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H.R. 1553, PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD REAUTHORIZATION ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL AFFAIRS, AND CRIMINAL JUSTICE

OF THE

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

ON

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

JUNE 4, 1997

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H.R. 1553, PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD REAUTHORIZATION ACT

WEDNESDAY, JUNE 4, 1997

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL AFFAIRS, AND CRIMINAL JUSTICE,
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC.

The subcommittee met, pursuant to notice, at 12:15 p.m., in room 2154, Rayburn House Office Building, Hon. J. Dennis Hastert (chairman of the subcommittee) presiding.

Present: Representatives Hastert, Souder, LaTourette, Barrett, Cummings, and Turner.

Staff present: Robert Charles, staff director and chief counsel; Jeff Schaffner, professional staff member; Ianthe Saylor, clerk; David McMillen and Mark Stephenson, minority professional staff members; and Ellen Rayner, minority chief clerk.

Mr. HASTERT. The Subcommittee on National Security, International Affairs, and Criminal Justice will come to order. This hearing will focus on a very important piece of legislation: H.R. 1553, the John F. Kennedy Assassination Records Review Board Reauthorization Act. This bill was introduced by Chairman Dan Burton on May 8, 1997. Included in the original cosponsors: Ranking Minority Member Henry Waxman and Congressman Louis Stokes, our first witness for today, also who chaired the House Select Committee on Assassinations.

In 1992, 30 years after the assassination, nearly 1 million pages of records compiled by official investigations still have not been made public. Congress decided to set up a process for reviewing and releasing to the public the records surrounding the Kennedy assassination. The result was that on October 26, 1992 President Bush signed into Public Law 102–526, the President John F. Kennedy Assassination Records Collection Act of 1992.

The original act provided a 3-year timetable for a Review Board to compete its work. Unfortunately, extensive delays in the appointment of Board members delayed the Review Board's work from the very beginning. In 1994 the Congress extended the 1992 law's termination date for 1 year, until September 30, 1996. The Review Board subsequently exercised its authority under the statute to continue operating for 1 additional year.

The review process has proved to be more complex and time-consuming than anticipated. And although we believe that Congress

should not indefinitely continue funding Federal entities that were intended to be temporary, Chairman Burton and this subcommittee support the request for a 1-year extension of the Board's reauthorization. I believe that by releasing these documents to the public we serve the important public right to know and advance the cause of total accountability of the people of this country.

At this time I would like to recognize the gentleman from Wisconsin, Mr. Barrett.

[The prepared statements of Hon. J. Dennis Hastert and Hon. Dan Burton, and the text of H.R. 1553 follow:]

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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

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OPENING STATEMENT OF
CHAIRMAN J. DENNIS HASTERT
SUBCOMMITTEE ON NATIONAL SECURITY,
INTERNATIONAL AFFAIRS, AND CRIMINAL JUSTICE
June 4, 1997

This hearing will focus on a very important piece of legislation, H.R. 1553 - the John F. Kennedy Assassination Records Review Board Reauthorization Act. This bill was introduced by Chairman Dan Burton on May 8, 1997 and included original cosponsors Ranking Minority Member Henry Waxman and Congressman Louis Stokes, our first witness for today, who also chaired the House Select Committee on Assassinations.

In 1992, 30 years after the assassination, nearly one million pages of records compiled by official investigations still had not been made public. Congress decided to set up a process for reviewing and releasing to the public the records surrounding the Kennedy assassination. The result was that on October 26, 1992, President Bush signed into law, PL 102-526, the President John F. Kennedy Assassination Records Collection Act of 1992. The original Act provided a three-year timetable for the Review Board to complete its work.

Unfortunately, extensive delays in the appointment of Board members delayed the Review Board's work from the very beginning. In 1994, Congress extended the 1992 law's termination date for one year, until September 30, 1996. The Review Board subsequently exercised its authority under the statute to continue operating for one additional year.

The review process has proved to be more complex and time-consuming than anticipated and although we believe that Congress should not indefinitely continue funding Federal entities that were intended to be temporary, Chairman Burton and this Subcommittee support the request for a one-year extension of the Boards authorization. I believe that by releasing these documents to the public, we serve the important public right to know and advance the cause of total accountability to the people of this country.

H.R. 1553 extends the authorization of the Assassination Records Review Board for just one year to allow the Board to finish reviewing and then to make public the records relating to the assassination of President John F. Kennedy. Under current law, the authorization expires at the end of fiscal year 1997. With that, I turn to my good friend and the Subcommittee's ranking member, Tom Barrett for an opening statement.

DAN BURTON, INDIANA
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OPENING STATEMENT of the HONORABLE
DAN BURTON
CHAIRMAN, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

SUBCOMMITTEE HEARING on H.R. 1553, ONE-YEAR EXTENSION of AUTHORIZATION of the ASSASSINATION RECORDS REVIEW BOARD

JUNE 4, 1997

Mr. Chairman, I appreciate your holding this subcommittee hearing and markup on H.R. 1553, which I, along with Congressman Henry Waxman and Congressman Louis Stokes, introduced last month. While I am not aware of any controversy surrounding H.R. 1553, I believe it is important that the American people better understand the background and purpose of this legislation. Today's hearing will provide an opportunity to do this.

Before I proceed further, I want to take a moment to extend a warm welcome to Mr. Bruce Hitchcock, a constituent of mine who is testifying before the subcommittee today. Mr. Hitchcock teaches American government and history at Noblesville High School in my district. Three years ago, his Honors United States History class studied the Kennedy assassination, and he has regularly brought groups of his students out to Washington, D.C., to intern at the Review Board. This has been a wonderful "hands on" educational opportunity for the students, whom I've had the opportunity to meet when they were here in Washington.

H.R. 1553 amends the President John F. Kennedy Assassination Records Collection Act of 1992 (Public Law 102-526) to provide one additional year for the Assassination Records Review Board to complete its work, which is to review and publicly release documents relating to the Kennedy assassination at the earliest possible date. The American people have a right to demand accountability by the Federal government regarding the Kennedy assassination records. By allowing the Review Board to finish its work and make the Kennedy assassination documents public, Congress will demonstrate to Americans that the government has nothing to hide.

H.R. 1553 would extend the Review Board's September 30, 1997, termination date under current law to September 30, 1998. H.R. 1553 authorizes $1.6 million in fiscal year (FY) 1998 for this purpose. I would note that Congressman Stokes, who is an original cosponsor of my bill, sponsored the 1992 Act in the House and chaired the House Select Committee on Assassinations that was established in 1976.

The purpose of the 1992 legislation was to publicly release records relating to the Kennedy assassination at the earliest possible date. The Assassination Records Review Board was set up to review and release the voluminous amounts of information in the government's possession. The FBI, the Secret Service, the CIA, the Warren Commission, the Rockefeller Commission, the Church Committee in the Senate, and the House Select Committee on Assassinations have all held assassination records, and records have also been in the possession of certain state and local authorities as well as private citizens.

When the 1992 legislation was considered, nearly one million pages of records compiled by official investigations of the assassination had not been made available to the public, some 30 years after the tragedy. Congress believed that simply making all relevant information available to the public was the best way to respond to the continuing high level of interest in the Kennedy assassination, and was preferable to undertaking a new Congressional investigation. The 1992 law requires the Review Board to presume that documents relating to the assassination should be made public unless there is clear and convincing evidence to the contrary.

As a result of the Review Board's efforts, more than 10,000 documents have been transferred to the National Archives and Records Administration for inclusion in the JFK Collection. At the end of 1996, that collection totaled approximately 3.1 million pages and was used extensively by researchers from all over the United States. The Review Board was in the news last month when it voted to make public the Abraham Zapruder film of the Kennedy assassination.

The President John F. Kennedy Assassination Records Collection Act of 1992 originally provided a three-year timetable for the Assassination Records Review Board to complete its work. Unfortunately, there were lengthy delays in the appointment of Board members, and as a consequence the Review Board was scheduled to cease operations before it even began its work. As a result, in 1994 Congress "restarted the clock" by extending the 1992 law's termination date for one year, until September 30, 1996. The Review Board subsequently exercised its authority to continue operating for one additional year, until September 30, 1997. Because the review process proved to be more complex and time-consuming than anticipated, the President included in his FY 1998 budget a request for a one-year extension of the Review Board's authorization.

I support the Assassination Records Review Board's request for a one year extension of its authorization so that it can complete its mission in a professional and thorough manner. However, let me make it very clear that, as chairman of the Government Reform and Oversight Committee, I do not intend to support any additional extension of the Review Board's life beyond September 30, 1998. I have always believed very strongly that Congress should not indefinitely continue funding for Federal entities that were clearly intended to be temporary in nature. The Review Board has informed me that it is confident that it will be able to finish its work and compete its final report if Congress will extend its life for one additional year, until September 30, 1998, and will testify to that effect today.

I thank our witnesses for appearing before the subcommittee today, and I look forward to their testimony and the ensuing discussion.

105TH CONGRESS
1ST SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 1997

MR. BURTON of Indiana (for himself, Mr. WAXMAN, and Mr. STOKES) introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORIZATION OF ASSASSINATION RECORDS REVIEW BOARD.

The President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended—

(1) in section 7(o)(1), by striking "September 30, 1996" and all that follows through the end of the paragraph and inserting "September 30, 1998."; and

(2) in section 13(a), by striking "such sums" and all that follows through "expended" and inserting "to carry out the provisions of this Act $1,600,000 for fiscal year 1998".

Mr. BARRETT. Thank you, Mr. Chairman. I'm honored to welcome my esteemed colleague, Representative Louis Stokes, to testify before this subcommittee. We're fortunate to be able to draw on your experience in this area. Over 30 years ago this country was shocked by the assassination of President Kennedy in a way that it had not been shocked since the bombing of Pearl Harbor or the bombing of Hiroshima.

Yet today we are still prying papers out of the government about that assassination. The legislation that created the assassination Review Board broke new ground by establishing the principle that there should be a presumption of public access to government information. That legislation was necessary because administration after administration had failed to release documents. That should not be.

The assassination Review Board released millions of pages that could have otherwise remained locked in government file drawers. We are here today to extend the authorization of this Board, because the process of making government information public has been more complex and time consuming than anticipated. I am not criticizing the work of the Board or the dedication of its members. I am, however, critical of the fact that we are still fighting with our government to allow public access to government documents.

Congress has passed laws and resolutions reiterating the principles of public access that were laid down when this country was founded. Administration after administration has worked to thwart that access. I applaud President Clinton for his efforts to declassify documents, but we need to do much more.

I hope that every employee at the Office of Management and Budget and every agency in the government will pay attention to what this Board has accomplished. It is a refusal to allow public access that breeds suspicion of the government. It is the thwarting of public access that causes the public to mistrust government officials. If we are to turn the tide of mistrust and suspicion it will be done by opening the doors of access. Today is one step in that process. But there is much more work to be done. Thank you.

Mr. HASTERT. Thank you very much. I now hand it over to any members wishing to make an opening statement. If not, our first witness this morning is fellow Congressman Louis Stokes, who served as the chairman of the House Select Committee on Assassinations from 1976 to 1979 and as a cosponsor of this support and bill. And Mr. Stokes, we want to say welcome and thank you for your fine work in this area. And please proceed with your opening statement.

STATEMENT OF HON. LOUIS STOKES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. STOKES. Thank you very much, Mr. Chairman, Mr. Barrett, Mr. Turner, Mr. LaTourette. Mr. Chairman, I'd like to submit my written testimony for the record. And, if I may, I'd like to just summarize my testimony.

Mr. HASTERT. Without objection.

Mr. STOKES. Thank you. It seems, Mr. Chairman, though it's not as long as it is—but it's been actually 20 years—it was 1977 when I was appointed as chairman of the House Select Committee on Assassinations. We were authorized at that time and directed to complete an investigation surrounding the assassination and the death of President John F. Kennedy.

We completed, as you've already stated, our investigation in 1979. And on March 28th of that year we filed our final report. In addition to it, 12 volumes of evidentiary material printed by the Government Printing Office was made available to the American public. In addition to this, we conducted 18 days of public hearings and an additional 2 days of public policy hearings.

Now, prior to the committee running out of both time and money, we had released everything that we had the time and the resources to release. All of our other records were placed in the National Archives under House of Representatives Rule—which existed at that time—Rule XXXVI, requiring such unpublished records routinely to be sealed for 30 to 50 years.

