

THIS FILE IS MADE AVAILABLE THROUGH THE DECLASSIFICATION EFFORTS AND RESEARCH OF:

THE BLACK VAULT

THE BLACK VAULT IS THE LARGEST ONLINE FREEDOM OF INFORMATION ACT / GOVERNMENT RECORD CLEARING HOUSE IN THE WORLD. THE RESEARCH EFFORTS HERE ARE RESPONSIBLE FOR THE DECLASSIFICATION OF THOUSANDS OF DOCUMENTS THROUGHOUT THE U.S. GOVERNMENT, AND ALL CAN BE DOWNLOADED BY VISITING:

[HTTP://WWW.BLACKVAULT.COM](http://www.blackvault.com)

YOU ARE ENCOURAGED TO FORWARD THIS DOCUMENT TO YOUR FRIENDS, BUT PLEASE KEEP THIS IDENTIFYING IMAGE AT THE TOP OF THE .PDF SO OTHERS CAN DOWNLOAD MORE!

~~TOP SECRET~~

MEMORANDUM FOR THE RECORD

15 June 1976

SUBJECT: Actions Taken by NSA to Locate Information Related to the Assassination of President Kennedy

A. Over the past fourteen and one-half years, NSA has performed a number of separate in-depth reviews of materials in its files in an attempt to isolate data that might be relevant to the assassination of President Kennedy. Nothing of significance has been determined as a result of those reviews.

1. November-December 1963 - Immediately after the assassination, NSA initiated a large-scale manual and machine review of available SIGINT, including all U.S./Cuba traffic (NSA intercepted messages at an average of 1,000 per day at that time). A computer search was initiated using Oswald's name as the minimum for research criteria. Additionally, all traffic between Cuba/New Orleans and Cuba/Dallas was manually reviewed (an analyst involved recalled that 25 to 50 analysts reviewed the traffic manually, along with traffic from Cuba and some Soviet traffic). Sometime during the search, items from the Oswald address book provided by the FBI were added to the search criteria.

2. 1964 - Warren Commission - The Commission, in the person of Allan Dulles, asked NSA to review the exhibits for any secret writings or codes which might have been contained in the documents. It also appears that NSA searched records for information on the basis of other Warren Commission requests made informally by Allen Dulles.

3. November 1975 - Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (SSC)

In response to an SSC request on the Assassination, NSA reviewed its Soviet and Cuban files, including Cuban military. The search was also for material involving Marina Oswald, Jack Ruby or Earl Ruby (a Harvest run was made). ~~_____~~ traffic was also reviewed, looking for information concerning Oswald's visit to Mexico.

4. June 1976 - Pursuant to FOIA requests asking for material relating to Lee Harvey Oswald and the Assassination

~~TOP SECRET~~

~~HANDLE IN CLEAR CHANNELS ONLY
HANDLE IN COMINT CHANNELS ONLY~~

of President John F. Kennedy, NSA again searched the files. Strongbox searches were made on the following:

Lee Harvey Oswald	1966 - 1976
Assassination of	
President Kennedy	1966 - 1976
Earl Ruby	1966 - 1977
Cobo Cleaners	1966 - 1977

5. December 1976 - Senate Select Committee on Intelligence (SSCI) - Requested all the material we had available on the Cuban [redacted] It consisted of 485 reports for the period 1961 - 1965. All of these reports were received by Committee Staff Members.

6. March 1978 - House Select Committee on Assassinations - Requested all data on Cuban intelligence network and other materials relating to the Assassination. All [redacted] material (1961 - 1964) was reviewed, as was material that had been previously compiled to respond to the SSCI and SSC requests.

B. As a result of the reviews described above, the following materials which may have some relevance to the assassination were located (referenced material inclosed at numbered tabs):

1. Four [redacted] messages which contained [redacted] Cuban comments regarding press items that discussed Oswald's activity in late September 1963 to obtain a visa to travel to Moscow. There were also comments on the assassination itself. The messages are dated in the last week of November 1963.

2. Three Cuban military reports which show that Cuban military forces did go on alert immediately after the assassination.

3. One 1962 [redacted] message concerning the assassination of Antonio Veciana. This message was to [redacted]

4. One 1966 [redacted] message concerning a [redacted] in Cuba. It referenced a 1960 plan in Cuba to assassinate an USSR dignitary in Cuba and against Raul Castro Ruz, possibly linking it to the CIA.

5. Information in an FBI document relating to a [redacted] was supplied by NSA. Because this document was to be turned over to the HASC, there may be some relation to the assassination.

6. One 1967 message showing Cuban interest in Jim Garrison's investigation of both the Kennedy Assassination and David W. Ferrie.

~~TOP SECRET~~

C. Based on these extensive reviews and the paucity of material derived, it is possible to state that: "A thorough review has revealed no intelligence material revealing or suggesting Cuban involvement in the assassination of President Kennedy."

Eugene F. Yates
EUGENE F. YATES
Chief D1

Incl:
a/s

~~TOP SECRET~~

~~HANDLE IN COMINT CHANNELS ONLY~~

P.O. Box 9052
Washington, D.C. 20003
January 12, 1981

Director
National Security Agency/Central Security Service
Fort Meade, Md. 20755

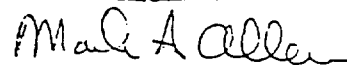
Dear Sirs:

This is a request under the Freedom of Information Act, 5 U.S.C. §552. Please furnish me with all correspondence or records of any communications between your agency and the U.S. House Select Committee on Assassinations concerning the Select Committee's investigation into the assassination of President John F. Kennedy.

I am presently engaged in a program of scholarly research on the work of the Select Committee, which includes gathering all available records dealing with its investigation. As the records requested concern the assassination of an American president, I feel they are of important historical value and that their release would significantly benefit the public. Accordingly, I hereby request that all search and copying fees be waived as provided for under the Act.

If you do not make an initial determination to waive these costs, please first furnish me an estimate of the number of records involved, the cost of a thorough search and your charge per page for copying.

Sincerely,



Mark A. Allen



~~CONFIDENTIAL~~

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

Serial: GC/335/78
7 September 1978

~~CONFIDENTIAL~~

MEMORANDUM FOR THE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
ATTN: Mr. Arthur Kerns, Intelligence Division

SUBJECT: Request for Information

1. Attached is correspondence which Lt Col Paul T. Fisher, Chief, Security Police, U.S. Air Force Security Service, has requested this Agency to bring to the attention of the Federal Bureau of Investigation. The materials consist of a letter written by one [redacted] a former U.S. Air Force Security Service member, to a former colleague of [redacted] who passed it on to the Air Force Security Service. Also enclosed is [redacted] cover letter to Mr. James Leer of this Agency. Finally, since the photocopy of [redacted] handwritten letter is difficult to read, a typewritten copy has been prepared for your convenience.

2. The classification markings on the handwritten letter were applied by the Air Force Security Service. The typewritten version has been classified CONFIDENTIAL FVCCO, the highest level affixed to the handwritten letter.

3. Should you feel it appropriate to disseminate the enclosed materials to any Committee of the Congress, I would ask that you do so only to members or to staffers who have appropriate SI clearances. The information contained in [redacted] letter that the Air Force Security Service was intercepting [redacted] communications at Kirknewton, Scotland during 1953 is correct, as is the assertion that that station monitored communications links [redacted]


DANIEL B. SILVER
General Counsel

3 Encls:
a/s

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~
DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE SECURITY SERVICE
SAN ANTONIO, TEXAS 78243



2 JUN 1973

DirNSA/M5 (Mr Lear)
Ft George G Meade, MD 20755

Dear Jim

I am forwarding a letter from a former Security Service member to you. It was furnished to us by the recipient, through his commander, at one of our subordinate units.

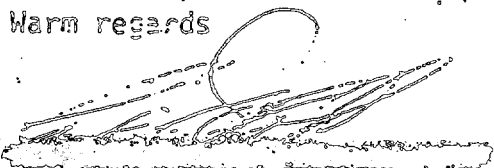
After realizing the implications, true or otherwise, we immediately notified our unit commander to turn it over to the OSI in Florida, believing they would contact the Federal Bureau of Investigation, since the writer is a civilian now.

Yesterday, this office was contacted by an OSI agent at Lowry AFB, CO; this agent happens to be an ex-Security Service man. He was instructed by his headquarters to interview the writer of the letter to determine the names of other individuals he had contacted. Apparently [redacted] has a long history of alcoholism, family problems and now wants to see a "cleared psychiatrist" as he attributes all of his problems from Oct 1963, per the OSI agent. In addition, he has indicated to the OSI that he now fears for his life.

I am furnishing this to you as I feel the implication in the letter should best be handled at the national level and that you are in the best position to contact the Bureau. I have no knowledge that OSI has not done this, but in view of the fact the subject was interviewed as a civilian by an AF agent, rather than an FBI agent, leads me to doubt this. In addition, you are in a much better position to determine where the nearest psychiatrist, with access, is located. For your information, we placed the classification markings on the letter.

We were told by [redacted], the OSI agent at OSI District 14, that the doctor to contact at the VA hospital in Cheyenne, WY is a [redacted], commercial telephone number 778-7550, extension 273.

Warm regards


Chief, Security Police

1 Atch

Ltr [redacted] (G-11550)

CLASSIFIED BY DOD Dir S-5200.17 (M-2)

EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
EXEMPTION CATEGORY 2

DECLASSIFY ON notification by originator

~~CONFIDENTIAL~~
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 06-10-2003 BY 60322 UCBAW/BJS

V. A. Hospital
Shirley, W. 82801

Well after 13 1/2 years I
finally found out your
whereabouts, I am, its been
a long time since I have not
feeling, and the business
bank on the beach and the
club. Had to get your address
from the outfit in Texas.

Whatever happened to
if you know his
return abouts, please send me his
address. How in the hell
have you been doing?

I had a nervous break
down. Plus in 74 had my leg
shattered in one accident.
Things have been pretty good
I will for now.

~~CONFIDENTIAL~~

Don't worry with the nets
beneficial, whereas a
sp. 203 & party of 203's where
the hell is ~~it~~ you know
the little guy, at that I'm going
to say is no longer classified,
so don't get all shit-shock.
I've done checked it out.

Think you remember the
position I worked at, in
the ~~same~~ position, don't
you? You remember about
a month or 6 weeks before I
left Scotland, when I picked
up a leak mentioning the
~~assassination of President Kennedy~~
How fast I tried to get it
out and because of that
fucking ~~and~~
they wouldn't send it to R. S. B.

Since I have learned that this
was my most minor work was

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~
HANDLE VIA COMINT CHANNELS E

mentioned in a certain branch
to a great extent at the time
of the summer of last year. I will
send you a form for proof of
claim. This guy here the 203 says
I should be getting a service
connected disability for my
nerves. The job was ~~connected~~

~~connected~~ to you service. This is just
my job checked for not degrading
the link. There is a fact that this
branch of time after will not
a factor of following things.
By sending it as a practice message
it really broke down
after the 203. Especially when

it had it all in your hand. It
was just like the 202's and the
it was just when the 202's
just came out with the 1710's.
Butter graded them every detail
1. The 202's were just for

~~VIA COMINT CHANNELS~~

as I recall, ~~from~~
Baker, such great support
support of my claim. I'm sending
you this certified so to make sure
you get it. As I recall you should
be able to B.S. them good enough
to help me. I know it cost
me a divorce and every thing from
my wife. Christ, you remember
Machere, don't you? That good
looking little girl, instead of
from N. Dak. would you
get them back to me
and let them be to benefit you?
I send it in being in M.S. I
think you know how to pull

what great good. Also do you
know ~~address~~ address I guess
about ~~retired~~ retired.

Wonder what gets to be as living
in He, I'm not

1950

What in the hell are you
doing in Florida, any how?
Be sure to put emphasis on
my name going to hell and
not giving a shit about my
work after the interruption of
the message.

YK pr sign

Your old buddy from
the Kentucky War

DEFENSE

V.A. Hospital
Sheridan, WY 82801

Well after 13 1/2 years I finally found out your whereabouts, Dan, its been a long time since Kirknewton, Scotland, and the beer we drank on the beach and the club. Had to get your address from the outfit in Texas.

whatever happened to [redacted] If you know his whereabouts please send me his address. How in the hell have you been doing?

I had a nervous breakdown. Plus in 74 my leg shattered in over a hundred places. Things have really gone to hell for me. I'm working with the vets benefits counselor, who is a ex 203. Speaking of 203's where the hell is [redacted] You know the little guy. What I'm going to say is no longer classified, so don't get all shit shook. I've done checked it out.

Christ, you remember the position I worked at, in [redacted] section, don't you? You remember about a month or 6 weeks before I left Scotland, when I picked up a link mentioning the assassination of President Kennedy. How hard I tried to get it sent out, and because of that fuckin' [redacted] and [redacted] they wouldn't send it to NSA. Since I have learned that the man's name, most mentioned was number 4 in a certain branch of organized crime at the time. Was number 2 last year. I will send you a form for proof of claim. This guy here "the 203" says I should be getting a service connected disability for my nerves. The "link was" [redacted] you remember. How I got my ass chewed for not dropping the link. Have learned that this branch of crime often will put out a fealer of forthcoming things. By sending it as a practice message.

it really broke me up after Nov. 22, 63. Especially when I had it all before hand. It was first like the 202's said, Ha. I was nuts when the Russians first came out with the III & B's. Later proved them wrong didn't I. That was another first for us as I recall. [redacted] from Baker trick put up a good support of my claim. I'm sending you this certified so to make sure you get it. As I recall you should be able to B.S. then good enough to help me. I know it cost me a divorce and every thing from my wife. Christ, you remember Mariana, don't you? That good looking little 1/2 Indian girl from N. Dak. [redacted] when you get this form send it back to me and I'll let the vets benefits guy to send it in. Being a M.Sgt I think you know how to bull shit pretty good. Also do you know [redacted] and [redacted] address. I guess old [redacted] retired. Wonder what gehto, he is living in, Ha!

