

MEMORANDUM OF UNDERSTANDING BETWEEN
ASSASSINATION RECORDS REVIEW BOARD,
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, AND
SENATE SELECT COMMITTEE ON INTELLIGENCE

Subject of the Memorandum of Understanding

1. All records generated by the Senate Select Committee on Intelligence Activities within the United States ("Church Committee") that are related to the assassination of President John F. Kennedy and remain unprocessed under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. Sec. 2107 (Supp. V 1994) ("JFK Act" or "Act").

Purposes of the Memorandum of Understanding

2. The purpose of this Memorandum of Understanding is to ensure the full implementation of the JFK Act as it applies to all Church Committee records. The JFK Act provides for the expeditious public disclosure of all records related to the assassination of President John F. Kennedy. To comply with the Act, the records of the Church Committee must be reviewed under the Act's specific standards prior to public disclosure or postponement. This review process includes:

- (a) reviewing all Church Committee records to identify assassination records;
- (b) completing a unique record identification form for each assassination record;
- (c) integrating each record identification form into the existing NARA/Church Committee data base;
- (d) transmitting assassination records to the Review Board for its consideration;
- (e) coordinating the transmittal of assassination records to third agencies for their review; and
- (f) photocopying the assassination records for placement in the JFK Collection.

Parties to the Memorandum of Understanding

3. The parties to this Memorandum of Understanding are:

(a) The Senate Select Committee on Intelligence (“SSCI”), custodian of Church Committee records;

(b) The National Archives and Records Administration (“NARA”), through its representative, the Director of the Center for Legislative Archives (“Center”); and

(c) The Assassination Records Review Board (“Review Board”).

Terms of the Memorandum of Understanding

4. To facilitate full compliance with the JFK Act, the SSCI will identify, locate, and transmit records not previously processed under the JFK Act to the staffs of the Review Board and the Center for Legislative Archives for the purpose of coordinating the review process of the assassination records.

5. Once the SSCI has identified assassination records and has provided them to NARA, the Center for Legislative Archives agrees to perform the review process as the instrument for the SSCI according to the following guidelines:

(a) Records Review:

Center staff will carefully review all records according to SSCI instructions and in a manner consistent with the five grounds for postponement outlined in Section 6 of the JFK Act. Any SSCI records which the Center recommends for postponement (based on SSCI equities) will be submitted to the SSCI for review. Center staff will interpret Section 6 in a way that maximizes the release of records related to the assassination. Review Board staff members with Sensitive Compartmented Information (“SCI”) clearance will review all records that contain SCI material.

(b) Unique Record Identification Form:

In accordance with Section 5(d)(2)(A)(B) & (C) of the JFK Act, Center staff will complete a unique, standard record identification form for each assassination record. Upon completion of its initial review, Center staff will attach a printed copy of the record identification form to a copy of the document it describes. If postponement is sought for a particular assassination record, Center staff

will specify the applicable Section 6 postponement provision on the document's record identification form. If Center staff transmits a document to the Review Board, a printed copy of the identification form will also be transmitted. Additionally, Center staff will attach a printed copy of the form to each Church Committee assassination record ultimately located in the JFK Collection.

(c) Creating the Data Base:

Center staff will input the information for each unique Church Committee record identification form into the comprehensive NARA-designed data base, which includes information on all JFK assassination records.

(d) Transmitting Documents to the Review Board:

Center staff will transmit directly to the Review Board all assassination records for which it recommends referral of copies to third agencies or seeks postponement under Section 6 of the JFK Act. Center staff agree to transfer to the JFK Collection at NARA all assassination records that it determines to open in full.

(e) Transmitting Documents to Third Agencies:

Center staff will transmit copies of assassination records with third-agency equities to the Review Board with recommendations for referral to the relevant originating agency unless there is a different agreement with a particular third agency. The originating agency will be instructed to communicate any requested postponements in these records directly to the Review Board. The Review Board may further assist Center staff in the referral process as requested.

(f) Photocopies for "JFK Collection":

Center staff will photocopy the Church Committee assassination records for inclusion in the "JFK Collection".

6. Center staff will consult with the SSCI and the Review Board on further interpretations of these guidelines.

7. The SSCI will provide additional personnel to assist in this task to the extent that resources are available.

Suzanne Spaulding
General Counsel
The Senate Select Committee on Intelligence
Date:

Michael L. Gillette
Director
Center for Legislative Archives
National Archives and Records Administration
Date:

David G. Marwell
Executive Director
Assassination Records Review Board
Date: