

Guidelines for Processing and Reviewing Records in the Segregated Collections and Records that Contain Information with No Believed Relevance (“NBR”) to the Assassination

The so-called sequestered collection of the FBI and CIA conservatively total 300,000 pages, which would require an individual more than 12 years to carefully read. It is obvious, considering the Board’s current small staff, that it would be impossible to complete a word-by-word review of these documents by Oct. 1, 1997. To efficiently review these documents, which may contain extraneous or unrelated information, the Assassination Records Review Board began developing standards which would be essential in determining methodologies used to review and process documents. The development of these guidelines began with the August 6, 1996 public hearing and culminated with their adoption at the October 16, 1996 Board meeting.

The Board standards for procedures and review of the segregated collections require that:

- The ARRB Staff will review every record in the Segregated Collections to determine whether they contain information that enriches the historical understanding of the assassination;
- Whenever the ARRB Staff identifies assassination-related information in a record of the Segregated Collections, the Staff will recommend to the appropriate agencies that the record be designated as an assassination record that should be fully processed under the JFK Act (*i.e.*, be reviewed for postponements on a word-by-word basis under Section 6 of the JFK Act). If the agency disagrees with the ARRB Staff designation, the Staff will notify the Review Board of the disagreement and will make the disputed record available to the Review Board for its final determination whether the record should be fully processed under the JFK Act;
- Whenever the ARRB Staff identifies records in the Segregated Collections containing information that has “no believed relevance” to the assassination, the Staff will designate such records as “NBR” and document that designation in a written statement that will identify the records at issue and provide a brief explanation as to the basis for the NBR designation. These written statements will be made available to the Review Board for its independent review and the Review Board will have the ultimate authority to determine whether the records should be fully processed under the JFK Act or whether they should be processed as NBRs as described below;
- Records finally determined by the Review Board to be NBRs will not be further reviewed by the Review Board. Upon the termination of the Review Board’s activities, the ARRB Staff written statements describing the NBR records will be made available to the public in the JFK Collection at NARA; and
- During the process of reviewing the Segregated Collections, the Staff will seek continued

guidance from the Review Board regarding the scope of records that the Board believes will enhance the historical understanding of the assassination.

For all Segregated Collection records that are designated “NBRs,” the following procedures will apply:

- *Custody of NBRs after October 1, 1997.* After a determination that a record or groups of records are NBR records, the Review Board will instruct the agencies to send the original NBR records to NARA and order them to be placed in a security classified facility that is not open to the public. On a case-by-case basis (*e.g.*, CIA personnel files), the Review Board may agree to allow NBR records to be kept at the agencies with oversight by NARA;
- *Release of information in NBRs by the Agencies.* The Review Board encourages the FBI and CIA to make available to the public the information contained in NBR records. It is the Review Board’s understanding and intent that records designated NBR may be subject to FOIA and other laws pertaining to public access to information and that the NBR designation does not preclude records from being opened. Any NBR record (or part thereof) that previously has been released or that will be released in the future (*e.g.*, through FOIA), will simultaneously be released to the public in the JFK Collection; and
- *Opening of NBRs in 2017.* All Segregated Collection records determined to be NBR presumptively are to be opened in 2017. (The Review Board will provide further guidance at a later date.)

In the event that individual records in the Segregated Collection contain information related to the assassination as well as information with No Believed Relevance (“NBR”) to the assassination, the Board recommended that:

- The ARRB Staff will review the proposed NBR material to determine: (A) whether it is in fact NBR, and (B) whether the type of information appears, on its face, to fall within one of the specific grounds for postponements. If the ARRB Staff believes that both (A) and (B) apply, it will recommend to the Review Board that the NBR material be postponed and that the agency need not provide any additional evidence in support of the postponement. The record and the ARRB Staff recommendation will then be made available to the Review Board for its final determination;
- If the Review Board accepts the ARRB Staff recommendation, the final determination form will reflect that such postponements have been sustained on both the specific grounds enumerated in Section 6 and the material’s NBR status;
- Absent a specific reason for an alternative opening date, material postponed on NBR and

Section 6 grounds presumptively will be opened in 2017; and

- Under no circumstances will information that is relevant to the assassination be postponed on joint-NBR-Section 6 grounds. Agencies must provide specific evidence in support of postponements in assassination-related material.

In developing these guidelines, the Review Board defined “Segregated Collections” to include FBI Records that were:

- Requested by the House Select Committee on Assassinations in conjunction with its investigation into the Kennedy assassination;
- Requested by the Church Committee in conjunction with its inquiry into issues related to the Kennedy assassination; and
- Records requested by other bodies (*e.g.*, Pike Committee, Abzug Committee, etc.) That related to the Kennedy assassination.

