

Billing Code 6820TD

ASSASSINATION RECORDS REVIEW BOARD

36 CFR Part 1400

Guidance on Interpreting and Implementing the President John F. Kennedy

Assassination Records Collection Act of 1992.

AGENCY: Assassination Records Review Board

ACTION: Interpretation.

SUMMARY: These final interpretive regulations provide guidance on the interpretation of certain terms included in the President John F.

Kennedy Assassination Records Collection Act of 1992 and on

implementation of certain of the statute's provisions. The final

interpretive regulations make effective the proposed interpretive

regulations previously published by the Assassination Records Review

Board (Review Board). The Review Board revised the proposed interpretive regulations after considering public comment received in writing and through testimony at public hearings convened by the Review Board.

EFFECTIVE DATE: This interpretative regulation is effective [Insert date of publication in the FEDERAL REGISTER].

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SUPPLEMENTARY INFORMATION:
Background and Statutory Authority

The President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. 2107 (as amended) (JFK Act), established the President John F. Kennedy Assassination Records Collection (JFK

Assassination Records Collection) at the National Archives and Records Administration (NARA). In establishing a process for public disclosure of all records relating to the assassination, Congress created an independent federal agency, the Assassination Records Review Board, that consists of five citizens appointed by the President and confirmed by the Senate in 1994. Under the JFK Act, the Review Board is empowered to decide "whether a record constitutes an assassination record." 44 U.S.C. 2107, sec. 7(i)(2)(A). Congress intended that the Review Board "issue guidance to assist in articulating the scope or universe of assassination records." President John F. Kennedy

Assassination Records

Collection Act of 1992, S. Rep. 102-328, 102d Cong., 2d Sess.

(1992) at 21. These final interpretive regulations, a proposed version of which was published at 60 FR 7506-7508 (Feb. 8, 1995), comply with that mandate.

As the Supplementary Information accompanying the proposed interpretive regulations stated, the Review Board's goal in issuing this guidance is

to implement congressional intent that the JFK Collection contain 'the most comprehensive disclosure of records related to the assassination of President Kennedy.' [S. Rep. 102-328, supra] 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 [JFK 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 tragedy and on subsequent investigations and inquiries into it.

60 FR 7506. The final interpretive regulations are intended to identify comprehensively the range of records reasonably related to the assassination of President Kennedy and investigations undertaken

in its aftermath. The final interpretive regulations are also intended to aid in the consistent, effective, and efficient implementation of the JFK Act and to establish procedures for including assassination records in the JFK Assassination Records Collection established by Congress and housed at NARA's facility in College Park, Maryland.

Notice and Comment Process

The Review Board sought public comment on its proposed interpretive regulations and set a thirty-day period, which ended on March 10, 1995, for the purpose of receiving written comments.

The Review Board also heard testimony at public hearings on aspects of the proposed interpretive regulations. In addition, the Review Board sent copies of the proposed interpretive regulations to agencies known to have an interest in and to be affected by the Review Board's work, particularly those that either created or now hold assassination records, and to the appropriate oversight

committees in Congress. The Review Board also sent notices of the proposed interpretive regulations and request for comments to many organizations and individuals who have demonstrated an interest in the release of materials under the JFK Act or who have engaged in research into the assassination of President Kennedy.

The Review Board received written comments on the proposed interpretive regulations from numerous federal agencies, state and local government entities, and individuals. Federal agencies providing written comments include the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA), NARA, and the Department of State. State and local government entities providing written comments include the Dallas (Texas) County Commissioner's Court, the Dallas County Historical Foundation, and the City of Dallas Records Management Division of the Office of the City Secretary. Numerous private citizens with an interest in the Review Board's

work also submitted comments.

Prior to publication of the proposed interpretive regulations, the Review Board heard testimony at a public hearing held at the Review Board's offices on December 14, 1994, from representatives of NARA on the question of including artifacts in the scope of the term "assassination record." After publication of the proposed interpretive regulations and before expiration of the comment period, the Review Board heard testimony at a public hearing on March 7, 1995, from the FBI and from several individuals and representatives of private organizations on their views regarding the text of the proposed interpretive regulations. Copies of all written comments received and transcripts of public testimony on the proposed interpretive regulations were placed in the public reading room at the Review Board's offices and made available for inspection and copying by the public upon request.

