The Commonwealth of Massachusetts

Southeastern Massachusetts University

North Dartmouth, Massachusetts 02747

Robert F. Kennedy Assassination Archives
Library Communications Center

May 27, 1986

Ms. Diane Nixon, Director
Federal Archives
Laguna Niguel, Cal. 92677

Dear Ms. Nixon:

My involvement during the last two years in efforts to obtain public access to the Los Angeles Police files on the assassination of Senator Kennedy leads me to express some serious concerns regarding your committee's mandate, operation, and goals.

Meaningful public disclosure and archival access to these materials require that the committee establish a timetable for release, so that these historically vital records will not languish in some understaffed repository for yet several more years. Secondly, these "files" vary greatly in nature and complexity. Some can be redacted and released very quickly without long delays--diagrams, non-autopsy photographs, etc. A phased disclosure process, which I and others have consistently proposed, can be initiated by your committee, with the easily and legally releasable materials being made public in weeks rather than months or years.

In selecting a repository, it seems manifest that potential repositories would have to know what sort of redacting policies and deadlines they will be working under, before they can factor the costs, staff, and their willingness to do the job. Thus, in addition to the timetable, your committee must consider standards.

I urge that the committee take a hard look at what was done by Attorney Unger and Police Commission staff in redacting the Summary Report. The "standards" are far too restrictive to constitute meaningful public disclosure as we know it in comparable cases, and the "standards" were applied very inconsistently. I can provide the committee with chapter and verse specifics concerning these inadequacies (as can other scholars and public disclosure experts), if you will tell me at

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what point in your deliberations they would be most useful.

This relates to the larger goal of public input. I understand that the committee's first two meetings are closed to the public. It is absolutely imperative that a committee rendering crucial decision regarding the public right to know conduct its business in the open, with opportunity not only for public scrutiny but also public input. One of the reasons for the confusion, lack of progress, and ineffective disclosure standards that marked the Police Commission's unproductive stewardship of these files is the Commission's secrecy and unresponsiveness to public input.

I must also note that I have never heard of a public disclosure process for public records which seeks to place the fiscal burden entirely beyond government (city government, in this case). Such a policy could have the effect of drastically limiting or delaying access that is due to citizens under the law (ironically, if the judicial route to disclosure were pursued by concerned citizens, the cost to the city in terms of legal-administrative resources would be steep).

I can only assume that the committee's charge of selecting a repository reflects prioritization rather than a narrowing by fiat of the Police Commission's request to the Mayor and of an effective process of public disclosure.

My archive stands ready to submit a formal proposal when the committee has determined what policies, conditions and timetables it will require.

Please do not hesitate to contact me if I can provide any further information. I hope that these expressed concerns can be dealt with at upcoming meetings of the committee.

Sincerely,

Philip H. Melanson

Professor and Director,
Robert F. Kennedy
Assassinaiton Archive