Classified by OI/NSA/CIC/CS (NSA/CSS) 221-2;
Exempt from GDS, EO 11652. Cat [redacted]
Revised Upon Notification by the Originator

~~HANDLE VIA COMINT CHANNELS ONLY~~

COPY

~~CONFIDENTIAL~~

What in the hell are you doing in Florida, any how? Be sure to put emphasis on my nerves going to hell and not giving a shit about my work after the interception of the message.

Y Y Prosign

Your old buddy from the Berkely Bar.

~~CONFIDENTIAL~~

~~HANDLE VIA COMINT CHANNELS ONLY~~
~~CONFIDENTIAL~~



~~CONFIDENTIAL~~

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20735

Serial: D1/LAO-047M-78
21 November 1978

MEMORANDUM FOR THE SPECIAL ASSISTANT TO THE SECRETARY AND DEPUTY
SECRETARY OF DEFENSE
ATTN: Ms. Judith A. Miller

1. The National Security Agency has made a thorough search of all records that might contain information pertaining to the Select Committee on Assassinations' request for information relevant to an allegation by former Air Force enlisted man, [redacted] that while stationed at Kirknewton, Scotland, he intercepted information linking an assassination plot against President Kennedy with a figure in organized crime.
2. No communications or information relating to the Committee's request has been located. Since no other component of DoD is likely to have information related to this inquiry, suggest you use the attached draft as your response. If, however, there is any reason why the attached draft cannot be used, please consult with us before releasing the information in any other form.
3. The attached draft response is unclassified.

Eugene F. Yeates
EUGENE F. YEATES
Chief
Legislative Affairs

Encl:
a/s

~~CONFIDENTIAL~~

GROUP 1 EXCLUDED FROM AUTOMATIC DOWNGRADING AND DECLASSIFICATION
EXCEPT WHERE SHOWN OTHERWISE
OR UNLESS INDICATED OTHERWISE BY THE ORIGINAL SOURCE

PROPOSED RESPONSE TO MR. BLAKEY FROM MR. KESTER

Dear Mr. Blakey:

This letter is in reply to your letter of 15 November 1978 to Secretary Brown, requesting certain information relating to the investigation of the assassination of President Kennedy.

Cognizant elements of the Department of Defense have made a thorough and detailed search in an attempt to find records which might relate to the matters as recently discussed between you and Ms. Miller of my office.

The search efforts included discussions with individuals familiar with relevant operational procedures existing during the 1963 time frame, a review of records of stored files that might be applicable to your inquiry, and a physical review of specific records in warehouse storage (recognizing that most records from this period no longer exist).

The search efforts described above revealed no information relevant to your request.

Sincerely,

JOHN G. KESTER

~~CONFIDENTIAL~~

Serial: D1/LAO-047M-78



cc: DIR
D/DIR
ADPL
EX REG
GC
EXEC, DDO
G8
Exec, DDM
N33
D1
D9

M/R: On 8 November, Mr. Robert G. Blakey, Chief Counsel and Staff Director for the House Select Committee on Assassinations, posed a number of questions to NSA regarding a former Air Force enlisted man's allegation that he had intercepted information linking an assassination plot against President Kennedy with a figure in organized crime. Mr. Blakey subsequently submitted a written request (dated 15 November) to support his verbal one.

In essence, the questions probed NSA's ability to quickly and thoroughly probe for records from the Air Force site in Kirknewton, Scotland (USA-55, now closed), for information relating to the allegation.

G809 and N33 personnel reviewed both a listing of data and boxed records from USA-55, but their efforts failed to reveal evidence of the alleged incident. The actual traffic from this period was minimal and no other records are extant.

The Director has approved.


, LAO, 3747s, 21Nov78, 11r

~~CONFIDENTIAL~~

~~SECRET~~

~~HANDLE VIA COMINT CHANNELS ONLY~~

15 Jun 1964

MEMORANDUM FOR THE RECORD

Report on Examination of Material
Related to Lee Harvey Oswald Case

The undersigned have examined all the material relating to the Lee Harvey Oswald case provided to us by the Warren Commission and have found no indication that any of the items was used for a cryptographic purpose or for passing secret information:

a. A detailed examination of the dictionaries failed to show any indication that they had been used in connection with a dictionary code.

b. A review of the letters of all the correspondents related to the case, as well as of the Oswald Diary and other documents, provided no suggestion of the use of an spex code.

c. Perforations which suggested the use of a grille system appeared on two pages of the Russian novel, GLAZA KOTORYE SPRASHIVAYUT, "Questioning Eyes". However, the manner of perforating only a few letters does not conform to any known system. For purposes of further study, we would like to obtain the original of the novel on long-term or permanent loan. We believe, nevertheless, that it is most likely that the letters were cut out for some purpose related to Oswald's photographic experiments.

d. The appearance of the term "micro dots" on page 44 of Lee Oswald's address book aroused our suspicions, particularly in that it was associated with the address of the photographic firm where he was once employed. There was nothing to indicate to us that micro dots were actually used and we have had to assume that appropriate technical tests were made by the FBI or CIA.

ELECTROSTATIC REPRODUCTION MADE
FOR PRESERVATION PURPOSES BY THE
NSA ARCHIVES FOR RESTITUTION OF
A DETERIORATING MANUSCRIPT ITEM

~~HANDLE VIA COMINT CHANNELS ONLY~~

~~SECRET~~

~~SECRET~~

~~HANDLE VIA COMINT CHANNELS ONLY~~

e. Oswald's Soviet-made portable radio receiver and its associated power supply were examined and tested by R34 with negative results. The radio (for purposes of the tests the power supply was considered an integral part) conformed closely to one examined by the British in 1959. A copy of R34's findings is attached.

f. The names appearing in Lee's and Marina's address books have been checked against NSA files but no COMINT references have been discovered. Collateral references held in the files have only confirmed known information. A copy of the report is attached.

g. In addition to the information on the addresses developed in the personality check, a separate study of NSA address files is being made. While this study is not yet complete, results have so far been negative and there is no reason to expect that anything beyond what the personality check has already turned up will be discovered.

Meredith K. Gardner
Meredith K. Gardner

~~HANDLE VIA COMINT CHANNELS ONLY~~

~~SECRET~~

~~SECRET~~

16 June 1964

MEMORANDUM FOR DR. TORDELLA

SUBJECT: Letter for the President's Commission

1. Please note that I have eliminated two items from the original Memorandum for the Record on the examination of the Oswald materials. These are the reference to "micro dots" (paragraph d) and the COMINT reference in paragraph 1.

2. I suggest that you informally (possibly by telephone) call the Commission's attention to the appearance of the term "micro dots" on page 44 of Oswald's address book. You might indicate that this reference aroused our suspicion but that we do not feel competent to make an exhaustive examination of the materials for the presence of micro dots - such examination should be conducted by the FBI or CIA. If micro dots are actually found, we would be happy to collaborate to the fullest degree required in the analysis of these dots.

3. I do not believe a statement that we have checked the names against the NSA files needs to be made since:

a. The results were negative and

b. It identifies the existence of sensitive COMINT records.

Of course, if we had found something, a positive report would have been required.

4. Mr. Arnold has reviewed the text of the letter and accepts it as unclassified under the circumstances.

FRANK B. ROWLETT

Special Assistant to the Director

ELECTROSTATIC REPRODUCTION MADE
FOR PRESERVATION PURPOSES BY THE
NSA ARCHIVES FOR REPLACEMENT OF
A DETERIORATING MANUSCRIPT ITEM

~~SECRET~~

~~SECRET~~

The material relating to the Lee Harvey Oswald case provided by the Warren Commission was examined and there was no indication that any of the items were used for a cryptographic purpose or for passing secret information.

President's Commission on the
Assassination of President Kennedy
200 Maryland Avenue N.E.,
Washington, D. C. 20002
ATTN: Mr. J. Lee Rankin
General Counsel

Dear Mr. Rankin:

Skilled cryptologists at NSA carefully examined the materials relating to the Lee Harvey Oswald case provided by the Warren Commission. The results are as follows:

- a. A detailed examination of the two dictionaries revealed no indication of their use for cryptographic purposes.
- b. In the correspondence, the Oswald Diary, and the other documents examined there were no evidences of the use of any type of cryptography, to include the use of an open code.
- c. Certain letters had been removed from pages 150 and 152 of the Russian novel, GLAZA KOTORYE SPRASEIVAYUT, "Questioning Eyes." Eight letters had apparently been cut from page 152 as follows:

Line 10	H
Line 11	3, C
Line 13	F
Line 16	R
Line 24	g
Line 26	k
Line 27	B

One letter had been removed from page 150; however no significance is attributed to the removal of this letter since it corresponds in exact

ELECTROSTATIC REPRODUCTION MADE
FOR PRESERVATION PURPOSES BY THE
NSA ARCHIVES FOR REPLACEMENT OF
A DETERIORATING MANUSCRIPT ITEM

position to one of the letters removed from page 152. It was concluded that this letter had been accidentally removed by the cutting process applied to page 152 and that its removal resulted from the application of excessive pressure on the cutting tool when the letter on page 152 was taken out.

The sample is considered too small for any valid conclusions to be reached as to the purposes for which the above noted letters were removed. It is considered most unlikely that this process of letter removal has any cryptographic implication.

d. The Russian "Tourist" portable radio was examined for cryptologic evidence. The radio appears to be a normal receiver and there was no evidence of its use for any other purpose.

e. The names appearing in Lee's and Marina's address books were checked. No evidence of cryptologic implication was found.

Although the results of the examination of the materials provided by the Commission are essentially negative, further study of these materials will be made. If any results are obtained, the Commission will be advised. However, it is considered most unlikely that anything beyond what is reported above will be discovered.

Sincerely,

GORDON A. BLAKE
Lieutenant General, USAF
Director

45132-1025

ROUTING AND TRANSMITTAL SLIP

Date

Jan 21 1962

To: (Name, office symbol, room number, building, Agency/Post)

1. [Handwritten initials] Initials Date

2. [Handwritten initials] Initials Date

3. [Handwritten initials] Initials Date

4. [Handwritten initials] Initials Date

Action	<input checked="" type="checkbox"/> File	Note and Return
Approval	<input type="checkbox"/> For Clearance	<input checked="" type="checkbox"/> For Conversation
As Requested	<input type="checkbox"/> For Correction	<input type="checkbox"/> Prepare Reply
Circulate	<input type="checkbox"/> For Your Information	<input type="checkbox"/> See Me
Comment	<input type="checkbox"/> Investigate	<input type="checkbox"/> Signature
Coordination	<input type="checkbox"/> Justify	<input type="checkbox"/> Signature

REMARKS

Attached is the report we did on checking the Oswald Papers for the Warren Commission. I suspect its the only copy the handwritter wrote.

DO NOT use this form as a RECORD of approvals, concurrences, (over) clearances, and similar actions.

FROM: (Name, office symbol, Agency/Post)

Room No.—Bldg.

Phone No.

OPTIONAL FORM 41 (Rev. 7-76)

Prescribed by GSA FPMR (41 CFR) 101-11.206

is the correct one
K add it at the
House. [Handwritten signature]

[Large handwritten note:]
I have no objection to the report
of [Handwritten name] prepared
by [Handwritten name] and [Handwritten name]
and [Handwritten name] for the
Warren Commission. I have
no objection to the report
of [Handwritten name] prepared
by [Handwritten name] and [Handwritten name]
and [Handwritten name] for the
Warren Commission.

FOR OFFICIAL USE ONLY

OPTIONAL FORM 41 (Rev. 7-76)

Prescribed by GSA FPMR (41 CFR) 101-11.206

1 February 1977

SUBJECT: SSCI Request for Review of Cuban Product

1. On 28 January 1977, Tom Moore of the Senate Select Committee on Intelligence staff came to NSA to review materials requested by SSCI letter R#6009 dated 30 December 1976. The material provided by G Group consisted of 485 reports on the Cuban [redacted] for the period 1961-1965.

2. Mr. Moore had previously seen a single message involving [redacted] which the FBI had in their files and had referred the Committee to NSA under the Third Agency rule.

3. Mr. Moore was extremely interested in the material on [redacted]. He volunteered that there was a Cuban [redacted] who had defected to the U.S. sometime in 1965/66. That same person was killed in October 1976 by persons unknown. There was some significant product in May/June 1963 where [redacted] was to travel to Mexico - under extreme care. Mr. Moore indicated that he would probably like to review any Cuban [redacted] material for the same period.

4. Mr. Moore made a few notes of specific events but did not request any copies of messages or reports for use by the Committee.

5. Mr. Moore told me today that he and Mr. Ed Greissing (from the SSCI research staff) would be out later this week for an additional review of the material.

6. This completes action on R/S 0008.

John C. Wobensmith
JOHN C. WOBENSMITH
Legislative Affairs

cc: DIR
D/DIR
ADLA
DDO
EXEC/DDO
G
G09, Mr. Marchand
V
GC
EX REG (w/para 3 omitted)
L221

J. Z...
LAO

ADLA

SSI Seal -
Dissemination

Estimated from [redacted] by GPO Originator

DANIEL K. INOUYE, HAWAII, CHAIRMAN
HOWARD H. BAKER, JR., TENN., VICE CHAIRMAN
GIRCK BAYM, IND.
ADLAI E. STEVENSON, JR., ILL.
WILLIAM D. MATHAWAY, MAINE
WALTER O. RUDOLPH, KY.
JOSEPH R. BIDEN, JR., DEL.
ROBERT MORGAN, N.C.
GARY HART, COLO.

