

The Never Ending Suppression of the Truth: Feds Sued for Withholding Records on JFK Assassination on November 22 1963

Researchers say Biden — and Trump before him — violated federal law by withholding some records on the JFK assassination beyond a congressionally mandated 2017 release.

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San Francisco Bay Area researchers sued President Joe Biden and the National Archives on Wednesday over the postponement of the release of records on the assassination of President John F. Kennedy in 1963.

Two members of the Mary Ferrell Foundation [claim in their federal lawsuit](#) that the Biden administration has postponed releasing certain records on Kennedy's assassination without doing a review of the records or maintaining an accurate index of the redacted content. They say the National Archives and Records Administration violated the John F. Kennedy Assassination Records Collection Act of 1992 by preventing them from being fully informed on the history of the assassination.

The foundation, based in Massachusetts, maintains the largest searchable electronic collection of materials on the JFK assassination. Plaintiffs Josiah Thompson, a private investigator and author of books and articles on the JFK assassination, and author Gary Aguilar claim the government's obstruction has interfered with the foundation's core mission to educate the public.

According to the plaintiffs, Biden's postponement of the records release deprives them from their legal right to information on the assassination. They also say the president and National Archives make it impossible to determine the number and identity of redacted and withheld assassination records in the JFK Collection — or records that may be in other government offices.

As a result of pressure to end what was then three decades of government secrecy about Kennedy's death, Congress unanimously enacted the JFK Records Act in 1992, signed into law by then-President George H.W. Bush on Oct. 26, 1992. Congress declared that the "legislation is necessary to create an enforceable, independent, and accountable process for the public disclosure of such [assassination] records."

Just before the October 2017 statutory deadline to put out the remaining secret assassination records, then-President Donald Trump issued a memorandum instructing National Archives to temporarily postpone the public disclosure of some unidentified records for six months. He later ordered National Archives to postpone the release for another three and a half years beyond the statutory deadline.

In October 2021, Biden issued an executive memorandum ordering the continued postponement of release of an unknown number of unidentified records — without, according to the plaintiffs, conducting a record-by-record review. They claim in doing so, the president breached his duties by not giving reasons with evidence for postponement, or stating how withholding the records outweighs the public interest in having the records.

The plaintiffs also say National Archives acted "arbitrarily and capriciously" and violated the Administrative Procedures Act by implementing Biden's orders, and failed to perform assigned duties under the JFK Records Act such as maintaining an accurate guidebook and index to the President John F. Kennedy Assassination Records Collection. They also claim National Archives failed to follow up with government offices on outstanding record searches requested in 1998.

The plaintiffs want a judge to declare that Biden's postponement violates the JFK Records Act and to order the president and National Archives to explain their continued postponement for each withheld record with clear evidence of "identifiable harm posed by the potential disclosure" and how it outweighs the public interest in disclosure.

"If the court finds that the proposed grounds for postponement do not meet the statutory criteria, the court should order the release of such assassination records to the American people," the plaintiffs say in their complaint.

The plaintiffs also want National Archives ordered to complete a search for other records without identification in the department's directory, remove all unjustified redactions in the central directory and find missing records identified in the complaint. They also want the agency to verify that there are no additional records withheld in full, and to establish a procedure to ensure the public release of all records "at the earliest possible date."

National Archives did not respond to a request for comment about the lawsuit.

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