The records of our committee relative to this investigation consisted of 935 boxes, which we turned over to the National Archives. Then, over the years, considerable public debate about these records has ensued, including accusations that these records, if released, would contain evidence of a government cover-up or complicity of government agencies in the assassination of President Kennedy.

A great deal of this was fueled in 1992 by a movie entitled "JFK." That movie contained many distortions to the facts and circumstances surrounding the death of our President. As a result of that movie my office was deluged with thousands of letters and telegrams by Americans calling for the release of these sealed files. As a Member of Congress and a former chairman of that committee, I deemed it important not to have the good work of our committee impugned by such base accusations.

Our committee had attempted to conduct its investigation into the assassination of the President and present the results of that investigation to the Congress and to the American people in a thorough and dignified manner in keeping with the memory of this great President.

Consequently, in 1992 I introduced, and the House and Senate passed, Public Law 102–526, a bill entitled, "The President John F. Kennedy Assassination Records Collection Act of 1992." That law created the Assassination Records Review Board, which mandated and authorized that Board to identify, secure, and make available all records related to the assassination of President Kennedy.

It was our intention, Mr. Chairman, that everything that could be released from every agency, every court record, anywhere they existed, that those records be released to the American people. Under the law, the Board had until October 1, 1996 to fulfill its mandate, plus an additional year at the Board's discretion. We were very fortunate to have a very distinguished panel. This panel was appointed by President Clinton 18 months after the law was enacted here by the Congress—a considerable delay in the appointment of this panel.

But we were very fortunate to have persons such as Chairman Tunheim, Dr. Henry Graff, Dr. Kermit Hall, Dr. William Joyce, Dr. Anna Nelson, and outstanding Executive Director David Marwell. Under this panel, they have now released more than 10,000 previously secret government documents. They have released a report which I would urge all the members of the committee to read if they have an opportunity, because I think you will see the extensive amount of work in which they have been involved.

They now need 1 additional final year in order to complete their work. Their work in this period of time will be primarily to secure the release of documents from the CIA and the FBI. Those are the two main agencies left from which they still have a considerable number of documents to be released.

Mr. Chairman, in closing, I think that it's important that we complete this work and in an orderly manner with full and complete disclosure to the American public so that they will feel that they know everything that their government knows about the assassination of their President. And I would urge the support and passage of this legislation sponsored by Chairman Burton on which I am one of the original cosponsors. I'd be pleased to answer any questions.

[The prepared statement of Hon. Louis Stokes follows:]

REMARKS OF
THE HONORABLE LOUIS STOKES (D-OH-11)
BEFORE THE
SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL AFFAIRS AND CRIMINAL JUSTICE
IN SUPPORT OF
H.R. 1553, TO EXTEND THE ASSASSINATION RECORDS REVIEW BOARD
JUNE 4, 1997

CHAIRMAN HASTERT AND MEMBERS OF THE SUBCOMMITTEE. I WOULD LIKE TO THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU THIS AFTERNOON IN SUPPORT OF H.R. 1553. THIS LEGISLATION WILL EXTEND THE ASSASSINATION RECORDS REVIEW BOARD FOR ONE ADDITIONAL YEAR. AS AN ORIGINAL CO-SPONSOR OF H.R. 1553, AND AS THE FORMER CHAIRMAN OF THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS, I HAVE A STRONG INTEREST IN THIS ISSUE.

AS YOU ARE AWARE, THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS WAS CREATED IN 1976 AND CHARGED WITH CONDUCTING A TWO-YEAR STUDY OF THE FACTS AND CIRCUMSTANCES SURROUNDING THE ASSASSINATIONS OF PRESIDENT JOHN F. KENNEDY AND DR. MARTIN LUTHER KING, JR. THE COMMITTEE COMPLETED ITS WORK IN 1979. WITH RESPECT TO THE KENNEDY ASSASSINATION, OUR COMMITTEE PUBLISHED 9 VOLUMES OF HEARINGS, WHICH INCLUDED THE TESTIMONY OF 55 WITNESSES AND 619 EXHIBITS.

IN THE YEARS FOLLOWING THE ASSASSINATION COMMITTEE'S WORK, OLD ISSUES AND NEW THEORIES CONTINUED TO SURFACE ABOUT THE ASSASSINATION OF PRESIDENT KENNEDY. CONSEQUENTLY, MY COLLEAGUES AND I WORKED IN 1992 TO ENSURE THE ENACTMENT OF THE "PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION ACT." I BELIEVED THEN, AND I REMAIN CONVINCED, OF THE NEED TO ASSURE THE AMERICAN PEOPLE THAT ITS GOVERNMENT IS NOT KEEPING INFORMATION SECRET THAT IS RELEVANT TO THE ASSASSINATION OF PRESIDENT KENNEDY.

THE ASSASSINATION RECORDS REVIEW BOARD WAS CREATED BY THE LAW TO OVERSEE THE IDENTIFICATION AND RELEASE OF RECORDS RELATED TO THE ASSASSINATION OF PRESIDENT KENNEDY. I AM PLEASED THAT DESPITE UNFORSEEN OBSTACLES, THE REVIEW BOARD HAS ACHIEVED SOME IMPORTANT ACCOMPLISHMENTS.

AS A RESULT OF THE REVIEW BOARD'S DILIGENT EFFORTS, MORE THAN 10,000 PREVIOUSLY SECRET GOVERNMENT DOCUMENTS ARE NOW MORE FULLY AVAILABLE TO THE AMERICAN PEOPLE. WHEN OUR ORIGINAL LEGISLATION WAS DRAFTED, WE BELIEVED THAT THE REVIEW BOARD'S TASK COULD BE COMPLETED IN THREE YEARS. ALTHOUGH THAT ESTIMATE WAS BASED ON THE BEST AVAILABLE INFORMATION, IT IS NOW CLEAR THAT THE BOARD WILL NEED MORE TIME TO PROCESS THE REMAINING CLASSIFIED RECORDS, PRIMARILY FROM THE CENTRAL INTELLIGENCE AGENCY AND THE FEDERAL BUREAU OF INVESTIGATION.

I STRONGLY SUPPORT THE ENACTMENT OF H.R. 1553 TO EXTEND THE ASSASSINATION RECORDS REVIEW BOARD FOR AN ADDITIONAL YEAR. IT IS A CREDIT TO THIS INSTITUTION THAT WE CAN PROVIDE HISTORIANS AND THE AMERICAN PUBLIC WITH ALL RELEVANT INFORMATION CONCERNING THE ASSASSINATION OF PRESIDENT KENNEDY. IT IS MY BELIEF THAT WE SHOULD ALLOW THE ASSASSINATION RECORDS REVIEW BOARD TO COMPLETE THIS IMPORTANT UNDERTAKING.

I WOULD BE PLEASED TO ANSWER ANY QUESTIONS.

Mr. HASTERT. Thank you, Mr. Stokes. I really appreciate the work that you have done here. I have just two brief questions here. Actually three. You believe that the Review Board is up and running smoothly now?

Mr. STOKES. Absolutely. In spite of the delay of 18 months, they have done just a yeoman's amount of work. It's just been almost incomparable to realize how much they have done. And to their credit, they feel that if given just this one additional year, that they will complete the work.

Mr. HASTERT. And do you believe that this process is consistent with the goals of your original legislation in 1992?

Mr. STOKES. Yes, I do, Mr. Chairman.

Mr. HASTERT. And then you are confident, as you said before, that the Review Board can finish its task by September 30, 1998?

Mr. STOKES. I'm just very confident that in projecting the fact that they can finish this work in 1 year. And when they say, themselves, as they will say to you when they appear, this will be 1 final year.

Mr. HASTERT. Thank you very much. And thank you for your testimony.

Mr. STOKES. Thank you, Mr. Chairman.

Mr. BARRETT. Thank you, Mr. Chairman. I don't have a lot of questions, either. I just want to compliment you, Congressman Stokes, on the fine job that you have done.

Mr. STOKES. Thank you.

Mr. BARRETT. Just one question. Do you think that in the unfortunate and hopefully unlikely scenario that there are future assassinations that this was a good way to approach this problem—the panel that you served? Do you think that you have accomplished what you intended to accomplish?

Mr. HASTERT. Mr. Barrett, at the time that we undertook this panel and Congress passed the act to create this panel, 85 percent of the American people believed that someone other than Lee Harvey Oswald had participated in the assassination of President Kennedy. A national poll had told us that. There were boundless rumors and myths. People were writing numerous books and things of that sort. And as a consequence of it, I think that putting this panel together and permitting this type of investigation was very helpful. I think it allayed many of the rumors and myths that grew up and abounded around the assassination of our President.

However, I don't think that they've put to bed everything. We uncovered many things. For instance, we pointed out many things that the Warren Commission had not done properly. And we were able to destroy many of the myths, such as the umbrella man theory and things of that sort. But we couldn't put everything to bed. We had begun that investigation 15 years after the assassination of the President.

I think if had we been given this type of investigation immediately after it had occurred, it would have been a different result. But many of the witnesses had died, evidence had disappeared. As you can see now, there were materials which we were not able to get even within that 2-year period before we went out of existence. And so, as a consequence of it, I think we did an outstanding job. No one has ever been able to refute any of the work that we did.

No one has been able, thus far, to say that anything was ever covered up from the American people.

And so, to that degree, I think that it performed a good service for the American people.

Mr. BARRETT. OK. Thank you very much.

Mr. HASTERT. The gentleman from Ohio.

Mr. LATOURETTE. Thank you, Mr. Chairman. Mr. Chairman, I want to thank you for having this hearing today and for also expediting the markup on 1553, and give praise to the cosponsors, our chairman, Mr. Burton, Mr. Waxman, and also to Congressman Stokes. The editorial comment I would make is I'm always amazed at each succeeding day that I serve in Congress of the rich history that a number of our colleagues have. And to now have our fine colleague from Ohio, Congressman Stokes from Cleveland, here, and talk about his previous work in the House Select Committee on Assassinations.

Although many members in the House remember his service, I would venture to say that there are a number of people back home that don't know all of the things that you've done during your many years of service to this Congress and this country. Just as an example, the other day I found out—and I don't know if you're a lawyer or not, Mr. Chairman—but I found out that Congressman Stokes—well, you're lucky you're not a lawyer—but I am. And I'm proud to be a lawyer. And I found out that Congressman Stokes was responsible for a ruling called *Terry* v. *Ohio.* And you might have heard of a Terry frisk and search. And I didn't know that until the other day, that Congressman Stokes had a hand in that. So, again, we find Congressman Stokes showing up again sharing his expertise with the country.

Louis, the one question that I would have deals with, in both your written testimony and then also your observations to Congressman Barrett's question you talked about the JFK movie and all of the rumors and innuendos and the public polls. And you still run into people, as I'm sure I still run into people that aren't convinced that Lee Harvey Oswald acted alone on that November day in Dallas. And part of it has to do, I think, with, after your Commission met, and now the legislation in 1992 and a little delay in getting everybody in place in the Review Board, do you think it was necessary—after you've reviewed the documents in this case—that we waited, as a government, 34 years to make these documents available? Was there something impinging upon the national security that you found or discovered that made it necessary for the government to wait 34 full years before releasing this information and hopefully dispelling some of those rumors?

Mr. STOKES. No. Thank you very much, Mr. Latourette, firstly for your nice remarks. But it's a good question, because not many people realize that this was not—when we sealed these records for the period 30 to 50 years, this was not done because of anything relative to this particular investigation. That was a House Rule in existence at that time that applied to any committee that when it completed its work and filed its final report, if they had documents which had not been released publicly, under that House Rule, they had to be sealed for 30 to 50 years.

The same applied to the other part of that investigation which we conducted, which was to investigate the assassination of Dr. Martin Luther King, Jr., which was a companion part of our investigation. So that applied to that one also. But as a result of it, in compliance with the House Rule, it just sort of sat there until things were stirred up by that JFK movie, and it sort of brought things to a head.

Mr. LATOURETTE. OK. The principles behind your 1992 legislation—the Assassinations Record Collection Act—obviously now we collect records differently than we did before. A lot of them are electronically stored. Do you think that we can use that act as a vehicle should another tragedy—God forbid we should ever have such another tragedy in this country—but should another tragedy such as this occur, and can we use the lessons learned in the model of this Review Board to prevent the significant time lag between the date of event and the eventual release of documents for public review?

