

TO AMEND THE PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS  
COLLECTION ACT OF 1992 TO EXTEND THE AUTHORIZATION OF THE AS-  
SASSINATION RECORDS REVIEW BOARD UNTIL SEPTEMBER 30, 1998

JUNE 19, 1997.—Ordered to be printed

Mr. BURTON of Indiana, from the Committee on Government  
Reform and Oversight, submitted the following

## REPORT

[To accompany H.R. 1553]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Reform and Oversight, to whom was referred the bill (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, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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### I. PURPOSE AND SUMMARY

The purpose of H.R. 1553, introduced by Chairman Burton, is to extend for one year the authorization of the Assassination Records Review Board, in order to allow the Board to finish reviewing and publicly releasing the Federal Government's records, and other

records relating to the assassination of President John F. Kennedy, and to issue its final report. H.R. 1553 extends the Review Board's September 30, 1997, termination date under current law to September 30, 1998. This legislation authorizes \$1.6 million in fiscal year (FY) 1998 for this purpose. The President's FY 1998 budget requested this one-year authorization extension and the additional \$1.6 million.

The Committee believes it is important that the Federal Government complete the process of publicly releasing the Kennedy assassination records. If this legislation is not passed, the Review Board will be forced to discontinue its operations at the end of FY 1997, without having reviewed and released the large numbers of remaining documents from the Federal Bureau of Investigations (FBI), the Central Intelligence Agency (CIA), and other sources, and without having issued its final report.

## II. BACKGROUND AND NEED FOR THE LEGISLATION

The assassination of President John F. Kennedy in 1963 was one of the most significant event in American history since the dropping of the atomic bombs that ended World War II. Most Americans who were alive at that time can easily recall where they were and what they were doing when they first heard news of the tragedy in Dallas. Although nearly 34 years have passed since November 22, 1963, there is still a great deal of public interest in the Kennedy assassination.

The Kennedy assassination has been the subject of several high-profile Government investigations, including Congressional investigations. These investigations included the Warren Commission (1963-64), the Rockefeller Commission (1975), the Church Committee in the Senate (1975-76), and the House Select Committee on Assassinations (1976-79), which was chaired by Congressman Louis Stokes of Ohio. Despite the intense efforts behind these various investigations, they reached somewhat different conclusions, resulting in continued public uncertainty regarding the circumstances surrounding the assassination. The secrecy of the Federal Government's records relating to the assassination further raised concerns about why important information was being withheld from the public. Numerous books, magazine articles, and the Oliver Stone film "JFK" further attest to Americans' deep interest in finding out the truth about the Kennedy assassination.

In 1992, Congress decided to take a different approach: Congress set up a process for reviewing and publicly releasing the Federal Government's records and other records relating to the Kennedy assassination, thereby allowing the American people full access to all pertinent information so that they can draw their own conclusions regarding this tragic event. Congress believed that this was preferable to launching yet another investigation, which by its very nature would probably be unable to definitely answer all the outstanding questions relating to the assassination.

The result was the President John F. Kennedy Assassination Records Collection Act of 1992.<sup>1</sup> President Bush signed this legisla-

<sup>1</sup> The House version of this legislation, H.J. Res. 454, was introduced by Representative Louis Stokes of Ohio. H.J. Res. 454 was passed by the House on August 12, 1992.

tion into law (Public Law 102–526) on October 26, 1992.<sup>2</sup> The purpose of this law was to publicly release records relating to the Kennedy assassination at the earliest possible date. To accomplish this, the Assassination Records Review Board was set up to review and release the voluminous amounts of information in the Government’s possession. When this 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. 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. 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.

The Review Board is an independent agency, whose membership consists of five citizens, nominated by the President and confirmed by the Senate. These individuals are to be private citizens who are not presently employed by the Government.<sup>3</sup> (However, Board Chair John Tunheim became a Federal district court judge after his appointment to the Review Board.)

As a result of the Review Board’s efforts, over 14,000 documents have been transferred to the National Archives and Records Administration for inclusion in the John F. Kennedy Assassination Records Collection. That collection now totals approximately 3.7 million pages and is used extensively by researchers from all over the United States. The Review Board in April of 1997, voted to make public the Abraham Zapruder film of the Kennedy assassination. At the June 4, 1997, hearing on H.R. 1553 held by the National Security, International Affairs, and Criminal Justice Subcommittee, Review Board Chairman Tunheim announced that the Board had acquired the personal papers of the late Clay Shaw, the New Orleans businessman who was charged with conspiracy to murder President Kennedy. Shaw was tried in 1969 as part of New Orleans District Attorney Jim Garrison’s investigation of the Kennedy assassination, and was acquitted.

