

APPENDIX A
**THE MEMBERS OF THE
ASSASSINATION RECORDS REVIEW BOARD**

“The President, by and with the advice and consent of the Senate, shall appoint, without regard to political affiliation, five citizens to serve as members of the Review Board to ensure and facilitate the review, transmission to the Archivist, and public disclosure of Government records related to the assassination of President John F. Kennedy.” JFK Act at § 7 (b)(1).

Although the Review Board members were Presidential appointees, the JFK Act recommended that the President select the Board members from lists of names submitted to the President by four professional associations—the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Bar Association. The Review Board’s biographies follow.



The Honorable John R. Tunheim. The American Bar Association recommended John R. Tunheim to the President. Judge Tunheim is currently a United States District Court Judge in the District of Minnesota, and, at the time of his nomination, was Chief Deputy

Attorney General of the state of Minnesota. Judge Tunheim worked in the Office of the Attorney General for 11 years as the Solicitor General before his appointment as Chief Deputy. Earlier, he practiced law privately and served as Staff Assistant to U.S. Senator Hubert H. Humphrey. He received his J.D. from the University of Minnesota Law School, and his B.A. from Concordia College in Moorhead, Minnesota. The Review Board members elected Judge Tunheim to Chair the Review Board.



Henry F. Graff. Henry F. Graff was recommended to President Clinton by the White House staff. He is Professor Emeritus of History at Columbia University, where he held rank as Instructor to Full Professor from 1946-1991. He served as the Chair-

man of the History Department from 1961-1964. In the 1960s he served on the National Historical Publications Commission, having been appointed by President Lyndon B. Johnson. Dr. Graff was also a Senior Fellow of the Freedom Forum Media Studies Center from 1991-1992. He received his M.A. and his Ph.D. from Columbia University, and his B.S.S. from City College, New York.



Kermit L. Hall. The Organization of American Historians nominated Kermit L. Hall, Executive Dean of the Colleges of the Arts and Sciences, Dean of the College of Humanities, and Professor of History and Law at The Ohio State University. Dean

Hall was appointed by Chief Justice William Rehnquist to the Historical Advisory Board of the Federal Judicial Center and is a director of the American Society for Legal History. Dean Hall received his Ph.D. from the University of Minnesota, a Master of Study of Law from Yale University Law School, received his M.A. from Syracuse University, and his B.A. from The University of Akron.



William L. Joyce. The Society of American Archivists recommended William L. Joyce to the President. Dr. Joyce is currently the Associate University Librarian for Rare Books and Special Collections at Princeton University. Joyce previously served as Assistant

Director for Rare Books and Manuscripts at the New York Public Library. Dr. Joyce has also held positions at the American Antiquarian Society, initially as the Curator of Manuscripts, and later as the Education Officer. He received his Ph.D. from the University of Michigan, his M.A. from St. John's University, and his B.A. from Providence College.



Anna Kasten Nelson. The American Historical Association recommended to the President Anna K. Nelson, the Distinguished Adjunct Historian in Residence at the American University. Dr. Nelson has been a professor of foreign relations at the American

University since 1986. In 1975, she served on the staff of the Public Documents Commission. Dr. Nelson previously served as the Director of the Committee on the Records of Government and a member of the Historical Advisory Committee of the State Department. She was a Distinguished Visiting Professor at Arizona State University in 1992. She received her Ph.D. from George Washington University, and both her M.A. and B.A. from the University of Oklahoma.

APPENDIX B

THE STAFF OF THE ASSASSINATION RECORDS REVIEW BOARD

“A person appointed to the staff shall be a private citizen of integrity and impartiality who is not a present employee of any branch of the Government and who has had no previous involvement with any official investigation or inquiry relating to the assassination of President John F. Kennedy” JFK Act, § 8 (b)(2).

Executive Directors. The JFK Act charged the Review Board’s Executive Director with the duties of overseeing all of the work of the Review Board, including overseeing the review and declassification process, and serving as a liaison between the Review Board and federal agencies.

David G. Marwell. David G. Marwell served as Executive Director from August 1994 to October 1997, the Review Board’s originally scheduled sunset date. Dr. Marwell previously served as Director of the Berlin Document Center. He has also served as the Chief of Investigative Research in the Office of Special Investigations at the Department of Justice. Dr. Marwell received his Ph.D. from the State University of New York at Binghamton and his B.A. from Brandeis University.

T. Jeremy Gunn. In October 1997, the Review Board members appointed T. Jeremy Gunn as Executive Director. Dr. Gunn also served the Review Board as its Associate Director for Research and Analysis from November 1994 until October 1997, and as General Counsel from January 1996 until July 1998.¹ Dr. Gunn came to the Review Board from the Washington, D.C. law firm of Covington and Burling. He received his J.D. from Boston University and his Ph.D. from Harvard University.

¹ *Sheryl L. Walter*, formerly General Counsel of the private National Security Archive, served as the Review Board’s General Counsel from November 1994 to May 1995, and departed the Review Board to become the General Counsel on the Senator Daniel Patrick Moynihan Committee on Government Secrecy.

Laura A. Denk. In July 1998, the Review Board members asked Laura Denk, the Review Board’s Chief Analyst for FBI Records, to serve as Executive Director during the final months of the Board’s work. Ms. Denk received her J.D. from the University of Kansas and her B.A. from The College of William and Mary.

Senior Staff. The Review Board’s Senior Staff consisted of the Deputy Director, the General Counsel, and the Associate Directors. Aside from performing their specific job duties, the Review Board’s Senior Staff acted as a team to recommend Review Board policy and assist the Executive Director in carrying out his or her duties.

Thomas E. Samoluk previously served as the Review Board’s Deputy Director. Mr. Samoluk, who was an Assistant Attorney General and Director of Communications in the Massachusetts Attorney General’s office also served as the Review Board’s Associate Director for Communications. He received his J.D. from Suffolk University Law School and his B.A. from the University of Massachusetts at Amherst.

Tracy J. Shycoff. Tracy J. Shycoff served the Review Board as Associate Director for Administration from October 1994 until July 1998, when the Review Board asked her to serve as Deputy Director during the final months of the Board’s work. Ms. Shycoff previously served as the Associate Director for Administration at the National Commission on AIDS. She attended Southern Methodist University.

Ronald G. Haron. Ronald Haron served as the Review Board’s General Counsel during July, August, and September of 1998. Mr. Haron had previously served the Review Board as

Associate General Counsel and as Senior Attorney. Mr. Haron came to the Review Board from the Washington, D.C. law firm of Howrey and Simon. He received both his J.D. and his B.A. from the University of Virginia.

K. Michelle Combs. Michelle Combs served as the Review Board's Associate Director for Research and Review from March 1998 until the Review Board's closure. Dr. Combs previously served the Review Board as a Senior Analyst. Dr. Combs received her Ph.D. in Communication Studies from Northwestern University and her B.A. from Vanderbilt University.

Press and Public Affairs Officer. Given that one of the JFK Act's primary objectives was to restore public confidence in government, the Review Board realized that it would have to maintain fairly extensive public affairs and communications programs, as described in Chapter 2 of this report. Thus, its Press and Public Affairs Officer was a critical individual in evaluating the Review Board's success or failure.

Eileen A. Sullivan. Eileen Sullivan served as the Review Board's Press and Public Affairs Officer from May 1997 until the Review Board's closure in September 1998. Ms. Sullivan previously served as the Assistant Press and Public Affairs Officer. Ms. Sullivan received her B.A. from The American University.

Computer Specialist. As Chapter 4 of this report describes in detail, computer programs that could track the Review Board's processing of thousands of records were essential components to the fulfillment of the Review Board's mandate.

Charles C. Rhodes. Chet Rhodes served as the Review Board's Computer Specialist from December 1994 until the Review Board's closure in September 1998. Mr. Rhodes received his B.S. from the University of Maryland.

Research and Analysis Staff. Review Board analysts identified and reviewed records and made recommendations to the Review Board. Organized into three teams, FBI, CIA, and Military, analysts developed working relationships with representatives from the federal agencies within the analyst's purview. Analysts developed expertise into particular

subject matters—essential to providing the Review Board members with information relevant to the Board's decision making. Moreover, analysts carried out the important assignment of determining whether to request additional records from agencies.

Douglas P. Horne. Douglas Horne served as the Review Board's Chief Analyst for Military Records from March 1997 to September 1998. Mr. Horne previously served the Review Board as a Senior Analyst. Prior to his work at the Review Board, Mr. Horne served in the U.S. Navy and also worked as a civilian for the U.S. Navy. Mr. Horne received his B.A. from The Ohio State University.

