

Assassination Records Review Board
600 E Street NW ▪ Suite 208 ▪ Washington, DC 20530

May 3, 1995
Discussion 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.*

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)

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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 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.