Mr. STOKES. I would hope, Mr. LaTourette, that we have learned some lessons. First, here in the Congress we no longer have such a rule in effect. And that will help us, I think, tremendously. But also, I think by the agencies now working with a review panel of this sort, and the realizing that many of the type of documents which they will cite to you in their testimony—for instance, there is a very interesting document that they will talk about where the whole page, with the exception of just the date and the name of a country, everything was redacted. And under their work, that whole page has been released and everyone can read that.

What you do by that is that you're able to allay all the suspicion as to what really has been redacted and people can really see. And then you can't have the kind of rumors and myths that grow up around it. And I think and hope that, in the event of such an occurrence in the future—which all of us hope will never occur—that our agencies will realize that this has been a good example of how we can allay some of the fears and suspicions that the American people have around the manner in which we conduct this type of thing.

Mr. LATOURETTE. Thank you very much, Congressman Stokes, for your expertise.

Mr. STOKES. Thank you.

Mr. LATOURETTE. And thank you, Mr. Chairman, for yielding.

Mr. HASTERT. Thank you, and at this time recognize the gentleman from Texas.

Mr. TURNER. Thank you, Mr. Chairman. All I would add is to also compliment you, Mr. Stokes, for your many years of work on this effort. I, too, stand somewhat in awe of the number of years of service and your contributions to this body.

Mr. STOKES. Thank you.

Mr. TURNER. And I know the Congress and the American people are grateful for the years of service you have provided not only on this issue, but on many other issues to which you've contributed. And I also want to thank those who served on this panel, because I'm sure that it's a time-consuming endeavor to carry out this task. Thank you, Mr. Chairman.

Mr. STOKES. Thank you, Mr. Turner.

Mr. HASTERT. Thank you, Mr. Stokes.

Mr. STOKES. Thank you.

Mr. HASTERT. Will the second panel come forward, please. Our distinguished second panel includes four witnesses: Mr. John Tunheim, chair of the Assassination Records Review Board, Mr. Steven Tilley, Chief of the John F. Kennedy Assassination Records Collection at the National Archives; we also have Mr. Max Holland, author and contributing editor of the Wilson Quarterly, and Mr. Bruce Hitchcock, a historian and teacher at Noblesville High School in Indiana, our distinguished chairman's home State. And I also would say that at this time Mr. Burton wanted to be here to make a few comments. He is not here yet. We may entertain that at any time. So, if you gentlemen would please stand.

[Witnesses sworn.]

Mr. HASTERT. Thank you. Let the record show that the witnesses answered in the affirmative. And if we'd start with you, Mr. Tunheim.

STATEMENTS OF JOHN TUNHEIM, CHAIR, ASSASSINATION RECORDS REVIEW BOARD; STEVEN TILLEY, CHIEF, JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION, NATIONAL ARCHIVES; MAX HOLLAND, AUTHOR, CONTRIBUTING EDITOR, WILSON QUARTERLY; AND BRUCE HITCHCOCK, TEACHER, NOBLESVILLE HIGH SCHOOL, INDIANA

Mr. TUNHEIM. Thank you, Mr. Chairman. I, too, would like to submit my written testimony for the record and just give a brief summary to the members of the subcommittee today. I'd like to thank the subcommittee for this opportunity to testify today in favor of House bill 1553. And I'd also like to note our thanks to Congressman Stokes for his leadership on this issue and his guidance in the important effort to release the records relating to the tragic assassination of President Kennedy.

The Review Board is confident that the additional time requested and provided by Congressman Burton's bill will allow us to complete our work and submit a truly complete final report to the Congress, to the President, and to the American public. I'd like to thank Chairman Burton for introducing the bill and Congressmen Waxman and Stokes for cosponsoring the bill that is before this subcommittee today. And I also appreciate, Mr. Chairman, your role in chairing this hearing today and assisting in this effort.

One of the other members of the Review Board is present with us today. I'd like to introduce her. Dr. Anna Nelson, who is the distinguished adjunct historian in residence at the American University and is seated in the row directly behind me. Dr. David Marwell, the executive director of the Review Board, is also here, as are a number of staff members who are very professional and very dedicated and have done their work for us very well.

The Review Board, Mr. Chairman, began releasing records in July 1995 pursuant to the act passed by Congress. And thus far, the Board has acted specifically to transfer more than 14,000 documents to the JFK Collection at the National Archives. That collection, as Mr. Tilley will tell the subcommittee shortly, now contains more than 3.7 million pages worth of material.

I'd like to show one brief and rather dramatic example of the work that the Review Board is doing. Congressman Stokes mentioned this issue in his testimony. This involves one particular record. This is the before version, the record that was available to the public up until several years ago. You probably cannot see it from here, but it was a document that was sent from the FBI's representative in Paris to Director Hoover on October 12, 1960. That is indicated at the top of the memorandum. The subject, as indicated, is Lee Harvey Oswald internal security. And then it says, "Re: Paris letter, 9/27/60." And the remainder of the entire document is blacked out.

Not surprisingly, a document like this dated 3 years prior to the assassination of President Kennedy, a document sent to J. Edgar Hoover, attracted a great deal of interest among researchers who saw it, because everything was blacked out underneath. The speculation that individuals had about this was great. While the Board aggressively pursued the release of this information, initially ordering its release, the FBI appealed that decision to the President.

Subsequently, we worked out with them, including an aggressive effort to contact Swiss authorities, who were the subject of this particular document. I met personally with the Swiss Ambassador to the United States to ask for his assistance in obtaining Swiss approval to release it. And here is the record that is now released to the American public at the National Archives. All of the material is released.

And what it indicates was the FBI was interested in whether Oswald was indeed attending a college in Switzerland during that period of time. And the document tells about the investigation that Swiss authorities did to determine whether Oswald was indeed enrolled. He was someone who the FBI was following because of his interest in defecting to the Soviet Union.

That's a good example of the type of work that the Review Board is doing, pursuing individual releases of information that has long been redacted from the public. The Board has worked closely with Federal agencies. The vast majority of the records are at the CIA and the FBI. We have completed the review of the core collections in both of those agencies. And significant numbers of materials have been released.

The Board has also been aggressive in identifying and acquiring significant assassination related records that have been in the hands of private citizens and local governments. Just a couple of examples: the papers of J. Lee Rankin, who was the chief counsel to the Warren Commission, have now been released through the efforts of the Review Board. Virtually all of the records of the prosecution in New Orleans of Clay Shaw were also released.

And I'm announcing for the first time today that the Review Board has just acquired the original personal papers of Clay Shaw. He was the individual prosecuted in New Orleans in 1969—the only individual prosecuted for the assassination of President Kennedy. That will add another dimension to the story.

This is an example of his diary, which the Board has just obtained, and will be released as soon as we can process the materials. It's very interesting. It's his diary from the day that he was

arrested on March 1, 1967, and his feelings about Oswald on that particular day.

Despite the best estimate, Mr. Chairman, that this job could be done in 3 years, we cannot finish our work by the end of this fiscal year. We're confident that in the additional year we will be able to get through the records, which will largely involve the sequestered collections at the CIA and at the FBI, records sequestered by the House Select Committee on Assassinations.

I'd be happy to answer any questions, Mr. Chairman, that you and the Members have.

[The prepared statement of Mr. Tunheim follows:]

Judge John R. 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 would extend the authorization of the Review Board for one final year. The Board acknowledges that all of the issues surrounding the assassination of President Kennedy will likely never be fully resolved, however, this additional time will allow us to complete our work, including the review and public release of critical FBI and CIA records, submit a comprehensive and 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. These Members have exhibited an admirable bipartisan spirit and an understanding that we as a government, and as a nation, must bring closure to a 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. It provides an opportunity to explain what the Review Board has accomplished to date and discuss how we could finish our work in Fiscal Year 1998, if given the opportunity.

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.

I would also like to describe briefly the professional staff that we are fortunate to have hired. The Executive Director is Dr. David G. Marwell, a professional historian who gained vast experience dealing with large numbers of important historical documents with the Office of Special Investigations at the Department of Justice and later as the Director of the Berlin Document Center. He leads a staff of 28 full-time employees, who have varied backgrounds as historians, lawyers, analysts, investigators, and administrators. The members of the staff have approached their unique task with seriousness of purpose, creativity, professionalism, and competence, and have assisted us in shedding new light on the assassination through the release of thousands of Federal Government records, and the acquisition of records in private hands and local governments that were not previously available to the American public. I believe that we assembled exactly the type of professional and diversified staff that Congress envisioned would be necessary to accomplish this difficult assignment.

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. I know that certain members of this subcommittee played a role in crafting and passing the JFK Act—a unique piece of legislation designed to remove doubt and speculation about the content of government records related to the assassination of President Kennedy. As a result of these lingering suspicions, 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 previously secret records in June of 1995. The Board has acted to transfer more than 14,000 documents to the President John F. Kennedy Assassination Records Collection (JFK Collection) at the National Archives and Records Administration. We would not have been successful in our efforts without the significant assistance of the National Archives. The JFK Collection currently totals approximately 3.7 million pages and is 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 more than 30 different government offices 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 one final 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 activities following the assassination;

* Thousands of once-secret records from the investigation by the House Select Committee on Assassinations, chaired by Congressman Stokes, including the controversial Staff Report on Oswald's trip to Mexico City;

* Thousands of records from the FBI's core and related assassination files that document the FBI's interest in Oswald from 1959-63, after he had defected to the Soviet Union, three years before the assassination; and

* The extensive FBI files on its investigation of 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 documents 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 available to the public as you see it on the left. As you can see, it is heavily 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 representative 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 version of the document left room for a great deal of speculation among historians and researchers regarding what was underneath the black ink on this document with the provocative subject title.

The Review Board aggressively pursued the release of the redacted information in this document and several others that relate to the FBI's interest in Oswald before the assassination. After protracted 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 information. The unredacted memorandum shows that the Swiss Federal Police had been enlisted by the FBI to try to locate Oswald and to determine whether or not he had enrolled at a school in Switzerland. Now the public is able to see the document in full and judge its importance. In its redacted state, the document could have meant anything that a researcher's imagination and speculation could invent. In its released form, it must be analyzed for what it says.

IV. Identification and Location of Additional Assassination Records

One of the most important, most difficult, and most time-consuming responsibilities of the Review Board is to identify and locate additional records that are relevant to the assassination. This is a task that to some degree must logically come later in the process, after the Review Board has gained a full understanding of the records that have already been identified. Although the Review Board has made a significant number of requests for additional records and information, some of which I would like to outline, much remains to be done before it can be confident that it has completed this responsibility.

I would like to highlight some of our efforts to identify and locate additional assassination records. Some examples:

* Medical Records Inquiry. The Review Board has several ongoing efforts to identify and locate assassination records involving medical issues. As with any homicide, the medical records are among the most important pieces of evidence. As part of its attempt to ensure that the medical records are as complete as possible, the Review Board staff has deposed the principal pathologists involved in President Kennedy's autopsy, as well as other individuals who had knowledge of the autopsy and related photographic records.

* Identification and Location of Additional FBI Records and Information. The Review Board has continued its efforts to locate additional FBI assassination records by making several requests for records and information. The FBI has assisted in this effort by giving the Review Board members access to requested files. The JFK Task Force at the FBI has, on the whole, been extremely cooperative and helpful to the Board and has provided the requested information.

* Identification and Location of Additional CIA Records and Information. The Review Board has initiated a number of requests to the CIA for additional information and records. The Review Board expects that these requests will be promptly and fully satisfied during the upcoming year.

* Identification and Location of Additional Secret Service Records and Information. Time consuming and careful review of Secret Service activities by the Review Board produced a series of requests for additional records and information that, in turn, led to the identification of additional relevant assassination records. For example, in response to the Review Board's first eight requests for additional information, the Secret Service has submitted more than 1,500 pages of material.

* Identification and Location of Additional Military Records and Information. The Department of Defense (including its many components and the military services) (collectively "DOD"), identified few assassination records on its own initiative. DOD has nevertheless been cooperative with the efforts of the Review Board to locate assassination records. When such records have been located, DOD has been willing to release the records with few redactions.

  Additional work would be required in our last year to ensure that all assassination records in the military archives have been made a part of the JFK Collection. Fortunately, the diligent efforts of the ARRB staff have set the stage for accomplishing this task.

V. 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;

* The original papers of New Orleans attorney Edward Wegmann, from his work as a member of the legal team that successfully defended Clay Shaw in 1969 against a charge of conspiracy to kill President Kennedy.

* 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;

* 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; 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. Once these records are processed and described by the National Archives, they will be available for research.