At a public meeting held on May 3, 1995, for which notice was timely published in the Federal Register pursuant to the provisions of the Government in the Sunshine Act, the Review Board considered a final draft of these interpretive regulations. That discussion draft incorporated many of the comments received by the Review Board on the proposed interpretive regulations. The Review Board unanimously voted to adopt the text of the discussion draft as its final interpretive regulations. The approved text is, with a few minor corrections that do not change the substance, the text published here.

Response to Comments

The Review Board found very helpful the thoughtful and, in many cases, very detailed comments submitted on the proposed interpretive regulations. Nearly all of the commentators expressed support for what they characterized as the proposed interpretive regulations' comprehensiveness and flexibility. All comments submitted were carefully studied and considered by the Review Board.

Submitters made both substantive and technical suggestions, many of which were incorporated into the interpretive regulations as issued here in final form. The summary below includes the principal

substantive comments received and the Review Board's responses thereto.

Comment: The proposed language of §1400.1(a) is unduly restrictive because the phrase "may have led to the assassination" requires at least a potential causal link to the assassination.

Moreover, determining whether there is a causal link would require the Review Board to evaluate the validity of competing accounts of what led to the assassination of President Kennedy.

Response: A number of commentators put forward criticisms along these lines. Some of these commentators suggested that some form of a "reasonably related" standard be substituted for the "may have led to" language, while others suggested alternative formulations (e.g., "that may shed light on the assassination"). In adopting and eventually applying a "reasonably related" standard, the Review Board does not seek to endorse or reject any particular theory of the

assassination of President Kennedy, although such theories may inform the Review Board's search for records reasonably related to the assassination and investigations into it. The Review Board believes that § 1400.1(a), as now worded, advances that effort and will promote a consistent broad interpretation and implementation of the JFK Act.

Comment: The proposed language of § 1400.1(a) is too broad and open-ended. A more specific nexus to the assassination of President Kennedy should be required.

Response: As its text and legislative history make clear, the JFK Act contemplates that the Review Board extend its search for relevant records beyond what has been compiled or reviewed by previous investigations. It is inevitable, therefore, that the Review Board must exercise judgment in determining whether such records constitute "assassination records." The Review Board regards its

"reasonably related" standard as sufficient to ensure that agencies are not overburdened with identifying and reviewing records that, if added to the JFK Assassination Records Collection, would not advance the purposes of the JFK Act.

Comment: Section 1400.1 should specifically include as assassination records any records pertaining to particularly identified individuals, organizations, events, etc.

Response: The Review Board determined that, in almost every case, the types of records commentators sought to add were already adequately covered by § 1400.1 as proposed. Accordingly, the Review Board declined to include records or record groups at the level of specificity urged by these commentators because doing so might limit the scope of the interpretive regulations as applied initially by other agencies, or otherwise might prove duplicative or confusing. However, the Review Board welcomes and encourages suggestions

from the public as to specific records or record groups that may constitute assassination records, and intends to pursue such leads, including those provided in the written comments to the proposed interpretive regulations.

Comment: Section 1400.2(a) is vague and overly broad in describing the scope of additional records and information.

Response: The Review Board has added language to clarify that the purpose of requesting additional records and information under § 1400.2(a) is to identify, evaluate, or interpret assassination records, including assassination records that may not initially have been identified as such by an agency. The Review Board also has added language to indicate that it intends to implement this section through written requests signed by its Executive Director. The Review Board contemplates that, with regard to such requests, its staff will work closely with entities to whom such requests are

addressed to implement the JFK Act effectively and efficiently.

Comment: The scope of additional records and information should specifically include records and information that:

-- describe agencies' methods of searching for records;

-- describe reclassification, transfer, destruction, or other disposition of records; or

-- do not constitute assassination records, but have the potential to enhance, enrich, and broaden the historical record of the assassination.