In addition, the CIA’s Sequestered Collection was defined to include:

- Sixty-three boxes of materials collected in relationship to government investigations of the assassination as well as one box of microfilm records. The microfilm records (Box 64) includes several different types of records, including copies of documents from the Oswald 201 file, personnel records, and sometimes copies of complete files from which individual records in the first 63 boxes were taken;
- Several boxes of CIA staff “working files”; and
- Generally those records that were requested by the HSCA in conjunction with its investigation of the Kennedy assassination and, to the extent that it is possible to determine, records requested by other official bodies in conjunction with investigations of the Kennedy assassination. The ARRB Staff, on a case-by-case basis, may review agency records other than those contained in the Segregated Collections for the purpose of identifying specific records that may relate to the Kennedy assassination.

These detailed guidelines significantly reduce the loss off valuable ARRB Staff and Review Board time expended to review, on a word-by-word basis, those documents that have no relationship to the Kennedy assassination, but require the ARRB Staff to review every single record contained in the Sequestered Collection. Those documents that are identified to be relevant to the assassination will be reviewed world-by-word. These actions will allow the Review Board to proceed prudently and to prioritize wisely the time remaining to it. There will, of course, be individuals who will be suspicious of the significance of any withheld information. Ultimately, however, the Review Board’s

credibility will be judged less by these anticipated allegations than by the releases that have been made public and by the conscientiousness of the Board's procedures. These standards of relevance are designed to ensure that the greatest number of true assassination records is properly identified, reviewed and made public in the JFK Collection at NARA.

Compliance with the JFK Assassination Records Collection Act

In November 1996, the Assassination Records Review Board initiated requests to approximately 25 U.S. Government agencies and departments asking that they fully cooperate with the ARRB in discharging its responsibility of assuring Congress and the American people that the goals of the JFK Act have been accomplished to the greatest possible extent. These requests were initiated to assure the American people that the U.S. Government has identified, located and released all records relating to the assassination of President Kennedy.

The Review Board requested the relevant federal agencies and departments provide a complete and specific accounting of their efforts to locate and release assassination-related records, including a full explanation for the destruction of any records.

In response, each agency and department designated a Compliance Official, who ultimately will be responsible for ensuring that each entity has complied with its obligations under the JFK Act, including identification, location and organization of assassination records and the transmission of those records to the National Archives.

ARRB also received agreements from each agency and department to adhere to the compliance procedures outlined by the Review Board.

In addition, the Review Board requested an Initial Statement of Compliance from each Agency Compliance Official which explains the steps taken by each agency to locate and process assassination records. The Statement of Compliance will be part of the agency's comprehensive and final report to the American public of what each has done to locate records relating to the assassination. The Statement will include, to the fullest reasonable extent:

- A complete description of all steps taken by agencies to identify and locate assassination records including, but not limited to, an identification of major record collections and files that were consulted in the agency's search, any departmental file indices consulted, the names and titles of the persons who were responsible for conducting the searching, the physical locations of the records that were searched, the off-site storage facilities (*e.g.*, Federal Records Centers) searched, the specific steps that were taken to locate and retrieve materials in archives, and any other criteria used by the agency to locate assassination records;

- All pertinent updated information so that the Statement of Compliance will constitute the agencies' comprehensive explanations to the public of what they did to identify and process assassination records under the JFK Act, including providing a detailed explanation of the extent and scope of the agencies' searches for assassination-related records;
- A full and specific explanation of any destruction of assassination-related records and the circumstances surrounding the destruction of such records; and
- The status of remaining work that needs to be completed to comply fully with the JFK Act, including an identification of the categories of records that must be processed and transmitted to the National Archives, a description of any additional searches for files that must be done, and the projected date(s) for completion of these tasks.

The agencies were notified by the Review Board that, shortly after the submission of written Statements of Compliance, the Agency Compliance Official (as well as any individuals who helped prepare the statements) should be made available to the Review Board for an interview regarding the location of agency assassination records. The interview will be used as an opportunity to resolve any outstanding questions regarding the search, including any subsequent tasks to be completed by the agencies. The Review Board anticipates that these interviews will be conducted in January and February 1997.

The agencies and departments were notified by the Review Board that they should be expected to complete the process of identification, location and declassification of its assassination records by July 1, 1997. At that time, the agencies will submit to the Review Board a Final Declaration of Compliance certifying, under oath, their compliance with the provisions of the JFK Act. This final declaration will set forth all of the information set forth in the initial Statement of Compliance and will also supplement the initial State of Compliance by detailing any further steps that were conducted by the agencies in identifying and locating assassination records. The agencies' Final Declarations of Compliance will be included in the Assassination Records Review Board's final report to Congress.

The Review Board anticipates that it may conduct depositions, under oath, of Agency Compliance Officials along with any other agency officials with responsibility for complying with the JFK Act on or about August 1, 1997. The decision to take a compliance deposition from an agency will be made on a case-by-case basis, taking into account the importance of the agency to the work of the JFK Act and the sufficiency of the agency's efforts to account fully for its compliance with the JFK Act. Should the Review Board decide to require a compliance deposition of an agency, the responsible agency designee(s) will be expected to testify under oath on any and all issues relating to the agency's record search; including the scope of the search, the identity of files searched, the destruction of any relevant records, and any other matters set forth in the Final Declaration of Compliance.