VI. The Need For Additional Time

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

* First, 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 would encounter, nor was there any way to factor in the comprehensive approach we have taken in fulfilling our mandate.

* Second, 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 initially defined 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 redo a considerable amount of work. In fact, many agencies have yet to complete their review and the Board is still seeking their compliance.

* Third, our enabling 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 pleased and proud that the Review Board and staff have been able to overcome these obstacles, and that we have developed an efficient and effective process for the review of records. All involved in this process want to see that the job is done, and do not want to cease now with a reasonable conclusion in sight. We want to finish the job we began, and with one additional year we can.

VII. 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 Board would focus in our final year on 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 originally consisted of 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 are 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 will 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 Secret Service, the National Security Agency, and Congressional Committees, including the Senate Intelligence Committee.

* Search for Additional Records. With one more year of operations, the Board's search for additional records held by Federal 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 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 27 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' statements 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.

It is important for the Review Board to complete these major projects. The Board believes that the completion of the task outlined 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.

VIII. An Approach to the Review of the Remaining CIA and FBI Records

It is clear to the members of the Review Board that there is much work to be done. The review of the remaining CIA and FBI records is a cumbersome and complicated task. However, the Board and staff have the benefit of our experience to date that sets the stage for an efficient and effective review of the remaining records. I would like to briefly describe our early experiences reviewing records and how the past two years set a firm foundation for the future and would work to our advantage in our last year.

Our review of records in the early months was slowed by the complexities of the issues raised in the records. The unprecedented new standards of the JFK Act, which go far beyond those established under the Freedom of Information Act, required a time-consuming early phase.

At first, the review process proceeded slowly and the agencies were afforded ample opportunity to present their evidence. Over time, the Review Board began to standardize its interpretation of the relevant section of the JFK Act and the issues raised in the various documents. Now that the Review Board and the agencies are familiar with the rigorous demands of the JFK Act, the process has accelerated. In a progressively increasing number of cases, records that initially contained proposed postponements can be released through a "consent" process. In this consent process, the ARRB staff notifies an agency that its proposed postponements are not likely to be approved by the Review Board and the agency thereupon voluntarily consents to the release of the information.

In our review of the FBI's "Core and Related Files" and the CIA's "Oswald 201 File," the records that have been the focus of our attention to date, we subjected every requested redaction to a rigorous test: did the evidence of the harm that would result from the release of the information outweigh the public interest in the information?

In considering our review of the CIA and FBI "Sequestered Collections," the Board recognized that it needed to develop a different approach, one that would take into account the varied degree of relevance of individual records to the assassination. Only in this way could the Board ensure that it would appropriately expend its resources in its last year. As a first step, the Board carefully analyzed each collection in order to determine what priority should be assigned to the category of records. In addition, the Board developed a set of guidelines for the review of these records which recognized that some categories of records did not require the intensive word-by-word review that had been the rule for the core collections that have been the subject of the Board's attention to date. The development of these guidelines began with the August 6, 1996 Board public hearing and culminated in their adoption at the October 16, 1996 Board meeting. The ARRB staff will distinguish between records whose relevance to the assassination is clear and those not believed to be relevant (or "NBR"). Applying these new standards will permit the ARRB staff to identify and review the most significant remaining records in order of priority.

These detailed guidelines will reduce the loss of valuable Review Board and ARRB staff time expended to review, on a word-by-word basis, those documents that have a remote relationship, at best, to the Kennedy assassination. Those documents that are identified as relevant to the assassination will continue to be reviewed word-by-word. These standards of relevance are designed to ensure that the greatest number of true

assassination records is properly identified, reviewed, and made public in the JFK Collection at the National Archives.

The fruits of our labor from the first three years would be realized in our last year, one in which we would be reviewing some of the most difficult records, and potentially most important records, but with the benefit of our invaluable experience. I am happy to report that we have received assurances from the FBI and CIA that they will work with us in a final year to make sure that the necessary resources are applied so that our task can be completed.

IX. Conclusion

In making our 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 our recommendation is motivated strictly by our 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 witnessed the widespread and passionate 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 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 public has the right to see the files on the assassination.

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. The author is not a professional historian, not a student working on a paper for a history class, but simply a private citizen interested in learning about this tragic historical event. He wrote the following:

> "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.

Mr. HASTERT. Thank you. We'll hold all the questions until the end of the testimony.

Mr. TUNHEIM. Very well.

Mr. HASTERT. Mr. Tilley.

Mr. TILLEY. Mr. Chairman, I am Steven Tilley, and I am Chief of the Access and Freedom of Information staff at the National Archives and Records Administration. And I wish to thank you for the opportunity to testify today for the National Archives in support of H.R. 1553. I am appearing today in my capacity as NARA's chief of the President John F. Kennedy Assassination Records Collection. In that role, I am charged with implementing NARA's responsibilities under the act. And I serve as NARA's liaison to the Assassination Records Review Board. It's my understanding that my written statement will be made part of the record. Therefore, I'll be brief in my remarks.

Mr. Chairman, this month marks the 20th anniversary of the closing of the office of the Watergate Special Prosecution Force. I oversaw the closing of that office and supervised the transfer of those records to the National Archives. Most of my career at the National Archives since then has been working with sensitive records. In 1993 I became chief of the JFK Collection. And I've served in that capacity ever since.

When the Review Board members were confirmed by the Senate in April 1994, my staff and I began to work with the Board and later with the Board's staff to provide information on the records of the JFK Collection, the development and use of NARA's data base, our contacts and discussions with other agencies involved in searches for assassination records, and the existence of assassination records in the custody of private repositories or individuals.

The Review Board and NARA have maintained an excellent working relationship through the 3 years of the Board's existence. And I'd like to think that this close relationship has in some way contributed to the success of the Review Board. NARA enthusiastically supports passage of H.R. 1553 to extend the Review Board's authorization. The Board needs the time designated in this bill to complete its important work in making available as complete of a historical record as possible concerning the assassination of President Kennedy.

I would like to briefly offer for your consideration some statistics and facts to demonstrate the success of the Board. The JFK Assassination Records Collection has grown to more than 1,600 cubic feet of records, or approximately 3.75 million pages from more than 30 different government offices. These numbers are a testament to the work of the Board in obtaining the cooperation of the entire Federal Government as well as private donors in this important task.

For the information of the committee, Mr. Chairman, I have attached to my testimony a copy of the register of the collection, which lists the major groups of Federal records and private papers along with a supplemental listing of FBI records. Not only has the collection increased dramatically in size, the significance of the records in the collection cannot be underestimated. In addition to the records of numerous executive branch agencies and offices, the records of relevant congressional committees, related court cases

and records donated by private entities are also available in the collection.

This rich documentation is searchable electronically, giving researchers the ability to seek out documents concerning a topic, person or event, or even individual documents not only at NARA's College Park facility but from their own personal computer through the Internet. Finally, Mr. Chairman, public demand for these records is the ultimate evidence of the value of this collection. Reference requests have risen in number every year since the collection opened with new records in 1993. This year we have already received over 600 written inquiries, an increase of over 30 percent from this period last year.

The number of inquiries on our computer Web site has also steadily increased since March 1996 when the assassination records data base was made available through the Internet. It has been accessed over 100,000 times by the public.

Due to the exceptional work of the Assassination Records Review Board, great progress has been made on making available as complete a record as possible in the history of the assassination of John F. Kennedy. Without the focus, integrity and expertise of the Review Board, the collection would not have the size, quality or public demand witnessed today.

However, there is still much to do. NARA supports passage of H.R. 1553 so this important work can be completed.

That concludes my statement, Mr. Chairman. I'd be glad to answer any questions.

[The prepared statement of Mr. Tilley follows:]

Statement of

Steven D. Tilley, Chief of the Access and Freedom of Information Staff
National Archives and Records Administration

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

June 4, 1997

Mr. Chairman, I am Steven D. Tilley, Chief of the Access and Freedom of Information Act Staff of the National Archives and Records Administration (NARA). I wish to thank you for the opportunity to testify today on behalf of NARA in support of H.R. 1553, which will extend the authorization of the John F. Kennedy Assassination Records Review Board for one year to September 30, 1998. I am appearing today in my capacity as NARA's Chief of the President John F. Kennedy Assassination Records Collection. In that role I am charged with implementing NARA's responsibilities under the Act and I serve as NARA's liaison to the Assassination Records Review Board (ARRB). This afternoon I would like to tell you a little bit of my background concerning records of the assassination of President Kennedy, explain the role of NARA in implementing the Act, and outline why the National Archives and Records Administration supports passage of this important piece of legislation.

Mr. Chairman, my career as an archivist has involved working with some of the most sensitive and highly classified records of our Government. I oversaw the closing of the office of the Watergate Special Prosecution Force (WSPF) and supervised the transfer of these records to the

National Archives in 1977. I worked with the records of the WSPF for more than 11 years, serving for most of that time as the senior archivist for those records. I also served as the senior archivist for the records of the National Security Council (NSC) following the transfer of the NSC records of the Truman and Eisenhower Administrations in 1983. In 1989 I joined the staff of the National Security Council, where I served as Director of Freedom of Information Act/Privacy Act Activities and later as NSC's Director of Information Disclosure with responsibility for all disclosure activities of the NSC. In 1993, I returned to NARA to become the Chief of the JFK Collection, and I have served in that capacity ever since. I became the Chief of the Access and FOIA Staff in January of this year.

Under the JFK Act, NARA had several major responsibilities. Three of these requirements, however, proved to be central to the work of the Assassination Records Review Board. Our first responsibility was to formally establish the President John F. Kennedy Assassination Records Collection which we accomplished with the publication of an announcement in the Federal Register on December 21, 1992. As established on that date, the Collection only consisted of open records already in NARA's custody, primarily the records of the Warren Commission. Secondly, within 45 days of the statute being signed, NARA was required to prepare and make available standard identification forms for use by all government offices in describing assassination records and to create a database of these forms to serve as an electronic finding aid to the JFK Collection. Our third responsibility, which we shared with other government offices, was to identify, review, and make available to the public all assassination records that could be disclosed under the provisions of the law within a 300 day review period. Descriptions of all records

reviewed were required to be entered into the database where they would be made widely available to the public.

At the end of the review period in August 1993, newly released records were made available for research, including most of Lee Harvey Oswald's 201 Personality file, part of the Central Intelligence Agency's "segregated collection" of assassination related documents, and the records of the House Select Committee on Assassinations. The database was also available for use by researchers on that day.

When the ARRB members were confirmed by the Senate in April, 1994, my staff and I began to work with the Board and later with the Board's staff, to provide information on the records in the Collection at that time, the development and use of the database, our contacts and discussions with other agencies involved in searches for assassination related documents, and the existence of assassination records in the custody of private repositories or individuals. The ARRB and NARA have maintained an excellent working relationship through the 3 years of the Board's existence, and I would like to think that this close relationship has in some way contributed to the success of the ARRB.

NARA enthusiastically supports passage of H.R. 1553 to extend the ARRB's authorization for one additional year. Our mission is not unlike that of the ARRB : to ensure ready access to essential documentary evidence. For the Board the essential evidence is any records relating to the assassination of President Kennedy. The additional one year designated in this bill is sufficient

to allow the ARRB to complete its important work in making available as complete an historical record as possible concerning the assassination of President Kennedy. We would like to offer for your consideration some statistics and facts to demonstrate the success of the Board and support its one-year extension.

The John F. Kennedy Assassination Records Collection today bears little resemblance to the Collection that was established in December 1992. At that time, the Collection consisted of approximately 450 cubic feet of records from a few agencies. Today, the Collection has grown to more than 1,600 cubic feet of records or 3.75 million pages from more than 30 different government offices. Those numbers are a testament to the work of the Review Board in obtaining the cooperation of the entire Federal government in this important task.

The ARRB has not only succeeded in obtaining the cooperation of the Federal agencies but has also negotiated the donation of very important records that were previously held in private hands. Donations have included the related papers of James Garrison and Edward Wegmann, the prosecutor and defense attorney in the conspiracy trial of Clay Shaw, and the papers of J. Lee Rankin, the General Counsel and Chief of Staff of the Warren Commission. Copies of the papers of Senator Richard Russell, a member of the Warren Commission, that were donated to the University of Georgia are being reviewed and we hope will be made part of the Collection in the near future with the agreement of the University. For the information of the Committee, Mr. Chairman, I have attached to my testimony a copy of the Register of the Collection, which lists

the major groups of Federal records and private papers, along with the supplemental listing of FBI files.

