J. Sanders

John Newman
Daniel Alcorn
Peter Dale Scott
John Judge
William Kelly
Harrison Livingstone
Max Holland
Martin Barkley
Daryl Weatherly

The following individuals provide the Board with written submissions:

Page Putnam Miller
James H. Lesar
Charles J. Sanders and Mark S. Zaid
John Newman
Daniel Alcorn
Peter Dale Scott
John Judge
William Kelly
Harrison Livingstone
Max Holland
Daryl Weatherly
Kathleen Cunningham
Carol Hewett
Gerald Posner
Dick Russell
Martin Shackelford

Nearly 100 members of the public, researchers, historians, and media representatives attended this hearing.

2. Public Hearing

November 18, 1994

Dallas, Texas

The Board conducted its second public hearing in Dallas, Texas because it was the location of the assassination and there remains a high level of interest and a great potential for the retrieval of records not yet part of the JFK Records Collection. All five members of the Board attended the hearing.

The hearing gave interested members of the public the opportunity to offer their expertise on the existence and location of assassination records. The Review Board heard testimony from 19 witnesses listed below. They offered important testimony on a range of different topics related to assassination records.

The following members of the Review Board staff attended the hearing:

David G. Marwell, Executive Director

T. Jeremy Gunn, Associate Director for Research and Analysis

Thomas E. Samoluk, Associate Director for Communications

Tracy Shycoff, Associate Director for Administration and Finance

The Review Board heard oral testimony from the following witnesses:

Jim Marrs

David J. Murrah

Adele E.U. Edisen

Gary Mack

Robert Vernon

Thomas Wilson

Wallace Milam

Beverly Oliver Massegee

Steve Osborn

Philip TenBrink

John McLaughlin

Gary L. Aguilar

Hal Verb

Thomas Meros

Lawrence Sutherland

Joseph Backes

Martin Shackelford

Roy Schaeffer

Kenneth Smith

The following individuals provided the Review Board with written submissions:

Jim Marrs

David J. Murrah

Adele E. U. Edisen

Gary Mack

Thomas Wilson

Wallace Milam

Beverly Oliver Masegee

Steve Osborn

Philip TenBrink

Gary Aguilar

Hal Verb

Lawrence Sutherland

Ernest C. Brandt

Don Carleton

Karen Clem

Frank DeBenedictis

Mary Ferrell

Christopher LaPlante

Lamar Waldron

Theresa Seay

Nearly 100 members of the public, researchers, historians, and media representatives attended this hearing.

3. March 24, 1995 - Public Hearing; Boston, Massachusetts

The Review Board conducted a public hearing at which it heard testimony on the identification and location of assassination records, discussed finalizing the proposed definition guidance on "assassination records," and received an update by the National Archives on the JFK Collection.

All of the Review Board members, except for Dr. Henry Graff attended, along with the following staff members: David G. Marwell, Executive Director; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration and Finance; and Sheryl Walter, General Counsel.

The following witnesses testified at the hearing:

George Michael Evica, professor and author

Philip H. Melanson; Political Science Professor at the University of Massachusetts-Dartmouth and the author of *Spy Saga: Lee Harvey Oswald and U.S. Intelligence*, published in 1990

Edgar Tatro, teacher

Priscilla Johnson McMillan; History Professor at the Harvard Russian Research Center and the author of *Marina and Lee*, published in 1977

Dick Russell, author of *The Man Who Knew Too Much*

Richard Trask; Author of *Pictures of the Pain:*

Photography and the Assassination of President Kennedy, published in 1994

Steven Tilley; National Archives

Approximately 100 members of the public and media representatives attended the hearing.

4. Public Hearing

June 28, 1995

Old U.S. Mint Building

New Orleans, Louisiana

The Board heard testimony on the identification and location of assassination records in the greater New Orleans area and received an update by a representative from the National Archives on the JFK Collection and recent additions.

All of the Review Board members were in attendance, except for Dr. Henry Graff. The following members of the staff were in attendance: David G. Marwell, Executive Director; Thomas E. Samoluk, Associate Director for Communications; Tracy Shycoff, Associate Director for Administration and Finance; and T. Jeremy Gunn, Associate Director for Research and Analysis

The Review Board heard from the following witnesses:

The Honorable Lindy Boggs, former Congresswoman

The Honorable Harry F. Connick, Sr., New Orleans District Attorney

Wayne Everard, Archivist, City of New Orleans Archives

Michael L. Kurtz, Professor at Southeastern Louisiana

Stephen Tyler, documentary producer and director

Cynthia Anne Wegmann, Esq.

Steven D. Tilley, National Archives

Approximately 125 members of the public and media representatives attended the hearing.