

February 1, 1995

TO: Henry Graff
Kermit Hall
Bill Joyce
Anna Nelson
Jack Tunheim

FROM: David Marwell

RE: Addendum to proposed definition guidance and request for comments

Sheryl has spoken further with Miriam Nisbet, special counsel to the Archivist, regarding the Board's proposed guidance and NARA's concerns about inclusion of artifacts in the scope of "assassination record." Sheryl raised with Miriam the possibility of including in the guidance the following provision as a way of dealing with the issue of providing public access to and copies of artifacts:

In the case of artifacts deemed to be "assassination records" and included in the JFK Collection, provision to the public of photographs, drawings, or similar materials depicting the artifacts shall be sufficient to comply with the ARCA's requirement that "copies" of "assassination records" be provided to the public upon request. Other public access to artifacts in the JFK Collection shall be allowed on terms and conditions established by NARA that, based on NARA's judgment and experience, are adequate to preserve and protect the artifact for posterity.

Miriam said she believed NARA would be "very happy" to see such language included. Given that this is a substantive addition, it would seem appropriate to give the public notice of it and opportunity to comment now rather than insert it at the stage of the final guidance's publication. It would be inserted in the section called "Additional Guidance."

Please let us know if you have any comments on this or on the draft faxed to you on January 27. Pending your final approval, we are hoping to send the final version to the Federal Register for publication by the end of the week.