

**ATTORNEY WORK PRODUCT
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Section 11: Rules of Construction

(a) *Precedence Over Other Law.*

When this Act requires transmission of a record to the Archivist or public disclosure, it shall take precedence over any other law (except section 6103 of the Internal Revenue Code [26 U.S.C. 6103]), . . .
that would otherwise prohibit such transmission or disclosure

L. interpretation of IRS argument re: § 11(a):

General Rule of § 11(a):

When *[and only when]* this Act requires transmission of a record . . . or public disclosure, [the Act takes] precedence over any other law . . . that would otherwise prohibit such transmission or disclosure. (Italics added to emphasize IRS argument.)

- Section 11(a) allows the JFK Act to trump anti-disclosure laws like the Privacy Act and the CIA Exemption to the FOIA when the JFK Act requires the Board to TRANSMIT a record to NARA and/or to PUBLICLY DISCLOSE a record.
- Unless the JFK Act requires transmission or public disclosure, other anti-disclosure laws remain in force.
- The word “required” is in section 11(a) because Congress did not intend for the JFK Act to trump anti-disclosure statutes like the Privacy Act unless disclosure was *required by* the JFK Act

Exception to general rule: Section 6103

- Section 6103 is a special anti-disclosure law. By creating an exception to section 11(a), Congress states that § 6103-protected information, *even if it is relevant to the assassination*, should not be disclosed.

Conclusion

Section 6103 remains in full force, despite the enactment of the JFK Act. No section of the JFK Act has any impact on information protected by section 6103.

L. interpretation of TJG argument re: § 11(a):

General Rule of § 11(a):

The JFK Act takes precedence over all other laws. Especially [w]hen this Act requires transmission of a record . . . or public disclosure, [the Act *will take*] precedence over any other law, . . .that would otherwise prohibit such transmission or disclosure. (Italics added to emphasize TJG argument.)

- Section 11(a) expresses Congress’ intent that the JFK Act trumps ALL OTHER laws.
- Section 11(a) emphasizes that, even though the JFK Act’s disclosure provisions conflict with anti-disclosure laws like the Privacy Act and the CIA Exemption to the FOIA, the JFK Act trumps.
- Unless the JFK Act requires transmission or public disclosure, it trumps all other laws.

Exception to general rule: Section 6103

- Congress included one exception: Where the JFK Act’s *disclosure* provisions conflict with the IRC’s anti-disclosure provision, the IRC trumps. HOWEVER, the general rule that the JFK Act trumps all other laws remains in effect if the JFK Act is NOT acting to transmit records to NARA or publicly disclose records.
- § 6103 information gets extra protection only when the Act requires transmission or disclosure.

Conclusion

When the JFK Act requires transmission and disclosure, it does not trump § 6103. At all other times, the JFK Act trumps § 6103. Therefore, the Board when the Act requires transmission to NARA and/or public disclosure. Section 6103 remains in full force, despite the

enactment of the JFK Act. No section of the JFK Act has any impact on information protected by section 6103.