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 substantive work. As a result, in 1994 Congress enacted Public Law 103–345, which “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 under the 1992 statute to continue operating for one additional year, until September 30, 1997. Be-

<sup>2</sup>The legislation that was signed into law was S. 3006, the President John F. Kennedy Assassination Records Collection Act of 1992. S. 3006 was passed by the Senate on July 27, 1992, and was passed by the House on September 30, 1992.

<sup>3</sup>For more information regarding the Assassination Review Board’s responsibilities, see House Report 102–625, Part 1 (Committee on Government Operations) and Part 2 (Committee on the Judiciary), both accompanying H.J. Res 454, and Senate Report 102–328 (Committee on Governmental Affairs), accompanying S. 3006.

cause the review process proved to be more complex and time-consuming than anticipated, the President recognized the need for a one-year extension of the Review Board's authorization and requested it in his fiscal year (FY) 1998 budget.

The Committee supports the Administration's request for an additional year of authorization and \$1.6 million in FY 1998 for the Assassinations Records Review Board. Chairman Burton and the Committee has made it clear that this will be the final extension of the Review Board's authorization.

The Review Board has informed the Committee 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. The attached timetable outlines the Review Board's schedule for completion of its task. (See Appendix)

The Committee directs the Review Board to report, by letter, to the Committee on Government Reform and Oversight on the status of its progress. This information should be provided to the Committee on a monthly basis following enactment of H.R. 1553.

### III. LEGISLATIVE HEARINGS AND COMMITTEE ACTION

#### A. HEARINGS

H.R. 1553 was introduced by Chairman Dan Burton on May 8, 1997. Ranking Minority Member Henry Waxman and Congressman Louis Stokes, who chaired the House Select Committee on Assassinations in the 1970s, are original co-sponsors.

The Subcommittee on National Security, International Affairs, and Criminal Justice held a hearing on H.R. 1553 on June 4, 1997. The following witnesses testified before the Subcommittee: The Honorable Louis Stokes, U.S. House of Representatives; the Honorable John R. Tunheim, Chair, Assassination Records Review Board, Washington, D.C.; Mr. Steven D. Tilley, Chief of the Access and Freedom of Information Staff, Chief of the John F. Kennedy Assassination Records Collection, National Archives and Records Administration, College Park, Maryland; Mr. Max Holland, Author and Contributing Editor of *Wilson Quarterly*, Washington, D.C.; and Mr. Bruce Hitchcock, Government and U.S. History Teacher, Noblesville High School, Noblesville, Indiana.

In his opening statement Subcommittee Chairman Dennis Hastert expressed his support for H.R. 1553, as did the Ranking Subcommittee Minority Member Thomas Barrett.

Congressman Louis Stokes described his experiences as Chairman of the House Select Committee on Assassinations (which investigated the 1968 assassination of Dr. Martin Luther King, Jr. as well as the assassination of President Kennedy) in the late 1970's. He also discussed his sponsorship of the 1992 legislation which created the Assassination Records Review Board.

John Tunheim, the Chair of the Assassination Records Review Board, outlined the work of the Review Board to date and the Board's plans for completing its review of the CIA's and FBI's documents. As noted in Section II earlier (Background and Need for the Legislation), the Review Board has acted to transfer more than 14,000 documents to the President John F. Kennedy Assassination

Records Collection (JFK Collections) at the National Archives and Records Administration.

As an example, Mr. Tunheim's testimony included "before and after" copies of a pre-assassination FBI document concerning Lee Harvey Oswald. The original public version of the document had been heavily redacted; the Review Board subsequently reviewed and publicly released the entire document, thus quelling speculation by researchers about the documents' contents and the reasons for the redactions.

Mr. Tunheim stated that the Review Board needs additional time to review the CIA's "Sequestered Collections" and the FBI's assassination records, as well as to finish reviewing records from several Federal agencies, including the Secret Service, the National Security Agency, and Congressional committees, including the Senate Intelligence Committee. Furthermore, one additional year will allow the Review Board sufficient time to continue searching for additional assassination records held by Federal agencies, local governments, and private citizens. Last year the Review Board adopted new guidelines that will help streamline the review process and ensure that the remaining assassination records can be reviewed and released in a timely manner.

In addition, Mr. Tunheim told the Subcommittee that he was confident that the Review Board could finish its work and issue its final report by the end of fiscal year (FY) 1998 on September 30, 1998. The Review Board has provided the Committee on Government Reform and Oversight with a time line, included in this report, outlining its plans for completing its review of all the remaining records by the end of FY 1998.

Steven Tilley, Chief of the JFK Collection at the National Archives, expressed his strong support for H.R. 1553. He explained how the JFK Collection has grown from approximately 450 cubic feet in December of 1992, to more than 1,600 cubic feet today. He described how the National Archives has made the documents in the JFK Collection available to the public on the Internet as well as at the National Archives' College Park, Maryland, facility.