Robert J. Skwirot. Robert J. Skwirot served as the Review Board's Chief Analyst for CIA Records from September 1997 to September 1998.² Mr. Skwirot previously served the Review Board as a Senior Analyst. Mr. Skwirot received his M.A. from Villanova University and his B.A. from La Salle University.

Kevin G. Tiernan. Kevin G. Tiernan served as the Review Board's Chief Analyst for FBI Records from July 1998-September 1998.³ Mr. Tiernan previously served as a Senior Analyst for the Review Board. Mr. Tiernan received his B.A. from Mary Washington College.

Joseph P. Freeman. Joe Freeman served as a Senior Analyst for the Review Board. Mr. Freeman had a Rotary International Foundation Fellowship at the School of Peace at the University of Bradford, England, and he received his B.A. from Harvard University.

Irene F. Marr. Irene Marr served as a Senior Analyst for the Review Board. Ms. Marr received her M.A. from The Fletcher School

² *Mary S. McAuliffe* served as the Review Board's first Chief Analyst for CIA Records from April 1995 to October 1996. Dr. McAuliffe received her Ph.D. from the University of Maryland, and her B.A. from Principia College.

³ *Philip D. Golrick* served as the Review Board's first Chief Analyst for FBI Records, and also as Counsel to the Review Board, from November 1994 until March 1997. Mr. Golrick previously worked for the Washington law firm of Covington and Burling. He received both his J.D. and his B.A. from the University of Virginia.

of Law and Diplomacy at Tufts University and her B.A. from Smith College.

Sarah Ahmed. Sarah Ahmed served as an analyst for the Review Board. Ms. Ahmed received her B.A. from The George Washington University.

Marie B. Fagnant. Marie Fagnant served as an analyst for the Review Board. Ms. Fagnant received her B.A., from Arizona State University.

James C. Goslee, II. Jim Goslee served as an analyst for the Review Board. Mr. Goslee is an M.A. candidate at Georgetown University, and he received his B.A. from the University of Connecticut. **Benjamin A. Rockwell.** Ben Rockwell served as an analyst for the Review Board. Mr. Rockwell received his B.A. from The George Washington University.

Peter H. Voth. Peter Voth served as an analyst as well as the Assistant Computer Specialist for the Review Board. Mr. Voth received his M.A. from The American University and his B.A. from Penn State University.

Administrative Staff. The Review Board's administrative staff, though skeletal in number, performed a wide variety of tasks. Under ideal conditions, the Review Board hoped to have four to five administrative staff members. However, the Review Board's administrative staff often consisted of only three individuals.

Jerrie Olson. Jerrie Olson served as the Executive Secretary from June 1995 until the closure of the Review Board in September 1998. Ms. Olson provided support to the Executive Director, the General Counsel, staff investigators, and the Review Board members.

Catherine M. Rodriguez. Cathy Rodriguez served as the Technical Assistant for Research and Analysis and provided support to the General Counsel from August 1996 until the closure of the Review Board in September 1998. Ms. Rodriguez attended the University of Maryland European Division at Berlin, Germany.

Janice Spells. Janice Spells served as the receptionist/administrative assistant for the Review Board.

Investigators.⁴ The Review Board hired two full-time staff investigators to locate a variety of records from non-federal sources. The investigators were successful in identifying and locating significant private collections of records and in arranging for donation of those collections to the government. Moreover, investigators played a critical role in locating former government employees who were subsequently interviewed regarding the possible existence and location of additional assassination records.

⁴ *Anne E. Buttimer* and *David R. Montague* served the Review Board as investigators.

APPENDIX C

**THE PRESIDENT JOHN F. KENNEDY ASSASSINATION
RECORDS COLLECTION ACT OF 1992 (JFK ACT)**

**Section 1:
Short Title**

This Act may be cited as the “President John F. Kennedy Assassination Records Collection Act of 1992”.

**Section 2:
Findings, Declarations, and Purposes**

(a) *Findings and Declarations*- The Congress finds and declares that—

(1) all Government records related to the assassination of President John F. Kennedy should be preserved for historical and governmental purposes;

(2) all Government records concerning the assassination of President John F. Kennedy should carry a presumption of immediate disclosure, and all records should be eventually disclosed to enable the public to become fully informed about the history surrounding the assassination;

(3) legislation is necessary to create an enforceable, independent, and accountable process for the public disclosure of such records;

(4) legislation is necessary because congressional records related to the assassination of President John F. Kennedy would not otherwise be subject to public disclosure until at least the year 2029;

(5) legislation is necessary because the Freedom of Information Act, as implemented by the executive branch, has prevented the timely public disclosure of records relating to the assassination of President John F. Kennedy;

(6) legislation is necessary because Executive Order No. 12356, entitled “National Security Information” has eliminated the declassification and downgrading schedules relating to classified information across government and has prevented the timely public disclosure of records relating to the assassi-

nation of President John F. Kennedy; and

(7) most of the records related to the assassination of President John F. Kennedy are almost 30 years old, and only in the rarest cases is there any legitimate need for continued protection of such records.

(b) *Purposes*- The purposes of this Act are—

(1) to provide for the creation of the President John F. Kennedy Assassination Records Collection at the National Archives and Records Administration; and

(2) to require the expeditious public transmission to the Archivist and public disclosure of such records.

**Section 3:
Definitions**

In this Act:

(1) “Archivist” means the Archivist of the United States.

(2) “Assassination record” means a record that is related to the assassination of President John F. Kennedy, that was created or made available for use by, obtained by, or otherwise came into the possession of—

(A) the Commission to Investigate the Assassination of President John F. Kennedy (the “Warren Commission”);

(B) the Commission on Central Intelligence Agency Activities Within the United States (the “Rockefeller Commission”);

(C) the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (the “Church Committee”);

(D) the Select Committee on Intelligence (the “Pike Committee”) of the House of Representatives;

(E) the Select Committee on Assassinations (the “House Assassinations Committee”) of the House of Representatives;

(F) the Library of Congress;

(G) the National Archives and Records Administration;

(H) any Presidential library;
(I) any Executive agency;
(J) any independent agency;
(K) any other office of the Federal Government; and

(L) any State or local law enforcement office that provided support or assistance or performed work in connection with a Federal inquiry into the assassination of President John F. Kennedy, but does not include the autopsy records donated by the Kennedy family to the National Archives pursuant to a deed of gift regulating access to those records, or copies and reproductions made from such records.

(3) “Collection” means the President John F. Kennedy Assassination Records Collection established under section 4.

(4) “Executive agency” means an Executive agency as defined in subsection 552(f) of title 5, United States Code, and includes any Executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government, including the Executive Office of the President, or any independent regulatory agency.

(5) “Government office” means any office of the Federal Government that has possession or control of assassination records, including—

(A) the House Committee on Administration with regard to the Select Committee on Assassinations of the records of the House of Representatives;

(B) the Select Committee on Intelligence of the Senate with regard to records of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities and other assassination records;

(C) the Library of Congress;

(D) the National Archives as custodian of assassination records that it has obtained or possesses, including the Commission to Investigate the Assassination of President John F. Kennedy and the Commission on Central Intelligence Agency Activities in the United States; and

(E) any other executive branch office or agency, and any independent agency.

(6) “Identification aid” means the written description prepared for each record as required in section 4.

(7) “National Archives” means the

National Archives and Records Administration and all components thereof, including Presidential archival depositories established under section 2112 of title 44, United States Code.

(8) “Official investigation” means the reviews of the assassination of President John F. Kennedy conducted by any Presidential commission, any authorized congressional committee, and any Government agency either independently, at the request of any Presidential commission or congressional committee, or at the request of any Government official.

(9) “Originating body” means the Executive agency, government commission, congressional committee, or other governmental entity that created a record or particular information within a record.

(10) “Public interest” means the compelling interest in the prompt public disclosure of assassination records for historical and governmental purposes and for the purpose of fully informing the American people about the history surrounding the assassination of President John F. Kennedy.

(11) “Record” includes a book, paper, map, photograph, sound or video recording, machine readable material, computerized, digitized, or electronic information, regardless of the medium on which it is stored, or other documentary material, regardless of its physical form or characteristics.

(12) “Review Board” means the Assassination Records Review Board established by section 7.

(13) “Third agency” means a Government agency that originated an assassination record that is in the possession of another agency.

Section 4: President John F. Kennedy Assassination Records Collection at the National Archives and Records Administration

(a) *In General*—

(1) Not later than 60 days after the date of enactment of this Act, the National Archives and Records Administration shall commence establishment of a collection of records to be known as the President John F. Kennedy Assassination Records Collection. In so doing, the Archivist shall ensure the physical integrity and original provenance of all records. The Collection shall consist of record copies of all Government

records relating to the assassination of President John F. Kennedy, which shall be transmitted to the National Archives in accordance with section 2107 of title 44, United States Code. The Archivist shall prepare and publish a subject guidebook and index to the collection.

