

The JFK Assassination and the Public's Right to Know

by
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John R. Tunheim has been the Chief Deputy Attorney General in the State of Minnesota since 1986. He was nominated for the Assassination Records Review Board by President Clinton, confirmed by the U.S. Senate and sworn in on April 11, 1994. The Review Board has until October 1997 to oversee the identifications and release of all records related to the assassination of President Kennedy.

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The current, disturbing phenomenon of public mistrust in our government began, some argue, with the assassination of President Kennedy and its cloudy aftermath. A recent Gallup poll showed the percentage of Americans who "trust the government in Washington to do what is right" has dropped from 76 percent in 1964, shortly after the death of President Kennedy, to 19 percent today. The Assassination Records Review Board has the opportunity not only to make publicly available records that may clarify the facts surrounding the assassination, but also, along the way, the opportunity to reverse this trend and redefine the meaning of, and need for, secrecy in government.

The President John F. Kennedy Assassination Records Collection Act states that:

All Government records concerning the assassination of President John F. Kennedy should carry a presumption of immediate disclosure.

With these words, the American public has been given an extraordinary and unprecedented opportunity to gain insight into its government and its recent history. The Assassination Records Review Board, an independent presidentially appointed Federal panel created by the Act, will identify and secure all records relating to the Kennedy assassination. We believe that the Board and the Act will help to bring clarity to more than three decades of confusion, doubt, and controversy, and in the process also help to restore a measure of confidence in government.

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The Review Board, a panel of five private citizens, was created not to re-investigate the events in Dallas thirty-one years ago, but rather to ensure that all relevant records are made available to the public. When the Board completes its work, those who are interested will be able to use these records themselves and draw their own conclusions.

The breadth of powers accorded the Review Board will enable the American public to deepen its understanding of recent American history. Specifically, the Board has authority to:

- direct government offices to organize and transmit to the National Archives all "assassination records";

- inquire into all facts regarding government offices' handling of assassination records;

- compel testimony and the production of relevant documents from private persons;

- require an accounting regarding the destruction of any assassination record; and

- hold hearings, administer oaths, subpoena witnesses and documents, and also, importantly, to immunize witnesses.

The Board may decide in some cases to postpone the release of certain documents for reasons specified in the Act including national security and personal privacy. Such a decision, however, may be made only in the face of clear and convincing evidence -- a very high standard indeed -- that the harm caused by the release would outweigh the public's interest in immediate access to the information.

The controversy surrounding the Kennedy assassination is unlikely to disappear even after the Board's challenging work is complete, but the task is to assure the American public that no information about the assassination is being hidden by the Federal government. In the process, we are certain to see renewed public confidence in government, and perhaps a way for government business to be conducted more effectively -- and more openly -- in the future.