Max Holland and Bruce Hitchcock both strongly supported H.R. 1553. Mr. Holland is currently writing a book about the Warren Commission, and he has found the JFK Collection to be invaluable to his research efforts. He believed that publicly releasing the Kennedy assassination documents would show Americans that the Federal Government has nothing to hide, and to end the Review Board's work before it was finished would raise new doubts in many Americans' mind about the trustworthiness of the Government. Bruce Hitchcock has brought his high school students to Washington, D.C., to intern at the Review Board. These students have found this to be a fascinating educational experience. He spoke about the deep public interest in the Kennedy assassination and his belief that the Federal Government had a responsibility to release documents about the assassination to the public.

There was general agreement among the witnesses and Subcommittee members that the public release of the Kennedy assassination documents is important in reducing cynicism about the Government in general and restoring citizens' trust in Government. Additionally, the Subcommittee members and witnesses discussed

how the Kennedy assassination experience and the Review Board's subsequent efforts to publicly release these documents could affect the Federal Government's handling of other highly sensitive matters both now and in the future.

#### B. COMMITTEE ACTION

The Subcommittee on National Security, International Affairs, and Criminal Justice favorably referred H.R. 1553, by voice vote to the Committee on Government Reform and Oversight on June 4, 1997.

The Committee on Government Reform and Oversight favorably reported H.R. 1553 to the House on June 11, 1997.

#### *Committee on Government Reform and Oversight—105th Congress Rollcall*

Date: June 11, 1997.

Motion to favorably report H.R. 1553.

Offered by: Hon. Dan Burton (IN).

Adopted by Voice Vote.

#### IV. EXPLANATION OF BILL

##### *Section 1*

This section amends the President John F. Kennedy Assassination Records Collection Act of 1992 (Public Law 102-526, as amended) to extend the authorization of the Assassination Records Review Board until September 30, 1998. Under current law, the Board's authorization expires at the end of fiscal year (FY) 1997 on September 30, 1997. The provision in the 1992 law allowing the Review Board to extend its term for an additional year, which the Review Board exercised to continue its existence through the end of fiscal year FY 1997, is repealed.

This section also authorizes \$1.6 million for the Review Board's operations in FY 1998.

#### V. COMPLIANCE WITH RULE XI

Pursuant to rule XI, clause 2(1)(3)(A) of the Rules of the House of Representatives, under the authority of rule X, clause 2(b)(1) and clause 3(f), the results and findings from Committee oversight activities are incorporated in the bill and this report.

#### VI. STATEMENT OF CBO COST ESTIMATE

Pursuant to rule XI, clause 2(1)(3)(c) of the Rules of the House of Representatives, the Committee was provided the following estimate of cost of H.R. 1553, prepared by the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, June 16, 1997.

Hon. DANIEL BURTON,  
*Chairman, Committee on Government Reform and Oversight,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1553, 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.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are John R. Righter (for Federal costs), Theresa Gullo (for the State and local impact), and Matthew Eyles (for the private-sector impact).

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

*H.R. 1553—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.*

Summary: H.R. 1553 would authorize an appropriation for 1998 for the John F. Kennedy Assassination Records Review Board. Assuming appropriation of the authorized amount, CBO estimates that enacting H.R. 1553 would result in additional discretionary spending of \$1.6 million in fiscal year 1998. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

Because the Assassination Records Review Board has the power to subpoena information from state and local governments and private persons, H.R. 1553 would impose an intergovernmental and private-sector mandate by extending the authorization of the board for a one-year period ending September 30, 1998. CBO estimates that the direct intergovernmental and private-sector costs of the mandate would be very small and well below the relevant thresholds established in the Unfunded Mandates Reform Act of 1995 (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1553 is shown in the following table. For the purposes of this estimate, CBO assumes that the amount authorized in H.R. 1553 will be appropriated by the start of fiscal year 1998 and that outlays will follow the historical spending patterns of the Review Board.

By fiscal years, in millions of dollars—						
	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION						
Review Board Spending Under Current Law:						
Budget authority <sup>1</sup> .....	2	0	0	0	0	0
Estimated outlays .....	3	0	0	0	0	0
Proposed Changes:						
Authorization level .....	0	2	0	0	0	0

	By fiscal years, in millions of dollars—					
	1997	1998	1999	2000	2001	2002
Estimated outlays .....	0	2	0	0	0	0
Review Board Spending Under H.R. 1553:						
Authorization level <sup>1</sup> .....	2	2	0	0	0	0
Estimated outlays .....	3	2	0	0	0	0

<sup>1</sup> The 1997 level is the amount appropriated for that year.