(2) The Collection shall include—

(A) all assassination records—

(i) that have been transmitted to the National Archives or disclosed to the public in an unredacted form prior to the date of enactment of this Act;

(ii) that are required to be transmitted to the National Archives; or

(iii) the disclosure of which is postponed under this Act;

(B) a central directory comprised of identification aids created for each record transmitted to the Archivist under section 5; and

(C) all Review Board records as required by this Act.

(b) *Disclosure of Records*- All assassination records transmitted to the National Archives for disclosure to the public shall be included in the Collection and shall be available to the public for inspection and copying at the National Archives within 30 days after their transmission to the National Archives.

(c) *Fees for Copying*- The Archivist shall—

(1) charge fees for copying assassination records; and

(2) grant waivers of such fees pursuant to the standards established by section 552(a)(4) of title 5, United States Code.

(d) *Additional Requirements*-

(1) The Collection shall be preserved, protected, archived, and made available to the public at the National Archives using appropriations authorized, specified, and restricted for use under the terms of this Act.

(2) The National Archives, in consultation with the Information Security Oversight Office, shall ensure the security of the postponed assassination records in the Collection.

(e) *Oversight*- The Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate shall have continuing oversight jurisdiction with respect to the Collection.

Section 5:

Review, Identification, Transmission to the National Archives, and Public Disclosure of Assassination Records by Government Offices

(a) *In General*-

(1) As soon as practicable after the date of enactment of this Act, each Government office shall identify and organize its records relating to the assassination of President John F. Kennedy and prepare them for transmission to the Archivist for inclusion in the Collection.

(2) No assassination record shall be destroyed, altered, or mutilated in any way.

(3) No assassination record made available or disclosed to the public prior to the date of enactment of this Act may be withheld, redacted, postponed for public disclosure, or reclassified.

(4) No assassination record created by a person or entity outside government (excluding names or identities consistent with the requirements of section 6) shall be withheld, redacted, postponed for public disclosure, or reclassified.

(b) *Custody of Assassination Records Pending Review*- During the review by Government offices and pending review activity by the Review Board, each Government office shall retain custody of its assassination records for purposes of preservation, security, and efficiency, unless—

(1) the Review Board requires the physical transfer of records for purposes of conducting an independent and impartial review;

(2) transfer is necessary for an administrative hearing or other Review Board function; or

(3) it is a third agency record described in subsection (c)(2)(C).

(c) *Review*-

(1) Not later than 300 days after the date of enactment of this Act, each Government office shall review, identify and organize each assassination record in its custody or possession for disclosure to the public, review by the Review Board, and transmission to the Archivist.

(2) In carrying out paragraph (1), a Government office shall—

(A) determine which of its records are assassination records;

(B) determine which of its assassination records have been officially disclosed or publicly available in a complete and unredacted form;

(C)

(i) determine which of its assassination records, or particular information contained in such a record, was created by a third agency or by another Government office; and

(ii) transmit to a third agency or other Government office those records, or particular information contained in those records, or complete and accurate copies thereof;

(D)

(i) determine whether its assassination records or particular information in assassination records are covered by the standards for postponement of public disclosure under this Act; and

(ii) specify on the identification aid required by subsection (d) the applicable postponement provision contained in section 6;

(E) organize and make available to the Review Board all assassination records identified under subparagraph (D) the public disclosure of which in whole or in part may be postponed under this Act;

(F) organize and make available to the Review Board any record concerning which the office has any uncertainty as to whether the record is an assassination record governed by this Act;

(G) give priority to—

(i) the identification, review, and transmission of all assassination records publicly available or disclosed as of the date of enactment of this Act in a redacted or edited form; and

(ii) the identification, review, and transmission, under the standards for postponement set forth in this Act, of assassination records that on the date of enactment of this Act are the subject of litigation under section 552 of title 5, United States Code; and

(H) make available to the Review Board any additional information and records that the Review Board has reason to believe it requires for conducting a review under this Act.

(3) The Director of each archival depository established under section 2112 of title 44, United States Code, shall have as a priority the expedited review for public disclosure of assassination records in the possession and custody of the depository, and shall make such records available to the Review Board as required by this Act.

(d) *Identification Aids-*

(1)

(A) Not later than 45 days after the date of enactment of this Act, the Archivist, in consultation with the appropriate Government offices, shall prepare and make available to all Government offices a standard form of identification or finding aid for use with each assassination record subject to review under this Act.

(B) The Archivist shall ensure that the identification aid program is established in such a manner as to result in the creation of a uniform system of electronic records by Government offices that are compatible with each other.

(2) Upon completion of an identification aid, a Government office shall—

(A) attach a printed copy to the record it describes;

(B) transmit to the Review Board a printed copy; and

(C) attach a printed copy to each assassination record it describes when it is transmitted to the Archivist.

(3) Assassination records which are in the possession of the National Archives on the date of enactment of this Act, and which have been publicly available in their entirety without redaction, shall be made available in the Collection without any additional review by the Review Board or another authorized office under this Act, and shall not be required to have such an identification aid unless required by the Archivist.

(e) *Transmission to the National Archives-* Each Government office shall—

(1) transmit to the Archivist, and make immediately available to the public, all assassination records that can be publicly disclosed, including those that are publicly available on the date of enactment of this Act, without any redaction, adjustment, or withholding under the standards of this Act; and

(2) transmit to the Archivist upon approval for postponement by the Review Board or upon completion of other action authorized by this Act, all assassination records the public disclosure of which has been postponed, in whole or in part, under the standards of this Act, to become part of the protected Collection.

(f) *Custody of Postponed Assassination Records-* An assassination record the public disclosure of which has been postponed shall, pending transmission to the Archivist, be held for reasons of security and preservation by the originating body until such time as the informa-

tion security program has been established at the National Archives as required in section 4(e)(2).

(g) *Periodic Review of Postponed Assassination Records-*

(1) All postponed or redacted records shall be reviewed periodically by the originating agency and the Archivist consistent with the recommendations of the Review Board under section 9(c)(3)(B).

(2)

(A) A periodic review shall address the public disclosure of additional assassination records in the Collection under the standards of this Act.

(B) All postponed assassination records determined to require continued postponement shall require an unclassified written description of the reason for such continued postponement. Such description shall be provided to the Archivist and published in the Federal Register upon determination.

(C) The periodic review of postponed assassination records shall serve to downgrade and declassify security classified information.

(D) Each assassination record shall be publicly disclosed in full, and available in the Collection no later than the date that is 25 years after the date of enactment of this Act, unless the President certifies, as required by this Act, that—

(i) continued postponement is made necessary by an identifiable harm to the military defense, intelligence operations, law enforcement, or conduct of foreign relations; and

(ii) the identifiable harm is of such gravity that it outweighs the public interest in disclosure.

(h) *Fees for Copying-* Executive branch agencies shall—

(1) charge fees for copying assassination records; and

(2) grant waivers of such fees pursuant to the standards established by section 552(a)(4) of title 5, United States Code.

**Section 6:
Grounds for Postponement of Public
Disclosure of Records**

Disclosure of assassination records or particular information in assassination records to the public may be postponed subject to the limitations of this Act if there is clear and

convincing evidence that—

(1) the threat to the military defense, intelligence operations, or conduct of foreign relations of the United States posed by the public disclosure of the assassination is of such gravity that it outweighs the public interest, and such public disclosure would reveal—

(A) an intelligence agent whose identity currently requires protection;

(B) an intelligence source or method which is currently utilized, or reasonably expected to be utilized, by the United States Government and which has not been officially disclosed, the disclosure of which would interfere with the conduct of intelligence activities; or

(C) any other matter currently relating to the military defense, intelligence operations or conduct of foreign relations of the United States, the disclosure of which would demonstrably impair the national security of the United States;

(2) the public disclosure of the assassination record would reveal the name or identity of a living person who provided confidential information to the United States and would pose a substantial risk of harm to that person;

(3) the public disclosure of the assassination record could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest;

(4) the public disclosure of the assassination record would compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual or a foreign government, and public disclosure would be so harmful that it outweighs the public interest; or

(5) the public disclosure of the assassination record would reveal a security or protective procedure currently utilized, or reasonably expected to be utilized, by the Secret Service or another Government agency responsible for protecting Government officials, and public disclosure would be so harmful that it outweighs the public interest.

