

From: "Tree Frog" <treefrog@ix.netcom.com>
To: "Tree Frog" <treefrog@ix.netcom.com>
Subject: Emailing: JFKcountercoup
Date: Sunday, August 17, 2008 10:40:20 PM

[skip to main](#) | [skip to sidebar](#)

JFKCOUNTERCOUP

JFK ACT Oversight Hearings

JFK ACT OVERSIGHT HEARINGS - Deep Background - By William Kelly

“The (ARR) Board and its staff hope that release of these records will shed new evidentiary light on the assassination of President Kennedy, enrich the historical understanding of that tragic moment in American history, and help restore public confidence in the government’s handling of the assassination and its aftermath.”
- September 30, 1998 ARRB Final Report

The last Congressional hearing on the JFK Act was held on June 4, 1997, a one day session to officially ratify a one year extension to the deadline set to dissolve the Assassinations Records Review Board (ARRB) and allow them time to complete their work.

That hearing included a few, carefully selected witnesses, including Review Board member Sarah Nelson, Warren Commission apologist Max Holland and Bruce Hitchcock, an Indiana high school teacher whose students were inspired to work on the declassification of the JFK assassination records. **[Note #1 JFK Act Extension Hearing]**

Rep. Henry Waxman (D. Calif.), now Chairman of the House Government Reform and Oversight Committee, was one of the Congressmen who co-sponsored the bill (H.R. 1553) with then Committee Chairman Dan Burton (R. Ind.) to extend the JFK Act by one year. One stipulation to the extension required that the Review Board submit monthly reports to Waxman in order to

ensure that the law was being carried out. [**Note #2 ARRB Reports to Oversight Committee**]

While the ARRB did release an astonishing 6 million records related to the assassination, which they said would take researchers ten years to read, they also withheld many important and specifically requested records, most for reasons of national security. The last officially withheld record related to the assassination of President Kennedy is slated to be released in full by 2017, ten years earlier than if there were no special law to accelerate the process.

It has now been over a ten years, a full decade, since the section of the JFK Act related to the work of the ARRB terminated the board's existence. The remaining aspects of the JFK Act remain in force however. The JFK Act will remain a living law until the last record is released and the Archivist of the United States declares that the last JFK assassination record has been released to the public. [**Note #3 - JFK Act Remains In Effect**]

That declaration may be ten years or so away, but it has already been more than a decade since the JFK Act was enacted, and it is now time to have a full and thorough overview of the law with public Oversight Hearings in Congress.

The Constitution holds Congress responsible for oversight of such matters, specifically the House Reform and Oversight Committee (aka the Waxman Committee), [**Note #4 Waxman Profile**] and its subcommittee on Census, Information Policy and the National Archives and Records Administration (NARA), (aka the Clay Subcommittee after Subcommittee chairman, William L. Clay (D. Mo.)). [**Note #5 Clay Profile**]

Rep. Clay's district includes the U.S. Military Records Center in St. Louis, and he is responsible for calling hearings on issues that come under his subcommittee's jurisdiction, a responsibility he shares with full Committee Chairman Henry Waxman, and the Chairwomen of the House (Ms. Pulosi, D. Calif.). Together they decide whether to hold hearings, when to hold them, on what issues, and how they are to be conducted. Dan Burton (R. Indiana), the former Committee chair, is now on the National Security Subcommittee. [**Note #6 Burton Profile**]

When the Republicans held a majority, and called the shots, except for the hearing to extend the Act, no hearings were held and they conducted no oversight of the JFK Act at all. That was suppose to change when the Democrats became the majority party and assumed committee chairs. Of all the House committees, the House Reform and Oversight Committee, under Waxman, has been the most active, with quick and sometimes effectual hearings on hot issues, including voting maching fraud, the Walter Reed Hospital scandle, Guantamano abuses and the Valarie Plame affair.

Holding Oversight hearings on the JFK Act is not something they want to do, and it may take more newsworthy events to make the JFK Act an issue Congress realizes the public is interested in. Even though it is a non-partisan (as opposed to bi-partisan) issue that both parties can embrace, and work together on, they may have to be instigated, or embarrssed to hold the mandated oversight hearings on the JFK Act. Fortunately there is no shortage of ammunition because the JFK Act is a fine example of how the government really works and who controls what power.