The costs of this legislation fall within budget function 800 (general government).

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 1553 would impose an intergovernmental and private-sector mandate by extending the authorization of the Assassination Records Review Board for a one-year period ending September 30, 1998. The President John F. Kennedy Assassination Records Collection Act of 1992 (Public Law 102–526), which created the Review Board, authorizes it to require state and local government entities and private persons to furnish testimony, records, and other relevant information under threat of a subpoena. Extending those powers for an additional year constitutes a federal mandate. Because the Review Board has rarely exercised its subpoena power, CBO estimates that the direct intergovernmental and private-sector costs of the mandate would be very small and well below the relevant thresholds established in UMRA.

Estimate prepared by: Federal Costs: John R. Righter; Impact on State, Local, and Tribal Governments: Theresa Gullo; and Impact on the Private Sector: Matthew Eyles.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

#### VII. STATEMENT OF CONSTITUTIONAL AUTHORITY

Pursuant to rule XI, clause 2(l)(4) of the Rules of the House of Representatives, the Committee finds that Congress is specifically granted the power to enact this law under Article I, Section 8, clause 1 under which Congress is granted the “Power To \* \* \* provide for the \* \* \* general Welfare of the United States[.]”

#### VIII. FEDERAL ADVISORY COMMITTEE ACT (5 U.S.C. APP.) SECTION 5(b)

The Committee finds that section 5(b) of Title 5 App., United States Code, is not applicable because this legislation does not authorize the establishment of any advisory committee.

#### IX. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):



**PRESIDENT JOHN F. KENNEDY ASSASSINATION  
RECORDS COLLECTION ACT OF 1992**

\* \* \* \* \*

**SEC. 7. ESTABLISHMENT AND POWERS OF THE ASSASSINATION  
RECORDS REVIEW BOARD.**

(a) \* \* \*

\* \* \* \* \*

(o) **TERMINATION AND WINDING UP.**—(1) The Review Board and the terms of its members shall terminate not later than **September 30, 1996**, except that the Review Board may, by majority vote, extend its term for an additional 1-year period if it has not completed its work within that period. *September 30, 1998.*

(2) Upon its termination, the Review Board shall submit reports to the President and the Congress including a complete and accurate accounting of expenditures during its existence, and shall complete all other reporting requirements under this Act.

(3) Upon termination and winding up, the Review Board shall transfer all of its records to the Archivist for inclusion in the Collection, and no record of the Review Board shall be destroyed.

\* \* \* \* \*

**SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated [such sums as are necessary to carry out this Act, to remain available until expended] *to carry out the provisions of this Act \$1,600,000 for fiscal year 1998.*

(b) \* \* \*

\* \* \* \* \*

**X. CONGRESSIONAL ACCOUNTABILITY ACT; PUBLIC LAW 104–1**

The Committee finds that the legislation does not relate to the term and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (PL 104–1).

**XI. BUDGET ANALYSIS**

Pursuant to rule XI, clause 2(1)(3)(B), and Section 308(a)(1) of the Congressional Budget Act of 1974, the Committee finds that no new budget authority, new spending authority, new credit authority or an increase or decrease in revenues or tax expenditures results from enactment of this legislation.

**XII. UNFUNDED MANDATES REFORM ACT; PUBLIC LAW 104–4,  
SECTION 423**

The Committee finds that the legislation does not impose any Federal mandates within the meaning of section 423 of the Unfunded Mandates Reform Act (PL 104–4).



# XIII. APPENDIS

Projected Time Line for Completion

Title	1997 - 1998															
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Complete Review of Records																
Complete FBI																
80,000 Pages																
120,000 Pages																
160,000 Pages																
200,000 Pages																
240,000 Pages																
Additional Records																
Complete CIA																
Boxes 1-63																
"Working Files"																
Microfilm																
Additional Records																
Complete NSA																
Complete Secret Service																
Complete Congressional Records																
Complete Other Agencies																
Compliance Program																
CIA																
FBI																
NSA																
USSS																
NARA																
JFK Library																
Lyb J Library																
Ford Library																
Dept. of Justice																

Produced by the Assassination Records Review Board June 1997

Title	1997 - 1998															
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Civil Rights Division																
Civil Division																
Criminal Division																
INS																
Leadership Offices																
Dept. of Treasury																
Customs																
BATF																
Dept. of Defense																
DIA																
Joint Staff																
Dept. of the Army																
CIC																
Central Security Facility																
AFIP																
Dept. of the Navy																
Bethesda Naval Hospital																
Dept. of the Air Force																
Postal Service																
Social Security Administration																
White House Communications																
Miscellaneous																
Close Down Operations																
Complete Final Report																
Reduce Staff by Eight																
Reduce Staff By Eight																

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