**Section 7:
Establishment and Powers of the
Assassination Records Review Board**

(a) *Establishment-* There is established as an independent agency a board to be known as

the Assassinations Records Review Board.

(b) *Appointment-*

(1) The President, by and with the advice and consent of the Senate, shall appoint, without regard to political affiliation, 5 citizens to serve as members of the Review Board to ensure and facilitate the review, transmission to the Archivist, and public disclosure of Government records related to the assassination of President John F. Kennedy.

(2) The President shall make nominations to the Review Board not later than 90 calendar days after the date of enactment of this Act.

(3) If the Senate votes not to confirm a nomination to the Review Board, the President shall make an additional nomination not later than 30 days thereafter.

(4)

(A) The President shall make nominations to the Review Board after considering persons recommended by the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Bar Association.

(B) If an organization described in subparagraph (A) does not recommend at least 2 nominees meeting the qualifications stated in paragraph (5) by the date that is 45 days after the date of enactment of this Act, the President shall consider for nomination the persons recommended by the other organizations described in subparagraph (A).

(C) The President may request an organization described in subparagraph (A) to submit additional nominations.

(5) Persons nominated to the Review Board—

(A) shall be impartial private citizens, none of whom is presently employed by any branch of the Government, and none of whom shall have had any previous involvement with any official investigation or inquiry conducted by a Federal, State, or local government, relating to the assassination of President John F. Kennedy;

(B) shall be distinguished persons of high national professional reputation in their respective fields who are capable of exercising the independent and objective judgment necessary to the fulfillment of their role in ensuring and facilitating the review, transmission to the public, and public disclosure of records related to the assassination of President John F. Kennedy and who possess an appreciation of the value of such material to

the public, scholars, and government; and

(C) shall include at least 1 professional historian and 1 attorney.

(c) *Security Clearances-*

(1) All Review Board nominees shall be granted the necessary security clearances in an accelerated manner subject to the standard procedures for granting such clearances.

(2) All nominees shall qualify for the necessary security clearance prior to being considered for confirmation by the Committee on Governmental Affairs of the Senate.

(d) *Confirmation Hearings-*

(1) The Committee on Governmental Affairs of the Senate shall hold confirmation hearings within 30 days in which the Senate is in session after the nomination of 3 Review Board members.

(2) The Committee on Governmental Affairs shall vote on the nominations within 14 days in which the Senate is in session after the confirmation hearings, and shall report its results to the full Senate immediately.

(3) The Senate shall vote on each nominee to confirm or reject within 14 days in which the Senate is in session after reported by the Committee on Governmental Affairs.

(e) *Vacancy-* A vacancy on the Review Board shall be filled in the same manner as specified for original appointment within 30 days of the occurrence of the vacancy.

(f) *Chairperson-* The Members of the Review Board shall elect one of its members as chairperson at its initial meeting.

(g) *Removal of Review Board Member-*

(1) No member of the Review Board shall be removed from office, other than—

(A) by impeachment and conviction; or

(B) by the action of the President for inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the member's duties.

(2)

(A) If a member of the Review Board is removed from office, and that removal is by the President, not later than 10 days after the removal the President shall submit to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate a report specifying the facts found and the grounds for the removal.

(B) The President shall publish in the

Federal Register a report submitted under paragraph (2)(A), except that the President may, if necessary to protect the rights of a person named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report until the completion of such pending cases or pursuant to privacy protection requirements in law.

(3)

(A) A member of the Review Board removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court for the District of Columbia.

(B) The member may be reinstated or granted other appropriate relief by order of the court.

(h) *Compensation of Members-*

(1) A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(2) A member of the Review Board shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Review Board.

(i) *Duties of the Review Board-*

(1) The Review Board shall consider and render decisions on a determination by a Government office to seek to postpone the disclosure of assassination records.

(2) In carrying out paragraph (1), the Review Board shall consider and render decisions—

(A) whether a record constitutes an assassination record; and

(B) whether an assassination record or particular information in a record qualifies for postponement of disclosure under this Act.

(j) *Powers-*

(1) The Review Board shall have the authority to act in a manner prescribed under this Act including authority to—

(A) direct Government offices to complete identification aids and organize assassination records;

(B) direct Government offices to transmit to the Archivist assassination records as required under this Act, including segregable portions of assassination records, and substitutes and summaries of assassination records that can be publicly disclosed to the fullest extent;

(C)

(i) obtain access to assassination records that have been identified and organized by a Government office;

(ii) direct a Government office to make available to the Review Board, and if necessary investigate the facts surrounding, additional information, records, or testimony from individuals, which the Review Board has reason to believe is required to fulfill its functions and responsibilities under this Act; and

(iii) request the Attorney General to subpoena private persons to compel testimony, records, and other information relevant to its responsibilities under this Act;

(D) require any Government office to account in writing for the destruction of any records relating to the assassination of President John F. Kennedy;

(E) receive information from the public regarding the identification and public disclosure of assassination records; and

(F) hold hearings, administer oaths, and subpoena witnesses and documents.

(2) A subpoena issued under paragraph (1)(C)(iii) may be enforced by any appropriate Federal court acting pursuant to a lawful request of the Review Board.

(k) *Witness Immunity-* The Review Board shall be considered to be an agency of the United States for purposes of section 6001 of title 18, United States Code.

(l) *Oversight-*

(1) The Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate shall have continuing oversight jurisdiction with respect to the official conduct of the Review Board and the disposition of postponed records after termination of the Review Board, and shall have access to any records held or created by the Review Board.

(2) The Review Board shall have the duty to cooperate with the exercise of such oversight jurisdiction.

(m) *Support Services-* The Administrator of the General Services Administration shall provide administrative services for the

Review Board on a reimbursable basis.

(n) *Interpretive Regulations*- The Review Board may issue interpretive regulations.

(o) *Termination and Winding up*-

(1) The Review Board and the terms of its members shall terminate not later than 2 years after the date of enactment of this Act, except that the Review Board may, by majority vote, extend its term for an additional 1-year period if it has not completed its work within that 2-year period.

(2) Upon its termination, the Review Board shall submit reports to the President and the Congress including a complete and accurate accounting of expenditures during its existence, and shall complete all other reporting requirements under this Act.

(3) Upon termination and winding up, the Review Board shall transfer all of its records to the Archivist for inclusion in the Collection, and no record of the Review Board shall be destroyed.

Section 8: Assassination Records Review Board Personnel

(a) *Executive Director*-

(1) Not later than 45 days after the initial meeting of the Review Board, the Review Board shall appoint one citizen, without regard to political affiliation, to the position of Executive Director.

(2) The person appointed as Executive Director shall be a private citizen of integrity and impartiality who is a distinguished professional and who is not a present employee of any branch of the Government and has had no previous involvement with any official investigation or inquiry relating to the assassination of President John F. Kennedy.

(3)

(A) A candidate for Executive Director shall be granted the necessary security clearances in an accelerated manner subject to the standard procedures for granting such clearances.

(B) A candidate shall qualify for the necessary security clearance prior to being approved by the Review Board.

(4) The Executive Director shall—

(A) serve as principal liaison to Government offices;

(B) be responsible for the administration and coordination of the Review Board's review of records;

(C) be responsible for the administration of all official activities conducted by the Review Board; and

(D) have no authority to decide or determine whether any record should be disclosed to the public or postponed for disclosure.

(5) The Executive Director shall not be removed for reasons other than by a majority vote of the Review Board for cause on the grounds of inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the responsibilities of the Executive Director or the staff of the Review Board.

(b) *Staff*-

(1) The Review Board may, in accordance with the civil service laws but without regard to civil service law and regulation for competitive service as defined in subchapter 1, chapter 33 of title 5, United States Code, appoint and terminate additional personnel as are necessary to enable the Review Board and its Executive Director to perform its duties.

(2) A person appointed to the staff of the Review Board shall be a private citizen of integrity and impartiality who is not a present employee of any branch of the Government and who has had no previous involvement with any official investigation or inquiry relating to the assassination of President John F. Kennedy.

(3)

(A) A candidate for staff shall be granted the necessary security clearances in an accelerated manner subject to the standard procedures for granting such clearances.

(B) A candidate for the staff shall qualify for the necessary security clearance prior to being approved by the Review Board.

(c) *Compensation*- The Review Board shall fix the compensation of the Executive Director and other personnel in accordance with title 5, United States Code, except that the rate of pay for the Executive Director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(d) *Advisory Committees*-

(1) The Review Board shall have the authority to create advisory committees to assist in fulfilling the responsibilities of the Review Board under this Act.

(2) Any advisory committee created by the Review Board shall be subject to the Federal

Advisory Committee Act (5 U.S.C. App.).

