

POSSIBLE ADDITIONS FOR CHAPTER 4

-sidebar- Definition of an Assassination Record JFK Act, Section 3

SEC. 3. Definitions

In this Act:

- (1) “Archivist” means the Archivist of the United States.
- (2) “Assassination record” means a record that is related to the assassination of President John F. Kennedy, that was created or made available for use by, obtained by, or otherwise came into the possession of--
 - (A) the Commission to Investigate the Assassination of President John F. Kennedy (the “Warren Commission”);
 - (B) the Commission on General Intelligence Agency Activities Within the United States (the “Rockefeller commission”);
 - (C) the Senate Select Committee to Study Governmental Operation with Respect to Intelligence Activities (the “Church Committee”);
 - (D) the Select Committee on Intelligence (the “Pike Committee”) of the House of Representatives;
 - (E) the Select Committee on Assassinations (the “House Assassinations Committee”) of the House of Representatives;
 - (F) the Library of Congress;
 - (G) the National Archives and Records Administration;
 - (H) any Presidential library;
 - (I) any Executive agency;
 - (J) any independent agency;
 - (K) any other office of the Federal Government; and
 - (L) any State or local law enforcement office that provided support or assistance or performed work in connection with a Federal inquiry into the assassination President John F. Kennedy.
- (3) “Collection” means the President John F. Kennedy Assassination Records collection established under section 4.

-sidebar- Identification Aids (p. 2?) JFK Act, Section 5

(d) IDENTIFICATION AIDS.- (1)(A) Not later than 45 days after the date of enactment of this Act, the Archivist, in consultation with the appropriate Government offices, shall prepare and make available to all government offices a standard form of identification or finding aid for use with each assassination record subject to review under this Act.

(B) The Archivist shall ensure that the identification aid program is established in such a manner as to result in the creation of a uniform system of electronic records by Government offices that are compatible with each other.

- (2) Upon completion of an identification aid, a Government office shall-
- (A) attach a printed copy to the record it describes;
 - (B) transmit to the Review Board a printed copy; and
 - (C) attach a printed copy to each assassination record it describes when it is transmitted to the Archivist.

(3) Assassination records which are in the possession of the National Archives on the date of enactment of this Act, and which have been publicly available in their entirety without redaction, shall be made available in the Collection without any additional review by the Review Board or another authorized office under this Act, and shall not be required to have such an identification aid unless required by the Archivist.

-final paragraph of section B

Tracking each document in a large collection of records such as the JFK collection is alien to conventional archival practice that ... But NARA created the JFK database in response to the requirement mandated by Congress to ensure accountability for each record- and ultimately for each postponement in each record. The database became a mechanism for the agencies, the Review Board, NARA and the public to track the review of records in the JFK collection and a tool for the public to gain access to the collection.

-sidebar -Referrals (section G,2, p.8?)

REPORT of the COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY. March 3, 1997. p. 62.

Current Procedures for processing records with multiple equities are expensive and complex. An agency referring classified records to another agency for its review must make copies of the records and specially package and transport them in compliance with security procedures (which, depending on the records' classification levels, can range from sending them via registered mail to having them personally transferred to a government courier by a staff person with appropriate clearances). This process is repeated for every record that contains agency equities and can occur multiple times if a single document needs to be referred to more than one agency and also when that record is returned to the referring agency only partly declassified. At every step of this process, additional costs are incurred. Not only is the process burdensome and costly for agencies, but there are no deadlines by which agencies must respond to such referrals. The result can be lengthy delays before a review is completed and information released to the public.

BOARD PROCEDURES

The Review Board sat in a closed conference room and conducted their meetings following established rules of order with Chairman Tunheim mediating discussion, entertaining motions and calling for votes. The Board established that a quorum of four members was necessary before a vote could take place, and that majority of the full Board was necessary to carry a vote. A staff member took minutes and a cassette tape recorded the meetings. Staff members presented records, providing detailed analysis of each postponement and/or context for understanding the document. Staff members or representatives of the agencies presented the evidence that had been submitted to support postponements.

The process was laborious, especially in the early meetings when Board members agonized over each postponement. For the most part, this process took place in the conference room. But, just as the mechanics of the review of records evolved in an attempt to streamline the process, the Review Board experimented with variations on the manner in which they accomplished the physical review of records as they attempted to make the process more efficient.

Agencies supplied the board with only one copy of the original security classified document and did not allow for further copying, thereby causing another logistical problem. The solution to this problem was a Rube Goldberg arrangement of two television monitors connected to a relative of the overhead projector called an "Elmo." Thus the five board members were able to examine simultaneously each document. (Nelson, p. 219)

In the early phases of the process, the full Board examined and debated on each postponement in each record. This method was effective and allowed the Board to establish many of the guidelines that facilitated more efficient review.

Once a consensus had been established among the Board members on some of the major issues, they attempted to streamline the process by bringing to the full Board meeting only those records on which a consensus did not exist. To accomplish this, staff members prepared, made recommendations and boxed records for review by individual Board members. Board members voted on computer to accept staff recommendations or marked records for discussion by the full Board in the closed conference room. As the Board became comfortable with the ability of the staff to interpret their guidelines and as the number of unresolved issues diminished, the Board accepted a larger consent agenda, and they reserved meeting time for remaining unresolved issues.

Possibly, as a balance to Steve's comments we may add this quote that Laura found:

(Though these comments by Senator Roth in his opening statement at the Senate Hearing for the JFK Act advanced to a query as to why a review could not be built on the freedom of information rules already in place, they speak to the review process and the need insure its efficiency.)

Although objection to the mechanism of review have been raised on both practical and legal grounds, I think we are all in the agreement with the basic purpose of the resolution--to secure the expeditious disclosure of records relevant to the assassination of President John F. Kennedy--is a laudable one. It is my hope that ways can be found to streamline the review process and I am particularly interested in comments from our witnesses in this regard.

I do share some of the concerns outlined by the administration and believe that the procedure we adopt must not prove more cumbersome and costly than necessary. Indeed, the establishment of a complicated mechanism of review may actually inhibit the expeditious disclosure of assassination material. One of the matters that I am going to be interested in is why we cannot build on our freedom of information rules to secure the adequate release of other materials. (Senate Hearing 102-721, 102 Congress, 2nd Session. p. 6 (1992))

[We might choose to not include the last sentence.]