CLIFFORD P. CASE, N.J.
STROM THURMOND, S.C.
MARK O. MATFIELD, OREG.
BARRY GOLDWATER, ARIZ.
ROBERT Y. STAFFORD, VT.
JAKE GARN, UTAH

MIKE MANSFIELD, MONT., EX OFFICIO
HUGH SCOTT, PA., EX OFFICIO

WILLIAM C. MILLER, STAFF DIRECTOR

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 489, 94TH CONGRESS)

WASHINGTON, D.C. 20510

December 30, 1976

IN REPLY PLEASE
REFER TO R#6009

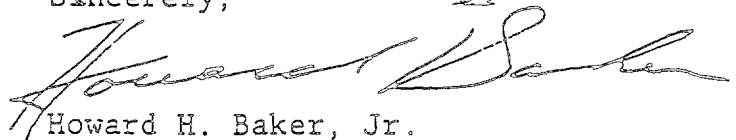
Lieutenant General Lew Allen, Director
National Security Agency
Fort George G. Meade, Maryland 20755

Dear General Allen:

The National Security Agency has recently provided the Select Committee with certain intercept traffic relating to Cuba in November, 1962. We found this material most helpful to the Committee's efforts and would most appreciate access to any and all such traffic remaining extant at the National Security Agency.

Thank you for your ongoing assistance and cooperation.

Sincerely,



Howard H. Baker, Jr.
Vice Chairman

RECEIVED
1977 JAN 13 10 10 AM
U.S. SENATE
WASHINGTON, D.C.

~~SECRET SPOKE~~

02 January 1979

MEMORANDUM FOR THE RECORD

Subject: Response to Congressional Query

1. On 9 November 1978, G8 began a search for material to answer an inquiry by the House Assassinations Committee referred to us by NSA's Legislative Affairs Office (LAO). An individual assigned to the USAFSS intercept station in Kirknewton, Scotland (USA-55) in 1963 reportedly intercepted an [redacted] message containing information relative to an assassination plot against President John F. Kennedy. He claims he intercepted this message, but was not allowed to disseminate the content. The Committee is seeking to determine if this intercept actually occurred and has asked NSA to check product and files for pertinent intercept and reporting from USA-55 during 1963.

2. Though it seems unlikely that such a message ever existed, the following actions have been taken in response to the House Committee request:

a. A records check was conducted in concert with N33 [redacted]. There was no material which was identified in the records index as relevant; however, there were three boxes of material dated 1963 containing unidentified material. These three boxes were opened and were found to contain the following:

1) Two boxes contained audio tapes with accompanying gists and logs from USASA intercept sites along the German/Czechoslovakia border (USM-42 sites). The intercept was identified as [redacted] communications) dated 1961.

2) The other box contained [redacted] between the Soviet Union and Cuba. This material was largely from the Naval Security Group Activity at [redacted] and was dated in 1962.

b. A few personnel currently at NSA had experience during 1963 with [redacted] intercept policies and procedures at Kirknewton and at NSA. Several of them were questioned, and recalled that an [redacted] mission did exist at Kirknewton in the 1963 time-frame, that all traffic was forwarded to NSA, and that all reporting of [redacted] messages was done at NSA.

3. On 21 November LAO asked that we also check those records available labeled 1964, because the 1963 dated boxes contained material from 1962 rather than 1963. Further, we were asked if product for the 1963 period was available, if USA-55 material used in the product could be identified, and how much of an effort would determining this entail. We have checked the records for 1964 and find no boxes which we feel should be examined. The contents of all boxes are clearly identified and none relate to [redacted] intercept, and there are none whose contents are not identified.

4. As noted earlier the product from [redacted] intercept historically has been reported by NSA. This product is available in T14, but there is no practical way to isolate that which was derived from USA-55. It is possible to scan 1963 [redacted] product and it is the T142 estimate that this would require a minimum of four weeks to scan the some 9,900 such products on file for the period from January through November 1963. G8 did not request a search of these records, pending further word from LAO.

CLASSIFIED BY NSA/CSSM 123-2
REVIEW ON 02 JAN 2009

~~SECRET SPOKE~~

5. At this point, G8 feels we have done all reasonable things to locate the reported intercept with negative results.



Chief G8

DISTRIBUTION:

- DI/LAO
- ADPR
- DDO
- DDT
- G
- N3
- N33
- T14
- T142

MEMORANDUM FOR THE RECORD

13 December 1978

SUBJECT: Records Search for the Select Committee on Assassinations

1. ~~(S)~~ On 9 November 1978 N33 [redacted] received a call from GS [redacted] concerning retrieval of information from Stored Records (LI42). In the discussion with [redacted] Chief, G809, it was learned that he was preparing a response to [redacted] Legislative Affairs (D1), concerning information given to the House Assassinations Committee. According to [redacted] the committee was reviewing a claim by a former Air Force sergeant that traffic from [redacted] emanating out of [redacted] was intercepted and was forwarded in 1963 from his assigned duty station at USA-55 (Kirknewton, Scotland) to NSA; that he recalls a 1963 intercepted item reflecting a possible assassination attempt on President Kennedy. The Committee Staff requested NSA to make a search to determine if the 1963 files on the alleged message exists.

2. (U) According to [redacted] traffic from USA-55 would not have been forwarded for retirement to the Agency Records Center. (This eliminates that organization as a possible file location.)

3. (U) [redacted] (B109) was requested to, and did provide the B1 Stored Records Listing (B1 listings were to be searched because that organization is the predecessor of G8, and traffic from USA-55 would have been received by B1 during 1963. This procedure takes into consideration the possibility that files stored under the B1 designator in 1962 may not have been redesignated.)

4. (U) On this same date, a brief meeting was held in the Legislative Affairs Office to review the status and discuss the appropriate procedures for this records search effort. Those in attendance were:

Eugene Yeates, Chief, Legislative Affairs
[redacted] Legislative Affairs
[redacted] Chief, N33, Agency Records Officer
[redacted] N33
[redacted] G809

The following points were made at this meeting:

a. (U) Retired Records Storage was ruled out as a possible location since intercept traffic is not forwarded to the center as record material for long term or permanent retention.

b. (U) B1 Stored Records Listings have been reviewed. While no specific description relating to subject/station location appears in the listings of 1963 files, there were three boxes of 1963 files not identified by subject.

~~TOP SECRET~~

~~HANDLE VIA COMINT CHANNELS ONLY~~

47-78

~~TOP SECRET~~

c. (U) It was agreed by those present that a review of the documents in these three unidentified boxes would constitute a reasonable effort to find the alleged record.

5. (U) On 13 November, [redacted] and [redacted] reviewed the contents of the three 1963 boxes, specifically looking for 1963 messages from USA-55. There were no files that directly or indirectly referred in any way to President Kennedy. The latest date in the box was 1962. This information was passed on to the Legislative Affairs Office.

6. (U) On 16 November 1978 [redacted] discussed with [redacted] the proposed written response to the Committee. This response reflects that a reasonable search was made and no such record was found.

7. (U) On 21 November 1978 [redacted] requested that an additional search be made of materials dated later than 1963. The reason for this search is that most materials in the unidentified boxes are dated 1961 and 1962, but the box listing says it contains 1963 files. The BI records listing was again reviewed for any 1964 boxes that might be appropriate for searching for 1963 files. According to [redacted] phone conversation with the undersigned on 22 November 1978, nothing on the list merits such a search.

[redacted]
N33, 5818s, 13 Dec 78, paw

cc: BI [redacted]
G809 [redacted]

~~TOP SECRET~~

~~HANDLE VIA COMINT CHANNELS ONLY~~

~~TOP SECRET DINTAR~~

WS 17277

3/0 7136-63
IS 26 Nov 2015Z P
Dist: RCF
ST 300

CUBAN STATEMENT ON VISA FOR OSWALD

[REDACTED]

25 Nov 63

I am reproducing below the note given to the press by [REDACTED]

With relation to the information published today in the newspaper Excelsion in Mexico City, affirming that LEE HARVEY OSWALD had requested a transit visa for travel to the Soviet Union at the Cuban Consulate in Mexico in September, the Cuban Government requested information from the officials of our Consulate in that city confirming that it is certain that Mr. LEE HARVEY OSWALD requested the transit visa for travel to the Soviet Union on 27 September in the said Consulate.

On being informed by the consular officials that their office could not grant such a visa without the authorization of the Cuban Ministry of Foreign Relations, which likewise would not grant it if it was not previously authorized by the country of destination, Mr. OSWALD left the Consulate visibly disgusted.

The said visa was never granted.

This detail, in connection with the other circumstances that surround the facts, confirm our suspicion that the assassination of KENNEDY was a provocation against world peace, perfectly and thoroughly planned by the most reactionary sectors of the United States.

3/0 7136-63

THIS DOCUMENT CONTAINS 2 PAGE(S)

~~TOP SECRET DINT~~

3/0/11384-63

It is evident that these sectors planned beforehand to involve Cuba and the Soviet Union in these deeds.

The inconceivable and inexplicable impunity with which an individual of known penal antecedents assassinated OSWALD, the principal accused of the assassination of President KENNEDY, in the presence of the police themselves and in the (SC) of a prison, demonstrates in a scandalous and indisputable manner that the powerful reactionary political forces within the United States are making use of all their resources and influences in order to conceal those who master-minded KENNEDY's assassination, and the true motives for it.

World public opinion demands the enlightening of the deeds. It is absurd that the political authorities and the prosecuting attorney of Dallas have declared that the case is closed when hardly 48 hours have passed since a deed of so great a result as the assassination of the President of the United States.

Regards.

MS --

CN --

TI --

-2-

~~TOP SECRET DINT~~

~~SECRET SABLE~~

2X/O/T2456-63
TI 29 Nov 2212 P
Dist: W/F
ST 300

~~SECRET~~

O/27282-63

CASTRO SPEAKS ON PRESIDENT KENNEDY'S ASSASSINATION AND CUBAN ECONOMY

[REDACTED]

28 Nov 63

FIDEL stated, "Events are demonstrating the sinister plot behind the assassination of KENNEDY. Contradictions show that OSWALD was made the culprit by the police or was prepared to commit the act with promise of escape, and was assigned activities so as to have responsibility fall on or be insinuated against those whom the perpetrators wished. It is clear that United States reactionaries tried to make Cuba and the world the victims of their criminal designs, even at the price of assassinating their own president. They sent OSWALD to Mexico to request a transit visa to Cuba for later travel to the USSR. Imagine the president's assassin just returning from the USSR and

GROUP 1
EXCLUDED FROM AUTOMATIC
DOWNGRADING AND DECLASSIFICATION

~~SECRET~~

PAGE 1 of 3 PAGE(s)

MS-19

CN

TI 29 Nov 63

WS 17312

2X/O/T2456-63

O/27282-63

PAGE 1 of 3 PAGE(s)

~~SECRET SABLE~~

~~SECRET SABRE~~

2X/0A 12456-63

~~SECRET~~

0, 27232-13

passing through Cuba. The visa to the USSR he could have requested from the nearest European country and not have to come to Cuba to later go to the USSR, which is much farther."

He also said, "By 1970 we will be in condition to surpass 10 million tons of sugar and to export it. The economy begins to improve solidly. We have sugar sold at close to 10 centavos for 1965 and 1966. There shortly will be a notable increase in meats and other articles. At the year's end, nougats, wine and grapes will reappear as the result of the development of foreign trade.

GROUP 1
EXCLUDED FROM AUTOMATIC
DOWNGRADING AND DECLASSIFICATION

~~SECRET~~ PAGE 2 of 3 PAGE(s)

PAGE 2 of 3 PAGE(s)

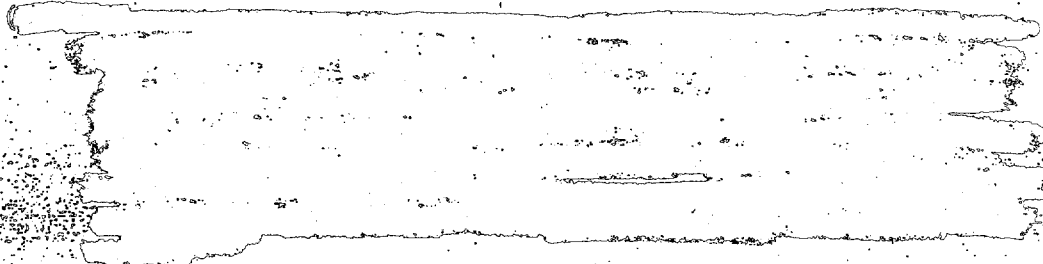
~~SECRET SABRE~~

~~SECRET~~

2X/OK 72456-63

~~SECRET~~

0/27282-63



GROUP 1
EXCLUDED FROM AUTOMATIC ~~DECLASSIFICATION~~ PAGE 3 of 3 PAGE(s)
DOWNGRADING AND DECLASSIFICATION

PAGE 3 of 3 PAGE(s)

~~SECRET~~

~~SECRET SADBRE~~

2X/O/ [redacted] T2545-63
IS 14 Dec 63 P
Dist: HCO
ST 300

~~SECRET~~ /27780-63

GHANAIAN PRESS EMPHASIZING CUBAN COMMENTARIES ON DEATH OF PRESIDENTIAL
ASSASSIN

30 Nov 63

[redacted]

The Ghanaian press emphasized in the headlines of the first page on 29 November, the commentaries of the Prime Minister of Cuba concerning the death of OSWALD.