**Section 9:
Review of Records by the Assassination
Records Review Board**

(a) *Custody of Records Reviewed by Board*- Pending the outcome of the Review Board's review activity, a Government office shall retain custody of its assassination records for purposes of preservation, security, and efficiency, unless—

(1) the Review Board requires the physical transfer of records for reasons of conducting an independent and impartial review; or

(2) such transfer is necessary for an administrative hearing or other official Review Board function.

(b) *Startup Requirements*- The Review Board shall—

(1) not later than 90 days after the date of its appointment, publish a schedule for review of all assassination records in the Federal Register; and

(2) not later than 180 days after the date of enactment of this Act, begin its review of assassination records under this Act.

(c) *Determinations of the Review Board*-

(1) The Review Board shall direct that all assassination records be transmitted to the Archivist and disclosed to the public in the Collection in the absence of clear and convincing evidence that—

(A) a Government record is not an assassination record; or

(B) a Government record or particular information within an assassination record qualifies for postponement of public disclosure under this Act.

(2) In approving postponement of public disclosure of an assassination record, the Review Board shall seek to—

(A) provide for the disclosure of segregable parts, substitutes, or summaries of such a record; and

(B) determine, in consultation with the originating body and consistent with the standards for postponement under this Act, which of the following alternative forms of disclosure shall be made by the originating body:

(i) Any reasonably segregable particular information in an assassination record.

(ii) A substitute record for that information which is postponed.

(iii) A summary of an assassination record.

(3) With respect to each assassination record or particular information in assassination records the public disclosure of which is postponed pursuant to section 6, or for which only substitutions or summaries have been disclosed to the public, the Review Board shall create and transmit to the Archivist a report containing—

(A) a description of actions by the Review Board, the originating body, the President, or any Government office (including a justification of any such action to postpone disclosure of any record or part of any record) and of any official proceedings conducted by the Review Board with regard to specific assassination records; and

(B) a statement, based on a review of the proceedings and in conformity with the decisions reflected therein, designating a recommended specified time at which or a specified occurrence following which the material may be appropriately disclosed to the public under this Act.

(4)

(A) Following its review and a determination that an assassination record shall be publicly disclosed in the Collection or postponed for disclosure and held in the protected Collection, the Review Board shall notify the head of the originating body of its determination and publish a copy of the determination in the Federal Register within 14 days after the determination is made.

(B) Contemporaneous notice shall be made to the President for Review Board determinations regarding executive branch assassination records, and to the oversight committees designated in this Act in the case of legislative branch records. Such notice shall contain a written unclassified justification for public disclosure or postponement of disclosure, including an explanation of the application of any standards contained in section 6.

(d) *Presidential Authority over Review Board Determination*-

(1) *Public Disclosure or Postponement of Disclosure*- After the Review Board has made a formal determination concerning the public disclosure or postponement of disclosure of an executive branch assassination record or information within such a record, or of any information contained in an assassination record, obtained or developed solely within the executive branch, the President shall have the sole and nondelegable authority to

require the disclosure or postponement of such record or information under the standards set forth in section 6, and the President shall provide the Review Board with an unclassified written certification specifying the President's decision within 30 days after the Review Board's determination and notice to the executive branch agency as required under this Act, stating the justification for the President's decision, including the applicable grounds for postponement under section 6, accompanied by a copy of the identification aid required under section 4.

(2) *Periodic Review*- Any executive branch assassination record postponed by the President shall be subject to the requirements of periodic review, downgrading and declassification of classified information, and public disclosure in the collection set forth in section 4.

(3) *Record of Presidential Postponement*- The Review Board shall, upon its receipt, publish in the Federal Register a copy of any unclassified written certification, statement, and other materials transmitted by or on behalf of the President with regard to postponement of assassination records.

(e) *Notice to Public*- Every 30 calendar days, beginning on the date that is 60 calendar days after the date on which the Review Board first approves the postponement of disclosure of an assassination record, the Review Board shall publish in the Federal Register a notice that summarizes the postponements approved by the Review Board or initiated by the President, the House of Representatives, or the Senate, including a description of the subject, originating agency, length or other physical description, and each ground for postponement that is relied upon.

(f) *Reports by the Review Board*-

(1) The Review Board shall report its activities to the leadership of the Congress, the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the President, the Archivist, and the head of any Government office whose records have been the subject of Review Board activity.

(2) The first report shall be issued on the date that is 1 year after the date of enactment of this Act, and subsequent reports every 12 months thereafter until termination of the Review Board.

(3) A report under paragraph (1) shall include the following information:

(A) A financial report of the expenses for all official activities and requirements of the Review Board and its personnel.

(B) The progress made on review, transmission to the Archivist, and public disclosure of assassination records.

(C) The estimated time and volume of assassination records involved in the completion of the Review Board's performance under this Act.

(D) Any special problems, including requests and the level of cooperation of Government offices, with regard to the ability of the Review Board to operate as required by this Act.

(E) A record of review activities, including a record of postponement decisions by the Review Board or other related actions authorized by this Act, and a record of the volume of records reviewed and postponed.

(F) Suggestions and requests to Congress for additional legislative authority needs.

(G) An appendix containing copies of reports of postponed records to the Archivist required under section 9(c)(3) made since the date of the preceding report under this subsection.

(4) At least 90 calendar days before completing its work, the Review Board shall provide written notice to the President and Congress of its intention to terminate its operations at a specified date.

Section 10: Disclosure of Other Materials and Additional Study

(a) *Materials under Seal of Court*-

(1) The Review Board may request the Attorney General to petition any court in the United States or abroad to release any information relevant to the assassination of President John F. Kennedy that is held under seal of the court.

(2)

(A) The Review Board may request the Attorney General to petition any court in the United States to release any information relevant to the assassination of President John F. Kennedy that is held under the injunction of secrecy of a grand jury.

(B) A request for disclosure of assassination materials under this Act shall be deemed to constitute a showing of particularized need under Rule 6 of the Federal Rules of Criminal Procedure.

(b) *Sense of Congress*- It is the sense of the Congress that—

(1) the Attorney General should assist the Review Board in good faith to unseal any records that the Review Board determines to be relevant and held under seal by a court or under the injunction of secrecy of a grand jury;

(2) the Secretary of State should contact the Government of the Republic of Russia and seek the disclosure of all records of the government of the former Soviet Union, including the records of the Komitet Gosudarstvennoy Bezopasnosti (KGB) and the Glavnoye Razvedyvatelnoye Upravleniye (GRU), relevant to the assassination of President Kennedy, and contact any other foreign government that may hold information relevant to the assassination of President Kennedy and seek disclosure of such information; and

(3) all Executive agencies should cooperate in full with the Review Board to seek the disclosure of all information relevant to the assassination of President John F. Kennedy consistent with the public interest.

Section 11: Rules of Construction

(a) *Precedence over Other Law*- When this Act requires transmission of a record to the Archivist or public disclosure, it shall take precedence over any other law (except section 6103 of the Internal Revenue Code), judicial decision construing such law, or common law doctrine that would otherwise prohibit such transmission or disclosure, with the exception of deeds governing access to or transfer or release of gifts and donations of records to the United States Government.

(b) *Freedom of Information Act*- Nothing in this Act shall be construed to eliminate or limit any right to file requests with any executive agency or seek judicial review of the decisions pursuant to section 552 of title 5, United States Code.

(c) *Judicial Review*- Nothing in this Act shall be construed to preclude judicial review, under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this Act.

(d) *Existing Authority*- Nothing in this Act revokes or limits the existing authority of the President, any executive agency, the Senate, or the House of Representatives, or any other entity of the Government to publicly disclose records in its possession.

(e) *Rules of the Senate and House of Representatives*- To the extent that any provision of this Act establishes a procedure to be followed in the Senate or the House of Representatives, such provision is adopted—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

Section 12: Termination of Effect of Act

(a) *Provisions Pertaining to the Review Board*- The provisions of this Act that pertain to the appointment and operation of the Review Board shall cease to be effective when the Review Board and the terms of its members have terminated pursuant to section 7(o).

(b) *Other Provisions*- The remaining provisions of this Act 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 this Act.

Section 13: Authorization of Appropriations

(a) *In General*- There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

(b) *Interim Funding*- Until such time as funds are appropriated pursuant to subsection (a), the President may use such sums as are available for discretionary use to carry out this Act.

Section 14: Severability

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of that provision to other persons not similarly situated or to other circumstances shall not be affected by the invalidation.

**The President John F. Kennedy
Assassination Records Collection
Extension Act of 1994**

**Section 1:
Short Title**

This Act may be cited as the “President John F. Kennedy Assassination Records Collection Extension Act of 1994”.

