

September 29, 2025

Via Federal Express Overnight Courier & Email

U.S. House Representative Anna Paulina Luna  
Florida's Thirteenth Congressional District  
9200 113th St. N., Office Suite 305  
Seminole, Florida 33772

U.S. House Representative Anna Paulina Luna  
226 Cannon House Office Building  
Washington, D.C. 20515

Re: Task Force on the Declassification of Federal Secrets ("Task Force") – Compliance  
with JFK Records Act

Dear Congresswoman Luna,

We applaud the vital work of your Task Force on the Declassification of Government Secrets, especially the recent release of over 2,500 JFK records. While these are invaluable steps forward, we are writing to address critical issues of non-compliance with the President John F. Kennedy Assassination Records Collection Act of 1992 ("the JFK Act" or "Act"). The issues discussed herein have festered and grown for almost 27 years due to actions and inactions by the National Archives and Records Administration ("NARA"), the conduct of the Archivist of the United States ("Archivist"), along with a glaring lack of Congressional oversight. We believe it is essential for the final report of the Task Force ("Final Report") to include recommendations designed in the public's interest to reinvigorate compliance with the Act, and address requirements of the Act that have clearly been violated.

The JFK Act was unanimously passed by Congress as a clear mandate from the people to create an **"enforceable, independent, and accountable"** process for public disclosure. We have prepared the following recap of the Act's unique powers, followed by our observations and recommendations that we believe will correct almost three decades of improper administration and restore the integrity of the JFK Records Collection ("Collection").

### **I. Critical Elements of the Act That Seemingly Have Been Forgotten**

The JFK Act is a unique and powerful piece of legislation, purpose-built by Congress because traditional processes impinged by unguarded influence from agencies had been deemed by Congress to prevent transparency and the timely disclosure of assassination records. The JFK Act's exceptional legal framework established a distinct status for this Collection that seems to have been forgotten. Key elements include:

- **A Presumption of Full Disclosure:** The Act reversed the standard government posture of secrecy, creating an immediate presumption that every assassination record would be released, except in the rarest of cases.

- **Binding and Enforceable Orders:** The Assassination Records Review Board (“ARRB”) was granted unprecedented declassification powers that resulted in the issuance of approximately 27,000 Final Determination Notifications (FDNs), which are final and legally binding and enforceable agency orders, not mere recommendations. FDNs are carefully crafted orders setting forth how each individual record in the Collection was to be released, and when. The ARRB staff, some thirty years ago and in consultation with agencies, crafted final disclosure decisions and disclosure criteria for each individual postponed record. This fact, along with the existence of the FDNs themselves, has seemingly been lost in recent discussions on the status of the Collection and at a critical point in time. FDNs are assassination records and are thus mandated by the Act to be publicly disclosed in the Collection at NARA. As of today, virtually all of the FDNs are not publicly available, despite multiple FOIA requests. **Increasing the concern and urgency is the fact that the Ninth Circuit Court of Appeals recognized that, without the FDNs, the public has effectively been denied its right to judicial review of actions taken (or required to be taken) under the JFK Act.**

- **A Ministerial Duty for the Archivist:** The Act stripped the Archivist of any discretionary power, assigning a purely “**ministerial and non-discretionary duty**” limited to periodically reviewing and releasing records on the dates mandated by the ARRB under the stipulations set forth in the FDNs.

- **Supremacy Over Other Laws:** The JFK Act was designed to **reign supreme** over all other statutes, court decisions and executive orders that would otherwise prohibit the transmission or disclosure of assassination records [See §11(a), JFK Act].

## **II. Ten Observations About the Current State of the JFK Records Act**

This section summarizes the critical problems preventing the JFK Act from functioning as Congress intended.

1. **The Act's Core Principles Are Not Being Followed:** The Act created a framework for an “enforceable, independent, and accountable” process. The lack of oversight since the ARRB ceased operations in 1998 has undermined these core tenets and led to unauthorized delays and a lack of transparency. Many examples of how these principles have been violated are self-evident, as noted throughout this document.

2. **Binding Legal Orders: Final Determination Notifications (FDNs) Are Critical and Almost Completely Hidden:** The ARRB issued approximately 27,000 separate binding orders (FDNs) specifying when postponed records must be released. These FDNs are the legal backbone for enforcing the Act. Remarkably, NARA has made less than 2% of them public, **making a full audit of compliance impossible** and possibly complicating the identification of missing records.