GROUP 1
EXCLUDED FROM AUTOMATIC
DOWNGRADING AND DECLASSIFICATION

~~SECRET~~

PAGE 1 of 1 PAGE(s)

MS [redacted]

CN [redacted]

WS 17344

TI --

2X/O/ [redacted] T2545-63

O/27780-63

PAGE 1 of 1 PAGE(s)

~~SECRET SADBRE~~

~~SECRET SABLE~~

2X/O 72440-63
IS 28 Nov 1949- P
Disc: HCF
ST 300

~~SECRET~~

0121247-63

[REDACTED] HAVANA VERIFIED OSWALD'S REQUEST FOR TRANSIT VISA FOR RUSSIA

26 Nov 61

[REDACTED] reported yesterday that the information in the newspaper Excelcior of Mexico City concerning LEE OSWALD's request for a transit visa to go to the USSR, which was requested from the Cuban Consulate in Merida, is true. This visa was requested 27 September from said consulate, which stated that it could not grant the visa without permission of [REDACTED], and unless permission had been granted previously by the country of destination. OSWALD gave up applying the consulate, and the visa was never granted.

This detail, and others, confirm the suspicion that the KENNEDY assassination was a provocation against world peace by the most reactionary sectors. It is evident that these sectors planned

GROUP 1

EXCLUDED FROM AUTOMATIC

DOWNGRADING AND DECLASSIFICATION

~~SECRET~~

PAGE 1 of 1 PAGE(S)

MS 19

CN

SI 27 Nov 63

WS 17303

2X/O 72440-63

0121247-63

PAGE 1 of 1 PAGE(S)

~~SECRET SABLE~~

~~SECRET~~
~~SECRET~~

2X/01 T2440-63

~~SECRET~~
~~SECRET~~

0127247-63

beforehand to involve Cuba and the USSR in the act. The inconceivable impunity of a person who, with a known police record could murder OSWALD in the presence of the police in a prison basement, demonstrates the scandalous means which reactionary forces are using in the United States to cover up the perpetrators and the motives for KENNEDY's assassination. World-wide public opinion demands a clarification of the facts. It is a fact that the Dallas District Attorney is closing the case of the death of the President scarcely 48 hours after the deed.

GROUP 1
EXCLUDED FROM AUTOMATIC
DECLASSIFICATION AND DECLASSIFICATION

PAGE 2 of 2 PAGE(s)

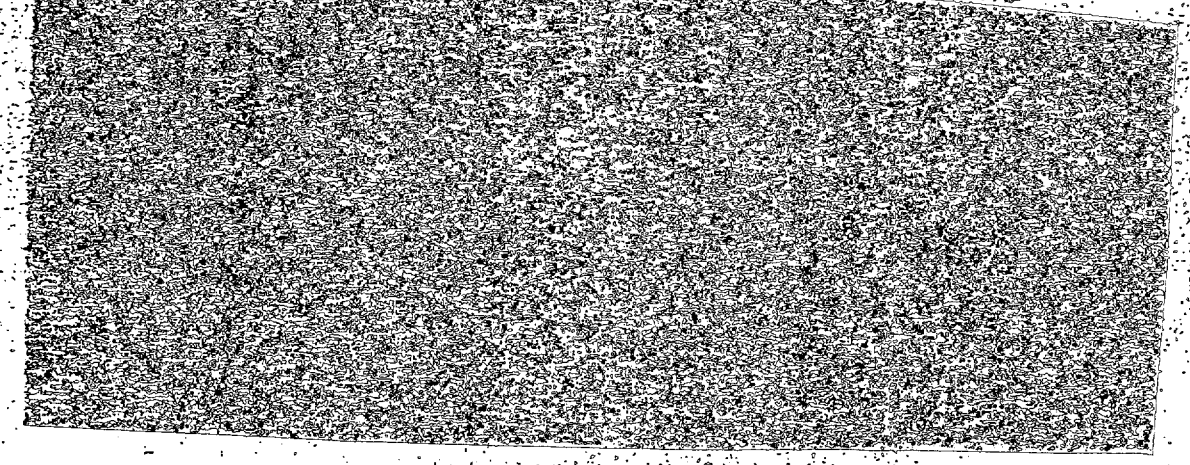
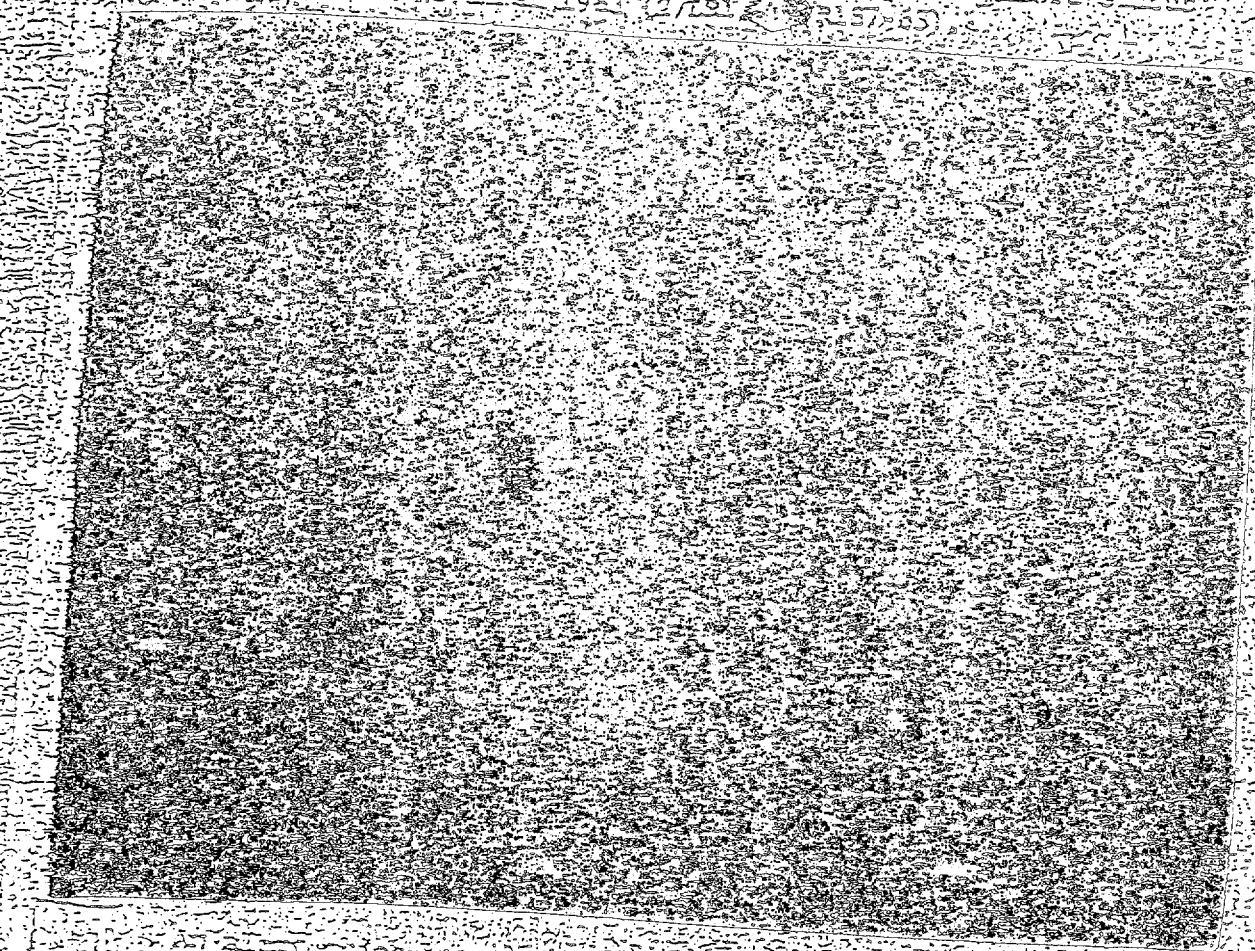
PAGE 2 of 2 PAGE(s)

~~SECRET~~
~~SECRET~~

2103-103-53

1953-12-18

25/285



LOUIS STOKES, OHIO, CHAIRMAN
RICHARDSON PREYER, N.C.
WALTER E. FAUNTROY, D.C.
YVONNE BRATTON BURKE, CALIF.
CHRISTOPHER J. DODD, CONN.
HAROLD E. FORD, TENN.
FLOYD J. PITTMAN, IND.
ROBERT W. EDGAR, PA.
SAMUEL L. DEVINE, OHIO
STEWART E. MCKINNEY, CONN.
CHARLES THONE, NEBR.
MAROLD S. SAWYER, MICH.

(202) 225-4624

Select Committee on Assassinations

U.S. House of Representatives

3369 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20515

November 13, 1978

Legislative Affairs Office
National Security Agency
Section D-1, Room 9A119
Fort George G. Meade, Maryland 20755

Gentlemen:

In connection with its investigation into the circumstances surrounding the death of President John F. Kennedy, the Select Committee on Assassinations requests access to NSA Document 3/0/12-62 dated May 15, 1962, consisting of two pages. That document is referenced in FBI Bufile #64-330-210-1262 and was deleted from the FBI file pursuant to the Third Agency Agreement.

Your cooperation and prompt attention to this request is appreciated.

Sincerely,



G. Robert Blakey
Chief Counsel and Director

GRB: sbg

D R A F T

~~SECRET~~

Mr. G. Robert Blakey
Chief Counsel and Director
Select Committee on Assassinations
U.S. House of Representatives
3331 House Office Building, Annex 2
Washington, DC 20515

Dear Mr. Blakey:

This responds to your letter of November 13, 1978, directed to a component of the Department of Defense.

With respect to the subject of the FBI file to which the requested information relates, the information held by the Department of Defense indicates that the individual who has been identified by the FBI as the object of your inquiry applied for, and was granted permission to enter Cuba in late March 1962, entry to be made within 30 days.

Sincerely,

JOHN G. KESTER
Special Assistant to
The Secretary

~~SECRET~~

Bar is
worky on
the on

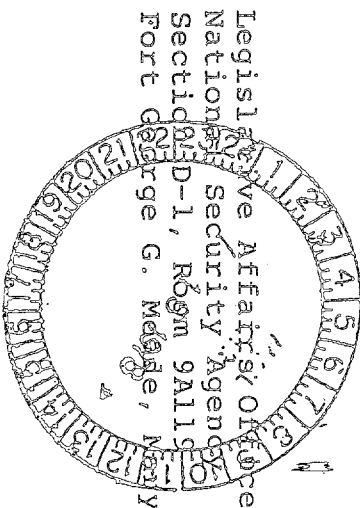
ine too

Select Committee on Assassinations
U.S. House of Representatives
WASHINGTON, D.C. 20515
OFFICIAL BUSINESS

RECEIVED

15 NOV 78 13:10

MAIL ROOM
L 25



Legislative Security Agency
Room 9A119
Fort George G. Meade, Maryland 20755

James F. Stokes
M.C.

15 NOV 78 11:13 Z

28 November 1978

[Handwritten scribbles]

Lee,

The following three pages are for Judy Miller.
Thank you so much for your help. Sorry to be so
much of a bother lately.



28 November 1978

TO: Judy Miller

1. Enclosed is a request made directly to us by Mr. Blakey and a reply which we propose be provided to Mr. Blakey by Mr. Kester.

2. If you have any questions concerning this please give me a call.

E. F. Yeates
EUGENE F. YEATES

Encl:
a/s

24 November 1978

~~CONFIDENTIAL~~
TO: DIR

SUBJECT: House Assassinations Committee Report

1. Enclosed is a new request from Mr. Blakey.
2. We have learned from the FBI that the subject of the inquiry is Mr. Gilberto Lopez Rodriguez a.k.a. Gilberto Lopez Polichaepo.
3. There is some information on this individual contained in the enclosed COMINT report of May 1962.
4. Dan Silver and I have prepared a proposed response - also enclosed - which pretty much protects the COMINT source while providing info to the Committee.
5. Request your approval.


EUGENE F. YEATES

Encl:
a/s

cc: D/DIR
ADPL
GC

~~CONFIDENTIAL~~

ROUTING AND TRANSMITTAL SLIP

Date

24 Nov 78

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. <i>SW D/R</i>	<i>X</i>	<i>11/26</i>
2.		
3.		
4.		
5.		

Action	File	Note and Return
<input checked="" type="checkbox"/> Approval	For Clearance	Per Conversation
<input type="checkbox"/> As Requested	For Correction	Prepare Reply
<input type="checkbox"/> Circulate	For Your Information	See Me
<input type="checkbox"/> Comment	Investigate	Signature
<input type="checkbox"/> Coordination	Justify	

REMARKS

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
EXECUTIVE REGISTRY	Phone No.

5041-102

GPO : 1977 O - 341-330 (3450)

OPTIONAL FORM 41 (Rev. 7-76)
 Prescribed by GSA
 FPMR (41 CFR) 101-11.205

2371

THIS DOCUMENT CONTAINS CODEWORD MAIL

~~TOP SECRET - DENIAL~~

CUBANS PERMITTED BY THE US GOVERNMENT TO RETURN TO CUBA
Dothson 121, Havana, Cuba, following Cuban meeting in the United States and Puerto Rico requested
Permitation from the International Committee of Red Cross to return to Cuba.

