

Mr. President:

I rise in strong support of S.R. ##### which would extend the JFK Act for one additional year by amending Section 7(o) by striking “1996, except that the Review Board may, by majority vote, extend its term for an additional one-year period if it has not completed its work within that period” and inserting “1998.”

The Assassination Records Review Board, which was authorized in legislation passed in October 1992, but was not appointed until April 1994, has indicated that it will require an additional year to complete its work. As you know, I worked diligently to get the President John F. Kennedy Assassination Records Collection Act passed in 1992. I believed then, as I believe now, that it is important to assure the American people that its government was not keeping information secret that was relevant to the assassination of President Kennedy. I believe that that goal continues to be critical and continues to deserve the support of Congress.

When I and Senator Boren of Oklahoma first drafted this legislation, we received the full significant support from our colleague from the House of Representatives, Congressman Louis Stokes of Ohio. We all believed that the task would take three years. Our belief was based on the best information then available, but that belief was incorrect. It should not surprise us that additional time is needed to complete this important task since we were venturing into uncharted waters with this legislation. There was no way to know for sure what problems of scale and complexity the Review Board would encounter. To be sure, the beginning of the enterprise was hampered by delay. The Board was not appointed until 18 months after the legislation was signed into law, leaving Federal agencies to define for themselves the universe of records that should be processed under the Act. Agencies were left to speculate as to the kind of evidence that would be needed to sustain the postponement of the release of assassination-related

information. Consequently, once the Review Board was in place, agencies needed to revise a considerable amount of work.

Moreover, in our effort to create a truly independent agency, we imposed several statutory restrictions on the manner in which the Review Board could operate. Unlike other temporary agencies, the Review Board could not hire or detail experienced federal employees, but rather had to hire new employees who had to undergo background investigations and be cleared at the Top Secret level. In addition, the Review Board had to locate and renovate space that was suitable for the storage of classified material. All of these administrative tasks stole valuable time from the allotted three years. The effect of this necessarily protracted start-up was that the Board could not begin an effective review of records until the third quarter of its first year.

There are three principal impediments to the Review Board's completion of its work. First has been the inability of Federal agencies, particularly the CIA and FBI, to review and process the statutorily-defined "assassination records" in the time allotted and to make them available for Review Board action. The J.F.K. Act provided that all Federal agencies should complete their review and identification of "assassination records" within 300 days of the date the law took effect. That was October 26, 1992. Accordingly all agencies should have completed the initial identification and review process by September 1, 1993. In fact, no agency had completed its review by that time, and, at this point, the majority of agencies have still not completed that initial review.

The second impediment was the dilatoriness of the appointment and staffing of the Review Board. The Act provided that the President was to appoint Review Board members 90 days after the enactment of the statute. That would have been January 25, 1993. In fact, the Review Board was not appointed by the President and confirmed by the Senate until April 11,

1994. This delay left many Federal agencies without the early guidance of the Review Board on the questions of the definition of “assassination record” or the standards for postponements.

Finally, and importantly, the J.F.K. Act properly affords the agencies the opportunity to provide evidence to the Review Board in support of recommended postponements. The Review Board believes, and has stated, that in order to protect important national security secrets and safety concerns for informants and agents, the agencies need to have every reasonable opportunity to present evidence to the Review Board about the importance of redacted information. This process, which is an important component of the JFK Act, has been extremely time consuming for both the agencies and the Review Board. Although the Review Board could have acted much more swiftly by not affording the agencies the opportunity to collect and provide evidence, the Review Board would have thereby neglected its duties to make informed judgments.

Despite the slow start and unforeseen obstacles, the Review Board has accomplished much in the past two and a half years. Nearly ten thousand previously secret government documents are now more fully available to the American people. Significant collections of private records have been donated to the National Archives thanks to the efforts of the Review Board. Most important, the Review Board is within striking distance of completing the review of all identified assassination records. What remains is the ultimate goal of Congress -- the full release of all the J.F.K. assassination files. Our goal should remain unchanged. It would be a terrible shame to halt the effort before it has a chance to achieve success.

Senator Boren said on July 27, 1992 in support of the J.F.K. Act that “The public, and particularly our young people, need to have confidence in the integrity and fairness of their Government. So long as key Kennedy assassination materials remain locked away, there will be

those who will believe the Government is disingenuous in respect to this heinous crime.”

Even a casual observer can attest that the Review Board was assigned a task that is unprecedented in its scope and difficulty. In short, the three-year time limit was simply unrealistic.

It is long past the time that our Government should be immersed in the shadows of public distrust and our history hidden in the darkness of obfuscation. The Review Board has shown a great deal of light on one of the most tragic events in our history. It would be irresponsible and wrong for us to extinguish this light before it can shine most brightly.

I understand from the Review Board that there is broad support within the agencies for an extension, and I have no doubt that the public will be passionate and vocal in their advocacy for this action.

As my colleagues consider this issue, they should be aware that, as a result of the Review Board’s protracted start-up, a budget carryover of no-year funds from its first year would be sufficient to fund a full quarter of continued operation. The Review Board would consequently require only \$1.6 million of additional funds to continue operating for one year.

I fear that if we do not reach appropriate closure on this tragic and historic event now, it will re-emerge in the future with all its atmosphere of doubt and speculation magnified. A premature termination would generate renewed and intensified doubts about the commitment of our government to release all of the records that relate to the assassination of President Kennedy.

We would not simply be back where we started; we would be in a far worse place indeed.

I urge my colleagues in the Senate to give their full support to S.R. #####.