**3. Congressional Oversight Has Been Absent:** The JFK Act explicitly mandates that House and Senate committees have "continuing oversight jurisdiction".<sup>1</sup> Despite this, in over 30 years, these committees have failed to hold a single hearing on the matter. As a result, failures of the Archivist to perform mandatory ministerial duties required by the Act have gone undetected and unchallenged, resulting in decades of disclosure delays and public mistrust.

**4. Recent Presidential Actions Are Insufficient Without the JFK Act:** While President Trump's Executive Order 14176 (January 23, 2025, the "Executive Order") resulted in the release of over 2,500 records, it is not a complete solution. The Executive Order lacks the enforceable mechanisms of the JFK Act and cannot ensure full disclosure without a complete audit of the JFK Collection, which begins with locating and disclosing the ARRB's FDNs and the mandatory creation of a searchable directory and index. Certain audit procedures would be highly beneficial and are further discussed below.

**5. A Complete, Searchable Directory and Index is Urgently Needed:** One of the most critical failures to date, is the Archivist's duty to publish a comprehensive, searchable directory and index of all assassination records ever transmitted to NARA. No such directory or index is known to exist, and if it does, it has not been publicly disclosed. This would reveal what has been released, what is withheld, and what may have been suppressed or buried for whatever reason. An audit should be conducted which reconciles a final comprehensive index of records produced by the ARRB (at the moment the ARRB handed its reviewed collection over to NARA) to a similar index maintained at NARA. This is a critical step in accounting for all known records and how they were handled. It most certainly would reveal records currently missing from the Collection that were present at the sunset of the ARRB, as well as detecting specific records that were withheld from ARRB review.

**6. Thousands of Records Were Never Reviewed by the Independent ARRB:** Testimony from former ARRB Chairman Judge John Tunheim on May 20, 2025 reveals that many recently released records were never shown to the ARRB. Agencies appear to have transferred these records to NARA after the ARRB ceased operations in 1998, circumventing the independent review process mandated by Congress. We have identified assassination records with Record Identification Form (RIF) numbers and identification aids that corroborate Judge Tunheim's important testimony.<sup>2</sup>

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<sup>1</sup> Sections 4(e) and 7(l)(1) specifically state the oversight jurisdiction of the House and Senate committees. These committees have jurisdiction over the JFK Collection as a whole, and also over the disposition of postponed records after the termination of the ARRB and records held or created by the ARRB.

<sup>2</sup> A February 10, 1992 CIA memo, titled "Survey of CIA's Records from House Selection Committee on Assassinations Investigation", further demonstrates an intention to circumvent an independent review and declassification process for sensitive records transmitted to NARA. This CIA memo can be viewed at the following link: <https://www.archives.gov/files/research/jfk/releases/2021/docid-32404131.pdf>.

**7. Perceived Lack of Clarity on Enforcement of Remaining Withheld Records.** Certain records in the Collection were never subject to a review by the ARRB. Many of these records are still being withheld by NARA. President Trump's Executive Order has now declared that continued withholding of any Assassination Record is not in the public interest, and that full disclosure is long overdue. By virtue of their delivery to NARA, these records are deemed Assassination Records. Therefore, in our opinion, the current enforcement mechanisms of the JFK Act apply.

**8. The Archivist's Role is Ministerial, Not Discretionary:** The JFK Act bestows upon the Archivist a "ministerial and non-discretionary duty" to release records according to the dates and stipulations mandated in the ARRB's FDNs. NARA's authority under the JFK Act is limited to periodic review of the ARRB's final release decisions as certified by President Clinton. **NARA's authority does not include handling postponement requests from agencies or negotiations with agencies regarding postponements.**

**9. The JFK Act Reigns Supreme:** The Act takes precedence over all other laws, court decisions and executive orders regarding the disclosure of assassination records. Presidential authority to override an ARRB determination expired 30 days after the ARRB issued an FDN, and President Clinton waived this right entirely. Under section 9(d)(1) of the Act, President Clinton was the only President with the time-limited authority to override an ARRB Final Determination and he did not do so.