All you have to do is review the lists of records they acknowledge were destroyed and no longer exist, and then check out the records that are missing though everyone acknowledges once existed, but they just don't know what happened to them. Then there are the records that are still being officially withheld, legally or otherwise. (See Outsdanding Issue - Records).

After more than ten years of inaction, now is the time for the Clay Subcommittee of the Waxman Committee to conduct public oversight hearings of the JFK Act. Now is the time to properly review the circumstances of the destruction of certain records, what became of the missing records, and why there are still some being wrongfully and possibly illegally withheld.

The goverment administrators responsible for the destruction of records should be identified, subpoenaed and questioned under oath, and there should be at least an attempt made to locate the missing records or determine what became of them.

The responsible subcommittee should also recommend that Congress approve the ARRB recomendations contained in their final report, and consider a formal extension of the JFK Act to

ensure that the NANA and the Committee have enough resources to properly oversee and enforce the law.

When the 9/11 Commission was officially dissolved, they continued to meet together privately, and they organized a non-profit group that continued to promote the recommendations of the Commission, and effectively did so.

The Assassination Records Review Board also made many recommendations before it dissolved, including the formation of a liaison group that represented the historian and archivists associations who recommended the members of the Review Board, and that this ad hoc liaison group continue to oversee the enforcement of the remaining statutes of the JFK Act. **[Note #7 ARRB Recommendations]**

No such ad hoc liaison group ever met, and no such independent, non-profit organization has continued to actively try to oversee the continued function of the JFK Act, other than the Assassination Archives and Research Center (AARC), the Coalition on Political Assassinations (COPA) and the Committee for an Open Archives (COA).

The Federation of American Scientists (FAS) and the National Security Archives (NSA), generally involved in open government legislation, shy away from anything to do with the assassination of President Kennedy and political assassination in general. It has been reported that Charles Sanders, Esq. and Mark Zaid, Esq. have written a letter to the Waxman Committee requesting that they hold JFK Act oversight hearings, but a public copy of this letter has not yet been made available.

While full scale investigative hearings are unlikely, they are possible, and getting at least one oversight hearing and consideration for a new extension is certainly doable.

James Lesar, Esq. took the lead when he wrote Waxman that "my organization, the Assassination Archives and Research Center (AARC) requests that you hold Oversight hearings on the President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Records Act), 44 U.S.C. rj 2107. The fact that it is almost 45

years since President Kennedy's assassination increases rather than diminishes the need for urgent action.â€œ

â€œThe Justice Department has in recent years reopened a number of seemingly ancient cases, horrific racial slayings of the 1950s and 1960s and in some cases has obtained convictions. It has been conspicuously inactive, however, on the murder of President Kennedy, a crime of enormous importance to the nation. This is so even though much about the case remains in doubt, and though significant evidence has emerged pointing to the possibility that there was a conspiracy.â€œ

â€œThe government's failure to address the doubts and confront such evidence has had a lasting, profoundly negative impact on our democracy. It is no coincidence that the steep and continuing decline in trust and respect for American leaders and institutions began after the assassination and the Warren Commission's finding that Lee Harvey Oswald acted alone in killing the President. Questions remain as to whether to cite more common suspicions, not least those expressed by the House Select Committee on Assassinations there was a conspiracy involving organized crime, or a foreign power, or even "the military industrial complex" of which President Dwight Eisenhower warned in his farewell address. Only by being seen to have made every last effort to resolve such suspicions, and by achieving total transparency in terms of public disclosure can we begin to restore confidence in our democratic system and our national institutions.â€œ

*Not to forget
Need to read this
conclusion
for
reference*

Lesar notes that, "Congress implicitly acknowledged this when it passed the JFK Records Act. It recognized that the American people have the right to know their own history, and that to know it they must have access to the facts to the fullest possible record. As a direct result of the Act, a huge volume of previously secret documents were rapidly released. Those disclosures, coupled to ongoing research, produced stunning revelations." (See List: Northwoods, Joannidies, et al.).

