

4/26/95

DRAFT

ASSASSINATION RECORDS REVIEW BOARD

36 CFR Part 1400

Guidance on Interpreting and Implementing the President John F. Kennedy

Assassination Records Collection Act of 1992.

AGENCY: *Assassination Records Review Board.*

ACTION: *Final interpretive regulations.*

SUMMARY: *These final interpretive regulations make effective proposed interpretive regulations published on February 8, 1995 at 60 FR 7506-7508. The Assassination Records Review Board revised the proposed regulations after consideration of public comment received in writing and through testimony at public hearings convened by the Review Board. The final regulations provide guidance on the interpretation of certain terms defined in the President John F. Kennedy Assassination Records Collection Act of 1992 and on implementation of certain of the statute's provisions.*

FOR FURTHER INFORMATION CONTACT: *Sheryl L. Walter (General Counsel), (202) 724-0088.*

SUPPLEMENTARY INFORMATION:

Background

The President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. 2107 note (as amended) (ARCA), established the President John F. Kennedy Assassination Records Collection (the JFK Assassination Records Collection) at the National Archives and Records Administration (NARA). In establishing a process for public disclosure of all records relating to the assassination, Congress created an independent federal agency, the Assassination Records Review Board (the Review Board), which consists of five citizens appointed by the President and confirmed by the Senate in 1994. Under the ARCA, the Review Board is empowered to decide "whether a record constitutes an assassination record." 44 U.S.C. 2107 note Sec. 7(i)(2)(A). Congress also intended that the Review Board "issue guidance to assist in articulating the scope or universe of assassination records." *President John F. Kennedy Assassination Records Collection Act of 1992*, S.Rep.102-328, 102d Cong., 2d Sess. (1992) at 21. These final interpretive regulations, a proposed version of which was published at 60 FR 7506-7508 (Feb. 8, 1995), comply with that mandate.

As the Supplementary Information that accompanied the proposed interpretive regulations stated, the Review Board's goal in issuing this guidance is

"to implement congressional intent that the JFK Collection contain 'the most comprehensive disclosure of records related to the assassination of President Kennedy.' [S.Rep. 102-328, *supra*] at 18.

The Board is also mindful of Congress's instruction that the Board apply a 'broad and encompassing' working definition of 'assassination record' in order to achieve the goal of assembling the fullest historical record on this tragic event in American history and on the investigations that were undertaken in the assassination's aftermath. The Board recognizes that many agencies have already begun to organize and review records responsive to the ARCA even before the Board was appointed and began its work. Nevertheless, the Board's aim is that this guidance will aid in the ultimate assembly and public disclosure of the fullest possible historical record on this tragedy and on subsequent investigations and inquiries into it."

60 FR 7506. The final interpretive regulations are intended to comprehensively identify the range of records reasonably related to the assassination of President Kennedy and investigations undertaken in its aftermath. The final regulations are also intended to aid in the consistent, effective and efficient implementation of the ARCA and to establish procedures for including assassination records in the President John F. Kennedy Assassination Records Collection (JFK Assassination Records Collection) established by Congress and housed at NARA's facility in College Park, Maryland.

Notice and Comment Process

The Review Board sought public comment on its proposed

interpretive regulations and set a thirty day period, which ended on March 10, 1995, for the purpose of receiving written comments. The Review Board also heard testimony at public hearings on aspects of the proposed regulations. In addition, the Review Board sent copies of the proposed interpretive regulations to agencies known to have an interest in and be affected by the Review Board's work, particularly those who hold or created assassination records, and to the appropriate oversight committees in Congress. The Review Board also sent notice of the proposed regulations and request for comments or sent copies of the Federal Register notice itself to many organizations and individuals who have demonstrate an interest in the release of materials under the ARCA or who have engaged in research into the assassination of President Kennedy.

The Review Board received written comments on the proposed interpretive regulations from numerous federal agencies, state and local government entities, and individuals. Federal agencies providing written comments include the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA), NARA, and the Department of State. State and local government entities providing written comments include the Dallas (Texas) County Commissioner's Court, the Dallas County Historical Foundation, and the City of Dallas Records Management Division of the Office of the City Secretary.