Response: To the extent that the inclusion of records and information of the types described would assist the Review Board in meeting its responsibilities under the JFK Act, the Review Board has adopted the suggested language.

Comment: The scope of "assassination records" under § 1400.1 and "additional records and information" under § 1400.2 should not

extend to state and local government or to private records that are not in the possession of the federal government.

Response: The Review Board considered such comments carefully, but concluded that the terms of the JFK Act preclude the narrower reading of the Review Board's responsibilities urged by such comments. Section 1400.6 allows the Review Board, in its discretion, to accept copies in lieu of originals. The Review Board believes that this flexibility addresses the concerns of some commentators about the removal of original records already housed, for example, in state or local archives.

Comment: Section 1400.3 should include as sources of assassination records and additional records and information individuals and corporations that possess such material even if not obtained from sources identified in paragraphs (a) through (e) thereof, and should specifically include individuals and corporations that

contracted to provide goods or services to the government.

Response: *The Review Board has added paragraph (f) to this section in response to these comments. The Review Board has concluded that, in view of paragraph (f), specifically identifying government contractors or other private persons would be unnecessary and redundant.*

Comment: *NARA contended that § 1400.4 should not include artifacts among the types of materials included in the term "record." Treating artifacts as "records" would be contrary to NARA's accustomed practice and the usage of the term "records" in other areas of federal records law and would result in substantial practical difficulties.*

Response: *The Review Board has carefully considered NARA's objections to the inclusion of artifacts as "records," but decided that this inclusion is necessary to achieve the purposes of the JFK Act.*

The Review Board notes that artifacts that became exhibits to the proceedings of the Warren Commission have long been in the custody of NARA, and decided that these artifacts should remain in the JFK Assassination Records Collection. The Review Board further believes that the unique issues of public trust and credibility of government processes that prompted enactment of the JFK Act requires that artifacts be included within the JFK Assassination Records Collection. The strong support that commenting members of the public gave to this position reinforces this conclusion. The Review Board included in its proposed regulations, and retained in § 1400.7(b)-(c) of the final interpretive regulations, language intended to address NARA's concerns about potential copying requirements and preservation issues unique to artifacts.

Comment: Section 1400.5 should be modified to allow agencies to withhold from the JFK Assassination Records Collection

material that is not related to the assassination of President Kennedy, even though it appears in a record that contains other material that is related to the assassination of President Kennedy.

Response: It remains the intent of this section to make clear to agencies that, as a rule, entire records, and not parts thereof, are to become part of the JFK Assassination Records Collection. The purpose of requiring that records be produced in their entirety is to ensure that the context and integrity of the records be preserved. Only in rare instances will the Review Board assent to withholding particular information within an assassination record on the ground that such information is not relevant to the assassination. Section 1400.5 has been modified to clarify that, although the Review Board may allow this practice in extraordinary circumstances, this determination is within the sole discretion of the Review Board.

Comment: The discussion of originals and copies in § 1400.6

is, in various respects, unclear and confusing.

Response: The Review Board made extensive changes to this section to address these concerns and to achieve greater internal consistency. The Review Board's intent in this section is to express its strong preference for including original records in the JFK Assassination Records Collection, but also its understanding that, for a variety of reasons, there may be situations where a copy instead of the original of an assassination record may be more appropriate for inclusion in the Collection.

Comment: Section 1400.6 should be clarified as to whether "record copies" of federal agency records may be included in the JFK Assassination Records Collection.

Response: The Review Board has modified § 1400.6(a)(1) to clarify that the Review Board may determine that record copies may be included in the Collection.

Comment: The Catalog of Assassination Records (COAR) described in § 1400.8 should consist of, or be replaced by, the database and finding aids prepared by the federal agencies in possession of assassination records.

Response: This and other comments received regarding the proposed § 1400.8 indicated some confusion as to the intent and operation of the mechanism established in this section. For this reason, the Review Board decided to replace the term "Catalog of Assassination Records" with the term "Notice of Assassination Record Determination" (NARD), and to redraft this section to clarify the Review Board's intent to use the NARD mechanism simply to document the Review Board's ongoing determinations that, in addition to records explicitly enumerated in the JFK Act as assassination records (e.g., records reviewed by the HSCA) or identified by federal agencies in their own searches, certain other

records also are assassination records to be included in the JFK Assassination Records Collection.

