

**MEMORANDUM OF UNDERSTANDING REGARDING  
CONTINUING OBLIGATIONS OF THE FBI UNDER THE JFK ACT**

WHEREAS the operations of the Assassination Records Review Board ("Review Board") cease on September 30, 1998 in accordance with the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 ("JFK Act");

WHEREAS the JFK Act provides that "the provisions of this Act [as applied to Federal agencies] shall continue in effect until such time as the Archivist certifies to the President and the Congress that all assassination records have been made available to the public in accordance with [the] Act" (JFK Act § 12); and

WHEREAS the Federal Bureau of Investigation ("FBI"), the Review Board, and the National Archives and Records Administration ("NARA") seek to ensure that the FBI completes its continuing obligations under the JFK Act in a timely fashion;

IT IS HEREBY AGREED by the FBI, the Review Board, and NARA that:

1. For purposes of this Memorandum of Understanding ("MOU"), the JFK Assassination Records Collection ("JFK Collection") refers to the collection of processed and declassified assassination records at NARA in College Park, Maryland. The "Protected Collection" at NARA refers to the collection of assassination records that have been postponed for release under Section 6 of the JFK Act.
2. The FBI is currently processing additional files to be included in the JFK Collection. It is the FBI's present intention to have all or most of these files transmitted to the JFK Collection by September 30, 1998, but in no event later than October 15, 1998. The files that will soon be transmitted to the JFK Collection are identified in Attachment A to this MOU.
3. FBI may transmit certain other assassination records to the JFK Collection (or the Protected Collection as appropriate) by March 30, 1999:
  - a. the FBI's administrative file regarding FBI's work under the JFK Act;
  - b. the FBI's administrative and tickler folders relating to the House Select Committee on Assassination ("HSCA") investigation of the Kennedy assassination;
  - c. the FBI index cards for the "core and related" subject files processed under the

JFK Act;

- d. originals of certain previously processed assassination records to the extent that the FBI can locate the originals;
- e. for the Protected Collection, the balance of any additional documents containing postponed information (but not including information subject to court seal pursuant to section 10(a) of the JFK Act).

In addition, the FBI will place in the JFK Collection (or Protected Collection as appropriate) any other non-duplicate assassination-related records that may be created or discovered by the FBI after September 30, 1998.

4. The FBI will review its equities in records that have been referred to it, and the FBI will cooperate with NARA and other Federal agencies to ensure that such records are released under the standards of the JFK Act and placed into the JFK Collection. The FBI has determined that it must review records of the Secret Service, the Immigration and Naturalization Service, the Army, the Department of Justice (Criminal Division), the LBJ Library, and the CIA. The FBI will complete its review and recommendations for release of these major categories of records listed no later than December 31, 1998. To the extent there may be other agency documents requiring FBI review under JFK Act, the FBI will continue to undertake such review.
5. The FBI will cooperate and coordinate with NARA in carrying out the provisions of the JFK Act, including Section 5(g) of the JFK Act, which provides for the "periodic review" of postponed assassination records. Such review "shall address the public disclosure of additional assassination records in the Collection under the standards of the Act" (§ 5(g)(2)(A)) and "shall serve to downgrade and declassify security classified information" (§ 5(g)(2)(C)).
6. The FBI recognizes that, in the year 2017, "[e]ach assassination record shall be publicly disclosed in full . . . ." JFK Act § 5 (g). To the extent that records are postponed but are to be released on a date prior to 2017, NARA will release the records on the date set by the Review Board for release. If the FBI seeks continued postponement of any record in the year 2017 (or an earlier scheduled release date), it will be incumbent upon the FBI to obtain from the President "certification" that continued postponement is necessary. See JFK Act § 5(g)(2)(D). Within six months to one month prior to the scheduled release date, the FBI will be responsible for notifying NARA of any specific records for which it will seek Presidential certification of continued postponement.

7. With respect to the review of other agency documents referred to FBI, the review of any new assassination records, or the periodic review of postponed assassination records, the FBI will, in good faith, continue to apply the postponement criteria of the JFK Act as previously interpreted by decisions of the Review Board.
  
8. This Memorandum of Understanding is intended to clarify the FBI's obligations under the JFK Act in view of the expiration of the Review Board's term on September 30, 1998. This Memorandum of Understanding will not be interpreted to limit FBI's obligations under the JFK Act.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

John E. Collingwood  
Assistant Director  
Office of Public & Congressional Affairs  
Federal Bureau of Investigation

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Laura A. Denk  
Executive Director  
Assassination Records Review Board

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

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