[To read James Lesar's complete letter to Waxman : <http://www.blogger.com/post-edit.g?blogID=1245944348321146643&postID=6046845850431762562>].

check

Lesar calls upon Congress to enact new legislation "that brings the date for full disclosure of all JFK assassination records forward to 2009â€œ;â€œ**It is essential that Congress**

use its muscle to ensure that the JFK Records Act again operates as the lawmakers intended and that government agencies, the CIA included, comply with all its requirements. Congress should also ensure that, notwithstanding the passing of the years, fresh evidence is studied and given a thorough hearing."

Lesar concludes that, "To fail to take such action, in a way that is absolutely clear and transparent, would be to invite further erosion of the public trust. A democratic nation lost its elected leader, in circumstances never satisfactorily explained, and requires nothing less of its elected representatives."

Who Are these elected representatives?

Only Committee Chairman can call a hearing, and only does so with the acknowledgement of the Speaker of the House. In this case, the subcommittee chair, Rep. W. L. Clay (D. Mo.) and the full committee chairman Rep. Henry Waxman (D. Calif.) would have to get the okay to hold JFK Act hearings from Rep. Pulosi (D. Calif.), all of whom should be agreeable if it is timed right.

Subcommittee on IP, C, and NA

<http://informationpolicy.oversight.house.gov/>

Information Policy, Census, and National Archives

Jurisdiction includes public information and records laws such as the Freedom of Information Act, the Presidential Records Act, and the Federal Advisory Committee Act, the Census Bureau, and the National Archives and Records Administration.

Majority

Wm. Lacy Clay, Chairman

Paul E. Kanjorski, Pennsylvania

Carolyn B. Maloney, New York

John A. Yarmuth, Kentucky

Paul W. Hodes, New Hampshire

Minority

Michael Turner, Ranking Member, Ohio

Chris Cannon, Utah

Bill Sali, Idaho

If any of these Congressmen are your representative, as a constituent, they will pay more attention to you than to someone from out of their district and doesn't vote, so you can make a difference by writing them a letter expressing your views and asking them to take an interest in this issue. (See Letters to Waxman).

While we would like to begin a series of public hearings on the JFK Act in particular and open government records in general, hearings that would explore all of the relevant issues and be held routinely and continuously until the JFK Act is complete (circa 2017), it's highly unlikely that will happen.

It is more than likely that only one hearing will be held over the course of one day, not unlike **the hearing held to get the extension of the JFK Act. That was a very successful hearing, briskly taking the testimony of a few key witnesses for the record, and then recommending an extension of the ARRB for an additional year, with Congress giving its unopposed general consent.**

If the Clay subcommittee of the Waxman Oversight Committee is going to hold even one hearing on the JFK Act, then it must be presented with not only recommendations, but a request for new legislation, a new law that must be prescribed by those of us who want it, or they will write it themselves, however they want it, or more likely, not at all

Without re-establishing a review a board, this new legislation should be an Extension of the JFK Act, an amendment that could give the original law some enforcement teeth, if not jaws, and try to resolve the outstanding issues outlined by Lesar in his letter, and as elaborated on by others.

[Note #8 Oversight Committee Rules and Procedures for hearings and reports.]

Which brings us back to the original JFK Act extension hearing as an example of what we would like to accomplish, and if we only get one shot, it must be a really good one.

Official Report on the Hearing:

<http://bulk.resource.org/gpo.gov/hearings/105h/90483.pdf>


Joe Backes was there:

http://spot.acorn.net/JFKplace/09/fp.back_issues/17th_Issue/arrb_ext.html

While the June , 1997 JFK Act Extension hearing only addressed the need for continuing the Review Board, many other issues related to the legislation have been raised, and the specific issues related to the content of the records, have yet to be addressed in a public hearing.