Section by Section Analysis

Scope of assassination record

As discussed above with regard to the public comments, subparagraph (a) of § 1400.1 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 edits for clarification and revision of this section's title to make it more precise.

Scope of additional records and information

The title of § 1400.2 was revised to conform to the new title of

§ 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 suggest that it intends to implement this section through written requests signed by the Review Board's Executive Director.

Sources of assassination records and additional records and information

A new subparagraph (g) was added to § 1400.3 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.

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.

Requirement that assassination records be released in their entirety

Language has been added to § 1400.5 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 [JFK Act]."

Originals and copies

Extensive changes were made to § 1400.6 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.

Additional guidance

In the light of comments received, the Review Board extensively revised § 1400.7. 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

true name or identifier of the individual, event, organization, or activity.

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 JFK Act 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 JFK Act 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.

Implementing the JFK Act -- 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 § 1400.8 to clarify the Review Board's intent. In the final interpretive regulations, the Review Board substitutes the term NARD for prior references to a "catalog."

Paperwork Reduction Act Statement

The regulation is not subject to the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.) because it does not contain any information collection requirements within the meaning of 44 U.S.C. § 3502(4).

Regulatory Flexibility Act Certification

As required by the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. § 601-612), the Board certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities and that, therefore, a regulatory flexibility analysis need not be prepared, 5 U.S.C. § 605(b). The proposed rule would not impose any obligations, including any obligations on “small entities,” as set forth in 5 U.S.C. § 601(3) of the Regulatory Flexibility Act, or within the definition of “small business,” as found in 15 U.S.C. 632, or within the Small Business Size Standards in regulations issued by the Small Business Administration and codified in 13 CFR part 121.

Whatever economic impacts may result to small entities were already considered by Congress in enacting and amending the FOIA or by OMB in promulgating the Uniform Fee Schedules and Guidelines.

List of Subjects in 36 CFR Part 1400

Administrative practice and procedure, Archives and records.

Accordingly, the Review Board hereby proposes to establish a new chapter XIV in title 36 of the Code of Federal Regulations to read as follows:

CHAPTER XIV -- ASSASSINATION RECORDS REVIEW BOARD

Part 1400 -- GUIDANCE FOR INTERPRETATION AND

IMPLEMENTATION OF THE PRESIDENT JOHN F. KENNEDY

ASSASSINATION RECORDS COLLECTION ACT OF 1992 (JFK Act)

Sec.

1400.1 Scope of assassination record.

1400.2 Scope of additional records and information.

1400.3 Sources of assassination records and additional records and information.

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

1400.5 Requirement that assassination records be released in their entirety.

1400.6 Originals and copies.

1400.7 Additional guidance.

1400.8 Implementing the JFK Act -- Notice of Assassination Record Designation.

Authority: 44 U.S.C. 2107.

§ 1400.1 Scope of assassination record.

(a) An assassination record includes, but is not limited to, all records,

public and private, regardless of how labeled or identified, that

document, describe, report on, analyze, or interpret activities, persons, or events reasonably related to the assassination of President John F. Kennedy and investigations of or inquiries into the assassination.

(b) An assassination record further includes, without limitation:

(1) All records as defined in Sec. 3(2) of the JFK Act;

(2) All records collected by or segregated by all federal, state, and local

government agencies in conjunction with any investigation or analysis of or inquiry into the assassination of President Kennedy (for example, any intra-agency investigation or analysis of or inquiry into the assassination; any inter-agency communication regarding the assassination; any request by the House Select Committee on Assassinations to collect documents and other materials; or any inter- or intra-agency collection or segregation of documents and other

materials);

(3) Other records or groups of records listed in the Notice of Assassination Record Designation, as described in §1400.8 of this chapter.

§1400.2 Scope of additional records and information.