Prior to publication of the proposed interpretive regulations, the Review Board heard testimony at a public hearing held at the Review Board's offices on December 14, 1994 from representatives of the NARA on the question of including artifacts in the scope of the term "assassination record." After publication of the proposed regulations

and before expiration of the comment period, the Review Board heard testimony at a public hearing on March 7, 1995, from the FBI and from several individuals and representatives of private organizations on their views regarding the text of the proposed regulations. Copies of all written comments received and transcripts of public testimony on the proposed regulations were placed in the public reading room at the Review Board's offices and made available for inspection and copying by the public upon request.

The Review Board found very helpful the thoughtful and, in many cases, very detailed comments submitted on the proposed interpretive regulations. Nearly all of the comments expressed support for what was characterized as the proposed regulations' comprehensiveness and flexibility. All comments submitted were carefully studied and considered by the Review Board. Submitters made both technical and substantive suggestions; as described below in the section-by-section analysis many of these suggestions were incorporated in the interpretive regulations as issued here in final form.

Some comments did express concern at the broad scope of the Review Board's proposed regulations. A few comments also questioned the inclusion of records not in the possession of federal agencies, especially in the scope of the terms "assassination record" and "additional records and information." The Review Board considered those comments carefully, but concluded that the terms of the ARCA as drafted by Congress preclude the narrower reading of the Review Board's responsibilities that those comments urged.

The broad scope of the ARCA directs the Review Board to identify and make available to the public all documents that will enhance, enrich, and broaden the historical record of the assassination of President John F. Kennedy. The Review Board thus seeks through its interpretive regulations to fulfill Congress's "inten[t] and emphasis that the search and disclosure of records under this Act must go beyond" the records of previous commissions and committees established to investigate President Kennedy's assassination. S.Rep.102-328, supra at 21. The Review Board may, as described below in the section-by-section analysis of §1400.6, exercise discretion in the acceptance of copies, where appropriate, in lieu of originals of records for inclusion in the JFK Assassination Records Collection. The Review Board believes that this flexibility addresses concerns that some commenters expressed about the removal of original records already housed, for example, in the archives of state and local institutions.

In addition, many comments from individual researchers requested the enumeration of specific records or record groups in several sections of the interpretive regulations, especially those dealing with the scope of the terms "assassination record" and "additional records and information." The Review Board understands the importance of identifying particular records groups for review and inclusion in the JFK Assassination Records Collection and appreciates the many helpful suggestions it has received in this regard already, and encourages continued correspondence from researchers and the general public in this regard.

However, the Review Board seeks to ensure that the final

interpretive regulations are interpreted broadly and thus believes it would be duplicative and potentially invite a too-narrow interpretation or implementation of these regulations if individual records or record groups are enumerated further in the regulations. To ensure that the public is aware of the Review Board's knowledge of and pursuit of specific records and record groups such as those identified in the public comments received on the proposed interpretive regulations and in other correspondence with or testimony before the Review Board, the Review Board revised §1400.8 to create the Notice of Assassination Record Designations. The Review Board determined that because it has created in §1400.8 a mechanism to notify the public of records it has designated as assassination records to be included in the JFK Assassination Records Collection, it is unnecessary and duplicative to include in the final interpretive regulations a more detailed enumeration of individual records and record groups.

Section by Section Analysis

1400.1 Scope of assassination record.

The Review Board received many comments on the text of this section, some technical in nature and some more substantive. The final regulations incorporate suggested technical changes, including revision of the section's title to make it more precise and other clarifying edits.

Many comments focused on the wording of subparagraph (a). Of particular concern to many was the portion of this subparagraph that provides that an "assassination record" includes records "that

may have led to the assassination." Comments from both government agencies and private researchers suggested alternative language, some because they read the proposed regulation's scope as too narrow and others because they construe the language as overly broad. There was consensus among those submitting comments, however, that inserting the phrase "reasonably related to" is an acceptable and appropriate alternative to the "may have led to" construction that appeared in the proposed regulations.

The Review Board agrees and adopts this change. In doing so, the Review Board seeks to identify and preserve records not to support or refute any particular theory of the assassination of President Kennedy, although such theories may inform the Review Board's search for records reasonably related to the assassination and investigations into it. The Review Board believes that subparagraph (a) as now worded advances that effort and will promote consistent broad interpretation and implementation of the ARCA.

Many comments suggested that specific individuals, events or groups of records be added to this section. The Review Board considered these suggestions but determined that the types of records commenters sought to add were already adequately covered by the section's scope as proposed. The Review Board has received and continues to receive many suggestions from researchers and the general public on records and record groups that should be considered for inclusion in the JFK Assassination Records Collection. The Review Board welcomes and encourages this assistance with its work and intends to follow up on such leads, including those provided in the written comments to the proposed regulations.

