

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA

THE UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No.
	)	96-0598
HARRY F. CONNICK,	)	
	)	Section E/4
District Attorney for the	)	
Parish of New Orleans,	)	
	)	
Respondent.	)	
_____	)	

DECLARATION OF DAVID G. MARWELL

1. My name is David G. Marwell. I am the Executive Director of the Assassination Records Review Board (Review Board), an independent agency of the United States of America. The following statements are based upon my personal knowledge.
2. On June 22, 1995, I signed and forwarded to the *Federal Register* a Final regulation promulgated by the Review Board entitled "Guidance on Interpreting and Implementing the President John F. Kennedy Assassination Records Collection Act of 1992" (hereafter "Regulation"). The Regulation was published at 60 F.R. 33345 (June 28, 1995). The Regulation subsequently was published at 36 CFR 1400 (attached as Exhibit A to this Declaration).
3. The Regulation sets forth the Review Board's regulations concerning, *inter alia*, the Review Board's definition of "assassination records" as well as the Review Board's process for designating records as "assassination records" to be included in the JFK Collection at the National Archives.
4. The Review Board has defined "assassination record" to include: "*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 . . . .*" 36 CFR

1400.1(b)(2) (*emphasis added*).

5. Based upon my discussions with Review Board members, attendance at all of the meetings where the definition was discussed and voted upon, and by my own reading of the Regulation, the Review Board clearly and unequivocally intended to include within the scope of its definition records collected by “state and local government agencies.”
6. The Regulation sets out the procedures for designating records as “assassination records” to be included in the JFK Collection at the National Archives as follows:

*(a) A Notice of Assassination Record Designation (NARD) 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 NARDs 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.*

36 CFR 1400.8.

7. According to this procedure, the Review Board, either before or after review of specific records, may formally designate records as “assassination records” to be included within the JFK Collection at the National Archives. Records so designated will be identified by the Review Board in the *Federal Register*.

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David G. Marwell  
March \_\_, 1996

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