

Judge John D. Tunheim
Chairman
Assassination Records Review Board

Prepared Testimony In Support of
H.R. 1553,
To amend the President John F. Kennedy Assassination Records Collection Act of 1992 to extend the
authorization of the Assassination Records Review Board
until September 30, 1998.

Before the
National Security, International Affairs and Criminal Justice Subcommittee,
House Government Reform and Oversight Committee

June 4, 1997

I. Introduction

Mr. Chairman and Members of the Subcommittee, I would like to thank you for the opportunity to testify on behalf of the Assassination Records Review Board in support of H.R. 1553, which will extend the authorization of the Review Board for one year. This additional time will allow us to complete our work, including the review and public release of critical FBI and CIA records, submit a truly complete final report to the Congress and the President, and make available to the American public as much information as possible on the assassination of President John F. Kennedy.

I would also like to take this opportunity to thank Chairman Burton for introducing H.R. 1553, and Congressmen Waxman and Stokes for cosponsoring this bill. The members of the Board believe

that the additional year of operation will prove to be the appropriate step for the American public and history. These Members have shown an admirable bipartisan approach and an understanding that we, as a government, and as a nation, must do what we can to put closure on this sad chapter of our history, and that we must seize this opportunity to do it now. In addition, we would like to express our appreciation to Chairman Hastert for chairing this hearing today and giving us this forum to explain what the Review Board has accomplished to date and discuss what our focus would be in Fiscal Year 1998, if given the additional year.

Please allow me to introduce the other members of the Review Board with whom I have had the professional honor and personal pleasure to work: Dr. Henry F. Graff, professor Emeritus of History, Columbia University; Dr. Kermit L. Hall, Dean, College of Humanities, and Professor of History and Law, The Ohio State University; Dr. William L. Joyce, Associate University Librarian for Rare Books and Special Collections, Princeton University; and Dr. Anna K. Nelson, Distinguished Adjunct Historian in Residence, The American University. We have been honored to engage in this important effort to make the history of the Kennedy assassination available to the American public and I am pleased to be here today to testify before this Subcommittee and answer any of your questions.

First, I would like to briefly describe for you the professional staff that we are fortunate to have put together. The Executive Director is Dr. David G. Marwell, a professional historian who gained

vast experience dealing with large numbers of important historical documents in the Special Investigative Unit of the Department of Justice and later as the Executive Director of the Berlin Documents Center. He leads a staff of 25 full-time employees, who have varied background as historians, lawyers, investigators and administrators. The staff has approached this unique task with an aggressiveness, high level of professionalism and competence that has resulted in much new light being shed on the assassination through the release of assassination records and the acquisition of relevant records in private hands and local governments, not previously available to the American public. I believe that we compiled the type of professional and diversified staff envisioned by the Congress to do this difficult job.

II. Accomplishments to Date

As I know you are aware, the Review Board was created by The President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act) as an independent federal agency to oversee the identification and release of records related to the assassination of President Kennedy. As a result of lingering suspicions that the federal government possessed secret records that contained additional information about the assassination, the Congress determined that an independent board was the most effective and efficient vehicle to make all assassination records available to the public.

The Review Board has accomplished much since we began releasing records in July of 1995. The Board has acted to transfer more than 10,000 documents to the President John F. Kennedy

Assassination Records Collection (JFK Collection) at the National Archives and Records Administration. At the end of 1996, the JFK Collection totaled approximately 3.1 million pages and was used extensively by researchers from all over the United States.

By the end of Fiscal Year 1997, the Review Board will have reviewed and processed nearly all of the assassination records that have been identified by the approximately fifteen federal agencies believed to be in possession of relevant records, with the important exception of the FBI and the CIA. I will elaborate on the status of records held by these two agencies later. The overwhelming majority of previously redacted information will have been made public by the Review Board.

III. Release of Government Records Related to the Assassination

Before discussing what we will accomplish with an additional year, I would like to highlight for the Members of the Subcommittee some of the important records that the Board has made public. They include:

- * Thousands of CIA documents on Lee Harvey Oswald and the assassination of President Kennedy that made up the CIA's Oswald File and detail the agency's investigative moves following the assassination;
- * Thousands of once-secret records from the investigation of the House Select Committee on Assassinations, including the controversial Staff Report on Oswald's trip to Mexico several weeks before the assassination; and

- * Thousands of records from the FBI's core and related assassination files that demonstrate the FBI's interest in Oswald in 1960, after he had defected to the Soviet Union, three years before the assassination..

