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April 26, 2021

VIA E-MAIL

Hon. Ezra Cohen
Chairman
Public Interest Declassification Board
c/o Information Security Oversight Office
National Archives & Records Administration
700 Pennsylvania Ave, N.W.
Room 100
Washington, D.C. 20408-0001

Re: President John F. Kennedy Records Collection Act

Dear Mr. Cohen:

We, the undersigned, respectfully request that the Public Interest Declassification Board (“PIDB”) add to its proposed agenda for its upcoming public meeting scheduled for May 17, 2021, the topic of the President John F. Kennedy Assassination Records Act of 1992 (“JFK Act”), 44 U.S.C. § 2107 (Supp. V. 1994) and related declassification issues.

The JFK Act, which was enacted by Congress in 1992, required all government agencies to search for the records in their possession concerning the assassination and place them in the National Archives. A Review Board (“ARRB”) was established to identify and retrieve all assassination records but its existence terminated in 1998, with its work not having been fully completed. The ARRB’s Final Report set forth ten recommendations which have never been the subject of any meaningful oversight, analysis or implementation in the two decades since they were issued. See <https://www.archives.gov/files/research/jfk/review-board/report/arrb-final-report.pdf>. The PIDB is the appropriate forum to evaluate whether and to what extent those recommendations, especially #7, have been fulfilled or should still be pursued.

But more importantly for now is that the JFK Act mandated that each “assassination record” be publicly disclosed in full and be available no later than the date that is twenty-five years after the date of enactment of the JFK Act. Any request for postponement of a record by an agency required “*clear and convincing evidence*” that one of five enumerated harms would occur if the assassination records were disclosed and that harm would outweigh the public interest in disclosure. While the original deadline for all records to be disclosed in full was October 26, 2017, President Trump postponed that obligation until **October 26, 2021**. See Memorandum of President of the United States, “Certification for Certain Records Related to the Assassination of President John F. Kennedy” (April 26, 2018), 83 F.R. 19157 (May 2, 2018), available at <https://www.govinfo.gov/content/pkg/FR-2018-05-02/pdf/FR-2018-05-02.pdf>.

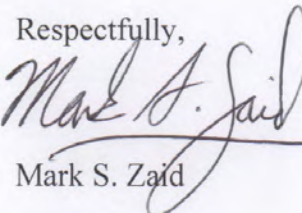
Two additional deadlines are in play right now. President Trump’s memorandum required that “[a]ny agency that seeks further postponement beyond October 26, 2021, shall, no later than **April 26, 2021**, identify to the Archivist the specific basis for concluding that records (or portions of records) satisfy the standard for continued postponement under section 5(g)(2)(D) of the Act.” *Id.* Additionally, “the Archivist shall recommend to the President, no later than **September 26, 2021**, whether continued withholding from public disclosure of the identified records is warranted after October 26, 2021.” *Id.*

The PIDB has the opportunity to play an important role in ensuring that the public has the fullest access to a thorough, accurate, and reliable documentary record of the assassination of our 35th President. Given that your Board’s role is to advise the President of the United States regarding issues pertaining to national classification and declassification policy, we cannot think of a more appropriate endeavor for the PIDB to engage in over the next few months as these deadlines loom and faithful execution of the law is imperative.

Some of the undersigned have studied the Kennedy assassination for decades. Others helped work on the JFK Act and cooperated with the ARRB. We represent different views of what happened on November 22, 1963, but we all concur that the fullest possible disclosure of the documentary record is long overdue. The terms “conspiracy” and “theory” have no place in this discussion. We are focused on declassification, transparency and compliance with the law.

We hope the PIDB agrees to address this historic undertaking.

Respectfully,



Mark S. Zaid

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