

December 20, 1994

Letter from Kermit Hall -- 12/19/94

Summary of Questions re definitions issue:

1. What is a broad v. narrow definition?
 - a. Could be chronologically broad, substantively narrow -- believes staff definition does not address chronology issue
 1. View that ass. records begin with death not tenable
 2. Is Oswald birth certificate an ass. record? Kennedy's? As much material as is available on both men regardless of date?
 3. Is fact material was part of Warren Commission the measure of pertinence
[analysis of relevance is key]
 - b. Would definition be constructed so we couldn't include new docs from Oswald's early childhood (or docs about another person) if they had not been part of a previous investigation?
 - c. Does the degree of a person's involvement in the assassination limit the search scope?
-- e.g., FBI operational/personnel files re informants/assets
2. What are the practical problems of functioning under broad v. narrow definitions?
 - * Defining broadly or narrowly what's ultimately an ass. rec. has strengths and weaknesses: balance operational discretion and need to limit our work to be able to do what we can in the time available.
 1. If too broad, frustrates agencies
 2. Makes more work -- greater sorting/checking: Time issue
 3. Sets us up for failure -- never get to everything defined as a record and then are open to criticism for not finishing our job
 4. Exercising discretion to pick and choose what's in the record leaves us vulnerable to criticism we failed to place certain things in the collection.
3. Problems with moving definition approach
Need to be able to say from the beginning what is an assassination record rather than offer a moving target that frustrates everyone -- us, agencies, research community.
 - a. Did HSCA develop a definition
 - b. Contact previous investigators for insight on how they approached it
4. Extent to which existing theories are taken into account
 - a. Doesn't account for other theories that arise
 - b. Ignores question of what constitutes a core body of knowledge/records essential to

render the fullest body of evidence

- c. Reasonableness test -- rejected because presumes knowledge re theories[?]
Kh focuses on whether a theory is reasonable
Focus should be on whether records are reasonably related to
event or investigation of it, including personalities connected or

who

have come up

- . Think instead of how and where documents were generated
Some searches not worth the effort
But give effort to the "nearly reasonable"
Fears this standard will waste time and money

- d. Relevance -- is based on nature of the records not a particular theory
Says must know base from which are starting
Look not at content but type and kind of records -- who reasonably has relevant records?
Do they bear directly on the assassination? (v. do they add to public knowledge)
Job is to "put the public in the position of being able to come to terms with the assassination"
"we can only know what materials are 'more likely than not' to add to the public's knowledge if we (1) know what the level of knowledge is and (2) believe that the predominate view is the view to which our efforts should be addressed, either by

way

of proving or disproving it.

- e. Workable definition is at top of page 6: "all records that describe, interpret, analyze, report on, investigate [?], or document events leading to the assassination, the assassination itself, and investigations of the assassination. Categorization makes sense when read apart from "more likely than not" language.

- f. Artifacts should be included

- g. Go for certified copies

- h. "Organizational charts necessary and sufficient to identify"

- i. Broad approach to additional records and information is okay -- keep flexibility in the latter