The important work in which the Review Board has been engaged can be best and most graphically demonstrated by showing you the “before” and “after” versions of one of the pre-assassination FBI document to which I just referred and that the Board has released to the public. Prior to the Review Board's review, this FBI document (JFK Collection Record Number: 124-10023-10236, Attachment Number 1) was only available to the public as you see it on the left. As you can see, it is largely redacted. The only information that was not secret was the date of the memorandum, “October 12, 1960,” that it was to the “Director, FBI,” from “Legat, Paris” (the FBI's office in Paris), that the subject was “Lee Harvey Oswald, Internal Security,” and that it had to do with a “Paris letter 9/27/60.” The rest of the text was blacked out. Obviously, this left room for a lot of speculation among historians and researchers regarding what was underneath all of that black ink on this document with the provocative subject title.

The Review Board aggressively pursued the release of this document and several others that relate to the FBI's interest in Oswald before the assassination. After prolonged negotiations with the FBI, an initial FBI appeal to the White House in an effort to keep the document secret, and a direct appeal to the Swiss government, we were able to release the document. The unredacted memorandum shows that the Swiss Federal Police had been enlisted by the FBI to try and locate Oswald and determine

whether or not he had enrolled at the Albert Schweitzer College in Churwalden, Switzerland. Now students of assassination are able to see the document in full and judge the importance of the document on what they see and not what they are kept from seeing.

IV. Release of Private and Local Records

In addition to the release of records in the federal government's vast files and consistent with the Board's mandate to make the historical record of the assassination as complete as possible, we have been aggressive in identifying and acquiring significant assassination-related records in the possession of private citizens and local governments, including:

- * The original personal papers of Warren Commission Chief Counsel J. Lee Rankin that give further insight into the operations of the Commission;
- * Copies of the official records of New Orleans District Attorney Jim Garrison's investigation of the assassination;
- * Long-lost films taken in Dallas on November 22, 1963 that the public had never seen and that shed new light on the events of that day;
- * Copies of records from the Metropolitan Crime Commission of New Orleans, including records on District Attorney Garrison's investigation and prosecution of Clay Shaw and records regarding New Orleans organized crime figures; and
- * Private collections of records from individuals including Warren Commission attorney Wesley Liebler, author David Lifton, FBI Special Agent Hosty, Attorney Frank Ragano, as well as others.

I am also pleased to announce today that the Review Board has just acquired the original personal

papers of Clay Shaw, the late New Orleans businessman who is the only person ever tried in connection with the assassination of President Kennedy. Shaw was acquitted by a jury in 1969 after being charged as part of District Attorney Garrison's investigation. The Shaw papers will surely add another dimension to this particular chapter of the assassination story.

All of these records will enrich the historical record of the assassination for future generations of Americans.

V. The Need For Additional Time

Despite our best efforts and some significant accomplishments that I have outlined, the Review Board will not be able to complete our work within the original three year timetable set by Congress for the following reasons:

- * The authors of the original legislation believed that our task would take three years. That estimate was based on the best available information at the time, but the legislation established an unprecedented process. There was no way of knowing the problems of scale and complexity that the Board has encountered, nor was there any way to factor in the aggressive and comprehensive approach we have taken in fulfilling our mandate;
- * The Board was not appointed until 18 months after the legislation was signed into law. As a result, without the guidance of the Board, federal agencies had to define for themselves the universe of records that should be processed under the Act and to speculate about the kind of evidence that would be needed to sustain the redaction of assassination-related information.

Once the Board was in place, agencies needed to revise a considerable amount of work. In

fact, many agencies have yet to complete their review and the Board is still seeking their compliance; and

- * Our enacting legislation imposed several restrictions on the manner in which the Board could operate. Unlike other temporary agencies, the 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. Locating and renovating space that was suitable for the storage of classified materials was required. As a result, the Board could not begin an effective review of records until the third quarter of our first year.

We are please and proud that the Review Board and staff have been able to overcome these obstacles, but we do not want to cease now with a reasonable conclusion within our sight. We want to finish the job we began.

VI. The Job Ahead

The additional year of operations will permit the Review Board to finish its task by completing several major areas of our work. Please be assured that these are identifiable projects that are critical to ensuring that the JFK Collection is as complete as possible, that relevant federal agencies have been held accountable and that all that we have done is documented in our final report. The major areas of focus in our final year would be the following:

- * CIA Sequestered Collection. The Review Board has completed its review of the Oswald “201 file,” the file created and maintained by the CIA on Oswald and the assassination. The Review Board is now faced with the task of reviewing the agency’s “Sequestered Collection,”

the large collection of files that was assembled by the CIA in response to requests made by the House Select Committee on Assassinations, chaired by Congressman Stokes, in the late 1970's. These records find their relevance to the assassination defined in part by the course of the HSCA investigation. The Sequestered Collection consists of 17 boxes of miscellaneous "working files," 63 boxes of CIA and HSCA-originated records, as well as 72 reels of microfilm. Unfortunately, these records are in a confused order, poorly described, and replete with duplicates. Some of these records are clearly of great significance, some are of only marginal interest, and the relevance of others cannot be identified.