30 MAR 1962
15 MAR 1962
DISTRIBUTION: SPECIAL

NAME	ADDRESS	PERM DATE	REMARKS
KOYUN, ZULMA ALEJANDRO IS	41 Carbonell Cabo Rojo, Puerto Rico	21 Mar 62	Entry within 30 days is authorized.
AGUIRRE RAMONARTE, RAQUEL	1366 SW 17th St Miami, Fla	23 Apr 62	Permitation requested for her and for her son, GONZALEZ PIERRE Y AGUIRRE, ROMARIO RAFAEL. Address in Cuba: 805 13th St, Vedado, Havana
ANT, RECONSTRUCCION C.	1514 Mariscal Dr Tampa, Fla	25 Mar 62	Address in Cuba: 114 Meloja, Havana
ARLIS BANCERO, ISABELINO AMERICO	127 SW 16th Ave April 12 Miami, Fla	24 Mar 62	Left Rancho Boyeros by Pan American Airlines 17 Mar 62 Address in Cuba: 456 27th St April 36 Vedado
ARMA, YERMO	Carson Newman College Jefferson City, Iowa	1 May 62	Left Cuba 16 Sep 59 Address in Cuba: 96 Justa Callebrion
BARTILAS CALDERI, YERMO	4538 Marguette St. Jonesboro, Va, Va	25 Apr 62	Left 24 Apr 62 with authorization of 15 days. Address in Cuba: 757 17th St. Vedado, Havana
BARTINA CORDA, OSCAR E.	195 Davidson Ave Apt 4E Bronx, N Y	2 May 62	Requests permitation for himself and for BARTISTA, TULISA ISABEL RECONSTRUCCION DUEZ DE. Addresses in Cuba: 1112 Ben Miguel, Havana and 107 Repsoltores, Holguin

~~TOP SECRET - DENIAL~~

DATE

ADDRESS

REMARKS

DATE

REMI, MARINA, DE LOS RIOS, MIAMI

305 Alvarado Dr
Apt 90
New York

Entry within 30 days in authorized

68 Mar 62

LOPEZ ROMANZANO, OLANZANO

602 Flamingo St
Key West, Fla

Entry within 30 days in authorized

21 Mar 62

PEREZ GONZALEZ, ISABEL ROSA

149 NW 33 St
Miami, Fla

Address in Cuba: 90 Peralta 2
Benito Boyeros

2 May 62

RUDE, RICHARD, RICHARD

New York City

Bro and her son left Cuba 17 Mar 62.

27 Apr 62

MORICOR, DIAZ, OSVALDO

571 Fox St
Apt 6
New York City

Entry within 20 days in authorized for him and for
Perez Padilla, Yolanda, of the same address.

24 Mar 62

RUIZ ARRIETA, ANITA CELIA

213 SW 17th Ave
Miami, Fla

Left Cuba 2 Mar 62

24 Mar 62

ERISI Y VENTOLA, ALFREDO

1606 West Ave
Apt 12
Miami Beach, Fla

Arrived in Miami 11 Mar 62. Did not leave
before because of his wife's accident.
Address in Cuba: 1004 First Ave
Mayaguez, Havana

28 Apr 62



~~SECRET~~
NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

Serial: LAO/027-78
22 August 1978

~~SECRET~~

MEMORANDUM FOR THE SPECIAL ASSISTANT TO THE SECRETARY AND
DEPUTY SECRETARY OF DEFENSE
ATTN: Ms. Judith A. Miller

SUBJECT: Mr. Blakey's Request

The attached draft letter is provided for your use in
replying to Mr. Blakey's 10 August 1978 request on behalf of
the House Select Committee on Assassinations.

Your Note of 14 August 1978 refers.

Eugene F. Yeates
EUGENE F. YEATES
Chief
Legislative Affairs

Incl:
a/s

Copy Furnished:
DoD General Counsel

Classified by DIRNSA/CHCSS (NSA/CSSM 123-21)
Exempt from GDS, EO 11652, Category 2
Downsided Upon Notification by the Originator

~~SECRET~~

~~SECRET~~

Mr. G. Robert Blakey
Chief Counsel and Director
Select Committee on Assassinations
U.S. House of Representatives
3331 House Office Building, Annex 2
Washington, DC 20515

Dear Mr. Blakey:

In regard to your 10 August 1978 request for information concerning one Nestor Castellanos which you indicate was withheld by the FBI under the third agency rule, I am pleased to provide the following.

The intelligence report in question is a compendium of material relating to various Cubans who were reported to be studying in the USSR under scholarships granted by the Cuban government during the period from 3 March to 6 August 1967. The report makes no reference to a Nestor Castellanos.

Of possible relevance is a reference to a Jose Castellanos, in which it was indicated that he (Castellanos) was an engineering post graduate from the Cuban Institute of Meteorology who was to specialize in hydro-meteorology at the Academy of Sciences and who was scheduled to depart (Cuba) on 27 April 1967 aboard a Soviet ship. The foregoing is the only information contained in the report relating to anyone surnamed Castellanos.

I hope you will find this information useful to your investigation.

Sincerely,

John G. Kester
Special Assistant To
The Secretary

~~SECRET~~

D R A F T

Classified by DIR/SA/CHCSS (NSA/R/CSSA) 123-20
Exempt from GDS, EO 11652, Category 2
Declassify Upon Notification by the Originator

~~SECRET~~

Serial: LAO/027-78

cc: DIR
D/DIR
ESS/R
ADPL
GC
DDO
G
V
NCRDEF

M/R: Mr. Blakey requested an NSA document that the FBI refused to let the Committee have. NSA received the request for the document on 18 August. This letter gives a gist of the portion of the product report that may be of interest to the Assassinations Committee.

Concur: Exec, DDO, Mr. John Monroe
GC, *[Signature]*

Approved by: D/DIR *[Signature]*

E.F. Yeates, CH LAO, 3747a, 22Aug78, 11r

~~SECRET~~

Classified by DIRNSA/CHCSS (NSA/CSSM 193-2)
Exempt from GDS, EO 11652, Category 2
Declassify Upon Notification by the Originator

M

Department of Defense Document

Dated: _____

Re: _____

This document cannot be further identified.
If HSCA decides it must request this document, it
should so advise an FBI representative.

The document should be requested from the
Department of Defense by the HSCA.

For CIU use only:

Agency: _____

Date: _____

Identifying No.: _____

47-78



OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

AUG 14 1978

Distribution List for Requests of
House Select Committee on Assassinations

From: Judith A. Miller
Assistant to The Special Assistant

_____	Eric T. Freyfogle	Office of the General Counsel, Department of the Army
_____	Sara Lister	Associate General Counsel, Department of the Navy
_____	Major Dick Flowers	Office of the Secretary of the Air Force Legislative Liaison
_____	John Brock	General Counsel, Defense Intelligence Agency
_____	Colonel Hartig	Defense Investigative Service

✓ NSA

Suspense: August 21, 1978

LOUIS STOKES, OHIO, CHAIRMAN
BOB POEYER, N.C.
J. E. FAUNTROY, D.C.
MRS. BRATHWAITE BURKE, CALIF.
CHRISTOPHER J. DOOD, CONN.
HAROLD E. FORD, TENN.
FLOYD J. FITZHIAN, IND.
ROBERT W. EDGAR, PA.
SAMUEL L. DEVINE, OHIO
STEPHEN B. MCKINNEY, CONN.
CHARLES THONE, NEBR.
HAROLD S. SAWYER, MICH.

(202) 225-4624

Select Committee on Assassinations

U.S. House of Representatives

3331 HOUSE OFFICE BUILDING, ANNEX 2
WASHINGTON, D.C. 20515

August 10, 1978

The Honorable Harold Brown
Secretary of Defense
Washington, D. C. 20201

Attention: Mr. John G. Kester
Special Assistant to the Secretary

Dear Mr. Secretary:

Pursuant to the third agency agree-
ment, the FBI has withheld NSA Document Number
2X/0/R70-67 from review by House Select Com-
mittee on Assassinations staff members.

We request access to this document
either at the FBI or at the Department of Defense.
The document, which refers to Nestor Castellanos,
is located in Bufile #64-330-210-5024, page 6.

Thank you for your prompt attention
to this request.

Sincerely,

G. Robert Blakey

G. Robert Blakey
Chief Counsel

GRB:ijr



POSTAGE AND FEES PAID
OFFICE OF THE SECRETARY OF DEFENSE
DOD-302

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

Legislative Affairs Office
National Security Agency
Section D-1, Room 9A119
Fort George Meade, Maryland 20755

~~SECRET~~

Legislative Affairs



14 July 1978

Judy

NOTE FOR JUDY MILLER

Staff Assistant, Office of the Secretary

SUBJECT: Request from Mr. G. Robert Blakey

1. Wanted to provide you with an advance copy of the attached correspondence which I believe you will find self-explanatory.

2. For your information, though it is considered unlikely that we would have any material related to Mr. Blakey's request, we are instigating a search of our records and should be in a position to know where we stand within a week or so.

Eugene Yeates

EUGENE F. YEATES

Chief

Legislative Affairs

NSA

~~SECRET~~

~~HANDLE VIA COMINT CHANNELS ONLY~~

~~SECRET~~

UNITED STATES GOVERNMENT

Memorandum

TO : DDO

DATE: 14 July 1978
LAO, 3747s

FROM : LAO

SUBJECT: Request for Information

1. The attached letter from Mr. Blakey requests information in connection with the House Select Committee on Assassinations investigation into the circumstances surrounding the death of President Kennedy.

2. Request a search of your files be conducted to determine if we have any information pertaining to Mr. Blakey's stated interests, i.e., ". . . any and all telegrams, or other communications, sent from Cobo Cleaners in Detroit, Michigan, by Earl Ruby, or any other individuals, to Cuba in March and April of 1962."

3. I would appreciate receiving as soon as feasible the results of this search, to include a negative response if appropriate, together with an indication of which files/records were searched and the approximate level of manpower/machine effort required to satisfy this requirement.

E. F. Yeates
EUGENE F. YEATES

Incl:
a/s

Copy Furnished:

G

V

Exec, DDO

GC

T12

~~SECRET~~

~~HANDLE VIA COMINT CHANNELS ONLY~~



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

47-71

FROM **DL/LAO** TO **Mr. G. Robert Blakey**

SUBJECT OR BRIEF OF CORRESPONDENCE (include listing of incls.)

Ltr answering request of info on investigation being conducted by the Select Committee (no Incls)

DATE OF CORRESP. **14 July 78** FILE OR SERIAL NO. **N0853-78** REG. NUMBER NO. COPIES DATE RECEIVED

INCOMING			FOR	OUTGOING		
ROUTE	INITIAL	DATE		ROUTE	INITIAL	DATE
			DIR	See M/R	3	
			D/DIR			
			EX REG-----			
			GC	See M/R	2	
			ADPL (DL)	1-5		
			L221		4	
			L2142			

I. ACTION REQUIRED (complete items 1 thru 3)

1. PREPARED BY **Eugene F. Yeates** EXT. **3747s**

II. NO ACTION REQUIRED (if no action, sign below and give org. and ext.)

SIGNATURE (organization and ext.) **[Signature]**

2. TYPE
 INITIAL LETTER
 INTERIM REPLY
 FINAL REPLY
 OTHER (specify in "REMARKS" below)

CHANGE ACTION (from) (to)

3. TO **Mr. G. Robert Blakey**

SERIAL **N0853-78**

REMARKS (If additional space is necessary use reverse)
 Original and CF's hand carried by Mr. Yeates on 14 July.

IN	FOR	OUT
	ACTION	1
	COMMENT	
	CONCURRENCE	2-3
	INFORMATION	
	EDITING	
	SIGNATURE	5
	DISPATCH	
	FILE	4
	RETAIN	

ROUTER (Initial) VERIFIED (Initial) DATE ROUTING SLIP NUMBER

47-76

~~TOP SECRET~~

SENSITIVE

UNITED STATES GOVERNMENT

Memorandum

Serial: G/143-78
DATE: 5 April 1978

TO : DIRECTOR
THRU: DDO, V *Cur*
FROM : G

SUBJECT: House Assassinations Committee Query

1. Attached is our proposed response to the queries passed to us from the House Assassinations Committee. The information requested was supposed to be for the period 1959 - 31 December 1974. However, our first successful interception of Cuban agent communications was on [REDACTED]

2. The source products from which we extracted the attached information were published in the Category III TRIG and DENT, US/UK EYES ONLY series. We believe we have done sufficient sanitization so that, when the association with NSA is removed, the text could be releasable as national TOP SECRET, Sensitive.

R. E. Rich
R. E. RICH
Chief, G

*Response has been
to Mr. Kester*

~~HANDLE VIA COMINT CHANNELS ONLY~~

~~TOP SECRET~~



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan.

CUBAN AGENT ACTIVITY IN THE WESTERN HEMISPHERE 1959-31 DECEMBER 1974

Cuba used agents for intelligence and subversion in North, Central, and South America; Africa; and Asia. [REDACTED]

In the Western Hemisphere during the early sixties, diplomatic cover became less available to the Cubans, and by spring of 1962, Cuba had diplomatic relations with only one-third of the Latin American countries. Cuba's interest in fomenting discord and promoting revolution obviously grew as she became more isolated officially from the rest of the hemisphere, and the Cuban General Directorate of Intelligence (DGI) inevitably increased its reliance on illegal/clandestine agents. By the time of the Cuban "missile crisis" in October 1962, Cuba was known to be [REDACTED]

[REDACTED]

By the end of 1964, Cuba enjoyed formal relations in the hemisphere with only Canada, Mexico, Jamaica, and the United Nations in New York.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE~~

[REDACTED]

The Cuban government still claims U.S. government direction and funding of the organization whose claimed activities included night raids along the Cuban coast, infiltration of agents into Cuba, harassment of the Cuban armed forces, and weapons drops to counter-revolutionary groups on the island.

[REDACTED]

[REDACTED]

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED~~

~~DATE 10/20/01 BY SP-6 [REDACTED]~~

ANY MATERIAL RELEVANT TO THE ASSASSINATION OF PRESIDENT KENNEDY OR ANY INVESTIGATION INTO THE ASSASSINATION.

We have reviewed the Cuban materials previously compiled to respond to SSCI and Church Committee hearings. The only information regarding the KENNEDY assassination which surfaced might be termed reactive; that is, it reflects some of the reactions of the Cuban government to the assassination. Army and Navy elements in Eastern Cuba were placed on alert status on 22 November, apparently in reaction to news of the President's death. This action was probably a reflection of the Cuban government's paranoia over a possible military action against Cuba, possibly originating from the U. S. Navy Base at Guantanamo. That the Cubans were sensitive to suggestions that they might be implicated in the KENNEDY assassination is very evident in the following 25 November press release from the Cuban Foreign Ministry:

"With relation to the information published today ((25 November)) in the newspaper EXCELSIOR in Mexico City, affirming that LEE HARVEY OSWALD had requested a transit visa for travel to the Soviet Union at the Cuban Consulate in Mexico in September, the Cuban Government requested information from the officials of our Consulate in that city confirming that it is certain that Mr. LEE HARVEY OSWALD requested the transit visa for travel to the Soviet Union on 27 September in the said consulate.