Not only has the Collection increased dramatically in size, the significance of the records in the Collection cannot be overestimated. In addition to the records of numerous Executive branch agencies and offices, the records of relevant Congressional committees, related court cases, and records donated by private entities are available in the Collection. This rich documentation is searchable electronically, giving researchers the ability to seek out documents concerning a topic, person, or event, or even individual documents, not only at NARA's College Park facility, but from their own personal computer through the Internet. Equally important, the Collection provides researchers with a view of how our government worked during this period in history, as the documents reflect not only the operations of government as the offices and agencies reacted to the death of the President but also how these offices and agencies were operating in regard to other events that are related to the assassination, such as the campaign to destabilize the government of Cuba or the FBI's investigation of various organized crime figures. Perhaps this unique window on the operations of these agencies may be the most important result of the development of the Collection.

Furthermore, the Collection continues to grow. Additional FBI records will be added in the weeks and months ahead. Records of the Departments of the Army and Navy and the Joint Chiefs of Staff are currently under review. The addition of these records will only add to the richness of the Collection and increase its value to the general research community.

Public demand for these records is the ultimate evidence of the the value of the Collection. Reference requests have risen in number every year since the Collection opened with new records in August 1993. This year we have already received close to 600 written inquiries, an increase of 30% over this time last year. The number of inquiries on our computer website is also steadily increasing. Since March, 1996 when the Collection was made available through the NARA website, the assassination records have been accessed over 100,000 times by the public. Many of the written inquiries we receive include copies of record identification forms taken from the database, showing that the researcher has accessed our website and downloaded information. The availability of the database via the Internet remains one of the most important developments that have come from this process.

Due to the exceptional work of the John F. Kennedy Assassination Records Review Board, great progress has been made on making available as complete a record as possible on the history of the assassination of John Kennedy. Without the focus, integrity, and expertise of the ARRB, the Collection would not have the size, quality, or public demand witnessed today. However, there is still much to do. NARA supports passage of H.R. 1553 so that this important work can be completed.

28, chunky but well built, dark eyes, dark hair, Italianish. However, like all the DA's assistants, and indeed the DA himself, he wore a pistol, which I found rather unnecessarily dramatic. Once I was settled in his office, I wanted to know exactly why I had been asked out there and he explained that the DA's office was still interested in the Kennedy assassination. He told me further that ~~the~~ information had been received that during his stay in New Orleans, Oswald had been associating with someone named Clay who lived in the French Quarter and of course they had thought about me. I assured him that I had never met Oswald and then told them the story of the distribution of leaflets. It seems that one day during the summer of 1963, Oswald had appeared at the International Trade Mart office and had talked to J.B. Dauenhauer, my assistant. He had asked J.B's permission to distribute leaflets in front of the building, which were issued by the FAIR PLAY FOR ~~of~~ Cuba Committee. J. B. told him he had no permission to do anything of the sort, but this apparently did not deter Mr. Oswald. At any rate, about 2:30 in the afternoon, someone came in and said there was a big commotion going on in front of the Trade Mart. Someone was passing out leaflets and TV cameras were there, as were the police. At the moment I was involved with a long distance call and said I would come down as soon as this was over, but by the time I had finished and got out in front of the building, the TV men were packing up their cameras, Mr. Oswald had disappeared somewhere and the police cars were departing. I put it down as just another nut, God knows we had our share of them in and around the International Trade Mart and thought no more about it. Indeed I had forgotten it completely until in talking to J.B. from San Francisco on ~~the day of~~ AFTER the assassination, he reminded me of the incident and said this was the man who was now charged as being the President's assassin. I explained to Sciambra that I had not at any time had an opportunity to see Oswald, and had never met him under any other circumstances and added what turned out to be a very ironic remark—that it was perhaps unfortunate that I did not because then I might possibly have had a tiny footnote in history.

Mr. HASTERT. Thank the gentleman. Mr. Holland.

Mr. HOLLAND. Thank you, Mr. Chairman. I'd like to make a brief statement summarizing my testimony. Nearly 75 years after President Lincoln's assassination, a chemist turned author named Otto Eisenschiml provoked a national furor with his 1937 book, "Why Was Lincoln Murdered?" Eisenschiml claimed one of the most important events in American history was still a mystery. And Eisenschiml claimed to have uncovered the truth: President Lincoln was a victim of a conspiracy organized by his Secretary of War, Edwin Stanton, who was allegedly opposed to the President's program for a charitable post-war reconstruction of the South.

When pressed, Otto Eisenschiml openly admitted that he had no evidence to support his case. At the same time, though, it was precisely the documentary record that enabled critics to prove that Eisenschiml's book was just another in a long line of lunatic theories about the first assassination of an American President.

Here lies, I submit, the long-term importance of the work being carried out by the AARB. The meaning of the raw data being unearthed by the Review Board will probably not be appreciated any time soon by the generations sentient when President Kennedy was murdered in Dallas. But if these generations cannot come to terms with history as it happened in their lifetimes, then at the very least they have an obligation to hand over, insofar as possible, a complete and thorough documentary record. Citizens will need that record to rebut the Otto Eisenschimls of the next century—not that there is any dearth of them now.

I strongly support, without qualification, extension of the Review Board for another year and full funding of its operations. Bringing its work to an abrupt end would not only diminish the investment of time and resources already made; in all likelihood, it would throw the whole initiative into chaos. Not least of all, gutting the effort now would surely create an ineradicable suspicion about the Federal Government's intentions in the first place.

I'd like to spend the balance of my time describing the three areas where I think the Review Board has made its greatest contributions. The first has to do with the Warren Commission. The Review Board's labors have resulted in many new documents that I believe will eventually remove the stigma that has been attached to the Commission, which is probably the most unfairly reviled and ridiculed entity ever created by the Federal Government.

These records paint a sobering portrait of our Federal Government during a very traumatic time. It's not the idealized versions depicted in civics textbooks nor the demonized version featured on talk radio. It's the real Federal Government: imperfect, plodding, driven by ambition, distrust, rivalries, compartmentalized by secrecy, working at cross purposes or in ignorance, simultaneously guided by the most banal bureaucratic instincts and the most elevated national concerns.

Somehow, through all of that, it does struggle and manage to do the right thing. Besides the Warren Commission, I think the work of the Review Board has made a very substantial contribution toward understanding the operations of the intelligence community. The assassination necessarily caused what could only be termed a mobilization of the U.S. intelligence community's far-flung re-

sources. The government had to determine that weekend who was responsible and whether the assassin or assassins had any co-conspirators either foreign or domestic.

Consequently, the records being released now constitute a gold mine of information about domestic and foreign intelligence operations at the midpoint of the cold war. These records not only shed new light on what the government knew 34 years ago, the release is an object lesson in why they were kept secret for all those years. They do not contradict the Federal Government's official conclusion as stated in the Warren Report. Rather, the documents were kept secret because they disclosed or tended to disclose ongoing intelligence sources and methods.

With the release of these documents, the intelligence community's record in the wake of the assassination can finally be assessed with some fairness and thoroughness. The fact is that the information provided by the FBI, CIA and other agencies was instrumental in preventing the U.S. Government from overreacting when the circumstantial public evidence was highly suggestive of a link between Lee Harvey Oswald and a foreign power.

The last area in which the Review Board has made perhaps its greatest contribution has to do with the whole issue of secrecy and disclosure. The balance between secrecy and disclosure has always been in favor of secrecy, especially since World War II, controlled by laws highly deferential to the equities of the interested government agencies. The five citizens who serve on the Review Board decided that if their mandate was to have any meaning, it was imperative to pierce this veil.

They had to get at categories that had been classified heretofore, including information derived from intelligence sources and methods. While some historians have been critical of the resources devoted to this particular effort, I like to believe that a breakthrough had to be achieved somewhere. And, in fact, the records pertaining to President Kennedy's assassination make an excellent demonstration project of what can now be released. The lines drawn by the Review Board should prove helpful as the government undertakes to declassify the vast body of records generated during the cold war.

Finally, I'd like to say that the entire history of the Federal Government's efforts in the wake of the assassination, including the experience of the Review Board, serves as a cautionary tale. Perhaps it will enable the government to strike a better balance between secrecy and disclosure in the future. For there exists no better example of the heavy wages of doubt, suspicion, and public cynicism exacted by secrecy than the Kennedy assassination experience.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Holland follows:]

Testimony of Max Holland

Re the Assassination Records Collection Act of 1992

Before the House Subcommittee on

National Security, International Affairs

and Criminal Justice

4 June 1997

Scarcely a day goes by without a published allegation about some kind of monstrous government conspiracy or cover-up. The downing of Flight 800 off Long Island last summer; the explosion at the Murrah Federal Building in Oklahoma City; the assassinations of Malcolm X in 1965 and Martin Luther King, Jr. in 1968; and the controversy over the 1980's crack cocaine epidemic in Los Angeles, all have one thing in common despite being widely separated in time, space and cause: in each instance, the federal government has been accused of orchestrating the crime and/or at least having foreknowledge of the planned crime and being completely indifferent to it.

The "virulence of the national appetite for bogus revelation," as H.L. Mencken called it, is an old, recurrent

strain in a country with a relatively short history. Professor Richard Hofstader defined it memorably in 1964 as the "paranoid style in American politics," and why it ebbs and flows is a question for philosophers, historians, sociologists, and psychologists. Indisputably, it is beyond the resources of this or any government to eradicate such an embedded human pattern. To quote Mencken again, "delusion fits more snugly" than the truth. Nonetheless, the government has the indisputable obligation of doing whatever it can to make the truth transparent when such national calamities occur. And since one thing governments do best is generate paper, discharging that obligation inevitably takes the form of releasing whatever federal records have been generated.

In our time the main melodrama for conspiracy theorists is the assassination of President John F. Kennedy. In one sense the continuing fixation on this tragedy is not that all remarkable. One need only look at the aftermath of the Lincoln assassination. Nearly 75 years after that tragedy, a chemist-turned-author named Otto Eisenschiml provoked a national furor with his 1937 book, *Why Was Lincoln Murdered?*. Eisenschiml claimed one of the most important events in American history remained unexplained; a great political crime had been committed without an adequate motive. And Eisenschiml claimed to have uncovered the truth. Lincoln was the victim of a conspiracy organized by his Secretary of War, Edwin Stanton, who was allegedly opposed to the President's program for a charitable postwar Reconstruction of the South.

When pressed, Otto Eisenschiml openly admitted that he had no evidence to support his case against Edwin Stanton. At the same time, it was precisely the documentary record that enabled critics to prove that Eisenschiml's book was just another in a long line of lunatic theories about the first assassination of a President.

Here lies, I submit, the long-term importance of the work being carried out by the Assassination Records Review Board (ARRB) established under P.L. 102-526. Given the contemporary disbelief attached to the Warren Commission, the meaning of the raw data being unearthed by the Review Board will probably not be appreciated any time soon by the generations sentient when President Kennedy was murdered in Dallas. Still, if those generations cannot come to terms with history as it happened in their lifetimes, then at the very least they have an obligation to hand over, insofar as possible, a complete and thorough documentary record so that future generations will have a basis from which to see the past clearly. Citizens will need government record to rebut the Otto Eisenshimls of the next century--not that there is any dearth of them now.

I strongly support, without qualification, extension of the Review Board for another year and full funding of its operations. I believe the ARRB has been a great success, if largely unheralded, and it would be a great mistake if the Congress failed to pass the proposed one-year reauthorization. Bringing the ARRB's work to a abrupt end would not only diminish the

investment of time and money already made--in all likelihood it would throw the whole initiative into chaos. The Review Board needs more time and money to accomplish its reasonable goals, and plan for an orderly way to proceed when it is no longer around to ride herd on other federal agencies. And not least of all, gutting the effort now--which is to say, prematurely--would surely create ineradicable suspicion about the federal government's intentions in the first place.

To be sure, I have a special, vested interest in the Board's continued existence which I must declare in fairness. I am writing a book about the Warren Commission, and the ARRB has located and made available hundreds of government records that I find invaluable. Of course, my very familiarity with the documentary record and Review Board's achievements is why I was invited here to testify. Let me add too that my position is influenced by my perception of the federal employees engaged in this task. I have come to know and respect members of the Review Board, ARRB staff, and National Archives personnel who are engaged in this undertaking. I firmly believe they ought to have the means to finish the task to which they have devoted themselves with great diligence and integrity over the past three years. They have treated everyone with courtesy and respect regardless of their point of view.

