

## 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.

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

#### § 1400.1 Interpretation 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, analyze, or interpret activities and events that may have led to the assassination of President John F. Kennedy; the assassination itself; 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 Catalog of Assassination Records, as described in §1400.8 of this chapter.

#### §1400.2 Interpretation of additional records and information.

The term additional information and records includes:

- (a) All documents used by government offices and agencies during their declassification review of assassination records as well as all other documents, indices, records, and other material that disclose cryptonyms, code names, or other identification material in assassination records.
- (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; and
  - (3) Storage facilities and locations.

§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 paragraphs (a) through (e) of this section;
- (g) Federal, state, and local courts where such records are being held under seal; or
- (h) 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 portions of any assassination records shall be withheld from public disclosure solely on grounds of non-relevance.

§1400.6 Originals and copies.

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

- (1) In the case of papers, maps, and other documentary material, the Assassination Records Review Board (the Board) may determine that a true and accurate copy of the original is sufficient;
- (2) In the case of photographs, the term record means the original negative if available, otherwise, the earliest generation print;
- (3) In the case of motion pictures, the term record means the camera original if available, otherwise, the earliest generation print;

- (4) In the case of sound and video recordings, the term record means the original recording, if available, otherwise, the earliest generation copy;
- (5) In the case of machine-readable information, the Board may determine that a true and accurate copy of the original is sufficient; and
- (6) Artifacts means the original object itself.

(b) In cases where a copy, as defined in paragraph (a) of this section above, is authorized by the Board to be included in the JFK Records Collection the Board may, at its discretion, 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 Collection the Board may, at its discretion, accept the best available copy.

§1400.7 Additional guidance.

(a) A government agency, office, or entity includes, for purposes of interpreting and implementing the ARCA, all 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 President John F. Kennedy 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 John F. Kennedy Assassination Records 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 display to or examination by the public of artifacts in the John F. Kennedy Assassination Records Collection shall occur under terms and conditions established by the National Archives and Records Administration that are adequate to preserve and protect the artifacts 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. Any records identified with respect to a particular person also includes any records for that person by any other name, pseudonym, codeword, symbol, number, cryptonym or alias. Any record described with respect to an operation or program includes any record pertaining to that program by any other name, pseudonym, codeword, symbol, number or cryptonym.

#### §1400.8 Implementing the ARCA -- Catalog of Assassination Records.

- (a) A Catalog of Assassination Records (COAR) shall be created as the official listing of all records determined by the Board to meet the definition of assassination record.
- (b) Notice of all decisions to include records in the COAR will be published in the Federal Register within 30 days of the decision.
- (c) In listing records or groups of records in the COAR, the 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.

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