

UNITED STATES OF AMERICA
ASSASSINATION RECORDS REVIEW BOARD

SPECIAL MEETING OF THE BOARD

Assassination Records Review Board

600 E Street, N. W.

Suite 208

Washington, D. C. 20530

Wednesday, August 30, 1995

The above-entitled proceedings commenced at 3:30 p.m.

Present: John Tunheim, Chair; William Joyce; David Marwell, Executive Director; and

Philip Golrick, Chief Analyst for FBI Records

Appearing through Conference Call: Henry Graff; Kermit Hall; and Anna Nelson

P R O C E E D I N G S

[3:30 p.m.]

MR. TUNHEIM: All members are available; the Chair and Dr. Joyce available in person at the Review Board office, and by telephone Dr. Hall, Dr. Nelson, and Dr. Graff. The purpose of this meeting is to consider a motion to withdraw from Presidential consideration a number of documents. We have the documents themselves here in front of us. Do we need to read into the record the record numbers and FBI file numbers, or can that be made expressly part of the motion just by their writing?

MR. MARWELL: I think if you perhaps could refer to the decisions made by the Board at the meeting of ... what was the date of that meeting?

MR. GOLRICK: July 17 and 18, those decisions on FBI documents, but not all were appealed, so that's less than perfect.

MR MARWELL: The ones that were appealed.

MR. GOLRICK: The ones that were appealed.

MR. TUNHEIM: All FBI records decisions that the Review Board made on February—or January 17 and 18 ...

DR. JOYCE: July.

MR. TUNHEIM: July, yeah. July 17 and 18, that were appealed to the President by the FBI. Then the motion would be a motion to withdraw from Presidential consideration, pending development of additional information by the Federal Bureau of Investigation and the Department of

State, within the next thirty days, the following documents, and the documents at issue would then be listed. Is there a motion to ... Is this motion on the table?

DR. GRAFF: I so move.

MR. TUNHEIM: Is there a second to the motion?

DR. JOYCE: Second.

MR. TUNHEIM: The motion has been made and seconded to withdraw these records.

Now, is there discussion on the motion?

DR. GRAFF: I think that in the interest of greater service to the public and then greater and more precise fulfillment of the terms of our mission, this is an admirable event and I am very enthusiastic about it, not merely in support of it.

DR. NELSON: I think that the ... it should be very clear that this was done only because of the prospect of additional information, that we're not withdrawing it casually, but that there are very great prospects for new information within 30 days, which would be greatly helpful in the long run. Otherwise, I personally would not agree. But I think that's very worthwhile. I think if we can get additional information that's a very useful thing. So I think that the idea of the motion to remove the records from the thirty-day limit is basically what we're agreeing to do would be a very positive thing.

DR. GRAFF: I think also that we ought to have a clear sense that this is in no way a precedent for our reconsidering motions made by the Board and approved by the Board. Certain circumstances may make it necessary to repeat this process, but I think our integrity as a Board

requires that once we have voted after full discussion, that the decision will remain.

MR. TUNHEIM: It's certainly clear that additional information is supposed to be made available within the next thirty days; and that, I think, is the basis on which we're acting today. Because, ultimately, there will be more information available to the Review Board for its decision and, therefore, more information available, hopefully, eventually, to the American public.

DR. JOYCE: And in that context, I think it can only enhance the nature of our decision by providing us with a fuller record that will make whatever determination we come to in the light of that information an even sounder judgment.

DR. HALL: Well, I will certainly support the motion, doing so in part because new information may be useful in ensuring a fair and judicious outcome to the process of evaluation. My understanding, however, of what's going on here really turns on the assumption that the extension of thirty days will yield up the possibility of settling one of the more troubling questions to come before the Board, and that involves the issue of informants and the capacity of the FBI to conceal from the American public the names of individuals who, in fact, bulk large or small in the assassination records relating to the murder of the president. So, I countenance this action, in the great expectation that the long-term benefits measured against a short-term delay will, in fact, be precedential. They will create a climate in which it will be possible for the Board to move expeditiously through the materials which are significant in size and, at the same time, to do so in a way that will promote the greatest openness. So, in that light, thirty days waiting for these select few documents taken out of a much, much larger and ultimately more significant selection of documents is certainly well worth the wait.

DR. JOYCE: I ...

MR. TUNHEIM: Go ahead, Bill.

DR. JOYCE: I think you're absolutely right about that, Kermit. The idea of creating a precedent in order for us to be able to enhance the ability and quality of the decisions that we've made by having more information in the short term will certainly strengthen our ability to make ... create a sound record of disclosure in the future as we continue our work.

DR. HALL: It's taken also in the light, I think, that there's an understanding that the ... that on the informant issue, the FBI will now be in the position of seeing it with substantially greater clarity. And that can only result in more, rather than fewer, documents being made available *in toto*.

MR. TUNHEIM: That certainly would be our hope and intent in going through this additional process with these particular records. Is there any further discussion by any member of the Board? Are we ready to vote? Seeing and hearing no disagreement, all in favor of the motion to withdraw the identified group of records from presidential consideration pending development of additional information by the FBI and the Department of State within the next thirty days, please say aye.

DR. NELSON: Aye.

DR. JOYCE: Aye.

DR. GRAFF: Aye.

DR. HALL: Aye.

MR. TUNHEIM: So we have all five members of the Board voting in favor of the

motion, and Mr. Marwell is recording that on a sheet of paper. Any other, any further business to come before the Board this afternoon?

DR. HALL: Motion to adjourn.

DR. GRAFF: Second.

MR. TUNHEIM: All those in favor of the motion to adjourn, please say aye.

BOARD MEMBERS IN UNISON: Aye.

MR. TUNHEIM: Opposed, say no. It's carried. Thank you very much. The meeting is concluded.