However, the Review Board determined that including records or record groups at this level of specificity in interpretive regulations like these which are intended to provide general guidance on the scope of the ARCA's key terms could potentially limit the scope of the regulations as applied, might prove confusing, and would be unduly duplicative. As discussed in the analysis of §1400.8 below, the Review Board further concluded that the mechanism established in that section will serve to notify agencies and the public of particular records identified by the Review Board as assassination records. The Review Board intends in implementing the ARCA, to on an ongoing basis take into account and follow up on suggestions from the public and to work closely with agencies to clarify whether particular records or record groups are assassination records.

1400.2 Scope of additional records and information.

The title of this section was revised to conform to the new title of section 1400.1. Additional editing changes were made for clarity. A new subpart (6) was added to subparagraph (e) and a new subparagraph (f) was added after consideration of comments that noted the potential exclusion of certain categories from the scope of this section in the proposed interpretive regulations.

This section is intended to be used by the Review Board to obtain access to a wide variety of materials, classified and unclassified, which may not fall into the definition of "assassination record" but which will lead to the identification of assassination records. Some

comments expressed concern as to the broad scope of this section. The Review Board has added language in the final regulations to clarify that the purpose of this section is to identify, evaluate or interpret assassination records, including assassination records that may not initially have been identified by an agency. The Review Board also has added language to indicate that it intends to implement this section through requests made in writing. These written requests will be signed by the Review Board's executive director. The Review Board contemplates that in implementing this section its staff will work closely with entities to whom such requests are addressed to promote the ARCA's effective and efficient implementation.

1400.3 Sources of assassination records and additional records and information.

A new subparagraph (new subparagraph (g)) was added after consideration of comments noting the potential exclusion of records created by individuals or corporations or obtained from sources other than those already identified in the previous subparagraphs. Other comments suggesting the inclusion of additional specific sources were considered but not included in the final version because they were determined to replicate language already in existing subparagraphs of this section.

1400.4 Types of materials included in scope of assassination record and additional records and information.

The National Archives and Records Administration provided oral testimony and written comments objecting to the inclusion of "artifacts" in this section. Other comments received strongly supported inclusion of this type of material within the scope of "assassination record." The Review Board carefully considered NARA's comments as contained in its written submission and as presented in oral testimony by NARA representatives at a public hearing of the Review Board held on December 14, 1994. However, the Review Board concluded that artifacts should remain in this section of the final interpretive regulations without change.

Artifacts that were exhibits in the Warren Commission's deliberations are already housed at NARA. The Review Board believes that the unique nature of the issues of public trust and credibility of government processes that prompted enactment of the ARCA require that artifacts be included in the scope of items to be included in the JFK Assassination Records Collection. The Review Board included in its proposed regulations and retained in § 1400.7 of the final version language intended to address NARA's concerns about potential copying requirements related to artifacts and about preservation issues. NARA's comments on the proposed regulations noted its approval of the inclusion of that language.

1400.5 Requirement that assassination records be released in their entirety.

This section is intended to provide guidance to agencies that

they are to produce for the Review Board's review records in their entirety and, except in rare instances and with the assent of the Review Board, withhold information in documents only under the postponement provisions of Section 6 of the ARCA. The purpose of requiring that records be produced in their entirety is to ensure that the context and integrity of the records be preserved and to clarify that the Review Board has the sole discretion to determine what records or portions thereof are or are not assassination records.

Some federal agencies expressed concern about the scope of this provision and the Review Board has taken those concerns into consideration. The Review Board recognizes that there may be records responsive to the provisions of the ARCA that are many hundreds of pages long but that contain only a small amount of material related to the assassination. In such cases, if an agency reasonably believes that review of the entire record for postponement determinations would not further the disclosure purposes of the ARCA, the agency may request that the Review Board allow the agency to process under the ARCA only the portion that relates to the ARCA, including material sufficient to provide context for the postponed portion.

However, in such cases the Review Board shall retain sole discretion to determine whether review for inclusion in the JFK Assassination Records Collection of a portion of the record will fulfill the purposes the ARCA or whether the entire record must be processed under the postponement provisions of the ARCA.

1400.6 Originals and copies.

Many comments were received on this section requesting that portions be clarified to better explain the Review Board's intent. Extensive changes were made to this section in response to these comments. Revisions were also made for purposes of internal consistency. The Review Board's intent in this section is to express its strong preference for including original records in the JFK Assassination Records Collection but also its understanding that, for a variety of reasons, there may be situations where a copy instead of the original of an assassination record may be more appropriate for inclusion in the collection.