**Section 2:
Extension of Act**

Section 7(o)(1) of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended—

(1) by striking “2 years after the date of enactment of this Act” and inserting “September 30, 1996”; and

(2) by striking “2-year”.

**Section 3:
Amendments Relating to Review Board
Powers**

Section 7(j)(1) of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended—

(1) in subparagraph (E) by striking “and” after the semicolon;

(2) in subparagraph (F) by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(G) use the Federal Supply Service in the same manner and under the same conditions as other departments and agencies of the United States; and

“(H) use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.”.

**Section 4:
Amendments Relating to Review Board
Personnel**

(a) *Security Clearance for Review Board Personnel*- Section 8 of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended by adding at the end the following:

“(e) *Security Clearance Required*- An individual employed in any position by the Review

Board (including an individual appointed as Executive Director) shall be required to qualify for any necessary security clearance prior to taking office in that position, but may be employed conditionally in accordance with subsection (b)(3)(B) before qualifying for that clearance.”.

(b) *Appointment and Termination of Staff, Generally*- Section 8(b) of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended by striking “(b) *Staff*” and all that follows through the end of paragraph (1) and inserting the following:

“(b) *Staff*- (1) The Review Board, without regard to the civil service laws, may appoint and terminate additional personnel as are necessary to enable the Review Board and its Executive Director to perform the duties of the Review Board.”.

(c) *Review Board Administrative Staff*- Section 8(b)(2) of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended—

(1) by striking “A person” and inserting “(A) Except as provided in subparagraph (B), a person”; and

(2) by adding at the end the following:

“(B) An individual who is an employee of the Government may be appointed to the staff of the Review Board if in that position the individual will perform only administrative functions.”.

(d) *Conditional Employment of Staff*- Section 8(b)(3)(B) of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended to read as follows:

“(B)

(i) The Review Board may offer conditional employment to a candidate for a staff position pending the completion of security clearance background investigations. During the pendency of such investigations, the Review Board shall ensure that any such employee does not have access to, or responsibility involving, classified or otherwise restricted assassination record materials.

(ii) If a person hired on a conditional basis under clause (i) is denied or otherwise does not qualify for all security clearances necessary to carry out the responsibilities of the position for which conditional employment has been offered, the Review Board shall immediately terminate the person’s employment.”.

(e) *Compensation of Staff*- Section 8(c) of the President John F. Kennedy Assassination Records Collection Act of 1992 (21 U.S.C. 2107 note) is amended to read as follows:

“(c) *Compensation*- Subject to such rules as may be adopted by the Review Board, the chairperson, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, may—

(1) appoint an Executive Director, who shall

be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule; and

(2) appoint and fix compensation of such other personnel as may be necessary to carry out this Act.”.

Section 5: Technical Correction

Section 6(1) of the President John F. Kennedy Assassination Records Collection Act of 1992 (44 U.S.C. 2107 note) is amended in the matter preceding subparagraph (A) by inserting “record” after “the assassination”.

APPENDIX D

36 CFR 1400—GUIDANCE FOR INTERPRETATION AND IMPLEMENTATION OF THE PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION ACT OF 1992

Sections

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.

Section 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 Section 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 Sec. 1400.8 of this chapter.

Section 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 Sec. 1400.1, but which has the potential to enhance, enrich, and broaden the historical record of the assassination.

Section 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 paragraphs (a) through (e) of this section;

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

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

(i) Foreign governments.

Section 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.

Section 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. 2107.6 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.

Section 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 cam-

era 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, 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 JFK Assassination Records 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.

Section 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 the 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.

**Section 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.

(c) In determining to designate such records as assassination records, the Review Board must determine that the record or group of record will more likely than not enhance, enrich, and broaden the historical record of the assassination.

APPENDIX E
MEETINGS OF THE REVIEW BOARD

April 12, 1994
Open Meeting, Washington, D.C.

July 12, 1994
Open Meeting, Washington, D.C.

October 11, 1994
Public Hearing, Washington, D.C.

November 18, 1994
Public Hearing, Dallas, Texas

December 13 – 14, 1994
Open Meeting, Washington, D.C.

January 25, 1995
Closed Meeting, Washington, D.C.

March 6 – 7, 1995
Open and Closed Meetings, Washington, D.C.

March 24, 1995
Public Hearing, Boston, Massachusetts

May 2 – 3, 1995
Open and Closed Meetings, Washington, D.C.

May 18, 1995
Closed Meeting, Washington, D.C.

June 7, 1995
Closed Meeting, Washington, D.C.

June 27 – 28, 1995
Open and Closed Meetings, New Orleans,
Louisiana

July 17 - 18, 1995
Open and Closed Meetings, Washington, D.C.

August 2 – 3, 1995
Open and Closed Meetings, Washington, D.C.

August 28 – 29, 1995
Closed Meeting, Washington, D.C.

August 30, 1995
Special Meeting (Open), Washington, D.C.

September 20 – 21, 1995
Open and Closed Meetings, Washington, D.C.

October 23 – 24, 1995
Open and Closed Meetings, Washington, D.C.

November 13 – 14, 1995
Closed Meeting, Washington, D.C.

December 12 – 13, 1995
Closed Meeting, Washington, D.C.

January 5, 1996
Closed Meeting, Washington, D.C.

January 30 – 31, 1996
Closed Meeting, Washington, D.C.

February 29 – March 1, 1996
Closed Meeting, Washington, D.C.

March 18 – 19, 1996
Closed Meeting, Washington, D.C.

April 16 – 17, 1996
Closed Meeting, Washington, D.C.

May 13 – 14, 1996
Closed Meeting, Washington, D.C.

June 4 – 5, 1996
Open and Closed Meetings, Washington, D.C.

July 9 – 10, 1996
Closed Meeting, Washington, D.C.

August 5 – 6, 1996
Open and Closed Meetings, Washington, D.C.

September 17, 1996
Public Hearing and Open Meeting, Los Angeles, California

September 27, 1996
Closed Meeting, Washington, D.C.

October 15 – 16, 1996
Open and Closed Meetings, Washington, D.C.

November 13 – 14, 1996
Closed Meeting, Washington, D.C.

December 16 – 17, 1996
Closed Meeting, Washington, D.C.

January 8 – 9, 1997
Closed Meeting, Washington, D.C.

January 29 – 30, 1997
Closed Meeting, Washington, D.C.

February 13, 1997
Closed Meeting, Washington, D.C.

March 13 – 14, 1997
Closed Meeting, Washington, D.C.

April 2, 1997
Public Hearing and Open Meeting, Washington, D.C.

April 23 – 24, 1997
Open and Closed Meetings, Washington, D.C.

May 12 – 13, 1997
Closed Meeting, Washington, D.C.

June 9 – 10, 1997
Closed Meeting, Washington, D.C.

July 9, 1997
Closed Meeting, Washington, D.C.

August 5, 1997
Closed Meeting, Washington, D.C.

September 17, 1997
Closed Meeting, Washington, D.C.

October 14, 1997
Closed Meeting, Washington, D.C.

November 17, 1997
Closed Meeting, Washington, D.C.

December 15 – 16, 1997
Closed Meeting, College Park, Maryland

January 22, 1998
Closed Meeting, Washington, D.C.

February 17, 1998
Closed Meeting, Washington, D.C.

March 10, 1998
Closed Meeting, Washington, D.C.

April 13, 1998
Closed Meeting, Washington, D.C.

May 12 – 13, 1998
Open and Closed Meetings, Washington, D.C.

June 4, 1998
Open and Closed Meetings, Washington, D.C.

June 17, 1998
Closed Meeting, Washington, D.C.

July 7 – 8, 1998
Open and Closed Meetings, Washington, D.C.

July 20 – 21, 1998
Closed Meeting, Washington, D.C.

August 6, 1998
Closed Meeting, Washington, D.C.

August 25 – 26, 1998
Open and Closed Meetings, Washington, D.C.

September 8 – 9, 1998
Open and Closed Meetings, Washington, D.C.

September 14, 1998
Closed Meeting, Washington, D.C.

September 23, 1998
Closed Meeting, Washington, D.C.

September 28, 1998
Closed Meeting, Washington, D.C.

September 29, 1998
Open Meeting, Washington, D.C.