The balance of my statement will describe the three, inter-related areas in which I believe the Review Board has made its greatest contributions.

The Warren Commission

In 1963, when federal officials faced a situation similar to the one in 1865--the death of the accused presidential assassin before he could be tried--it was their fervent hope that the appointment of a panel of respected citizens would prevent a recurrence of the phenomena that occurred in the wake of President Lincoln's violent death. But if polls are your guide, today a large majority of Americans do not believe the conclusions reached by the Warren Commission, and by that measure, one might be tempted to say the Commission was an utter failure.

My view is that the Warren Commission, for all it problems and shortcomings, achieved its paramount task. And the federal government, via the Commission, did not violate its sacred duty to tell Americans the truth about who murdered the 35th President of the United States insofar as the facts could be established.

The Review Board's labors have resulted in many new documents that will help correct the historical record, and over time, remove the stigma that has been attached to the Commission, which is probably the most unfairly reviled and/or ridiculed entity ever created by the federal government. These records paint a sobering portrait of our federal government during a traumatic time. It's not the idealized version depicted in civics textbooks nor the demonized version featured on talk radio. It's the real federal government: imperfect, plodding, riven by ambition, distrust, and rivalries, compartmentalized by secrecy, working at cross-purposes or in ignorance,

simultaneously guided by the most banal bureaucratic instincts and the most elevated national concerns. Somehow, through all of that, it does struggle and manage to do the right thing.

In other words, the history unearthed by the Review Board will enable us to see the Warren Commission as it truly was. Established to determine the facts about a heinous crime, the Commission is simultaneously a window onto the vast, clanking, imperfect machinery of government as it then existed.

Intelligence Community

Because it occurred near the height of the Cold War, the assassination necessarily caused what could only be termed a mobilization of the U.S. intelligence community's far-flung resources. The government naturally had to determine who was responsible and whether the assassin(s) had any co-conspirators, either foreign or domestic.

Consequently, the records generated in 1963 and 1964 constitute a gold mine of information about domestic and foreign intelligence operations at the mid-point of the Cold War. When, to cite only one example, Lee Harvey Oswald sauntered into Mexico City in hopes of reaching Cuba, he literally entered the Berlin of the Western Hemisphere. But via once-classified documents released after careful deliberation, the American public now has a bird's-eye view of how the United States monitored the Communist bloc there via all manner of technical means, including hidden microphones, wiretaps and photographic surveillance.

These records not only shed new light on what the government knew 34 years ago, however. Their release is also an object lesson in *why* they were kept secret for all these years. It was not because they contradict the federal government's official conclusion as stated in the Warren Report. Rather, the intelligence agencies sought to protect them because they disclosed intelligence sources and ongoing methods.

With disclosure of this new information, the intelligence community's record in the wake of the assassination can finally be assessed with some fairness. The fact is that the information provided by the FBI, CIA and other agencies was instrumental in preventing the U.S. government from over-reacting at a time when the circumstantial, public evidence was highly suggestive of a link between Oswald and a foreign power.

Secrecy & Disclosure

Perhaps the Review Board's most important and lasting accomplishment is that it has established new precedents for the release of once-classified documents. The balance between secrecy and disclosure has always been in favor of secrecy, controlled by laws highly deferential to the equities of the interested government agencies. In other words, much of what the government wanted to keep secret has been kept secret.

The five citizens who serve on the Review Board decided, however, that if their mandate was going to have any meaning, it was imperative to pierce the veil. They had to get at categories of information that had invariably remained classified, including

information derived from intelligence sources and methods. The end of the Cold War as well as the sheer passage of time had to be factored in.

While some historians have been critical of the resources devoted to this particular effort, I believe that a breakthrough had to be achieved somewhere, and that the records pertaining to the assassination of President Kennedy constitute an excellent "demonstration project." The lines drawn by the Review Board should prove helpful as the government undertakes to declassify the vast body of records generated during the Cold War.

In addition, the entire history of the federal government's efforts in the wake of the assassination, including the Review Board's performance, can serve as a cautionary tale. Perhaps, one hopes, it will enable the government to strike a better balance between secrecy and disclosure in the future.

For there exists is no better example of the heavy wages of doubt, suspicion and cynicism exacted by secrecy.

Per House Rule XI, Clause 2(g)(4), and Committee Rule XII, I hereby state that I have received no federal grants, contracts, or subcontracts, nor do I represent any entity receiving same in the last two fiscal years.

Mr. HASTERT. I thank the gentleman. And now, Mr. Hitchcock, I'd like to welcome you especially. The gentleman from Ohio asked me a little while ago if I was an attorney. Indeed, I was not an attorney. I happened to be a history teacher for 16 years before I ever got into politics. So it's certainly a noble trade. And I'm happy that you are here. I know that the chairman wanted to introduce you personally, but he couldn't make it this afternoon. You contributed students, I understand, to clerk for this Commission and have been involved in it to a very high degree. So we welcome you and will listen to your testimony.

Mr. HITCHCOCK. Thank you, Mr. Chairman. And I, too, would ask that my written statement be entered into the record. And I will briefly summarize.

Mr. HASTERT. Without objection, all written statements will be entered into the record.

Mr. HITCHCOCK. Thank you. My name is Bruce Hitchcock, and I am a teacher at Noblesville High School, located in Noblesville, IN, which is a community approximately 20 miles north of Indianapolis. I am currently completing my 28th year in secondary education. My teaching assignment has primarily been in the areas of U.S. history, American government, and international relations. And I want to express my appreciation to the committee for affording me the honor and privilege of being here today and permitting me to make some brief remarks about which I have very strong convictions, not only as a citizen but as an educator.

In the spring of 1994 I assigned my honors U.S. history class a project studying the assassination of President John F. Kennedy. This project culminated in the students placing the Warren Commission Report on trial. Half of the class represented the prosecution and half of the class defended the Warren Commission Report. The class became quite interested in and many would say obsessed with this subject.

The project resulted in a trial which became quite intense and divisive, so much so that the class had to have a party at the end of the semester to rekindle friendships. They became so fascinated with the subject of the assassination that they requested an opportunity to travel to Washington, DC during the summer following their graduation to do additional research.

From that modest class assignment developed an internship opportunity with the JFK Assassination Records Review Board. To date, four student groups from Noblesville High School have interned with the Review Board, with the fifth scheduled for the week of June 16th of this year. When this group completes its work, a total of 56 of our students will have participated in this unique and truly educational opportunity. I might add that except for the first group, succeeding groups have studied, researched, and prepared for their internship on their own time, outside normal class meetings.

The most recent group to participate did so over spring break. The fact that students wanted to spend their vacation working with government records reflects the interest that the JFK assassination has for students. In my 28 years of teaching I have never had a topic create as much interest as the assassination of President Kennedy. It is a mystery, and it provides an excellent research op-

portunity as well as a chance for students to be actively involved in learning.

Since November 22, 1963, there have been many who have believed and still believe the government did conceal, continues to conceal, and will continue to conceal the truth. If the Review Board is permitted time to complete its work, it will assist in defusing the last two charges. We cannot prevent the speculation that someone did conceal the truth. But the argument that a cover-up continues and will continue can at least be defused or discouraged.

What has been lost cannot be replaced. However, what still exists can be made public. We should have access, and our students should have access to the information and documents still in existence. This is an opportunity for the U.S. Government to provide a credible response to public interest. The Review Board established by the Congress is actually a group of citizens telling the government what to do and what to release.

An opportunity exists in this era of skepticism to restore some credibility and trust in the government. In his recent book, "The Approaching Fury," author Stephen B. Oates quotes John Ferling as saying, "Events by themselves are unimportant. It is the perception of events that is crucial."

Perhaps in 1997 the most important aspect concerning the assassination of President Kennedy is the perception shared by many of a conspiracy involving individuals and agencies of the U.S. Government. Do we not owe our young people the opportunity to form the most accurate perception possible? Do we not owe them the chance to see as much of the truth intact as can be assembled? It seems to me that we owe this generation and all succeeding generations the opportunity to question, to study and to form opinions on the basis of information they can view independently without solely relying on the opinions of others.

Oftentimes while I'm in the classroom, I observe students who have opinions but little to substantiate them. Congress has a chance before it in some small way or maybe in some large way to at least provide them with some more information so that they may have their turn in determining what the JFK assassination means. We have been affected by this event. For 34 years we have been affected. The 56 students from Noblesville High School have, as have countless others, been affected by the events of November 22, 1963.

The study of this event has the public's interest. It is an event to which the public and students can relate. It touches people. As an aside, last week an article was published in the Indianapolis Star—I have a copy with me today—regarding our school's ongoing JFK assassination project. Within a day of its publication I had received phone calls from a gentleman offering 500 pages of documents for our use and from a former teacher calling me with information regarding some scholarship opportunities.

I also received a call from ABC News Nightline, and yesterday, before leaving Noblesville High School, received a call from Atlanta, GA offering information. The subject of the call from Nightline was seeking information as to what Noblesville High School students were doing with regard to the study of the assassination. Together I think these calls reflect continued local and

national interest in continuing to probe into what happened in Dallas.

Congress has the opportunity to lay the facts before the American public and permit a more reasoned, rational and fact-based account and discussion of the assassination. I would hope that the committee would take into consideration the fact that the Review Board had a 1-year delay before truly becoming operational, that it is making a one time request for an extension, that the Review Board has been on task and on budget, that the Review Board has conducted its business in a professional and non-partisan manner, and in 1992, when the act was passed by this Congress and signed by President Bush, the enormity of the task was not and could not be fully appreciated.

An opportunity exists to complete a task which I believe is overwhelmingly supported by the American public. And it is important that this mission and mandate authorized by Congress be completed.

I would like to end with just a couple of quotes, one from former Senator Bob Dole, who said in a different context, "This is not about only who we are, it is about have we made a difference." This is a chance to make a difference. And as former President Reagan often said, "If not us, who, and if not now, when?"

After 34 years, it is time to let the public know the facts that remain. To do less would be a tragedy and a travesty. As an educator I believe that our most important task is to provide our young people the complete story of who we are and why we are who we are. We have the opportunity to work toward the accomplishment of that goal. It is an opportunity I believe we cannot afford to miss.

In his last speech in Fort Worth on November 22, 1963 President Kennedy said, "We would like to live as we once lived, but history will not permit it." History can only be served by permitting the public to see the evidence.

Mr. Chairman, as a further aside, if I might just have a few seconds.

Reflective of our students' interest in this event, I have my honors government classes perform the project of a model Congress. And one of the students this year—they could write a bill on whatever subject they wished—and one student who worked with the Review Board last year introduced House Concurrent Resolution 1 in support of the Review Board, and concludes, after all the whereases, "The Congress of the United States firmly supports the Assassination Records Review Board in all endeavors leading to the collection, review and release of the documents regarding the assassination of President Kennedy, and supports the extension of the life of the AARB for an additional fiscal year."

Thank you, Mr. Chairman.

[The prepared statement of Mr. Hitchcock follows:]

My name is Bruce Hitchcock and I am a teacher at Noblesville High School located in Noblesville, Indiana, a community approximately twenty miles north of Indianapolis. I am currently completing my twenty-eighth year in secondary education. I was a member of the faculty of Noblesville Junior High School for ten years and I am completing my eighteenth year at Noblesville High School. My teaching assignment has been primarily in the areas of United States history, American government, and international relations. I want to express my appreciation to the committee for affording me the honor and privilege of being here today and permitting me to make some brief remarks concerning an issue about which I have very strong convictions, not only as a citizen, but as an educator.

In the spring of 1994, I assigned my Honors United States History class a project studying the assassination of President John F. Kennedy. This project culminated in the students' placing the Warren Commission Report on trial. Half of the class represented the prosecution, and half portrayed the defense of the Warren Commission Report. The class became quite interested in, many would say obsessed with, this subject. The project resulted in a trial which became quite intense and divisive, so much so that the class had a party at the end of the semester to rekindle their friendships. They became so fascinated with the subject of the assassination that they requested the opportunity to travel to Washington during the summer following their graduation to do additional research on the assassination.