The Review Board incorporated in the final interpretive regulations language that is responsive to comments made by NARA requesting clarification that "record copies" of federal agency records may be included in the JFK Assassination Records Collection. In response to other comments from NARA, revisions were also made to take into consideration the important issue of preservation requirements, especially given that many of the records at issue are over three decades old. In this respect, the Review Board sought to treat records in various media in a means appropriate to the unique characteristics of each medium.

1400.7 Additional guidance.

The Review Board received a variety of comments on this section of the proposed interpretive regulations, which is intended to provide additional guidance for implementation of the ARCA. The Review Board considered all of the comments and, except where the comments appeared

to duplicate what was covered in this section already or was addressed elsewhere, revised this section to reflect many of the suggested changes and to add clarity. For example, subparagraph (d) as it appeared in the proposed regulations has been broken into three subparagraphs -- new subparagraphs (d), (e) and (f) -- to eliminate potential confusion and to add clarity. The intent of these subparagraphs is to make clear that all files on an individual, event, or activity are to be made available to the Review Board regardless of the labels on the files, where they may be found, or whether the records reflect the individual's event's, or activity's true name or identifier.

As described above in the analysis for §1400.4, subparagraphs (b) and (c) of §1400.7 were included in the proposed interpretive regulations and retained in the final regulations in order to address concerns expressed by NARA regarding the inclusion of artifacts in the scope of the materials deemed "assassination records." By including these subparagraphs, the Review Board wishes to make it clear that it believes the ARCA establishes unique standards as to the records to be included in the JFK Assassination Records Collection. By including artifacts as a type of "assassination record", the Review Board seeks to fulfill its mandate from Congress to assemble all materials reasonably related to the assassination in the JFK Assassination Records Collection. It is not intended that the inclusion of artifacts here for purposes of implementing the ARCA should be construed to affect the implementation of other records collections. Subparagraph (c) is intended to ensure that all artifacts in the collection are preserved for posterity and that public access be provided to those artifacts in a manner consistent with their preservation. The Review Board encourages NARA to set out in writing the terms and conditions under which access to such materials may be allowed.

1400.8 Implementing the ARCA -- Notice of Assassination Records Determination

Comments received on this section as it appeared in the proposed interpretive regulations indicated some confusion as to the intent and operation of the mechanism established in this section. For this reason, the Review Board decided replace the term "Catalog of Assassination Records" which appeared in the proposed regulations and to redraft this section to clarify the Review Board's intent. In the final regulations, the Review Board substitutes the term "Notice of Assassination Record Determination (NARD)" for the prior references to a "catalog." The NARD is not intended as a mechanism to list all assassination records; records identified by federal agencies in the review of their own records will not, for example, be listed. Nor is it intended to replace the database and finding aids that have been compiled by agencies at NARA's direction as required by the Congress in the ARCA. Rather, the NARD is intended to document the Review Board's ongoing determinations that, in addition to records explicitly enumerated in the ARCA as assassination records (e.g., records reviewed by the HSCA) or identified by federal agencies in the searches they undertook or conduct in the future pursuant to the ARCA, certain other records also are assassination records and are to be included in the JFK Assassination Records Collection.

List of Subjects in 36 CFR Part 1400

Administrative practice and procedure, Archives and records.

Accordingly, the Assassination Records Review Board hereby proposes

to establish a new chapter XIV in title 36 of the Code of Federal Regulations to read as follows:

CHAPTER XIV -- ASSASSINATION RECORDS REVIEW BOARD

Part 1400 -- GUIDANCE FOR INTERPRETATION AND IMPLEMENTATION OF THE PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION ACT OF 1992" (ARCA)

Sec.

1400.1 Scope of assassination record.

1400.2 Scope of additional records and information.

1400.3 Sources of assassination records and additional records and information.

1400.4 Types of materials included in scope of assassination record and additional records and information.

1400.5 Requirement that assassination records be released in their entirety.

1400.6 Originals and copies.

1400.7 Additional guidance.

1400.8 Implementing the ARCA -- Notice of Assassination Record Designation.

Authority: 44 U.S.C. 2107 note.

§ 1400.1 Scope of assassination record.