APPENDIX F

SUMMARY OF REVIEW BOARD VOTES ON RECORDS

Documents Voted on by the Board—

By Agency

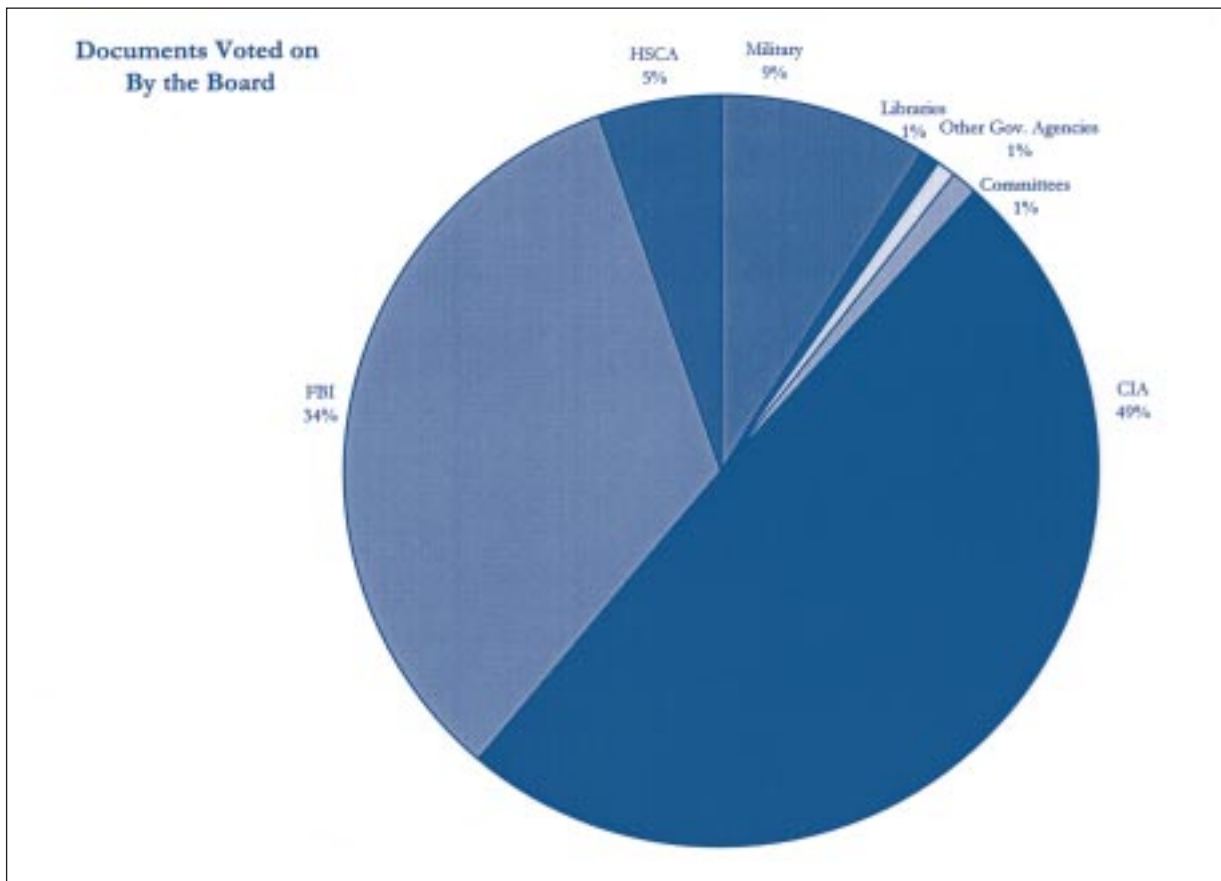
Army	77
Army Intelligence	2,854
Carter Library	1
Church Committee	185
CIA	14,079
Department of State	20
DIA	5
DOJ	63
DOJ Civil Division	1
Eisenhower Library	2
FBI	10,013
Ford Library	133
HSCA	1,421
JCS	76
Johnson Library	31
Kennedy Library	31
NARA	1

NSA	246
NSC	48
Office of the Secretary of Defense	3
PFIAB	18
Pike Committee	12
Secret Service	30
Warren Commission	70
Total Documents*	29,420

Sub Totals

Military	3,015
Libraries	198
Committees	267
Other Gov. Agencies	427
CIA	14,079
FBI	10,013
HSCA	1,421

*Accurate as of 9-12-1998. Some documents may be counted more than once due to multiple consideration by the Review Board.



**Documents Processed by the Board—
Consent Releases**

By Agency

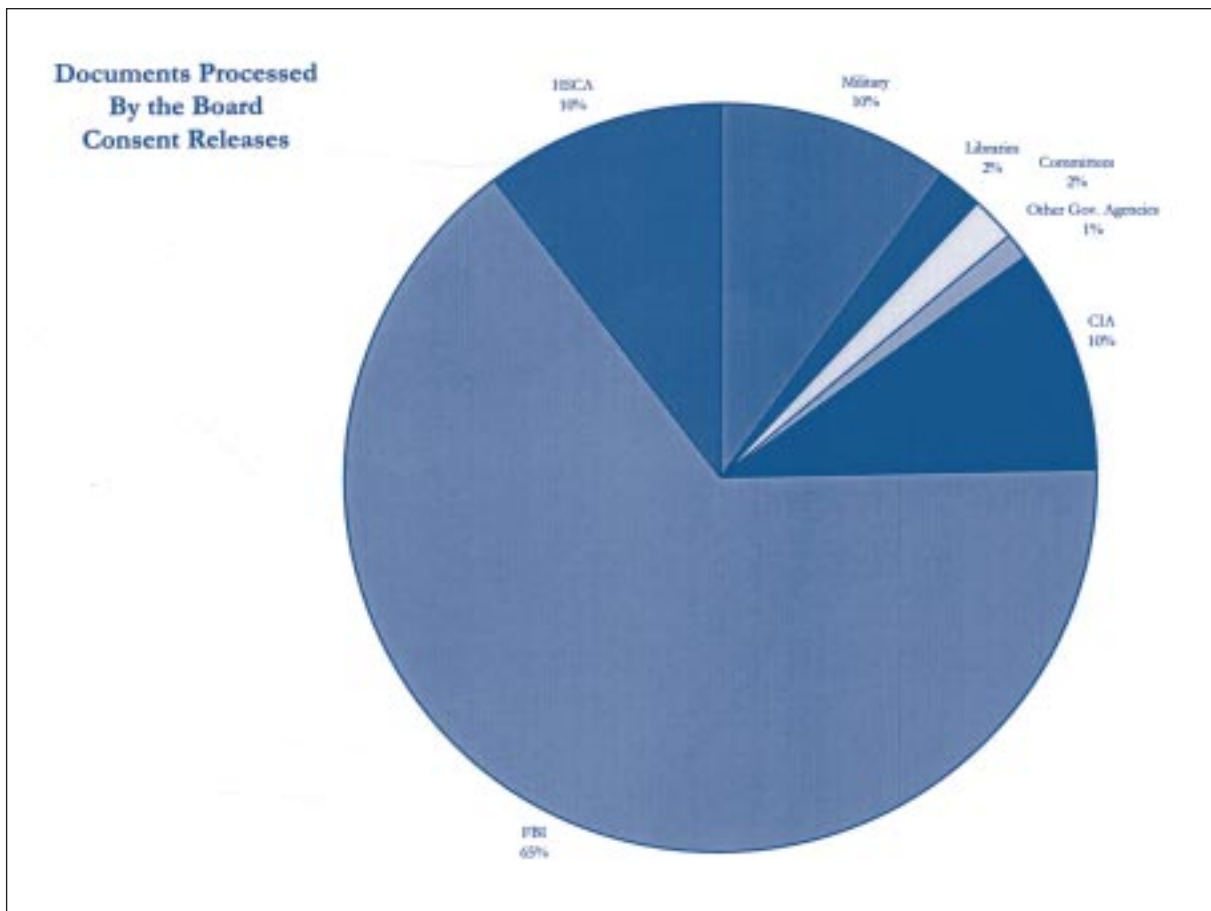
Army	929
Army Intelligence	2,075
Carter Library	4
Church Committee	167
CIA	3,172
Department of State	64
DIA	30
DOJ	1
DOJ Civil Division	11
Eisenhower Library	14
FBI	21,509
Ford Library	280
HSCA	3,480
JCS	261
Johnson Library	339

Kennedy Library	89
NARA	11
NSA	84
NSC	227
Office of the Secretary of Defense ..	22
Pike Committee	9
Secret Service	5
Warren Commission	393
Total*	33,176

Sub Totals

Military	3,317
Libraries	726
Committees	569
Other Gov. Agencies	403
CIA	3,172
FBI	21,509
HSCA	3,480

*Accurate as of 9-12-1998.