The term additional records and information includes:

(a) All documents used by government offices and agencies during their

declassification review of assassination records as well as all other documents, indices, and other material (including but not limited to those that disclose cryptonyms, code names, or other identifiers that appear in assassination records) that the Assassination Records Review Board (Review Board) has a reasonable basis to believe may constitute an assassination record or would assist in the identification, evaluation or interpretation of an assassination record. The Review Board will

identify in writing those records and other materials it intends to seek under this section.

(b) All training manuals, instructional materials, and guidelines created or

used by the agencies in furtherance of their review of assassination records.

(c) All records, lists, and documents describing the procedure by which the

agencies identified or selected assassination records for review.

(d) Organizational charts of government agencies.

(e) Records necessary and sufficient to describe the agency's:

(1) Records policies and schedules;

(2) Filing systems and organization;

(3) Storage facilities and locations;

(4) Indexing symbols, marks, codes, instructions, guidelines,

methods and procedures;

(5) Search methods and procedures used in the performance of the agencies' duties under the JFK Act; and

(6) Reclassification to a higher level, transfer, destruction, or other information (e.g., theft) regarding the status of assassination records.

(f) Any other record that does not fall within the scope of assassination record as described in §1400.1, but which has the potential to enhance, enrich, and broaden the historical record of the assassination.

§1400.3 Sources of assassination records and additional records and information.

Assassination records and additional records and information may be located at, or under the control of, without limitation:

(a) Agencies, offices, and entities of the executive, legislative, and judicial

branches of the federal government;

*(b) Agencies, offices, and entities of the executive, legislative, and
judicial*

branches of state and local governments;

*(c) Record repositories and archives of federal, state, and local
governments,*

including presidential libraries;

*(d) Record repositories and archives of universities, libraries,
historical*

societies, and other similar organizations;

*(e) Individuals who possess such records by virtue of service with a
government agency, office, or entity;*

*(f) Persons, including individuals and corporations, who have
obtained such*

records from sources identified in subparagraphs (a) through (e) of

this section;

(g) Persons, including individuals or corporations, who have themselves created or have obtained such records from sources other than those identified in subparagraphs (a) through (e) of this section;

(h) Federal, state, and local courts where such records are being held under

seal; or

(i) Foreign governments.

§1400.4 Types of materials included in scope of assassination record

and

additional records and information.

The term record in assassination record and additional records and information includes, for purposes of interpreting and implementing the JFK Act:

(a) papers, maps, and other documentary material;

(b) photographs;

(c) motion pictures;

(d) sound and video recordings;

(e) machine readable information in any form; and

(f) artifacts.

§1400.5 Requirement that assassination records be released in their entirety.

An assassination record shall be released in its entirety except for portions specifically postponed pursuant to the grounds for postponement of public disclosure of records established in Sec. 6 of the JFK Act, and no portion of any assassination record shall be withheld from public disclosure solely on grounds of non-relevance unless, in the Review Board's sole discretion, release of part of a record is sufficient to comply with the intent and purposes of the JFK Act.

§1400.6 Originals and copies.

(a) For purposes of determining whether originals or copies of assassination

records will be made part of the President John F. Kennedy

Assassination Records Collection (JFK Assassination Records Collection)

established under the JFK Act, the following shall apply:

(1) In the case of papers, maps, and other documentary materials,

the

Review Board may determine that record copies of government

records, either the signed original, original production or a

reproduction that has been treated as the official record maintained

to chronicle government functions or activities, may be placed in the

JFK Assassination Records Collection;

(2) In the case of other papers, maps, and other documentary

material, the

Review Board may determine that a true and accurate copy of a record in lieu of the original may be placed in the JFK Assassination Records Collection;

(3) In the case of photographs, the original negative, whenever available (otherwise, the earliest generation print that is a true and accurate copy), may be placed in the JFK Assassination Records Collection;

(4) In the case of motion pictures, the camera original, whenever available (otherwise, the earliest generation print that is a true and accurate copy), may be placed in the JFK Assassination Records Collection;

(5) In the case of sound and video recordings, the original recording, whenever available (otherwise, the earliest generation copy that is a true and accurate copy), may be placed in the JFK Assassination

Records Collection;

(6) *In the case of machine-readable information, a true and accurate*

copy of the original (duplicating all information contained in the original and in a format that permits retrieval of the information), may be placed in the JFK Assassination Records Collection; and

(7) *In the case of artifacts, the original objects themselves may be placed in the JFK Assassination Records Collection.*

(b) *To the extent records from foreign governments are included in the JFK*

Assassination Records Collection, copies of the original records shall be sufficient for inclusion in the collection.