From that modest class assignment developed an internship opportunity with the JFK Assassination Records Review Board. To date, four student groups from Noblesville High School have interned with the Review Board with a fifth scheduled for the week of June 16. When this group completes its work, a total of fifty-six of our students will have participated in this unique and truly educational opportunity. I might add that except for the first group, succeeding student groups have studied, researched, and prepared for their internship on their own time outside normal class meetings. The most recent group to participate did so over spring break. The fact that students wanted to spend their vacation working with government records reflects the interest that the JFK assassination has for students. In my twenty-eight years of teaching, I have never had a topic create as much interest as the assassination of President Kennedy. It is a mystery and it provides an excellent research opportunity as well as a chance for students to be actively involved in

learning.

Since November 22, 1963, there have been many who have believed and still believe the government did conceal, continues to conceal, and will continue to conceal the truth. If the Review Board is permitted the time to complete its work it will assist in defusing the last two charges. We cannot prevent the speculation that someone did conceal the truth but the argument that a cover-up continues and will continue can, at least, be discouraged. What has been lost cannot be replaced; however, what still exists can be made public. We should have access, and our students should have access to the information and documents still in existence. This is an opportunity for the United States government to provide a credible response to public interest. The Review Board, established by the Congress, is actually a group of citizens telling the government what to do and what to release. An opportunity exists in this era of skepticism to restore some credibility and trust in the government.

In 1893 J. Holt wrote, "I am anxious before I pass away to know that the vindication of yourself has been laid before the country, and to know further that it has been accepted as a triumphant response to the calumnies of the past." This was written about an individual who had researched and developed some theories regarding the assassination of President Lincoln. Perhaps this quote can be applied today. The government might vindicate itself by finally placing the available information before the country and its citizenry.

In his recent book, The Approaching Fury, author Stephen B. Oates quotes John Ferling as saying, "Events by themselves are unimportant; it is the perception of events that is crucial." Perhaps, in 1997, the most important aspect concerning the assassination of President Kennedy is the perception shared by many of a conspiracy involving individuals and agencies of the United States government. Oates also quotes William Faulkner thus: "I think that no one individual can look at truth. It blinds you. You look at it and you see one phase of it. Someone else looks at it and sees a slightly awry phase of it. But taken all together, the truth is in what they saw though nobody saw the truth intact." Do we not owe our young people the opportunity to form the most accurate perception possible? Do we not owe them the chance to see as much of the truth intact as can be assembled? It seems to me that we owe this generation and all succeeding generations the opportunity to question, to study, and

to form opinions on the basis of information they can view independently without solely relying on the opinions of others.

Oftentimes, while I am in the classroom, I observe students who have opinions but little to substantiate them. Congress has a chance before it, in some small way, to at least provide them with more information so that they may have their turn in determining what the JFK assassination means. We have been affected by this event. For thirty-four years we have been affected. The fifty-six students from Noblesville High School have, as have countless others, been affected by the events of November 22, 1963.

I was a sophomore in high school in fifth period band class when the announcement of the assassination was broadcast over the school's public address system. At that moment I could not imagine that one day I would be sitting before a congressional committee playing a role in a project involving the continuing pursuit of the answer as to what really happened on November 22, 1963. I could not have imagined that in the 1990's I would be working with students so fascinated, curious, and interested in what really happened on that day.

The study of this event has the public's interest. It is an event to which the public and students can relate. It touches people. As an aside, last week an article was published in the *Indianapolis Star* regarding our school's JFK Assassination project. Within a day of its publication I had received phone calls from a gentleman offering documents for our use and a former teacher informing me of some scholarship opportunities. I also received a call from ABC's *Nightline*. The subject of this call was seeking information as to what Noblesville High School students were doing with regard to the study of the assassination. Together, these calls reflect continued local and national interest in continuing the probe into what happened in Dallas.

Congress has an opportunity to lay the facts before the American public and permit a more reasoned, rational, and fact-based discussion about the assassination. It has a chance to allay some of the skepticism currently associated with the assassination as well as with the government itself. A summary of the Assassination Records Review Board's FY '96 annual report states, "the 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. 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 have to be addressed again in the future -- at even greater cost. The recommended additional year will allow for a confident conclusion of this important task."

I would hope this committee would take into consideration the following:
- The ARRB experienced a one-year delay before truly becoming operational.
- The ARRB is making a one-time request for an extension.
- The ARRB has been on-task and on-budget.
- The ARRB has conducted its business in a professional, effective, and non-partisan manner.
- In 1992 the enormity of the task was not, and could not be, fully appreciated.
- An opportunity exists to complete a task which I believe is overwhelmingly supported by the public.
- It is important this mission/mandate authorized by Congress be completed.

Again, in my twenty-eight years of teaching history and government no event has captured the interest, focus, and curiosity of students more than the assassination of President Kennedy. I would hope the committee will recommend that Congress grant the Review Board the opportunity to complete its work and lay before the American public as much of the factual information as is possible. It is important.

Former Senator Bob Dole said in a different context, "This is not only about who we are -- it is about have we made a difference." This is a chance to make a difference. And, as former President Reagan often said, "If not us, who? And if not now, when?" After thirty-four years it is time to let the public know the facts that remain. To do less would be a tragedy and a travesty. As an educator, I believe that our most important task is to provide our young people the complete story of who we are and why we are who we are. We have an opportunity to work toward the accomplishment of that goal. It is an opportunity I believe we cannot

afford to miss.

In his last speech in Ft. Worth on November 22, 1963, President Kennedy said, "We would like to live as we once lived, but history will not permit it." History can only be served by permitting the public to see the evidence.

Mr. HASTERT. I thank the gentleman. I thank the panel. Now I recognize the gentleman from Wisconsin, Mr. Barrett.

Mr. BARRETT. Mr. Hitchcock, can you give us the name of that student so we can make him or her an honorary cosponsor? Might as well get the name into the record.

Mr. HITCHCOCK. Abigail Meyer.

Mr. BARRETT. OK. Judge Tunheim, you mentioned that you were releasing some materials from Clay Shaw's diary and perhaps other things. Is there any information here that you find particularly interesting?

Mr. TUNHEIM. Well, Mr. Barrett, I have not had a chance to go through it. We just got these materials in the last week through some aggressive efforts of our staff. The page that I cited to you was interesting in that he made the notation in there, and a portion of it in his own handwriting, that it was perhaps unfortunate that he had never met Oswald because he might possibly have been a tiny footnote in history: an ironic statement given the role that he played in the trial.

We have not had a chance to analyze it thoroughly yet. It does contain his reactions to events as they were going on around him during the course of the prosecution and certainly supports his view that he was not involved whatsoever in the assassination, which ultimately was the view of the jury that acquitted him.

Mr. BARRETT. For my benefit, as a person that has not been immersed in this issue at all, you just mentioned that it took some aggressive work from your staff to get this released. Can you tell me what that entailed, where it was, why it was so difficult to get this information?

Mr. TUNHEIM. Certainly. This is an investigation into where records are. And the bulk of our work has been with Federal agencies that hold assassination records. But we've also, at the direction of Congress and the bill that was passed, entertained a search for records wherever they might be. Records that are in private hands are not records that we can subpoena and take from people. So we have to find where they are.

Staff members go out and talk to people, encourage them to donate those records to the American public, to the National Archives. And that was done in this case. We received a tip that an individual had records that were left over from Mr. Shaw, and a staff member went, talked with the person, spent some time with the person and encouraged them to share those records with the American public. And that's how it was developed.

Mr. BARRETT. How do you determine which assassination records you can disclose now and which ones have to wait?

Mr. TUNHEIM. Well, there's a standard that's set up by the act. There's, first of all, a presumption that all records should be public. That presumption has governed what the Board has done throughout the process. But then there's a standard where the Board has to weigh the public interest in a particular record or information with the potential harm that might be caused by release of the material. The standards that we look at are: are there national security interests such as disclosure of an intelligence agent whose name hasn't been disclosed and whether that person perhaps may be in some danger if that name is released publicly, does it disclose

a method of protecting the President that is not generally known today, so therefore, it might be a threat to the President, are there personal privacy considerations that are involved?

I will tell you that when all is said and done, a very, very tiny percentage of information gets redacted under the standards that we are applying. And the process of going through the records has led the Board to arrive at a number of policy decisions which the agencies by and large are now following in their own review of records. And, therefore, decisions that we had to make 2 years ago we don't have to make because the agency is following the advice that the Board made on earlier records.

Mr. BARRETT. As long as there are some records that are not being released, do you think that we will inevitably face criticism from some people in the American public that there is still some sort of cover-up? I make reference to Mr. Holland's comments about a book being written 75 years after President Lincoln's assassination. Will the time ever come, do you think, when all records will be released?

Mr. TUNHEIM. Well, I think it will, Mr. Barrett. The Board is releasing every record. The question is whether certain information on these records gets redacted or not. For every redaction, we are attaching a specific release date. Some of the dates are 5 years into the future. The law that was passed which established the Review Board provided that all records that are redacted, all information redacted, will be released in 2017, unless whoever is President at that time makes a specific determination that the record cannot be released because of some continuing national security concern.

So we expect that virtually all of the information by 2017 will be released. But a very high percentage—in the 99.999 range—is being released right now.

Mr. BARRETT. Mr. Tilley, in your written statement you indicate that the collections currently consist of 3.75 million pages. What is your estimate of how many more records need to be reviewed?

Mr. TILLEY. Well, it's hard to say because there is still a good deal of material that is being reviewed by agencies at this time. We have located, at the National Archives, records that are still under review, such as the Secretary of Army's records dealing with Operation Mongoose, the campaign to destabilize the Cuban Government in the period after the Bay of Pigs.

Other records have been located, other agencies'. I received a call from the Customs Bureau today, and they will be turning over their assassination records to me, hopefully this afternoon. After this hearing is over I'll be picking up the records they've located. So it's tough to say how much is still out there. But I think there's still going to be another—a considerable amount of material probably will be added to the collection before this process is finished.

Mr. BARRETT. Millions of pages or——

Mr. TILLEY. Oh, no. I would say probably—if we add another half a million pages, that might be the extent of it. But what's interesting and fascinating about this process is we continue to turn up records where we did not know there were records before. And as agencies are aware of this effort, they've come to the Board. And the Board is responsible for a lot of this aggressive work with the Federal agencies, but—no, I don't see us ever doubling the collec-

tion again. But I think we will add a significant amount of material in the weeks and years ahead.

Mr. BARRETT. OK. Thank you. Thank you, Mr. Chairman.

Mr. HASTERT. Mr. Tunheim, just a very short question. You mentioned the movie that came out—"JFK," Mr. Oliver Stone's work—in there. Did Mr. Stone ever have any questions of your work at all or did he do research?

Mr. TUNHEIM. Well, Mr. Stone has been very supportive of the work of the Review Board. He testified before the Congress when this bill was passed initially, encouraging broad release of the records, and he sent a representative to one of our public hearings who testified and spoke very favorably about the work of the Board. So he's been strongly supportive, and we've appreciated that support.

Mr. HASTERT. Why have you waited until this point in the process to begin the reviewing of the CIA and the FBI records?

Mr. TUNHEIM. Well, we've been reviewing CIA records and FBI records from the very beginning, Mr. Chairman. The volume of records in those agencies is really significant. We have completed the entire review of the core collections of those agencies. And those are numerous: between the two agencies, it's more than a million pages of records. What we are doing right now is delving into what is called the sequestered collections within both of these agencies. Within the CIA these are records that the House Select Committee on Assassinations asked to be sequestered, taken away from their files and kept in a secure place for future review.

The House Select Committee did not have the time to review these records carefully. Some of them are highly relevant to the assassination, others are not. Within the CIA there are about 62 boxes of material and 72 reels of microfilm. In the FBI the same kind of sequestered collection is about 280,000 pages of records. And those records are the focus of the Review Board's work over the next year if we get the extension.

Mr. HASTERT. Let me ask the same question I asked the previous panel. Do you think that you can finish your work by the end of the fiscal year 1998?

Mr. TUNHEIM. Mr. Chairman, I am confident that the Board can complete its work. The members of the Review Board are confident. We will make every effort to ensure that that gets done. In fact, we intend to provide to your staff a time line that sets out our anticipation of how we will review these records over the next year. We have set up a review process that we're working on right now that's moving quickly. And we're confident that the work can be done. We were set up to be a temporary Board. No one on the Board wishes this effort to take a long time. We need to get this information to the American public.

Mr. HASTERT. Thank you very much. Mr. Hitchcock, I wanted to ask you. As bringing students into the real realm of research and learning in that respect, how important is it that records like this be made available to the public so that folks like yourself can have the availability of them for students?

