



United States District Court
District of Minnesota

Judge John R. Tunheim

December 5, 2022

President Joseph R. Biden Jr.
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President:

I write to encourage action on a longstanding expectation: release of all remaining redacted information in the records related to the assassination of President John F. Kennedy.

I had the honor of serving as the Chairman of the Assassination Records Review Board, an independent federal agency for its four years of existence, 1994 – 1998. I was nominated for the position by President Clinton and confirmed by the U.S. Senate, fulfilling the Congressional requirement for an attorney on the Board. Three historians and an archivist served with me along with a professional staff of over thirty. I have served nearly 27 years as a Federal District Judge, including 7 years as Chief Judge of the District of Minnesota. I currently serve on the Judicial Conference as the Eighth Circuit representative.

The Review Board worked very hard to fulfill the purpose of the President John F Kennedy Records Collection Act of 1992, which was to secure the public release of all records relating to the assassination and in so doing, assure America and the world that the federal government was not withholding material information about the tragic event. The Congress stated very clearly that records relating to the assassination would “carry a presumption of immediate disclosure.” At the time, most assassination records were thirty years old, and Congress stipulated that “only in the rarest of cases is there any legitimate need for continued protection.” The Review Board anticipated, as Congress mandated, that all postponed information, primarily redactions in the documents, would be opened to the public no later than 2017, 25 years after passage of the law.

It is now nearly 60 years since that fateful day in Dallas. You have the non-delegable power to decide to release the remaining redacted information. Please exercise your authority to bring transparency and finality to this ordeal and order the release of all remaining redacted information in the assassination records. Mr. President, as we near the sixtieth anniversary, it is long past time to come clean and be able to tell Americans that nothing is being hidden from them and that they have access to the federal government’s entire record of the JFK



United States District Court
District of Minnesota

Judge John R. Tunheim

assassination. You would be doing a great service to providing full transparency and telling the truth about this event which even today remains mired in controversy and conspiracy beliefs.

During its work, the Review Board ordered the release of over 50,000 documents for which federal agencies sought postponement. Well over half of the documents were released when agencies realized that their arguments would not satisfy the Board. The law required that agencies prove "by clear and convincing evidence" that the need to protect the information outweighed the public interest in the information. Of course, all information related to the assassination of an American President carries an incredibly intense level of public interest which was factored into our decisions. The Board had the authority to declassify the information and if an agency objected, the agency could appeal the Board's decision to the President. The same high standard applies in the law today. President Clinton never reversed a Review Board decision to declassify information related to the assassination, despite appeals. At the time the Review Board concluded its work in 1998, over 4 million pages of assassination records were publicly available at the National Archives.

I am quite certain you are hearing the same arguments against release that were argued to the Review Board. I would be happy to address all the arguments but let me address one in particular: confidential informants deserve protection and will be harmed if their names are released. But in order to fully evaluate the value of the information provided by informants, important for understanding, it is essential to know from whom the information is received and that is why the release of informants' names is important. The Board provided detailed guidance to agencies to address informant names and identifying information. We required the agency to provide (1) evidence that the informant was still living, and (2) the likelihood they would be harmed upon public disclosure. A general argument that informants, including foreigners, must be protected was rejected by the Board. In most cases, the agency could not comply, and the names were released. Even when agencies could comply, the Board estimated a future date beyond which the informant would unlikely be alive and ordered release of the name on that date. All of those future release dates have passed and the Archives has released the names even in matters involving organized crime. To my knowledge, no one has been harmed. And there are likely very few informants from the 1960's who are still alive. You should not accept, as we did not, a general argument from the agencies that informants must be protected at all costs. A full explanation of the Board's guidance and decisions is described in Chapter Five of the Final Report of the Assassination Records Review Board, which is included with this letter.



United States District Court
District of Minnesota

Judge John R. Tunheim

I wish to point out one other important matter. In processing so many documents, the Review Board believed that most agencies acted in good faith. But there is one example when the Central Intelligence Agency deliberately misled us in a very material way. We had the file on George Joannides, a CIA officer who was deceased. We were told that Joannides was simply the liaison for the CIA with the House Select Committee on Assassinations and nothing more. We returned the file to the agency. It turned out that this claim was a shadow of the truth. Joannides had earlier overseen the training in Miami of anti-Castro Cubans in advance of the Bay of Pigs, which most certainly was possibly relevant to the assassination. The Board would have released the file in full had it not been misled. The House Committee was also misled in a similar manner by the Agency. The Joannides file absolutely needs to be released in full.

Another example of documents that should be released in full involves a postponement the Board approved based on arguments from the State Department that if disclosed, evidence of a President's cooperation with the CIA would "bring a government down." Today, that government no longer has the same political party in control and thus, there would be no impact on events of 60 years ago. The reason for the postponement no longer exists.

The Board would not accept generalized arguments that national security would be impacted, intelligence gathering methods would be disclosed or presidential protection would be compromised. We required specific information which would disclose such serious impacts. In most cases, the agencies were unable to provide such specific impact and documents were released without problems.

In one arena, the Board was largely unsuccessful, and this is unrelated to the current decision. We tried hard, at Congress' direction, to obtain release of KGB records and the KGB file on Lee Harvey Oswald, maintained in Minsk, Belarus. I negotiated the receipt of copies but government authorities in Minsk ultimately vetoed the deal. We received little help from the Department of State despite the law's clear direction for such assistance. It is my hope that these files can be obtained at some point in the future as they are very significant for researchers.

There is much more I could say, and I am very happy to help in any way to better understand the agency arguments and the significance of the release. This is no typical decision on declassification. This is an area addressed specifically by the Congress and implemented by the Clinton Administration. These are records that Congress determined carried "a presumption of immediate disclosure" over 30 years ago. You voted for that law. In my view, although I do not



United States District Court
District of Minnesota

Judge John R. Tunheim

believe the documents will disclose any bombshell information, the immediate release of all remaining protected information is critical to help restore faith in our government and to end the constant refrain that the government is hiding information from the American people. Mr. President, it is time for a complete release. You would be doing a great service for transparency and honesty.

Thank you very much.

Sincerely,

A handwritten signature in black ink that reads "John R. Tunheim". The signature is written in a cursive, flowing style.

John R. Tunheim
U.S. District Judge