(c) *In cases where a copy, as defined in paragraph (a) of this section above, is authorized by the Review Board to be included in the JFK Assassination Records Collection, the Review Board may require*

that a copy be certified if, in its discretion, it determines a certification to be necessary to ensure the integrity of the JFK Assassination Records Collection. In cases where an original, as defined in paragraph (a) of this section, is required for inclusion in the JFK Assassination Records Collection, the Review Board may, at its discretion, accept the best available copy. In such cases that records included in the collection, whether originals or copies, contain illegible portions, such records shall have attached thereto a certified transcription of the illegible language to the extent practicable.

(d) For purposes of implementing the JFK Act, the term "copy" means a true and accurate photocopy duplication by a means appropriate to the medium of the original record that preserves and displays the integrity of the record and the information contained in it.

(e) Nothing in this section shall be interpreted to suggest that

additional copies of any assassination records contained in the JFK Assassination Records Collection are not also assassination records that, at the Review Board's discretion, may also be placed in the JFK Assassination Records Collection.

(f) Nothing in this section shall be interpreted to prevent or to preclude copies of any electronic assassination records from being reformatted electronically in order to conform to different hardware and/or software requirements of audiovisual or machine readable formats if such is the professional judgment of the National Archives and Records Administration.

§1400.7 Additional guidance.

(a) A government agency, office, or entity includes, for purposes of interpreting and implementing the JFK Act, all current, past, and former departments, agencies, offices, divisions, foreign offices, bureaus, and deliberative bodies of any federal, state, or local

government and includes all inter- or intra-agency working groups, committees, and meetings that possess or created records relating to the assassination of President John F. Kennedy.

(b) The inclusion of artifacts in the scope of the term assassination record is understood to apply solely to the JFK Assassination Records Collection and to implement fully the terms of the JFK Act and has no direct or indirect bearing on the interpretation or implementation of any other statute or regulation.

(c) Whenever artifacts are included in the JFK Assassination Records Collection, it shall be sufficient to comply with the JFK Act if the public is provided access to photographs, drawings, or similar materials depicting the artifacts. Additional display of or examination by the public of artifacts in the JFK Assassination Records Collection shall occur under the terms and conditions established by the National Archives and Records Administration to

ensure their preservation and protection for posterity.

(d) The terms and, or, any, all, and the plural and singular forms of nouns shall be understood in their broadest and most inclusive sense and shall not be understood to be terms of limitation.

(e) Unless the Review Board in its sole discretion directs otherwise, records that are identified with respect to a particular person shall include all records relating to that person that use or reflect their true name or any other name, pseudonym, codeword, symbol number, cryptonym, or alias used to identify that person.

(f) Unless the Review Board in its sole discretion directs otherwise, records that are identified by the Review Board with respect to a particular operation or program shall include all records pertaining to that program by any other name, pseudonym, codeword, symbol, number, or cryptonym.

§1400.8 Implementing the JFK Act -- Notice of Assassination

Record Designation.

(a) A Notice of Assassination Record Designation (NARD) shall be the mechanism for the Review Board to announce publicly its determination that a record or group of records meets the definition of assassination records.

(b) Notice of all NARDs will be published in the Federal Register within 30 days of the decision to designate such records as assassination records.

In determining that a record or group of records meets the definition of assassination records, the Review Board must determine that the record or

*group of records will more likely than not enhance, enrich, and
broaden the historical record of the assassination.*

Dated: June __, 1995

David G. Marwell

Executive Director

Assassination Records Review Board

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