- * FBI Sequestered Collection. The FBI divides its assassination records into two general categories. The first, is the "Core and Related Files," consisting of nearly 600,000 pages of files collected in the course of the massive FBI investigation into the assassination. The Review Board should complete its review of this significant collection by the end of FY 1997. The second, which the FBI refers to as its "HSCA records," is a large collection of records that were identified as being of interest to the HSCA and which remain to be reviewed by the Board. Like the CIA's Sequestered Collection, this voluminous body of records (approximately 280,000 pages) ranges widely in relevance to the assassination.
- * The Records of Some Federal Agencies and Congressional Committees. Additional time will allow the Board to finish its work with several agencies, including the National Security Agency, and Congressional Committees, including the Senate Intelligence Committee.
- * Search for Additional Records. With an one more year of operations, the Board's search for additional records held by government agencies, private individuals, and local governments would be concluded with greater confidence. Some of these records have been identified, but not yet acquired by the Board.
- * Federal Agency Compliance. In November 1996, the Review Board initiated a compliance program to ensure that federal agencies have fully cooperated with the Board in discharging its responsibility of assuring that Congress and the American public that the goals of the JFK Act have been accomplished to the greatest possible extent. The requests to document compliance with the JFK Act were sent to approximately 25 U.S. government agencies and departments to confirm that the U.S. government has identified, located, and released all records relating to the assassination of President Kennedy. The agencies' statement of compliance will be included in the Review Board's final report to the Congress. The

one-year extension will ensure that the compliance program is completed and fully documented in the final report.

- * Foreign Records. The Board has started the process of collecting and reviewing records held by a number of foreign countries, including Russia, Belarus, England, Germany, France, Japan, and Cuba. Contact has been made by the Board with several countries. Additional time will increase the likelihood of success.

It is important for the Review Board to complete these major projects. There will be some observers who will want to expand the parameters of the JFK Collection and advocate that the process go on. However, we understand that there must be closure. The Board believes that the completion of the project above, the inclusion of these important records in the JFK Collection, and the documentation of federal agency compliance as part of the final report will mark an appropriate point at which to conclude the Board's work. We are confident that all that remains for the Board can be accomplished in an additional year.

VII. Conclusion

Please be assured that in making this recommendation for a one year extension, we, the members of the Review Board are fully cognizant of the difficulties inherent in extending a temporary commission. We are aware of the concern that temporary bodies may have a self-preserving and self-perpetuating instinct, and want to assure you in the clearest and ,most unambiguous manner that the Board's recommendation is motivated strictly by its desire to complete the job. My colleagues and I were appointed as private citizens and have many competing claims on our time and energy. It

is our collective conviction that the additional time is necessary, and our sincerest commitment that we will complete our task by the end of Fiscal Year 1998, if given the means.

I would like to note that, as you may be aware, the Administration is supportive of the one year extension for the Review Board and has submitted an FY 1998 budget amendment to allow us to complete our work, close out our operation and submit our final report.

Since the Review Board began this effort three years ago, we have seen the widespread interest that the American public has in the assassination of President Kennedy. We have received thousands of letters, telephone calls, faxes and e-mail messages from those individuals who care deeply about our history. They come from all walks of life, from all over the country, and are of all ages. Their interest is of varying degrees and they do not all agree on what happened in Dallas on November 22, 1963. However, they do agree that the American public has the right to see the files on the assassination and make their own judgments.

I believe that what the Review Board is all about can be summed up in a letter we received from a man from California just last week. He is not a professional historian and he is not a student working on a paper for a history class. This private citizen is simply interested in learning about this tragic historical event. In his letter, the writer said:

In my humble opinion, it appears that the ARRB is having a healing effect

upon the American public, who may be coming to realize that there may be closure in sight (in our lifetimes) with regard to the JFK assassination.

These words capture why the Review Board was created by the Congress and why we hope that the Review Board will have the additional year to complete our task.

The Assassination Records Review Board was conceived as a means of eliminating uncertainty and speculation about the contents of government files relating to the assassination of President Kennedy.

We, the members of the Board, believe that a premature termination of the Review Board would surely generate intensified doubts within the general public about the commitment of Congress to release all information that relates to the assassination of President Kennedy, as well as renewed speculation about the conduct of our government and its institutions and personnel. If appropriate closure is not reached now, the identical issues will likely have to be addressed again in the future -- at even greater cost. The additional year that we recommend will allow for a confident conclusion of this important task.

Mr. Chairman, and members of the Subcommittee, on behalf of the members of the Assassination Records Review Board, I thank you for allowing us this opportunity to discuss our work and our future. We urge you to favorably report H.R. 1553. I would be happy to answer any questions that the members of the Subcommittee may have for me. The Board and staff stand ready to provide the Subcommittee with any additional information that may be required. Thank you.