(a) An assassination record includes, but is not limited to, all records,

public and private, regardless of how labeled or identified, that document, describe, report on, analyze, or interpret activities, persons, or events reasonably related to the assassination of President John F. Kennedy and investigations of or inquiries into the assassination.

(b) An assassination record further includes, without limitation:

(1) All records as defined in Sec. 3(2) of the ARCA;

(2) All records collected by or segregated by all federal, state, and local

government agencies in conjunction with any investigation or analysis of or inquiry into the assassination of President Kennedy (for example, any intra-agency investigation or analysis of or inquiry into the assassination; any inter-agency communication regarding the assassination; any request by the House Select Committee on Assassinations to collect documents and other materials; or any inter- or intra-agency collection or segregation of documents and other materials);

(3) Other records or groups of records listed in the Notice of Assassination Record Designation, as described in §1400.8 of this chapter.

§1400.2 Scope of additional records and information.

The term additional records and information includes:

(a) All documents used by government offices and agencies during

their
declassification review of assassination records as well as all other documents, indices, and other material (including but not limited to those that disclose cryptonyms, code names, or other identifiers that appear in assassination records) that the Review Board has a reasonable basis to believe may constitute an assassination record or would assist in the identification, evaluation or interpretation of an assassination record. The Review Board will identify in writing those records and other materials it intends to seek under this section.

(b) All training manuals, instructional materials, and guidelines created or used by the agencies in furtherance of their review of assassination records.

(c) All records, lists, and documents describing the procedure by which the agencies identified or selected assassination records for review.

(d) Organizational charts of government agencies.

(e) Records necessary and sufficient to describe the agency's:

- (1) Records policies and schedules;
- (2) Filing systems and organization;
- (3) Storage facilities and locations;
- (4) Indexing symbols, marks, codes, instructions, guidelines,

methods and procedures;

(5) Search methods and procedures used in the performance of the agencies' duties, and

(6) Reclassification to a higher level, transfer, destruction, or other information (e.g., theft) regarding the status of assassination records.

(f) Any other record that does not fall within the scope of assassination record as described in §1400.1, but which has the potential to enhance, enrich, and broaden the historical record of the assassination.

§1400.3 Sources of assassination records and additional records and information.

Assassination records and additional records and information may be located at, or under the control of, without limitation:

(a) Agencies, offices, and entities of the executive, legislative, and judicial branches of the federal government;

(b) Agencies, offices, and entities of the executive, legislative, and judicial branches of state and local governments;

(c) Record repositories and archives of federal, state, and local

*governments,
including presidential libraries;*

*(d) Record repositories and archives of universities, libraries,
historical
societies, and other similar organizations;*

*(e) Individuals who possess such records by virtue of service with a
government agency, office, or entity;*

*(f) Persons, including individuals and corporations, who have
obtained such
records from sources identified in subparagraphs (a) through (e) of
this section;*

*(g) Person, including individuals or corporations, who have
themselves created or have obtained such records from sources other
than those identified in subparagraphs (a) through (e) of this section;*

*(h) Federal, state, and local courts where such records are being
held under
seal; or*

(i) Foreign governments.

*§1400.4 Types of materials included in scope of assassination
record and
additional records and information.*

The term record in assassination record and additional records and

information includes, for purposes of interpreting and implementing the ARCA:

(a) papers, maps, and other documentary material;

(b) photographs;

(c) motion pictures;

(d) sound and video recordings;

(e) machine readable information in any form; and

(f) artifacts.

§1400.5 Requirement that assassination records be released in their entirety.

An assassination record shall be disclosed in its entirety except for portions specifically postponed pursuant to the grounds for postponement of public disclosure of records established in Sec. 6 of the ARCA, and no portion of any assassination record shall be withheld from public disclosure solely on grounds of non-relevance unless, in the Assassination Records Review Board's sole discretion, release of part of a record is sufficient to comply with the intent and purposes of the ARCA.

§1400.6 Originals and copies.