As Dennis Bartholomew, Esq, has pointed out, "Section 12 thereby indicates that the receipt of assassination related documents by the National Archives and the release of such documents to the public shall continue until all assassination documents are made available to the public."

x



"However, today, years after the Assassination Records Review Board was terminated, there are still a number of documents that have not yet been released to the public, there is evidence that the CIA has assassination related documents that it has not turned over to the National Archives, and there is reason to believe that other assassination related documents still exist that are unknown to both the National Archives and JFK assassination researchers. It is therefore clear that Congress needs to take some simple steps to ensure that the work mandated by the JFK Assassination Records Act is completed."

x

As Lesar wrote, "I ask that you do now hold hearings to assess the working of the JFK Records Act. Also that your committee address the need to modify and update it, or enact new legislation, to resolve the sort of problems I have described....It is essential that Congress use its muscle to ensure that the JFK Records Act again operates as the lawmakers intended and that government agencies, the CIA included, comply with all its requirements. Congress should also ensure that,

notwithstanding the passing of the years, fresh evidence is studied and given a thorough hearing. To fail to take such action, in a way that is absolutely clear and transparent, would be to invite further erosion of the public trust."

x

In the course of attempting to get Congress to pass a new extension to the JFK Act, it is necessary to make the new law comprehensive, yet feasible, and one they will consider, consider appropriate and pass by general consent and with no opposition. Therefore it must also be realistic.

x

The JFK CONTINUATION ACT

x

We recommend that Congress enact a continuation to the JFK Assassination Records Act (**JFK Continuation Act**) to do the following:

x

1. As recommended by the Board itself, Congress should recognize a liaison board composed of individuals from Assassination Archives and Research Center, Coalition on Political Assassination, Committee for an Open Archives, American Federation of Scientists, National Security Archives, the American Historical Association, the Organization of American Historians, the Society of American Archivists and the American Bar Association to oversee continued implementation of the provisions of the JFK Act.
2. As recommended by the Board, Congress should provide necessary funding for the National Archives to maintain the JFK Records collection and complete its release of JFK documents to the public, and add interns, researchers and investigators to the Clay Subcommittee so they can do a responsible job, including the use of subpoena powers to obtain documents and witnesses testimony.
3. The JFK Continuation Act should give members of the public a private right of action to identify additional assassination related records and to require the entity holding those documents submit them to the National Archives as specified in the JFK Act. Where the public citizen and the entity holding the documents differ on whether the document is assassination related, NARA, under the guidance of the liaison board should make that

determination.

4. The National Archives, under the oversight of the liaison board, will continue to release documents to the public as their postponement dates are reached, and will released all remaining documents, unredacted, in the year 2017, as mandated by the JFK Records Act.
5. The JFK Continuation Act will specifically provide notice to the public, through some reasonable means to communication, that all persons or entities outside the government who have assassination related documents or related disclosures are encouraged to submit them to the National Archives, as contemplated in Section 5 (a) (4) of the JFK Records Act. It will be made clear that the JFK Act and the JFK Continuation Act take precedence over all other law or judicial decision, as provided in section 11 of the JFK Act, which would otherwise prohibit such transmission or disclosure. It will also be made clear that the JFK Continuation Act will take precedence over any secrecy oath taken by the private citizen that would otherwise prohibit such transmission or disclosure.
6. The JFK Continuation Act will provide the relevant sub-committee with additional staff, including researchers, investigators and attorneys to continue to search for the relevant, missing and reputedly destroyed records, and liason with Department of Justice to prosecute those responsible for the illegal destruction of historic and evidentiary records related to the assassination.
7. The JFK Continuation Act will maintain in force and properly funded until the JFK Act is deemed satisfied by the release to the public of the last remaining official government record related to the assassination of President John F. Kenned.
8. The JFK Continuation Act will ensure that the outsanding evidence collected by other government agencies and commissions will be properly evalauted for its evidentiary value, including the acoustical eviddence, ballistics, DNA and other standard testings, and require the Department of Justice to act in accordance with its mandate.
9. The JFK Continuation Act willOther a, b, c...
10. ...Continued.

