



Washington, D.C. 20535

30 April 1992

Mr. Bernard H. Martin
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Martin:

This is in response to your request for the views of the Central Intelligence Agency on the substitute resolution proposed by the Department of Justice (DoJ) concerning the Assassination Materials Disclosure Act of 1992. Please find enclosed our proposed changes to DoJ's draft resolution. As reflected in these changes, our primary concern is that originating agencies, rather than the Review Board's Executive Director, should make the initial determination about whether assassination materials may be released to the public.

Sincerely,



Stanley M. Moskowitz
Director of Congressional Affairs

Enclosure

cc: Greg Jones, DoJ

CIA's Proposed Amendments to DoJ's Draft
JFK Resolution

Add at the end of section 5:

"(m) SECURITY PROCEDURES.-- The Review Board shall make appropriate provisions for access to, handling, and storage of classified or other sensitive information by the Board and its staff. Such procedures shall be developed with due regard for the protection of intelligence sources and methods from unauthorized disclosure."

Replace section 7 with the following:

"SEC. 7 INITIAL REVIEW OF ASSASSINATION MATERIALS

"(a) TRANSFER TO AND REVIEW BY ORIGINATING AGENCY.-- Each Executive agency, including the National Archives, shall transfer to the originating body, within () days after enactment of this Joint Resolution, any assassination material in its possession or control for which it is not the originating body. Each originating body shall conduct an initial review of the assassination materials it originated. Where information within a record was provided by an agency other than the originating body of that record, this initial review shall include consultation with such other agency.

"(b) INITIAL DISCLOSURE DETERMINATION.-- Within () days after enactment of this Joint Resolution, each originating body shall complete its initial review of assassination materials (as described in paragraph (a) above) and shall make an initial determination for each material whether it may be released in its entirety pursuant to the standards established by this Joint Resolution. If the originating body determines that an assassination material may be released, then it shall transmit the material to the Archivist, and the Archivist shall make the material available to the public as provided in section 4. If the originating body determines that an assassination material, or particular information within an assassination material, qualifies for postponement of disclosure under section 6, then it shall transmit the material, together with a statement of the reasons for postponement, to the Review Board for review under section 8.

"(c) PRESUMPTION FOR RELEASE.-- In the absence of persuasive evidence that an assassination material or particular information within an assassination material falls within the exemptions established in section 6, the

originating body shall release the material to the public as described in paragraph (b) above."

Amend section 8(a) to read as follows:

"(a) APPEALS AND REFERRALS.-- The Review Board shall review and apply the standards for release set forth in this Joint Resolution to all records referred to the Review Board by originating bodies under section 7(b)."

~~CONFIDENTIAL~~
Assistant Director for Legislative Reference
Executive Office of the President
Office of Management and Budget
Washington, DC 20503

Dear Mr. ~~XXXX~~:

I am writing to express the views of the Department of Defense on the Department of Justice's proposed substitute for Senate Joint Resolution 282, a joint resolution to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy. Senate Joint Resolution 282 creates a five member Assassination Material Review Board (Review Board), assisted by an Executive Director and staff, that would be required within two years of its first meeting to ensure the release of as many assassination materials concerning President John F. Kennedy's assassination materials as possible.

The Department of Defense strongly supports the concept of making documents available to the public in a manner that preserves confidentiality interests. Subject to the following changes in its proposed substitute, we defer to the Department of Justice to state the Administration's position on this legislation.

First, Senate Joint Resolution 282 makes no provision to ensure that access to classified information by the Executive Director, the staff supporting the Executive Director, and the members of the Review Board is made contingent on their having current security clearances at the appropriate level. In our comments on Senate Joint Resolution 282, we recommended adding a provision to the legislation to ensure that members of the Review Board, the personnel selected to support it, and the Executive Director be required to obtain appropriate security clearances before they obtain access to documents containing classified information. We also recommended that a provision be added to require that classified information be properly handled and stored. Accordingly, we recommend that the Justice proposed substitute be amended to include these provisions.

Second, the Senate resolution at section 5(e) (3) provides that upon the direction of the Executive Director, and without reimbursement, executive agencies and other information originating bodies within the Executive Branch shall detail to the Review Board such personnel as may be necessary to carry out the purposes of this resolution. We are of the view that such details should be made only with the approval of the director of the agency or other organization that employs those individuals. Therefore, we also recommend that Justice include this language in its draft.

Third, section 8(j) of the Senate resolution requires that the Review Board publish a notice of each of its decisions to postpone opening assassination materials to the public. Each such notice is to describe the volume and nature of materials affected by the postponement. We recommend that the Senate resolution be amended to ensure that the published notices do not inadvertently disclose classified information. The Justice proposed substitute should also be amended to include this change.

Subject to these changes the Department of Defense has no objection to The Department of Justice proposed substitute for Senate Joint Resolution 282.

Sincerely,

Chester Paul Beach, Jr.
Acting General Counsel