(a) For purposes of determining whether originals or copies of assassination records will be made part of the President John F. Kennedy Assassination Records Collection (the JFK Records Assassination Records Collection) established under the ARCA, the following shall apply:

(1) In the case of papers, maps, and other documentary materials, the Assassination Records Review Board may determine that record copies of Government records, either the signed original, original production or a reproduction that has been treated as the official record maintained to chronicle government functions or activities, may be placed in the JFK Assassination Records Collection;

(2) In the case of other papers, maps, and other documentary material, the Assassination Records Review Board may determine that a true and accurate copy in lieu of the original may be placed in the JFK Assassination Records Collection;

(3) In the case of photographs, the original negative, whenever available (otherwise, the earliest generation print that is a true and accurate copy) may be placed in the JFK Records Assassination Records Collection;

(4) In the case of motion pictures, the camera original, whenever

available (otherwise, the earliest generation print that is a true and accurate copy), may be placed in the JFK Records Assassination Records Collection;

(5) In the case of sound and video recordings, the original recording,

whenever available (otherwise, the earliest generation copy that is a true and accurate copy), may be placed in the JFK Assassination Records Collection;

(6) In the case of machine-readable information, a true and accurate

copy of the original (duplicating all information contained in the original and in a format that permits retrieval of the information) may be placed in the JFK Assassination Records Collection; and

(7) In the case of artifacts, the original objects themselves may be

placed in the JFK Assassination Records Collection.

(b) To the extent records from foreign governments are included in the JFK

Assassination Records Collection, copies of the original records shall be sufficient for inclusion in the collection.

(c) In cases where a copy, as defined in paragraph (a) of this section above, is authorized by the Review Board to be included in the JFK Records Assassination Records Collection, the Review Board may, at its discretion if it determines it to be necessary to ensure the

integrity of the JFK Assassination Records Collection, require a certified copy. In cases where an original, as defined in paragraph (a) of this section, is required for inclusion in the JFK Records Assassination Records Collection the Review Board may, at its discretion, accept the best available copy. In such cases that records included in the collection, whether originals or copies, contain illegible portions, such records shall have attached thereto a certified transcription of the illegible language to the extent practicable.

(d) For purposes of implementing the ARCA, the term "copy" means a true and accurate photocopy duplication by a means appropriate to the medium of the original record that preserves and displays the integrity of the record and the information contained in it.

(e) Nothing in this section shall be interpreted to suggest that additional copies of any assassination records contained in the JFK Records Assassination Records Collection are not also assassination records that, at the Review Board's discretion, may also be placed in the JFK Assassination Records Collection.

(f) Nothing in this section shall be interpreted to prevent or preclude copies of any assassination records, and particularly assassination records in audiovisual or machine readable formats, from being made from time to time in the professional judgment of and at the discretion of the National Archives and Records Administration for purposes of preservation or reformatting to conform to different hardware and/or software requirements.

§1400.7 Additional guidance.

(a) A government agency, office, or entity includes, for purposes of interpreting and implementing the ARCA, all current, past, and former departments, agencies, offices, divisions, foreign offices, bureaus, and deliberative bodies of any federal, state, or local government and includes all inter- or intra-agency working groups, committees, and meetings that possess or created records relating to the assassination of President John F. Kennedy.

(b) The inclusion of artifacts in the scope of the term assassination record is understood to apply solely for purposes of establishing the JFK Assassination Records Collection and for fully implementing the terms of the ARCA and has no direct or indirect bearing on the interpretation or implementation of any other statute or regulation.

(c) In the case of artifacts deemed to be assassination records and included in the JFK Assassination Records Collection, the 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. Additional display of or examination by the public of artifacts in the JFK Assassination Records Collection shall occur under the terms and conditions established by the National Archives and Records Administration to ensure their preservation and protection for posterity.

(d) The terms and, or, any, all, and the plural and singular forms of nouns shall be understood in their broadest and most inclusive sense

and shall not be understood to be terms of limitation.

(e) Unless the Review Board in its sole discretion directs otherwise, records that are identified with respect to a particular person shall include all records relating to that person that use or reflect their true name or any other name, pseudonym, codeword, symbol, number, cryptonym or alias used to identify that person.

(f) Unless the Review Board in its sole discretion directs otherwise, records that are identified by the Review Board with respect to a particular operation or program shall include all records pertaining to that program by any other name, pseudonym, codeword, symbol, number or cryptonym.

§1400.8 Implementing the ARCA -- Notice of Assassination Record Designation.

(a) A Notice of Assassination Record Designation shall be the mechanism for the Review Board to announce publicly its determination that a record or group of records meets the definition of assassination records.

(b) Notice of all designations will be published in the Federal Register within 30 days of the decision to designate such records as assassination records.

(c) In determining that a record or group of records meets the definition of assassination records, the Review Board must determine that the record or group of records will more likely than not enhance, enrich, and broaden the historical record of the assassination.

Dated: May xx, 1995

David G. Marwell
Executive Director
Assassination Records Review Board