ACKNOWLEDGMENTS

The Assassination Records Review Board would like to acknowledge the following individuals who contributed to the success of this project:

Former Staff Members of Assassination Records Review Board

David G. Marwell, *Executive Director*
T. Jeremy Gunn, *Executive Director and General Counsel*
Thomas E. Samoluk, *Deputy Director and Associate Director for Communications*
Sheryl L. Walter, *General Counsel*
Philip D. Golrick, *Chief Analyst for FBI Records/Counsel*
Mary S. McAuliffe, *Chief Analyst for CIA Records*
Thomas L. Wilborn, *Press and Public Affairs Officer*
Timothy A. Wray, *Chief Analyst for Military Records*
Christopher M. Barger, *Analyst*
Rosemarie D. Boyd, *Analyst*
Eugene A. Burpoe, *Senior Analyst*
Anne E. Buttimer, *Chief Investigator*
Jessica L. DiFrisco, *Analyst*
Carrie J. Fletcher, *Analyst*
Andrew J. Funk, *Analyst*
Noelle C. Gray, *Technical Assistant for Research and Analysis*
Kim A. Herd, *Senior Attorney/Analyst*
Manuel E. Legaspi, *Analyst*
Tammi S. Long, *Attorney/Analyst*
Joseph R. Masih, *Analyst*
Christina P. Mays, *Administrative Assistant*
David R. Montague, *Senior Investigator*
Dennis J. Quinn, *Attorney/Senior Analyst*
D. Sydney Reddy, *Analyst*
Brian E. Rosen, *Attorney/Senior Analyst*
Valerie M. Sails, *Special Assistant to the Executive Director*
Eric N. Scheinkopf, *Analyst*
Michelle M. Seguin, *Analyst*
Joan G. Zimmerman, *Senior Analyst*

Interns

Robert R. Arreola
Tracy L. Brandt
Christopher J. Burton
Nabeena Chatterjee
Delaney M. DiStefano
Rochelle Juelich
Farand Kan
Krista B. LaBelle
Frank P. Menna
Daniel D. Wedemeyer

Agency Personnel

Steven D. Tilley, Chief, John F. Kennedy Assassination Records Collection, NARA
Martha Murphy, John F. Kennedy Assassination Records Collection, NARA
Steven Hamilton, John F. Kennedy Assassination Records Collection, NARA
Ramona Branch Oliver, John F. Kennedy Assassination Records Collection, NARA
Roland Bordley, John F. Kennedy Assassination Records Collection, NARA
Matt Fulgham, Center for Legislative Archives, NARA
Kris Wilhelm, Center for Legislative Archives, NARA
Dave Brown, Initial Processing/Declassification Division, NARA
Les Waffan, Motion Picture and Audiovisual Branch, NARA
Alan Lewis, Motion Picture and Audiovisual Branch, NARA
Margaret Ann Kelly, Document Conservation Laboratory, NARA
John Constance, Director, Congressional Affairs, NARA
William Grover, Special Access and FOIA Staff, NARA
Miriam Nisbet, Office of General Counsel, NARA
John Collingwood, Assistant Director for Press and Congressional Affairs, FBI
Carol Keeley, Chief, Historical and Executive Review Unit, FBI
LuAnn Wilkins, Historical and Executive Review Unit, FBI
Debbie Beatty, Historical and Executive Review Unit, FBI
Carl Valentine, Historical and Executive Review Unit, FBI
Terry O'Connor, Former Inspector in Charge, JFK Task Force, FBI
P. Grant Harmon, Supervisory Special Agent, JFK Task Force, FBI
J. Barry Harrelson, Chief, JFK Project, Historical Review Program, CIA
John Pereira, Former Chief, Historical Review Group, CIA
James Oliver, Chief, Historical Review Program, CIA
Nina Noring, Department of State
Hugh Woodward, Department of State
Bruce Miller, Department of the Treasury, United States Customs Service
Anthony Radosti, Metropolitan Crime Commission of New Orleans
Edmund McBride, Joint Staff Secretariat
Will Kammer, Joint Staff Secretariat
Paul Jacobsmeyer, Joint Staff Secretariat
Toni Bowie, United States Army
Clay Ferris, United States Army
Elaine Rogic, IRR, United States Army
Phyllis Birkhead, IRR, United States Army
Claudia Collins, Chief, Information Security Policy, National Security Agency
Lee Schroyer, JFK Act Project Officer, National Security Agency
Lisa Salvetti, Deputy Director of Access Management, National Security Council
John D. Podesta, The White House
Kimberly Newman, Office of Management and Budget
Maya Bernstein, Office of Policy
Calvin Snowden, Former Director, Agency Liaison Division, General Services Administration
Cassandra Browner, Agency Liaison Division, General Services Administration
Nicholas M. Freda, Typography and Design Division, U.S. Government Printing Office
Carlotta Wells, Civil Division, Department of Justice
Art Goldberg, Civil Division, Department of Justice
Tina Houston, Lydon Baines Johnson Presidential Library
Stephanie Fawcett, John F. Kennedy Presidential Library
Megan Desoyners, John F. Kennedy Presidential Library

The Assassination Records Review Board would also like to thank the numerous federal officials who were formally designated to ensure agency compliance with the JFK Act.

Congressional Staff

Donald Goldberg
Daniel Moll
Jeff Schaffner
Brian Dettelbach
Kevin Sabo

Leslie Atkinson
Joyce Larkin
Steve Katz
Richard Hertling
Michelle Mrdeza

The Eastman Kodak Company

James Milch
Fred Williamson
Jim Toner
Roland Zavada

Participants in Additional Ballistics Testing

Armed Forces Institute of Pathology

Dr. Mitchell Holland, Chief, Armed Forces DNA Identification Laboratory (AFDIL)
Edwin Huffine, Chief DNA Analyst, AFDIL
Dr. Jerry Spencer, The Armed Forces Medical Examiner

FBI Laboratory

Dr. Chris Allen, Hairs and Fibers Unit
Steven Burmeister, Chief, Chemistry Unit
Douglas Deedrick, Chief, Trace Evidence Unit
Dr. Joseph DiZinno, Chief, DNA-II Unit
Robert Fram, Trace Evidence Unit
Donald Havekost, Materials Analysis Unit
Ronald Menold, Chemistry Unit
Charles Peters, Materials Analysis Unit
Dr. Jenifer Lindsey Smith, Chief, DNA-I Unit
Robert Sibert, Deputy Chief, Scientific Analysis Section

Independent Consultants

Dr. Mary Baker, Smithsonian Center for Materials Research (SCMRE)
Dr. Michael Zimmerman, Maimonides Medical Center

Experts at Review Board Experts' Conferences

May 1995

*The Quest for Additional
Records and Information*
G. Robert Blakey
David Garrow
Paul Hoch
James Lesar
David Lifton
John Newman
David Slawson

April 1998

The Problem of Secrecy
Steven Aftergood
Steven Garfinkel
David Garrow
Morton Halperin
William Leary
Mike Lostumbo
Kate Martin
Roslyn Mazer
Page Putnam Miller
Mary Ronan
Britt Snyder
Evan Thomas

Witnesses at Public Hearings of the Assassination Records Review Board

Washington, D.C., October 11, 1994

Daniel Alcorn
Martin Barkley
Max Holland
John Judge
William Kelly
James Lesar
Harrison Livingstone
Page Putnam Miller
John Newman
Charles Sanders
Peter Dale Scott
Daryll Weatherly
Mark Zaid

Dallas, Texas, November 18, 1994

Gary Aguilar
Adele E.U. Edisen
Gary Mack
Jim Marrs
Beverly Oliver Massegee
John McLaughlin
Wallace Milam
David Murrah
Steve Osborn
Roy Schaeffer
Martin Shackelford
Kenneth Smith
Philip Tenbrink
Robert Vernon
Thomas Wilson

Boston, Massachusetts, March 24, 1995

George Michael Evica
Priscilla Johnson McMillan
Philip Melanson

Dick Russell
Edgar Tatro
Steve Tilley
Richard Trask

New Orleans, Louisiana, June 28, 1995

The Honorable Lindy Boggs
The Honorable Harry F. Connick, Sr.
Wayne Everard
Michael Kurtz
Steve Tilley
Stephen Tyler
Cynthia Anne Wegmann

Washington, D.C., August 6, 1996

Barry Harrelson
John Pereira
Steve Tilley

Los Angeles, California, September 17, 1996

David Belin
James DiEugenio
Eric Hamburg
Wesley Liebeler
David Lifton
James Rankin
Robert Tanenbaum
Steve Tilley

Washington D.C., Wednesday, April 2, 1997

Robert Brauneis
Debra Conway
James Lesar
Art Simon
Josiah Thompson
Richard Trask
Moses Weitzman

The Review Board would also like to thank the many private citizens with whom it maintained contact throughout its tenure. We thank you for your interest, your suggestions, and your support.