

# MEMORANDUM

, 1996

To:

cc:

From: T. Jeremy Gunn

Subject: "Government Records"

Whether records in which individuals may have property interest are "government records" within the meaning of the JFK Act and should/must be transmitted to the JFK Collection at NARA?

JFK Act.

"government records" not defined

"government office" and "assassination records" are defined.

Our best sections:

Government offices required to transmit "each assassination record in its custody or possession for disclosure to the public, review by the Review Board, and transmission to the Archivist." Sect. 5(c)

"Each Government office shall--(1) transmit to the Archivist, and make immediately available to the public, all assassination records that can be publicly disclosed . . . ." Sect. 5(e)(1).

Examples:

Whelan records

Zapruder film

Records subpoenaed by Board

Groden

Questions

To what extent does the Board have discretion?

Should Board issue guidelines on interpretation of JFK Act?

Provisions of the JFK Act governing NARA/Presidential libraries (other than maintaining JFK Collection)

What does "possession" mean? Does it require ownership interest?

- Sect. 3(5)

- Sect. 3(5)(D)

- Sect. 5(d)(3)