

January 10, 1995

TO: David Marwell

FROM: Sheryl Walter

RE: Text for Proposed "Assassination Records" Guidance

A. Insert for Preamble to "Assassination Records"

Supplementary Information: Background
Guidance for identification of "Assassination Records"

The President John F. Kennedy Records Collection Act of 1992, 44 U.S.C. §2701, established the President John F. Kennedy Assassination Records Collection at the National Archives. In establishing the process for public disclosure all records relating to the assassination, Congress created an independent agency within the executive branch, the Assassination Records Review Board, which consists of five citizens appointed by the President. Under the statute, the Board is empowered to decide "whether a record constitutes an assassination record." 44 U.S.C. § 2701 Sec. 7(i)(2)(a). Congress further made clear its intent that the Board "issue guidance to assist in articulating the scope or universe of assassination records." S.Rep. 102-526 at 21.

In constructing the proposed guidance set out below, the Board seeks to implement congressional intent that the Collection contain "the most comprehensive disclosure of records related to the assassination of President Kennedy." S.Rep. 102-328 at 18. The Board is also mindful of

Congress's instruction that the Board apply a "broad and encompassing" working definition of "assassination record" in order to achieve the goal of assembling the fullest historical record on this tragic event in American history and on the investigations that were undertaken in the assassination's aftermath. The Board recognizes that many agencies have already begun to organize and review records responsive to the Act even before the Board was appointed and began its work. Nevertheless, the Board's aim is that this guidance will aid in the ultimate assembly and public disclosure of the fullest possible historical record on this tragic event in American history and on the investigations that were undertaken in its aftermath.

The Board's proposed guidance is designed to help government agencies and the Board identify and make available to the public all documents that will enhance, enrich, and broaden the historical record of the assassination of President John F. Kennedy. The Board seeks through this guidance to fulfill Congress's "inten[t] and emphasis that the search and disclosure of records under this Act must go beyond" the records of previous commissions and committees established to investigate President Kennedy's assassination. S.Rep. 102-328 at 21. The Board also seeks to provide notice of the scope of its intended exercise of authority to request additional information or records under the Act.

B. Additional text for Guidance

"All information contained in an 'assassination record' shall be disclosed in its entirety unless specifically postponed pursuant to the 'Grounds for Postponement' established in Section 6 of the Act."

[This addition is intended to avoid future problems with agencies that

redact information from responsive records that they claim is "not relevant" or "not related" to the assassination and thus do not review it for postponement under the Act.]