Mr. HITCHCOCK. I think, Mr. Chairman, it's extremely important for not only teachers of history and historians, but also for students and future generations that the—one of the things so special about

our relationship with the Review Board: it has not only been an opportunity for students to travel to Washington—they pay their own way, and they do their own research on their own time—but it has helped change opinions in many cases by students about not only the assassination but about government, politics, agencies and people who work for the government.

I cannot overstate the importance it has had for the 43 thus far and soon to be 56 students from Noblesville High School that have had this research opportunity, that have been able actually to see, handle original documents, to work with documents, to see firsthand the evidence that exists. And to have that opportunity is something that no teacher, no classroom, no film, no laser disk, nothing in the classroom can simulate or stimulate such interest and focus as a trip to Washington, DC, the review of documents, the working with people that we've had an opportunity to be with at the Review Board on a firsthand basis.

It is just something that cannot be duplicated or, as I said, simulated in any classroom anywhere in the country. And it's just been a fantastic opportunity and will provide students in the future with a place to go to find those records, to look at the records, to look at the documents, and be at least assured that as much as available and is in existence, can now be made available to them as ordinary citizens of this country, whether they be students at a university, students in high school, or in their just curiosity and interest as an American citizen.

So I don't think it can be overstated. The impact that this will have in helping bridge that gap of skepticism—if this is the correct way to say it. I just cannot imagine what the many conspiracy theorists would think if the Review Board has to finish its stay without completing its work.

Mr. HASTERT. Thank you. The gentleman from Ohio.

Mr. LATOURETTE. Thank you, Mr. Chairman. And, Mr. Chairman, I would begin by indicating that my earlier query about your legal training was not meant to be an affront, and I should have recognized that your learned demeanor was that of a historian.

Mr. HASTERT. Not at all.

Mr. LATOURETTE. And, Mr. Holland, I don't have a question, but I'm glad you told the story about Otto Eisenschiml. Because somewhere in the back of my mind I remember a book or a movie called the Lincoln Conspiracy, and I was certain that Secretary Stanton had something to do with the demise of our 16th President. So I'm glad you brought that up. Mr. Tunheim, I do want to ask you a followup question to what we were talking to Congressman Stokes about. And I was fascinated by the document that you held up. When I was in the prosecution business and we had a public records law in Ohio that was new on the books, we found that law enforcement agencies always wanted to take a big black magic marker and redact everything.

And it was my view that that led to more conjecture, rumor, suspicion than not. And I think that this document that you brought forward, knowing that it came from the Swiss Federal police, that would give, I think, some cause to believe that Mr. Oswald had some Swiss bank account and was squirreling away money from foreign nationals as part of a conspiracy. If you unredact it—if

that's really a word—you find out like so many other people that he apparently registered for the Albert Schweitzer College for the fall semester of 1960 and didn't show up. Nothing sinister or unusual in that at all.

And the question that I have is, when you were testifying you indicated that the FBI originally appealed the decision to withdraw the redaction of this particular document. You also indicated that the vast majority of documents that you have left to review during this renewal period are located at the CIA and the FBI in the sequestered section, I assume. Are you experiencing any unusual difficulties with either of those agencies in terms of cooperation as you attempt to get to a public release of what should be appropriately publicly released?

Mr. TUNHEIM. Well, Mr. LaTourette, the answer to the question is no, we're not receiving any degree of difficulty with those agencies right now. They are committed to this process. They are supportive of the effort to keep the process going for one additional year. The CIA has not appealed decisions that the Review Board has made. We've got a good working relationship with the people within that agency who are doing their work. The FBI appealed a significant number of our decisions, but now all of those appeals have been withdrawn.

And we've got a working relationship with the FBI that I think has been constructive and professional and is working quite well. The FBI initially opposed release of the document that I held up and appealed the decision because they had contacted in a general way the Swiss Federal police and asked whether this record could be released and their answer was no. Our followup through the Ambassador is showing what, really, this document was all about, and led to a wiser approach to the particular issue. And sometimes it takes additional work like that to accomplish the release of important material.

Mr. LATOURETTE. And the last question I would have is, Congressman Stokes expressed the view that perhaps the fine work of this Review Board, should another Review Board setting be required in the future to review another situation similar to this, that you may be breaking down some of the barriers in terms of suspicions the intelligence community may have about, do we need to stick to the script and have a page that has all black magic marker on it. Do you find that the lessons learned in this Review Board will be instructive to us as we move forward and think of ways of dealing with the release of documents in the future?

Mr. TUNHEIM. I think that's a very good question. And we have found through this effort, being the first independent group outside of an agency to have this degree of control over the declassification process, that the process at first was rough and difficult and fraught with suspicion. That has changed. There has been a sea change as these agencies have realized that release of this information is not going to harm our national security, that perhaps it's time simply to trust the American people with access to important information about their government.

And I think everyone has learned important lessons from this process. It's a process that while time consuming has worked very well for this set of records.

Mr. LATOURETTE. And in that regard and in that vein, have you—the Review Board—put together sort of an instruction or an operating manual to be left behind for future such endeavors?

Mr. TUNHEIM. Well, we certainly will. Virtually all of our work has been computerized so that we have an extensive record of exactly how we've approached all these issues. We do intend in our final report to make recommendations on how this effort can be extended in the future to other areas if the Congress so wishes.

Mr. LATOURETTE. Thank you for answering my questions. Thank you for your fine work. And thank you, Mr. Chairman.

Mr. SOUDER [presiding]. Thank you. I had a couple of questions. I read your testimony as I was listening to the other two. I'm sorry I was late. I wanted to ask Mr. Holland, were there credible historians who, at this point, are still questioning the assassination and the Warren Commission and the information that came out before this Commission existed, before these documents came out?

Mr. HOLLAND. Basically, most historians have stayed away from it, because they regard it as a tar baby. So there are actually surprisingly few—by historians, if you mean professors at universities. Surprisingly few who have written about it because they just see it as a morass, and how are they going to possibly figure out what happened. And so my answer would be credible is in the eye of the beholder. But there are actually remarkably few. And that's one of my arguments, is that you have to—it is time to insert it back into history.

It did happen during the cold war, and that exerted a tremendous influence over what the government did right after the assassination. It was the precipitating element in the formation of the Warren Commission, that the cold war was ongoing and they worried about—to be frank—they worried about congressional committees holding hearings and disclosure of sources and methods such as the fact that Oswald had gone to Mexico City and been observed by photographic surveillance, and how was that going to be handled by a congressional committee.

So, I do believe it has to be inserted into historical context. That's probably been the element that's been missing all this time.

Mr. SOUDER. So you believe one of the benefits of this Commission, it will bring out of pop culture and in more mainstream because more documents are there, less questions can now be analyzed. And, also, you seem to hint that we'll gain as much—it's not necessarily that there's a lot of new information on the assassination—but that we're going to learn a lot about how our government worked and a lot of the interrelationships. And that may be, in fact, more use to the historians than any questions they had remaining about the assassination.

Mr. HOLLAND. I think—my own particular view is that besides being an investigation of three crimes, the murder of President Kennedy, assault on Governor Connally and the murder of Officer Tippit, and then the murder of Oswald—so four crimes—the Warren Commission is a fantastic lens to view the operation of the government circa 1963–1964. Because they had an overriding mandate but yet they were going up against agencies such as the FBI and CIA with entrenched interests. And especially Hoover's FBI was sort of a wonder to behold; you dealt with it very gingerly.

So it's a great—and the FBI had not been second-guessed since Hoover became director. This was the first time. And you can't underestimate what that meant in terms of the difficulties it posed for the Commission. Now, I maintain they still came to the right conclusion. But the fact is that they had a lot of trouble with the FBI.

Mr. SOUDER. One of the questions here is why it took so many years to get to this point? In looking at what future commissions might do, how much of that do you think can be overcome? In other words, how much of this was the Hoover FBI, say, and how much of this was institutional that in the first 10 years you have so many active in the field, ongoing operations, in the first 20 years there's still some—can we accelerate the process? What have we learned from this as to—obviously this is one that particularly anybody in the 1960's era—was a defining event. So, it's an extraordinary assassination. But what have we learned for investigations in the future? Do you believe the CIA and the FBI will release information sooner and, if so, presumably they'll still be redacted, which still could lead to Oliver Stone movies and Lincoln conspiracy books and all sorts of things?

Mr. TUNHEIM. Well, Mr. Chairman, I think that the fact that these records are 30 years old has helped in attaining their release. It's not information about the assassination, per se, that agencies have objected releasing. It's more who said what to who, who is an intelligence agent, and who is an informant for the FBI. Those kinds of issues. And there will still be institutional reluctance to release any of that information.

I hope that through this process we can demonstrate to the public and to these agencies that this information can be released to the public, that the public can be trusted with information like this. There will still be a need for secrecy to a certain extent, but certainly not with the broad brush black pen approach of the past.

Mr. SOUDER. We first learned that—I was elected in 1994, and our first experience in this committee was with Waco, which we had similar questions and still had some information that wasn't able to be released. We're certainly having that ongoing debate with the administration right now, because it gets far beyond the initial investigation. In the course of Travelgate we discovered the data bank. And, of course, with the data bank, you discover the code. And then you find out that the code leads to this. Pretty soon you're off into other investigations. That's going to be an ongoing problem. Do you believe in the end that this will have silenced most critics?

Mr. TUNHEIM. In my view, Mr. Chairman, it will silence some. It will perhaps provoke others. We're many years after an event that was investigated in a different era. There were many mistakes made at the time that cannot be corrected at this stage in time. But I think when the Review Board is done with its work, one thing we should be able to prove to the American people is that the Federal Government is no longer keeping secrets from them relative to the Kennedy assassination. I think that will be a very significant development. Whether all the questions will be resolved or not, that's a question for historians in the future who will review these materials and make their determinations.

This is like a gigantic puzzle with a lot of pieces missing. We are putting some of those pieces in—small pieces and large pieces. But there's a lot of pieces of the puzzle that will never be found.

Mr. SOUDER. I want to ask one last question. And that is: the options of dealing with acquiring the Zapruder film, is that going to be a cost in addition to what you're requesting? Do you have options of how to pay for that? What's the status of that?

Mr. TUNHEIM. Well, the Zapruder film, as the chairman is aware—the Review Board designated that as an assassination record about a month or so ago. We felt that that decision was determined by the Congress in the passage of the JFK Records Collection Act when it said that all records in the possession of the National Archives are assassination records and should be included in this collection.

Recognizing the potential cost of a film like this, we did set forth a 16-month period before the taking would take place so that the Congress could address this issue and make appropriate determinations if the Congress wished to make those determinations. The Board did feel that decision had been made for it by the Congress in the earlier act and that it is the most significant piece of evidence of one of the most significant crimes in our Nation's history, so, therefore, the original has an intrinsic value and it should belong forever to the American public.

We are hopeful that the Zapruder family will agree eventually to donate that film to the American public. We have no assurances of that at this point. But we did set the timeframe far out into the future so that the Congress can review this issue and make its own determinations if it so wishes.

Mr. SOUDER. Do you have any additional questions? With that I thank you all——

Mr. LATOURETTE. Mr. Chairman, if I could beg your indulgence just to ask one more question, if I may?

Mr. SOUDER. Sure. I yield to my friend from Ohio.

Mr. LATOURETTE. Mr. Tunheim, my previous question about difficulty with the CIA and FBI—sometimes I don't make things broad enough. And, I guess, my query would be—it's been brought to my attention that perhaps there's been some difficulty in obtaining records from the other body. Is there any agency within the Federal Government that you're having difficulty in terms of cooperation that would impede your ability to complete your work in a timely fashion as envisioned by this legislation?

Mr. TUNHEIM. Mr. LaTourette, I have not seen any evidence currently that anyone is deliberately stonewalling us so that when we go away they will put the records back into the files. We had some significant problems early in the process just in—really because agencies didn't understand what this was all about and didn't understand what the law really provided for. So it took some time. It's taken some time, for example, with the Secret Service, to get them to the point of realizing their obligations under the act.

They do now, and they've been very cooperative and easy to work with. But this has been a learning process for all of the agencies. And I feel at the current time there are no impediments among any of the agency partners that we're dealing with to completing the review of the records on a timely basis.

Mr. LATOURETTE. Thank you. I thank the chair for your indulgence.

Mr. SOUDER. I thank you all for your testimony and I appreciate your coming today. For procedural purposes I will now close this hearing. The hearing is adjourned.

[Whereupon, at 1:30 p.m., the subcommittee was adjourned.]

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