"On being informed by the consular officials that their office could not grant such a visa without the authorization of the Cuban Ministry of Foreign Relations, which likewise would not grant it if it was not previously authorized by the country of destination, Mr. Oswald left the Consulate visibly disgusted.

"The said visa was never granted.

"This detail, in connection with the other circumstances that surrounds the facts, confirm our suspicion that the assassination of KENNEDY was a provocation against world peace, perfectly and thoroughly planned by the most reactionary sectors of the United States.

"It is evident that these sectors planned beforehand to involve Cuba and the Soviet Union in these deeds.

"The inconceivable and inexplicable impunity with which an individual of known penal antecedents assassinated OSWALD, the principal accused of the assassination of President KENNEDY, in the presence of the police themselves and in the basement of a prison, demonstrates in a scandalous and indisputable manner that the powerful reactionary political forces within the United States are making use of all their resources and influences in order to conceal those who master-minded KENNEDY's assassination, and the true motives for it.

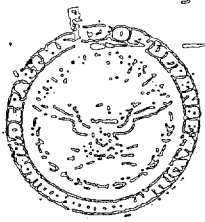
~~HANDLE VIA COMINT CHANNELS ONLY~~

10/10/68

~~CONFIDENTIAL~~

"World public opinion demands the enlightening of the deeds. It is absurd that the political authorities and the prosecuting attorney of Dallas have declared that the case is closed when hardly 48 hours have passed since a deed of so great a result as the assassination of, the President of the United States."

~~CONFIDENTIAL~~



2/01/76

Serial: N0078
26 January 1976

TOP SECRET

MEMORANDUM FOR THE PRINCIPAL DEPUTY ASSISTANT SECRETARY
OF DEFENSE (INTELLIGENCE)

SUBJECT: Senate Select Committee Queries to NSA Concerning
the Warren Commission

Reference your letter dated 14 January 1976 transmitting a request from Mr. Alton Quanbeck of the Senate Select Committee Staff. The following information is provided in response to Mr. Quanbeck's letter, keyed by paragraph to his letter (inclosed - see underlined portions). Most of the information was made available to the SSC Staff, Mr. Jim Johnson, during an interview with Dr. Louis Tordella on 20 January 1976.

Para. 1. - NSA requested permission to retain photocopies of those reports on which we had worked merely as record copies of our efforts on behalf of the Commission. It was felt that if a question should arise at that time concerning what analytic efforts had been involved and the number of manhours expended, a record copy would prove useful. No operational use was made of these documents except to hold them on file for a period of time which cannot now be determined. To the best of our present knowledge, the photocopies have now been destroyed. Absolutely no results relevant to the assassination were obtained through NSA's analytic look at the exhibits. The Commission, in the person of Mr. Allan Dulles, had asked Dr. Tordella, informally, to review the exhibits for any secret writing or codes which might have been contained in the documents. Dr. Tordella, after causing a careful review of the documents by NSA cryptanalysts, reported verbally to Mr. Dulles and other Commission members that nothing whatsoever had been achieved by the analytic effort. No written reply was submitted.

Classified by DIRNSA/CX006 (NSA/CSSM 123-2)
Exempt from GDS, FD 24072, and _____
Declassify Upon Notification by the Originator

APPENDED DOCUMENTS CONTAIN
SENSITIVE MATERIAL

~~TOP SECRET~~

~~HANDLE WITH CARE AND CONTROLLED DISTRIBUTION ONLY
HANDLE VIA THE [unclear]~~

Para. 2. - NSA is uncertain as to what is precisely meant by these comments, but we assume that the comments on names refer to our biographic files which are maintained on foreign personalities of potential intelligence significance. As the Committee knows, these biographic files are maintained (now at CIA incidentally) as analytic support. It is also possible that the Commission was referring to the fact that names are frequently seen in traffic collected for foreign intelligence purposes and therefore NSA might have access to foreign names not otherwise available to the Intelligence Community.

Para. 3. - It may well be that CIA did obtain such transmissions and pass them to NSA for analysis, but no one presently working that analytic area recalls such a request. Discussions with Dr. Tordella also failed to shed any light on this subject. There are no files or records which we have been able to locate from that time frame which would substantiate such a claim. In fact, the only file the responsible analytic group has been able to locate concerning a request from the Warren Commission deals with a file compiled from open sources citing major dates in the last months of Oswald's life. Presumably the date file was to be compared with NSA product on/about the key dates in the hope that something could be deduced. The file does not contain any "hits." The analysts who performed this effort have since retired.

Para. 4. - The informal request from Mr. Dulles is the known total extent of NSA's role in assisting in the investigation. The file discussed in Paragraph 3 is the only file thus far recovered. There is no information which can now be identified which was developed from Cuban or Soviet transmissions relating to the assassination.

Para. 5. - We have no information on this subject at all. However, pursuant to the subject raised during the Tordella interview, we have searched our files manually, and as Mr. Lowman agreed during the Tordella interview, we have recovered three product reports (Inclosures 2 through 4) which show that Cuban military forces did go on alert immediately after the assassination. There is no SIGINT evidence, however, that the Cuban forces were alerted prior to the assassination, thereby suggesting that they had prior knowledge of the event.

Serial: N0078

Para. 6. - No hard copy material of any kind was provided to the Commission (see Para. 1).



DAVID D. LOWMAN
Special Assistant
to the Director
for Congressional Reviews

4 Incls:
a/s

~~TOP SECRET~~

~~TOP SECRET~~

cc: DIR (Less Incls)
D/DIR
ESS
ESS/R
ESS, Mr. Lowman
G, [redacted]
NCRDEF
A, Miss Caracristi (Less Incls)
L221

M/R: Inclosures 2 through 4 are product reports numbered
2/O/[redacted]/R66-63, 2/O/[redacted]/R196-63 and 2/O/[redacted]/R58-63.

[redacted]
Frank Foster/O/ESS/3161s/26 Jan 76/kjb

R2132

REFERRED TO OFFICE	RECEIVED			RELEASED		SEEN BY	
	SIGNATURE	DATE	TIME	DATE	TIME	NAME & OFFICE SYMBOL	DATE

~~Handle Via Indicated Controls~~

~~COMINT~~

Access to this document will be restricted to those persons cleared for the specific projects;

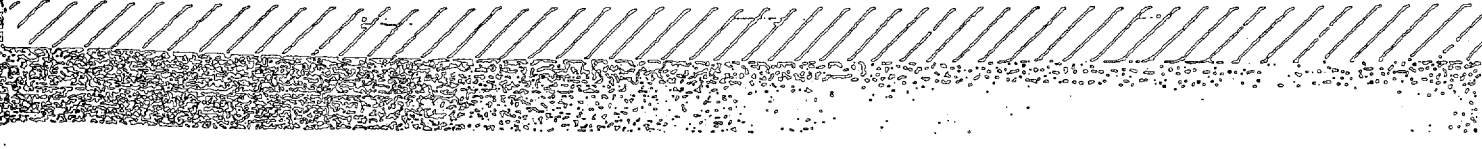
WARNING

This document contains information affecting the national security of the United States within the meaning of the espionage laws U. S. Code Title 18, Sections 793, 794 and 795. The law prohibits its transmission or the revelation of its contents in any manner to an unauthorized person, as well as its use in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States. It is to be seen only by personnel especially indoctrinated and authorized to receive information in the designated control channels. Its security must be maintained in accordance with regulations pertaining to the BYEMAN and Communications Intelligence Controls. No action is to be taken on any communications intelligence which may be contained herein, regardless of the advantage to be gained, if such action might have the effect of revealing the existence and nature of the source, unless such action is first approved by the appropriate authority.

~~TOP SECRET~~

GROUP 1
 Excluded from automatic
 downgrading and declassification

Dual 1



Mr. Thomas K. Latimer
January 13, 1976
Page Two

~~HANDLE VIA COMINT CHANNELS~~

to NSA and what information on names NSA had that CIA did not. If names had significance, what names did NSA use in its analysis?

3. We are informed that CIA obtained transmissions from the Soviet Embassy in Mexico City for November or December 1963 and that it may have passed these to NSA for analysis. Did NSA receive these transmissions or any transmissions relevant to the assassination inquiry? Did it analyze them? What were the results of its analysis?

4. We are interested in learning the extent of NSA's role in assisting in the investigation of the assassination. In that connection, please inform the Committee the extent of NSA files relating to the assassination. Please provide the staff of the Committee access to those files. Please provide the staff with a summary of all information NSA developed from Cuban or Soviet transmissions relating to the assassination.

5. We have been informed that after the assassination the Cuban government instructed its embassies and consulates to return all files on Oswald to Cuba. What information does NSA have on whether such instructions were issued?

6. In connection with the answers to questions 4 and 5, please indicate whether such material was provided the Warren Commission and provide copies of all documents evidencing that fact.

We would appreciate receiving a response to these questions as soon as possible and to expedite this inquiry we are sending a copy of this letter to Mr. Foster of NSA.

Sincerely,

al

Alton H. Quanbeck

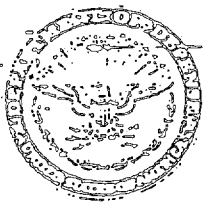
cc: Frank Foster

CLASSIFIED BY SSC Intel. Act
EXEMPT FROM GDS & DECLASSIFICATION
AUTHORITY: 50 USC 3024 (a)(3) - (D)
(unless otherwise indicated)
DATE OF REVIEW: 08/11/2001
UNCLASSIFIED ON

Impossible to Determine

~~HANDLE VIA COMINT CHANNELS~~

~~HANDLE VIA COMINT CHANNELS~~



Serial: N1380
24 November 1975

~~TOP SECRET~~

MEMORANDUM FOR THE SPECIAL ASSISTANT TO THE SECRETARY AND
DEPUTY SECRETARY OF DEFENSE

SUBJECT: Senate Select Committee Request for Information on
Matters Related to President Kennedy's Assassination

Inclosed is our response to the request of the Senate
Select Committee on Intelligence dated 14 November 1975.

DAVID D. LOWMAN
Special Assistant
to the Director
for Congressional Reviews

Incl:
a/s

This document may be declassified
upon receipt of the indicators and physical
removal of the caveat notation.

~~TOP SECRET~~

~~TOP SECRET - COMINT ONLY~~

Serial: N1380

cc: DIR (Less Incl)
D/DIR
ESS
ESS/R
ESS, Mr. Lowman ←
G
D6
NCRDEF
L221

M/R: Inclosure provided by [redacted] of G Group.

DAVID D. LOWMAN/O/ESS/3161s/24 Nov 75/kjb

In response to Mr. Fenn's letter of 14 November 1975 to Mr. Frank Foster which posed a number of questions on matters related to President Kennedy's assassination, the following information is provided:

NSA has identified some four foreign communications which mention Lee Harvey Oswald, but has not identified any messages to or from him. The four identified messages are [redacted] and contain [redacted] Cuban comments regarding press items which discuss Oswald's activity in late September 1963 to obtain a Cuban visa to travel to Moscow and also comments on the assassination itself. The messages are dated in the last week of November 1963.

NSA has not identified any communications to, from or mentioning Marina Oswald, Jack Ruby or Earl Ruby.

The specific questions asked and responses follow:

1. Were any of the above names put on a watch list and, if so, by which agency or individual of the Government?

ANSWER: The name of Oswald was used in searching our data base immediately following the assassination. Records from that time period are virtually non-existent and it is not clear which agency or individual of the Government requested the search to be made.

2. Was product or information concerning the individuals cited above ever requested by any agency or individual of the Government or of the Warren Commission? If so, what information and by whom?

ANSWER: NSA has no record or recollection of such requests.

3. Was product or information concerning the individuals cited above ever disseminated to any agency or individual of the Government or of the Warren Commission? If so, what information and to whom?

ANSWER: The four [redacted] messages cited above were disseminated to CIA, DIA, STATE and elements of the Army, Navy and Air Force.

Classified by SI/MSA/CX/CSA (NSA/CSSM 123-6) PROPERTY OF NSA, DEPARTMENT OF DEFENSE,
Exempt from GDS, EO 12958, Cat. 1 LOAN TO SENATE SELECT COMMITTEE TO STUDY
Declassify Upon Notification by the Originator GOVERNMENTAL OPERATIONS WITH RESPECT TO
INTELLIGENCE ACTIVITIES.

~~TOP SECRET~~

~~NOFORN~~

4. Did NSA ever have a watch list on U.S. defectors to the Soviet Union? If so, to which agencies was this information disseminated?

ANSWER: The names of several such individuals were used as selectors in dictionaries. No information was ever noted which warranted dissemination.

5. Were there ever any requests to monitor specific links for information pertaining to the individuals cited above? Who made these requests, and when? Did these include links between Mexico-U.S.A., Mexico-Cuba, Mexico-U.S.S.R., Cuba-U.S.A., or Cuba-U.S.S.R.?

ANSWER: No.

6. Were there ever any requests to monitor specific links for information pertaining to the assassination of President Kennedy? Who made these requests, and when? Did these include links between Mexico-U.S.A., Mexico-Cuba, Mexico-U.S.S.R., Cuba-U.S.A., or Cuba-U.S.S.R.?

ANSWER:^{sc} No.