"The JFK Records Act requires remedial action in other areas"- James Lesar, Esq.

x

Besides those issues addressed in the above suggested extension/continuation resolution, there are

other issues that should be addressed and made a part of the new law, as outlined by James Lesar.

I. OUTSTANDING ISSUES related to legislation and enforcement :

x (Lesar)

a)

The Review Board ordered that many records or portions of records that were initially withheld be disclosed at dates prior to 2008. A good deal of such information, however, is still withheld. The National Archives and Records Administration ("NARA"), which has a duty to disclose such materials once the postponement date is reached, does not always do so.

x

b) While the Review Board was in existence, many records containing third agency information were referred to third agencies for action. Those agencies have in many cases failed to process the referred materials in timely fashion, and NARA - which maintains the JFK Records Act Collection, has failed to follow through by obtaining it.

x

c) It has become clear in recent years that records pertinent to the study of the JFK assassination are not in the JFK Collection - either because they were overlooked by government agencies and the Review Board or because new areas of inquiry have opened up that were previously not perceived as relevant or significant by agencies or the Review Board.

x

d)The CIA entered into an agreement with the Review Board to continue processing any and all JFK assassination records after the Review Board ceased to function. It has not honored that agreement. The result - and this applies not only to the CIA but also to other agencies - is that persons requesting assassination records not already a part of the Collection must proceed under the Freedom of Information Act ("FOIA") - which is far more restrictive than the JFK Records Act. It was the inadequacy of the FOIA, indeed, that led Congress to pass the JFK Act in the first place. In a real sense, requesters thus find themselves back to Square One.

x

Congress should hold hearings on the need for new legislation to ensure that researchers have access to materials mandated for release under the JFK

Records Act.

X

JFK Act Anthology I

x

A Call for Papers to be included in a White Paper Anthology on the JFK Act.

x

Subject: JFK Act Oversight Hearings

x

Purpose: Informing House Oversight Committee members of the overall state of the records related to the JFK Records Collection Act of 1992, [44 U.S.C. S 2107 (Supp. V. 1994)].

x

Topic: If given the opportunity to make a brief presentation, from your experiences and knowledge of certain aspects of the JFK Act, what would you tell the committee members is the most important thing they can do, and how would you propose they go about doing it?

x

Approach: We hope to compile as much information as possible so when JFK Act Oversight Hearings are finally held, if they are ever held in our lifetime, the witnesses who should be called to testify are called, and the most significant issues related to destroyed, missing and withheld records are brought to the table.

x

Rational: Since the long overdue hearings have yet to be held and may never be held, it is clear public hearings are called soon after an issue makes headlines, so it might take another big news story to inspire the Committee to hold the hearings. Otherwise, a well crafted and simply edited White Paper Anthology on the subject could assist in persuading them. And once they are held, the JFK Act Anthology will provide a quick reference road map as to what issues are deemed

most important and receive proper notice.

x

Program: The JFK Act Anthology will hopefully be followed by a second edition, after hearings are held, and a third and final JFK Act Anthology III should be prepared and published in 2018, a year after the last, legally withheld JFK assassination record is officially slated to be released.

x

Distribution: The JFK Act Anthology will be posted publicly on the internet and published as a report to be distributed to each member of the House Oversight Committee every member of the Congress, select libraries and research centers.

x

Focus: The JFK Act Anthology is not concerned with who killed JFK, how they did it or why, but rather, it is focused strictly on the records related to the assassination and how they are affected by the JFK Act.

x

If you would like to contribute to the JFK Act Anthology, your monograph should be related to and of the OUTSTANDING ISSUES - Related to Records (Sec. II, Above), and be directed to the Oversight Committee, as if you are addressing them.

x

II. OUTSTANDING ISSUES related to records: To Be the Basis for JFK Act Anthology I.

X

A) RECORDS DESTROYED

x

- 1) Lee Harvey Oswald's DOD military files.
- 2) US Secret Service Records destroyed after passage of JFK Act. "In flagrant violation of the JFK Records Act, the Secret Service destroyed records after the Review Board ruled that they were assassination-related. Congress should conduct a full investigation into why this was done and on whose instructions." - Lesar
- 3) ONI records