

## JFK Act, §6 - Legislative Intent

- “In determining whether or not the identity of a deceased agent should be disclosed, the Review Board may wish to consider the impact on survivors as a legitimate question, but the Review Board should satisfy itself as to the basis and need for such an assertion as grounds for postponement.” S. Rep. No. 102-328, at 28 (1992), *reprinted in* 1992 U.S.C.C.A.N. 2965, 2977.
- “[W]hen the Review Board is is required to make determinations about the identities of ‘intelligence agents’ it should consider the breadth of responsibilities and assignments which might fall into this category. Again, the Review Board should satisfy itself as to the basis and need for such an assertion as grounds for postponement.” *Id.*
- “The Review Board should consider a variety of factors related to the need to postpone disclosure of intelligence sources and methods, including the age of the record, whether the use of a particular source or method is already well known by the public (e.g. that the Soviet Embassy in Mexico City was bugged during the alleged visit of Lee Harvey Oswald), and whether the source or method is inherently secret, or whether it was the information it collected which was secret.” *Id.*
- Under the Heading “Understanding of Confidentiality” -

“In applying this postponement standard the Review Board should consider: Whether there is an express confidentiality agreement, whether that agreement is express or implied, whether it is written or unwritten, and the exact restrictions regarding the scope and duration of confidentiality; whether the agreement currently requires protection; whether a witness or informant or confidential source is deceased; and whether the government is seeking postponement purely because it believes all such records should be withheld, or because of the informant’s express desire that the understanding not be made public. In all cases where the Review Board is considering postponement, it should keep the withheld information to

an absolute minimum, and ensure that the postponement is narrowly drawn for the shortest possible duration. In so doing, the Review Board should release as much information from the records as is possible.” S. Rep. No. 102-328, at 29 (1992), *reprinted in* 1992 U.S.C.C.A.N. 2965, 2978.

- “[I]t is intended that the standards operate as discretionary, not compulsory, requirements for disclosure.” S. Rep. No. 102-328, at 27 (1992), *reprinted in* 1992 U.S.C.C.A.N. 2965, 2976.
- “There is a balancing process established by the Joint Resolution for applying disclosure standards, weighed against the strong public interest in disclosure.” *The Assassination Materials Disclosure Act of 1992: Hearing Before the Senate Committee on Governmental Affairs*, 102d Cong. 30 (1992) (statement of Hon. Louis Stokes, Representative in Congress from the State of Ohio).
- “If you have a private arrangement that somebody comes forward to give information, that ought to be honored if at all possible. There may be some circumstances where you cannot honor a private commitment. The law sometimes overrides private agreements, and even agreements with foreign governments, if there is a dominant public policy concern.” *The Assassination Materials Disclosure Act of 1992: Hearing Before the Senate Committee on Governmental Affairs*, 102d Cong. 43 (1992) (statement of Hon. Arlen Specter, U.S. Senator from the State of Pennsylvania).