

Assassination Records Review Board

600 E Street NW ■ Suite 208 ■ Washington, DC 20530

May 22, 1995

James P. Johnston
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Dear Mr. Johnston:

This is in response to your recent letter inquiring about regulations issued by the Assassination Records Review Board implementing the John F. Kennedy Assassination Records Collection Act of 1992.

The Review Board over the past months has been actively engaged in the process of issuing such regulations. A draft was published in the Federal Register on February 8, 1995 at 60 Fed.Reg. 7506 (copy enclosed). After notice and comment proceedings and consideration of agency and public input through written comments and public testimony at hearings, a final version of the interpretive regulations was adopted by the Review Board at a May 3, 1995 public meeting. The Review Board has submitted the final version to OMB and as of today is still awaiting its final approval for issuance.

My delay in responding to your letter stemmed from the assumption that I would be able to inform you of the final version's publication, which to date has not occurred. In the interim, enclosed is a copy of the final version in draft form that was made available to the public at the May 3 meeting. While this language is not official, it may give you some sense of the Review Board's intent in implementing the ARCA, including the term "assassination record". As you will see, the final interpretive regulations do not spell out the circumstances under which verbal testimony under oath will be taken by the Review Board. That question is one that is open to further discussion, and we welcome the opportunity to explore it with you. Should you wish to discuss this further, please let us know. I am passing on your correspondence to the Review Board's chief investigator, Anne Buttimer, who you should feel free to contact if you have any questions.

I hope you find the enclosed materials helpful, and apologize again for the delay in getting back to you.

Sincerely,

Sheryl L. Walter

General Counsel