PROPERTY OF NSA, DEPARTMENT OF DEFENSE,
ON LOAN TO SENATE SELECT COMMITTEE TO STUDY
GOVERNMENTAL OPERATIONS WITH RESPECT TO
INTELLIGENCE ACTIVITIES.

~~TOP SECRET~~
~~NO FORN DISSEM~~
~~EXCEPT BY AUTHORITY OF NSA~~

NATIONAL SECURITY AGENCY
Central Security Service, Washington

80 4

0 2

CLASSIFIED

TOP SECRET

0

SECRET

11 Dec 67

DIST: RCO

(DETACH PRIOR TO RELEASE TO NON-INDOCTRINATED PERSONNEL)

SECRET

SECRET

(EYES ONLY - THIS AGREE WITH [redacted])

CUBANS STUDYING IN THE USSR

From 3 March to 6 August 1967 the following Cubans were reported to be studying in the USSR under scholarships granted by the Cuban government ((a)).

The information in this report is arranged as follows:
Remarks: (message date).

ACOSTA MORENO, ROBERTO: The Foreign Ministry requested information about this scholarship holder who is studying in [redacted]. His grandmother died in [redacted] and his family received no answer to their cables. The embassy replied that he was [redacted] (20 Apr 67, 22 Apr 67, 24 Apr 67).

AGUILAR, JUSTO: The embassy reported to the Ministry of Education that this scholarship holder would be traveling on [redacted] (21 Apr 67).

ALLANZA, IRMA: The embassy reported to the Ministry of Education that her scholarship had been canceled and that she was leaving on 4 May aboard flight 101 to return to Havana via Prague; (4 May 67).

ALVAREZ CAMACHO, HUMBERTO: The embassy reported that these scholarship holders were to leave Cuba on 10 September. The ambassador [redacted] of the USSR Academy of Sciences [redacted] be arranged; (10 Aug 67).

MARY CORPUS, LITA A.:
of [redacted] advised that
an [redacted] [redacted]
[redacted] the [redacted]
[redacted] [redacted]

ALVAREZ [redacted]
scholarship [redacted]
very hard and [redacted]
where he later [redacted]

GROUP 1
EXCLUDED FROM AUTOMATIC
DECLASSIFICATION

21/0/1970-67

(DETACH PRIOR TO RELEASE TO NON-INDOCTRINATED RECIPIENT)

0/54381-67

ARIZON, MIGUEL; The Foreign Ministry requested that this scholarship holder be sent home permanently with accompanying students; (10 Jun 67).

BARROQUER, ERNESTO; The embassy informed the Ministry of Education that this scholarship holder was leaving Moscow on 6 June aboard flight SU-047; (4 Jun 67).

BARRON, IVAN; ARTEAGA, NELSON; MORENO CARBONELL, JOHN; GONZALEZ, VALENTIN; CASAS, the embassy reported that these scholarship holders from the Polytechnic Institute of Leningrad and the latter from the Textile Institute in Leningrad, were leaving Leningrad on 11 June on the ship "SARMA"; (8 Jun 67).

AVILA LOPEZ, LUPERCIO; SUAZ, INES; ORTEGA, CARMELO; DIAZ ECHEAS, TERESA; BRAVO, HUMBERTO; The embassy informed the Ministry of Education that these scholarship holders (one apprentice, one on vacation with her son, and three graduates respectively) were leaving on 13 June aboard flight SU-407; (13 Jun 67).

CALVO, MIGUEL; Military scholarship holder at a military school in Moscow, telephone Nr. 464600, extension 550 or number 8-20812. Mailing address: Post Office Box 138; (7 Mar 67).

CARBONEL, RIGEL; AGULLAR, CARIDAD; The Foreign Ministry requested that the diplomas of these two former scholarship holders be sent. The luggage of CARBONEL should be sent to La Victoria in Nueva Gerena on the Isla de Pinos. The Ministry of Education was informed that he would be traveling on a TU-114 flight on 27 April and that ARMANDO GUERRA who was ill, would travel on the same day aboard the Cubana flight; (19 May 67, 27 Apr 67).

CRANG, NELSA; The Embassy informed the Ministry of Education that this scholarship holder was leaving on 29 June aboard SU-047 and told them to have her at the airport with a doctor and ambulance.

~~SECRET~~
~~SECRET~~

2X101 1770-67

(EXCEPT PRIOR TO RELEASE TO NON-DISCRIMINATED RECOGNITION)

0/54381-67

CLARO, RAFAEL; RODOLFO, SILVA REED, ALFONSO: The embassy was informed that these two technology scholars were to take a special three-year course under Professor NIKONSKY. They did not know Russian and because they did know English they would like to take the course in English while studying Russian at the same time: (10 Apr 67).

CORDOVE, MARIANELA: The embassy informed the Ministry of Education that this graduate left on 25 May aboard flight SU-047: (26 May 67).

CORONA, EVELIA and son; MACIAS, ARTURO; NORMAN, ALFREDO; ZENAGA, HILARIO: The embassy informed the Ministry of Education that these three scholarship holders and the latter who is in the scholarship holder office of the embassy were traveling on the TU flight on 4 July and that possibly four more would also leave: (4 Jul 67).

CRUZ, OMAR: The embassy informed the Ministry of Education that this scholarship holder was leaving on 8 June aboard flight SU-047: (8 Jun 67).

DEL TORO, MARIANO; JAMES, JACOB; ENRIQUE: The embassy informed the Ministry of Education that these graduates were leaving on 24 June aboard flight SU-047: (24 Jun 67).

DIAZ, VICTOR; CAMPANONI, PABLO; ABULAR, JORGE; LEONARD, MONICO; RAMOS, JORGE; NABEE, ANASTASY; ALVAREZ, PATRICIA; GARCIA, ERNESTO; HERRERA, OSCAR; LOPEZ, MARCELO: The embassy informed the Ministry of Education that these scholarship holders left on 11 Jul aboard the TU flight: (12 Jul 67).

ESTENOS MARRERO, JESUS; DIAZ, MARGARITA; ALVAREZ, MARIA CONCEPCION; FARIAS, SONIA: The embassy informed the Ministry of Education that one scholarship holder who was ill, and three graduates were leaving on 19 May aboard flight SU-047. ALVAREZ left on 19 May: (19 May 67).

BERNAZA, LUIS FELIX: The embassy informed the Ministry of Education that this scholarship holder was leaving on 14 Apr aboard flight SU-047: (14 Apr 67).

EXCLUDED FROM AUTOMATIC
DOWNGRADING AND DECLASSIFICATION

((DETACH PRIOR TO RELEASE TO NON-INDOCTRINATED RECIPIENT))

0/54351-67

FEINAYDEZ COFFIN, PEDRO; The Foreign Ministry informed the embassy that the application for this apprentice was rejected: (23 May 67).

GARCIA, MARIA CARIDAD; MORALES, CESAR, ALVARADO, FRANCISCO; The embassy informed the Ministry of Education that these graduates left on 7 March aboard TU-114 because their scholarship was canceled: (8 Mar 67).

GARCIA FIGAL, ARMANDO; A UJC Committee member in Moscow informed LAZARO MORA, in charge of Foreign Relations for UJC, that this mechanical engineering student at the University of Havana should come to Moscow to see a specialist about having another operation for burns he suffered in an accident. Money for his passage had been provided, but funds were needed for his stay: (10 Apr 67).

GARCIA HERNANDES, FRANCISCO; The embassy asked the Ministry of Education to inform YASIO PEREZ of the Energy Department of the Higher Electrical Engineering School that because of curriculum problems, the student could specialize in mechanics or in some other field. He is interested in the decision within 2 weeks. The school stated that because no answer was received in the pending apprentice had been changed from electrical to mechanical engineering: (17 May 67, 26 May 67).

GERAIGE MASER, EMILIO AND PIERDA, JOAQUIN A.; The embassy informed the Ministry of Education that these graduates were leaving Moscow on 6 June and asked that their families be informed: (4 Jun 67).

RODINEZ, I. A.; The embassy informed the Ministry of Education in Leningrad that these graduates were leaving Moscow on 6 June and asked that their families be informed: (4 Jun 67).

SOMALEA, JOSE; The embassy asked the Ministry of Education for these Academy graduates to be informed of their departure on 11 May and left for Cuba on 12 May: (11 May 67).

SOMALEA, JOSE; The embassy informed the Ministry of Education that these graduates were leaving Moscow on 6 June and asked that their families be informed: (4 Jun 67).

GROUP-1
EXCLUDED FROM AUTOMATIC
DOWNGRADING AND DECLASSIFICATION

22/01/R70-67

((REMOVE FILM TO RELEASE TO NON-DISSEMINATED PERSONS))

~~SECRET~~

6/13381-67

GENERAL, JOSE; AGUSTIN, MANUEL; COBO, SERGIO; The Ministry of Education was informed that these three graduates of the Academy in Classes were leaving on 3 August aboard the flight; (2 Aug 67).

GUERRERO, CLARO; The embassy informed the Ministry of Education that this scholarship holder, who was ill, was aboard flight SU-047; (6 Jun 67).

LOPEZ, GONZALEZ MARTIN, DIEGO; LOPEZ, GUILLERMO; The Ministry reported that a passage was booked for Lopez from Prague-Havana for GUEA and that the Academy of Sciences booked a passage for GONZALEZ for Moscow-Prague-Havana. The Foreign Ministry confirmed that the tickets had been purchased. LOPEZ would use the passage booked for GONZALEZ from Prague to Havana; (17 Jun 67, 18 Jun 67).

MADRON DE GUEVARA, CARLOS; The Foreign Ministry asked the embassy send the certification and grades obtained at the Kiev Preparatory by this former scholarship holder; (29 May 67).

LARA, ESPERANZA; The embassy asked the Ministry of Education to notify this scholarship holder's family in Camaguey that she was well and would be leaving on 2 May aboard the TU flight; (26 Apr 67, 28 Apr 67).

LOPEZ ECHEVARRIA, PAUL; The embassy reported to the Ministry of Education that this graduate left on 27 July aboard the ship KRASNODAR from the port in Leningrad; (30 Jul 67).

LOPEZ PEREDA, JOSE; HERNANDEZ DE LOS REYES, RAFAEL DE JESUS; HERNANDEZ DE LOS REYES, RAFAEL ALVARO; The General in the UIC; RAFAEL ALVARO, was a member of the Central Planning Board and a member of the fourteenth anniversary of the workers' strike in the Mordovia barracks; (23 Jul 67).

LOPEZ, VALENTIN; Telephone No. 1000

GROUP-1
EXCLUDED FROM AUTOMATIC
DOWNGRADING AND DECLASSIFICATION

((REMOVE FILM TO RELEASE TO NON-DISSEMINATED PERSONS))

21/01 270-67

((ATTACH PRIOR TO RELEASE TO NON-DISCRIMINATED RECIPIENT))

0/54381-67

MARIN, JOSE; BARREIRO, MANUEL; The embassy informed the Ministry of Education that these graduates were leaving on 27 June aboard flight SU-047; (27 Jun 67).

MARTINEZ SOLER, FRANCISCO; MARTINEZ SOLER, ROSEN; ALVAREZ, LEOPOLDO; QUESADA SEAREZ, MANUEL; The embassy informed the Ministry of Education that these scholarship holders would leave 14 June from the port in Leningrad on the ship SAINT GAUD for their vacation; (8 Jun 67).

MARTINEZ VALDES, ALINA; The Ministry of Education informed the embassy that this scholarship holder should serve her apprenticeship there and asked to be notified if she would be finished before her vacation; (3 Jun 67).

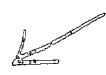
MARTIN BERNANDEZ, ILIRA; PEREZ PEROMO, MARCIA; PEREZ, ERNANDO and his wife IRA BIELOBARODOVA; The embassy reported to the Ministry of Education that the graduates MARTIN, PEREZ and her son, and the wife of the other graduate were traveling on 29 July aboard flight SU-047; (27 Jun 67).

MIERES, RAUL; The embassy reported to the Ministry of Education that this Plejanov scholarship holder was leaving for Cuba on the ship KRASNAYA PREDVIA from Odessa; (26 May 57).

MONTERO, ORLANDO; The embassy informed the Ministry of Education that this scholarship holder was not traveling to Cuba by plane, but was leaving on the ship KRASNI AKTIABRIE from Odessa on 28 April; (26 Apr 57).

MONTE, NORMAL BATISTA SILV, JOSE LUIS; The embassy informed the Ministry of Education that these scholarship holders at the University of Leningrad had served their apprenticeships and were leaving the port south port aboard the ship RABINSTOVA on 15 May for Cuba; (26 May 67).

NUNEZ, ORLANDO; CASTELLANOS, JORGE; ALVAREZ SOTECAS, MIGUEL ANGEL DE.; The Foreign Ministry informed the embassy that the two engineering post graduates from the Cuban Institute of Meteorology, who were specialists in meteorology at the Academy of Sciences, NUNEZ, who was to take a course in oceanography, and ALVAREZ, who was to take a course in oceanography, were leaving on 27 April for Cuba; (23 Apr 67, 13 May 67).



EXCLUDED FROM AUTOMATIC
DOWNGRADING AND DECLASSIFICATION

((ATTACH PRIOR TO RELEASE TO NON-DISCRIMINATED RECIPIENT))

270 170-67

(DETACH PRIOR TO RELEASE TO NON-INDUSTRIATED RECIPIENT)

8/1381-67

FERNANDEZ, TERESA; The Cuban Institute of Art and
Industry (ICAIC) told the embassy that he
could not return now if he had an exam pending, but the
embassy would notify ICAIC of his return date; (17 Jun 67).

TERRELLONE, SILVIA; FERNANDEZ, LILLIANA;
The embassy informed the Ministry of
Education that scholarship holders had finished their
studies, their translators and were leaving on
flight SU-047.

