

# MEMORANDUM

August 15, 1996

To: T. Jeremy Gunn  
General Counsel

From: Brian E. Rosen

Subject: Statutory Requirements for Use of Record Identification Forms

The President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (Supp. V 1994) (“Act”) requires the National Archives and Records Administration (“NARA”) to “prepare and make available to all Government offices a standard form of identification or finding aid for use with each assassination record subject to review under this act.” Sect. 5(d)(1)(A). Pursuant to this mandate, NARA developed a system of Record Identification Forms (RIFs) to be used by government offices in possession of assassination records subject to the Act. In applying NARA’s system of RIF’s, the Act further requires that

[u]pon completion of an identification aid, a Government office shall -- (A) attach a printed copy to the record it describes; (B) transmit to the Review Board a printed copy; and (C) attach a printed copy to each assassination record it describes when it is transmitted to the Archivist.

Sect. 5(d)(2).<sup>1</sup>

However, the Act does not specify what unit of assassination-related materials constitute an “assassination record” that requires an individual RIF. Indeed, the Act defines “assassination record” merely as “a record that is related to the assassination of President John F. Kennedy, that was created or made available for use by, obtained by, or otherwise came into the possession of -- [a number of Government offices].” Sect. 3(2). Moreover, the Act broadly defines “record” as “a book, paper, map, photograph, sound or video recording, machine readable material, computerized,

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<sup>1</sup>Other sections of the Act also reference “identification aids.” *See* Sections 3(6) (“‘Identification aid’ means the written description prepared for each record as required in section 4.”); 4(a)(2)(B) (“The Collection shall include -- . . . a central directory comprised of identification aids created for each record transmitted to the Archivist under section 5 . . . .); and 5(c)(2)(D)(ii) (“a Government office shall -- . . . specify on the identification aid required by subsection (d) the applicable postponement provision contained in section 6 . . . .)”)

digitized, or electronic information, regardless of the medium on which it is stored, or other documentary material, regardless of its physical form or characteristics.” Sect. 3(11).

These vague statutory definitions provide little guidance in determining what unit of assassination-related material constitutes an “assassination record” requiring an individual RIF. The Act clearly does not require that a unique RIF be attached to individual documents. Rather, the Act reasonably may be construed to require that a RIF be attached to each integral unit of assassination-related documentary material (such as folders or files). Such an interpretation would lessen the burden on government offices attempting to comply with the Act and be consistent with the Act’s purpose “to require the *expeditious* public transmission to the Archivist and public disclosure of such records.” Sect. 2(b)(2) (emphasis added).

Moreover, this interpretation would not conflict with the requirement in Section 5(c)(2)(D)(ii) that a government office “specify on the identification aid . . . the applicable postponement provision . . .” for all “assassination records” covered by the statutory standards for postponement. A government office easily could comply with this requirement by attaching a RIF to each individual document containing material covered by the standards for postponement within a given integral unit of assassination-related material and then attaching a separate RIF to the unit as a whole.

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