

Memorandum of Understanding Between the Assassination Records Review Board, the National Archives and Records Administration and the Senate Select Committee on Intelligence

Subject of the Memorandum of Understanding

1. All records generated by the Senate Select Committee on Intelligence Activities Within the United States ("Church Committee") that are related to the assassination of President John F. Kennedy and remain unprocessed under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (Supp. V 1994) ("JFK Act" or "Act").

Purposes of the Memorandum of Understanding

2. The purpose of this Memorandum of Understanding is to ensure the full implementation of the JFK Act as it applies to all Church Committee records. The JFK Act provides for the expeditious public disclosure of all records related to the assassination of President John F. Kennedy. To comply with the Act, the records of the Church Committee must be reviewed under the Act's specific standards prior to public disclosure or postponement. This review process includes:
 - (a) reviewing all Church Committee records to identify assassination records;
 - (b) completing a unique record identification form for each assassination record;
 - (c) integrating each record identification form into the existing NARA/Church Committee data base;
 - (d) transmitting assassination records to the Review Board for its consideration;
 - (e) coordinating the transmittal of assassination records to third agencies for their review; and
 - (f) photocopying the assassination records for placement in the JFK Collection.

Parties to the Memorandum of Understanding

3. The parties to this Memorandum of Understanding are:
 - (a) The Senate Select Committee on Intelligence ("SSCI"), custodian of Church Committee records;

(b) The National Archives and Records Administration (“NARA”), through its representative, the Director of the Center for Legislative Archives (“Center”); and

(c) The Assassination Records Review Board (“Review Board”).

Underlying Facts

4. On December 17, 1992, Center staff met with SSCI staff regarding SSCI compliance with the JFK Act.
5. From October of 1993 through September of 1994, the SSCI forwarded to NARA 40 boxes of Church Committee assassination records processed under the JFK Act.
6. In April of 1995, NARA alerted the SSCI and the Review Board to additional unprocessed Church Committee assassination records, including numerous records cited in the footnotes to Book V of the Church Committee Report (“The Investigation of the Assassination of President John F. Kennedy: Performance of the Intelligence Agencies”). NARA offered the Center’s assistance to the SSCI in locating these records.
7. In March of 1996, NARA and Review Board staff met with SSCI staff regarding SSCI compliance with the JFK Act. In May of 1996, following this meeting, the SSCI forwarded one additional box of previously identified assassination records to NARA.
8. On May 29, 1996, Review Board Staff identified for the SSCI additional unprocessed Church Committee assassination records. *See* fax from Joe Freeman to Jim Wolf (May 29, 1996).
9. The additional Church Committee assassination records identified by NARA and the Review Board subsequent to April 1995, remain unprocessed under the JFK Act.

Terms of the Memorandum of Understanding

10. To facilitate full compliance with the JFK Act, the SSCI will provide full access to all Church Committee records not previously processed under the JFK Act to the staffs of the Review Board and the Center for Legislative Archives for the purpose of identifying assassination records.
11. Once assassination records have been identified, the Center for Legislative Archives agrees to perform the review process as the instrument for the SSCI according to the following guidelines:

(a) Records Review:

Center staff will carefully review all records according to SSCI instructions and in a manner consistent with the five grounds for postponement outlined in Section 6 of the JFK Act. Center staff will interpret Section 6 in a way that maximizes the release of records related to the assassination.

(b) Unique Record Identification Form:

In accordance with Section 5(d)(2)(A)(B) & (C) of the JFK Act, Center staff will complete a unique, standard record identification form for each assassination record. Upon completion of its initial review, Center staff will attach a printed copy of the record identification form to a copy of the document it describes. If postponement is sought for a particular assassination record, Center staff will specify the applicable Section 6 postponement provision on the document's record identification form. If Center staff transmits a document to the Review Board, a printed copy of the identification form will also be transmitted. Additionally, Center staff will attach a printed copy of the form to each Church Committee assassination record ultimately located in the JFK Collection.

(c) Creating the Data Base:

Center staff will input the information for each unique Church Committee record identification form into the comprehensive NARA-designed data base, which includes information on all JFK assassination records.

(d) Transmitting Documents to the Review Board:

Center staff will transmit directly to the Review Board all original assassination records for which it refers copies to third agencies or seeks postponement under Section 6 of the JFK Act. Center staff agree to transfer to the JFK Collection at NARA all original assassination records that it determines to open in full.

(e) Transmitting Documents to Third Agencies:

Center staff will refer copies of assassination records with third-agency equities directly to the relevant originating agency where appropriate. The originating agency will be instructed to communicate any requested postponements in these records directly to the Review Board. The Review Board may assist Center staff in the referral process.

(f) Photocopies for "JFK Collection":

Center staff will photocopy the Church Committee assassination records for inclusion in the "JFK Collection."

12. Center staff will consult with the SSCI and the Review Board on further interpretations of these guidelines.
13. The SSCI will provide additional personnel to assist in this task to the extent that resources are available.