**10. The Collection Cannot Be Certified as Complete:** Until a full directory and index is created and all records are released according to the law, the Archivist of the United States cannot legally certify to the President and Congress under the JFK Act that all assassination records have been made available to the public. **The Act must therefore remain in full force and effect.** The failure to provide a full and complete directory and index of records makes such a certification legally impossible.

### **III. Ten Recommendations for Action**

Based on these observations and findings, we respectfully request that the Final Report of the Task Force include the following recommendations to ensure that NARA achieves full compliance with the JFK Act.

**1. Publish All Final Determination Notifications (FDNs):** Require the Archivist to comply with the law and to immediately locate and release digital copies of all FDNs issued by the ARRB (approximately 27,000). This is an essential first step for any audit of compliance.

**2. Create and Publish a Comprehensive, Searchable Directory and Index:** Require the Archivist to comply with the law and produce and publish a complete, uniform digital directory and index of each assassination record ever transmitted to NARA. This is a mandatory and non-discretionary duty under the Act.

**3. Ensure the Directory and Index Accounts for All Record Groups:** The directory and index must identify records transferred to NARA a) before the Act was passed; b) those reviewed during the ARRB's operation; and c) those transferred to NARA after the ARRB terminated operations in 1998.

**4. Release a Full Directory and Index of All Identification Aids:** Require the Archivist to comply with the law and release a complete digital directory and index of **up-to-date** Identification Aids for each record, which are face sheets containing important tracking and status elements.

**5. Cease Unauthorized Coordination with Agencies:** Reaffirm that NARA's role is ministerial and that it has no authority to collaborate or negotiate with originating agencies on postponements, a practice that violates the independent framework of the Act.

**6. Identify All Records That Were Never Reviewed by the ARRB:** The comprehensive directory and index must clearly identify all records in the JFK Collection that circumvented the ARRB's independent review.

**7. Establish a Framework for the Enforcement of Remaining Withheld Records:** Records that were never seen by the ARRB must be brought under the enforcement mechanisms mandated by the JFK Act. This is one of the most important enforcement matters to be undertaken by the oversight committees and is in the spirit of President Trump's Executive Order regarding full disclosure. As a reminder, Congress has special jurisdiction over its own records, and oversight committees should call for the immediate release of all congressional records specifically identified in the Act.<sup>3</sup> Going forward, any newly discovered records must be expeditiously transmitted to NARA, included in the Collection, and publicly disclosed as required by section 2(b)(2) of the Act.

**8. Enforce Congressional Oversight:** Call on the designated House and Senate committees to finally exercise their "continuing oversight jurisdiction" as mandated in sections 4(e) and 7(l)(1) of the Act.

**9. Hold NARA Accountable:** The Task Force should require the Archivist or senior NARA staff to testify and account for a) why the FDNs remain hidden and not fully enforced; and b) what steps are being taken to create the legally required public directory and index. Limited audit procedures should be applied to ensure that every Assassination Record handled by the ARRB is now present in the publicly available Collection housed at NARA.

**10. Withhold Final Certification:** The Final Report must state clearly that the Archivist cannot certify the JFK Collection as complete and fully disclosed to the public under section 12(b) of the Act until all FDNs are released, a full public directory and index is published, and all records are made available in accordance with the law.

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<sup>3</sup> This includes without limitation the records of the Church Committee, Pike Committee, and House Select Committee on Assassinations (HSCA).

We strongly urge the Task Force to address these fundamental problems in the operation of the JFK Act. The lack of oversight has already caused inexcusable harm. Your diligence in addressing these matters in the Final Report will greatly strengthen the endorsement and support from a broad coalition of influential researchers and the public.

To ensure the Final Report achieves the full promise of the Act, we formally request a meeting to discuss these critical issues of statutory compliance and oversight. We are prepared to make ourselves available to collaborate in any way that would be helpful, as you prepare your final recommendations.

Thank you for your historic work and your consideration of these vital matters.

Sincerely,



Jeff Crudele, Andrew Iler and Mark Adamczyk

Cc (email only):

U.S. Senator Rick Scott

U.S. House Rep. James Comer

The Honorable John R. Tunheim

U.S. House Rep. Tim Burchett

U.S. House Rep. Eric Burlison

U.S. House Rep. Elijah Crane

William Christian

Jake Greenberg