

Section by Section Analysis

1400.1 Scope of assassination record

As discussed above with regard to the public comments, subparagraph (a) has been modified to adopt a "reasonably related" standard and the term "Catalog of Assassination Records" has been replaced with "Notice of Assassination Record Determination" in subparagraph (b)(3). The final interpretive regulations also incorporate suggested technical changes, including revision of this section's title to make it more precise and edits for clarification.

1400.2 Scope of additional records and information

The title of this section was revised to conform to the new title of section 1400.1. Additional editing changes were made for clarity. A new subpart (6) was added to subparagraph (e) and a new subparagraph (f) was added after consideration of comments that noted the potential exclusion of certain categories from the scope of this section in the proposed interpretive

regulations.

The Review Board has added language in the final interpretive regulations to clarify that the purpose of this section is to aid in identifying, evaluating or interpreting assassination records, including assassination records that may not initially have been identified by an agency. The Review Board also has added language to indicate that it intends to implement this section through written requests signed by the Review Board's executive director.

1400.3 Sources of assassination records and additional records and information

A new subparagraph (g) was added after consideration of comments noting the potential exclusion of records created by individuals or corporations or obtained from sources other than those already identified in the previous subparagraphs.

1400.4 Types of materials included in scope of assassination record and additional records and information

No substantive change has been made to § 1400.4 as it appeared in the proposed interpretive regulations.

1400.5 Requirement that assassination records be released in their entirety

Language has been added to permit the Review Board, in its sole discretion, to allow release of only part of an assassination record where such partial release "is sufficient to comply with the intent and purposes of the ARCA."

1400.6 Originals and copies

Extensive changes were made to this section for reasons of clarity and internal consistency. The Review Board also incorporated in the final interpretive regulations language clarifying that "record copies" of federal agency records may be included in the JFK Assassination Records Collection and addressing the important issue of preservation requirements. In this respect, the Review Board sought to treat records in various media in a

means appropriate to the unique characteristics of each medium.

1400.7 Additional guidance

In the light of comments received, the Review Board extensively revised this section. Subparagraph (d) as it appeared in the proposed interpretive regulations has been broken into three subparagraphs -- new subparagraphs (d), (e) and (f) -- to avoid potential confusion and to add clarity. The intent of these subparagraphs is to make clear that all files on an individual, event, organization or activity are to be made available to the Review Board regardless of the labels on the files, where the records may be found, or whether they reflect the individual's, event's, organization's, or activity's true name or identifier.

Subparagraphs (b) and (c) of § 1400.7 were included in the proposed interpretive regulations and retained in the final interpretive regulations in order to address concerns expressed by NARA regarding the inclusion of artifacts in the scope of the materials deemed "assassination

records." By including these subparagraphs, the Review Board wishes to make it clear that it believes the ARCA establishes unique standards as to the records to be included in the JFK Assassination Records Collection. By including artifacts as a type of "assassination record," the Review Board seeks to fulfill its mandate from Congress to assemble all materials reasonably related to the assassination in the JFK Assassination Records Collection. It is not intended that the inclusion here of artifacts for purposes of implementing the ARCA should be construed to affect the implementation of other records laws. Subparagraph (c) is intended to ensure that all artifacts in the collection are preserved for posterity and that public access be provided to those artifacts in a manner consistent with their preservation. The Review Board encourages NARA to set out in writing the terms and conditions under which access to such materials may be allowed.

1400.8 Implementing the ARCA -- Notice of Assassination Records

Determination

The Review Board has replaced the term "Catalog of Assassination Records" that appeared in the proposed interpretive regulations and redrafted this section to clarify the Review Board's intent. In the final interpretive regulations, the Review Board substitutes the term "Notice of Assassination Record Determination (NARD)" for prior references to a "catalog."