The embassy asked the Ministry of
Education if the family not to worry. She was ill and
left Cuba on 9 May aboard flight SU-047;
(17 May 67).

PAZ ESCALANTE, YDIA; MORALES, DIEGO; SALAZAR, CALIXTO;
The Ministry asked for information about scholarship holder
PAZ and the embassy replied that she was fine and would
return to Cuba at the end of May. Later the embassy informed
the Ministry of Education that PAZ who graduated, MORALES,
a graduate, and SALAZAR, who was going on vacation to see
his sick wife, were leaving on flight SU-047; (4 May 67,
5 May 67, 14 Jul 67).

PAZ IGLESIAS, TERESA; VINA QUINTANA, ANA; The embassy
informed the Ministry that the graduate, PAZ IGLESIAS had
not been able to leave yet, but would leave with her son
on 22 June aboard flight SU-047. The Ministry was asked to
notify her family at phone Nr. 30-4395. The embassy also
reported that the ICAIC graduate VINA would be leaving on
the same flight; (15 Jun 67, 22 Jun 67).

PEREZ, AURELIO; The embassy informed the Ministry of
Education that this scholarship holder at the University
of Lomonosov who will finish his studies on 15 July requested
to serve his apprenticeship in Cuba. He had been planning
on this since December. The Foreign Ministry replied that
they would try to carry out the plans although they could
not guarantee it, but they wanted to start the apprenticeship
program; (26 May 67, 3 Jun 67).

PEREZ, MARIO; The embassy informed the Ministry of
Education that this scholarship holder had been notified
the TU flight because of the program.

GROUP-1
EXCLUDED FROM AUTOMATIC
DOWNGRADING AND DECLASSIFICATION

(DETACH PRIOR TO RELEASE TO NON-INDUSTRIATED RECIPIENT)

((DETACH PRIOR TO RELEASE TO NON-INDICATED RECIPIENT))

0/54381-67

ORTEGA, CESAR DE LEON; The Foreign Ministry asked the embassy for the address of this scholarship holder because he had not written and his mother was worried; (3 May 67).

RAMOS DEL SACO, MIRAN; The Embassy informed the Ministry of Education that the wife of this scholarship holder at the University of Leningrad had left for Cuba on 4 May aboard a TU-114 flight; (4 May 67).

RAMIREZ, JOSE; The Foreign Ministry informed the embassy that the Academy of Sciences wanted the package left at the embassy by this student to be sent on the first plane because it contained books that were needed for the Institute of Meteorology; (4 Jul 67).

REYES, HGO; The embassy asked the Ministry of Education if this scholarship holder should be sent to Prague for the trip home because his mother had cancer. She had an operation but was doing well. The Ministry said he should come, and he left on the flight TU-114 with two scholarship holders from Bulgaria. Later the embassy reported that he would not pass his course because he had missed classes and had academic offenses; (29 Mar 67, 10 Apr 67, 14 Apr 67, 14 Apr 67, 29 Apr 67).

REYES SOLER, LUIS ALFONSO; The Foreign Ministry asked that a program for the hydrology and geology students be sent to him if he does not have one. He and the eleven hydrology and geology scholarship holders should come immediately so that they could serve their apprenticeships before their vacations; (24 May 67, 8 Jun 67).

RODRIGUEZ ABELLA, MANUEL; The Ministry of Education repeated its request for certification of his studies; (29 May 67).

RODRIGUEZ ALVAREZ, MANUEL; The Foreign Ministry asked the embassy to find out about the address of this scholarship holder in Kiev because he had not written since November and was supposed to write home; (15 Apr 67).

GROUP-1
EXCLUDED FROM AUTOMATIC
DOWNGRADING AND DECLASSIFICATION

((DETACH PRIOR TO RELEASE TO NON-INDICATED RECIPIENT))

22/01 870-67

(DETACH FROM TO RELEASE TO NON-DECLASSIFIED AGENCY)

0/54381-67

RODRIGUEZ, ROSA; The Embassy reported to the Ministry of Education that this scholarship holder was in no condition to travel because she had just given birth to a child who was born (18 Jul 67).

RODRIGUEZ, ROSA; The Embassy informed the Ministry of Education that this graduate translator was leaving on 27 April aboard flight SU-047 (27 Apr 67).

RODRIGUEZ, ROSA; The Ministry of Education told the Embassy that this scholarship holder's family had been informed that he had left Leningrad on a Soviet ship with other scholars and asked for the names of the boat and the other three scholarship holders; (23 May 67).

RODRIGUEZ, ROSA; The Embassy informed the Ministry of Education that this scholarship holder was leaving on 23 May aboard flight SU-047 because of a nervous disorder; (23 May 67, 23 May 67).

RODRIGUEZ, MARGARITA; The Embassy asked the Ministry of Education to have someone meet this student and her daughter who was ill. They left on 22 June aboard flight SU-047; (22 Jun 67).

SALAZAR, CALIXTO; The Embassy asked the Ministry of Education whether this scholarship holder should travel by air or by plane when he finished his work on 5 June. The Ministry confirmed his wife's illness and said he should not but should send his baggage by ship. He was later reported to be traveling to Cuba on flight SU-047; (26 May 67, 10 Jun 67, 14 Jul 67).

SANCHEZ, REVELIA; The Embassy informed the Ministry of Education that this scholarship holder and her daughter were traveling on 27 April aboard the SU flight; (27 Apr 67).

SANCHEZ ORA, JORGE; The Embassy requested for news about this engineering scholarship holder from the Jersey Technical Institute; (15 May 67).

SOTO, RAMON; PERICOLA, ORLANDO; SANCHEZ, RAMON; ALVAREZ, TERESITA; RAYELO, MARIO; ALBERTO; SIMLA, LUIS; The Embassy informed the Ministry of Education that five of these graduate scholarship holders were going to

~~SECRET~~
GROUP-1
EXCLUDED FROM AUTOMATIC
DOWNGRADING AND DECLASSIFICATION

memorandum

DATE: 30 January 1981

REPLY TO
ATTN OF: Q324

SUBJECT: Freedom of Information Act Request

TO: LAO

1. Under the provisions of the FOIA, please provide this office with any information which may fall within the scope of the attached request from Mark A. Allen.

2. Please search your files to determine if you have the information requested. The results of your search should be provided to this office no later than:

6 February 1981,

3. Please complete the attached DD 2086 and return with your response to this FOIA search request.

[Redacted Signature]
FOIA Coordinator

2 Encls
Ltr of Request
DD 2086

TO: Q324

~~SECRET~~ 3747s

FM: DI/LAO

in keyword material attached.

DATE: 4 February 1981

We do not have any information concerning subject request in our files.

Applicable records are attached. Please note that some of the correspondence inclosed are letters from a Congressional Committee and their permission should be obtained before release. Also, some documents inclosed are letters from DoD rather than this Agency because DoD answered some requests on behalf of this Agency. *[Signature]* (Signature) JEROME S. MASS, Chief DI
Other correspondence is from this Agency but not addressed to the Committee and therefore does not fall under this request; however, the M/Rson those Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
Pieces of correspondence document communications between the Committee and this Agency.



RECORD OF FREEDOM OF INFORMATION (FOI) PROCESSING COSTS

SEE INSTRUCTIONS
ON BACK OF PAGE

1. REQUEST NO.	2. TYPE OF REQUEST <input checked="" type="checkbox"/> INITIAL <input type="checkbox"/> APPEAL	3. DATE COMPLETED (yr., mo., day) 4 Feb 81
----------------	---	---

4. CLERICAL HOURS (E-9/GS-8 AND BELOW)	TOTAL HOURS	HOURLY RATE	COST
SEARCH		X \$ 8.00 =	
REVIEW/EXCISING			
CORRESPONDENCE AND FORMS PREPARATION			
OTHER ACTIVITY	2		

5. PROFESSIONAL HOURS	TOTAL HOURS	HOURLY RATE	COST	
SEARCH		X \$ 16.00 =		
REVIEW/EXCISING				
COORDINATION/APPROVAL/DENIAL	.25			
OTHER ACTIVITY				4.00

6. EXECUTIVE HOURS (O-7/GS-16 AND ABOVE)	TOTAL HOURS	HOURLY RATE	COST
REVIEW/EXCISING		X \$ 26.00 =	
COORDINATION/APPROVAL/DENIAL			

7. COMPUTER SEARCH	TOTAL HOURS	HOURLY RATE	COST
MACHINE HOURS		X	

8. OFFICE COPY REPRODUCTION	NUMBER	RATE	COST
PAGES REPRODUCED	44	X .10 =	4.40

9. MICROFICHE REPRODUCTION	NUMBER	RATE	COST
MICROFICHE REPRODUCED		X .25 =	

10. PRINTED RECORDS	TOTAL PAGES	RATE	COST
FORMS		X .01 =	
PUBLICATIONS			
REPORTS			

11. *For FOI Office Use Only*

a. SEARCH FEES PAID

e. TOTAL COLLECTABLE COSTS

b. COPY FEES PAID

f. TOTAL PROCESSING COSTS

c. TOTAL PAID

g. TOTAL CHARGED

d. DATE PAID (yr., mo., day)

h. FEES WAIVED/REDUCED

	Y		N
--	---	--	---

* Chargeable to the Requester.

4 Feb 81

(D)

Would you please give
us a copy of what
actually goes out in
response to this?

Thank you

W. J. ...
... 1-61-3-2

156 A-4-Kor



Serial: N0015
5 January 1978

~~CONFIDENTIAL~~

MEMORANDUM FOR THE HONORABLE DEANNE SIEMER, GENERAL COUNSEL,
DEPARTMENT OF DEFENSE

SUBJECT: Pending Congressional Requests

- REFERENCES:
- (a) 15 December 1977 letter from Senator George McGovern to Secretary of Defense
 - (b) Undated letter received on 20 December 1977 from Congressman Louis Stokes to Director, NSA
 - (c) 16 December 1977 letter from Mr. Ira Nordlicht to the Honorable Deanne Siemer

1. Referenced letters iterating requests for information from the National Security Agency present two common issues: namely, whether signals intelligence information is to be provided to Congressional Committees which exercise no traditional oversight over intelligence matters; and, if it is to be provided, how it is to be done. NSA Charter legislation, now in draft form, would obligate the Director to keep the Committees of the Congress, having jurisdiction over the Agency, fully and currently informed of the Agency's activities. Provision of information to other committees would be responsive to policy developed within the community.

2. We anticipate that requests for information, as illustrated by the three referenced letters, will continue to increase and can present difficulties in maintaining good relations with the Congress. While this Agency has been fully responsive to the needs of the Intelligence, Armed Services, and Appropriations Committees, we have treated requests for information by other committees on a purely case-by-case basis. Several times during the past two years, Committees of the Congress which do not have jurisdiction for intelligence oversight have approached NSA directly for foreign signals intelligence information. In each case it has been our understanding that the SIGINT information NSA has provided to the requesting committee is being used as background information in assisting that committee in formulating U.S. policy matters. On these infrequent occasions, NSA has responded directly to the requesting committee providing either access to SIGINT product or briefings, as required.

Classified by DIRNSA/CHCSS (NSA/CSSM 123-2)
Exempt from GDS, EO 11652, Cat 2
Declassify upon notification by the Originator

DOWNGRADE TO CONFIDENTIAL
HVCCO UPON REMOVAL OF INCL

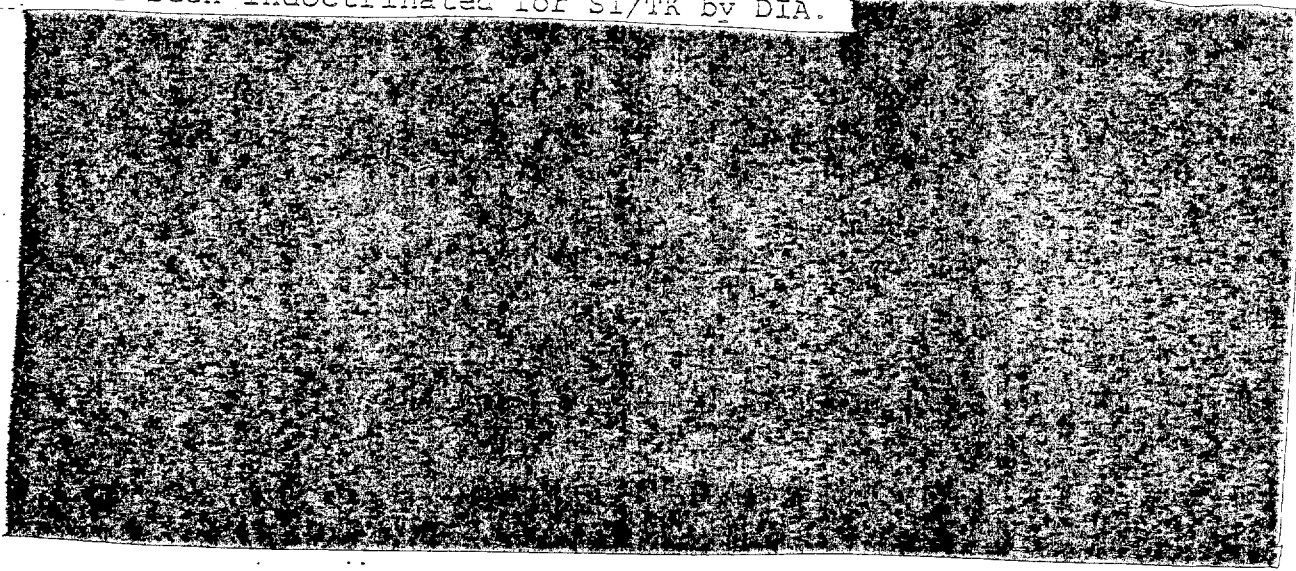
~~TOP SECRET~~

~~CLASSIFIED VIA COMBINT CHANNELS ONLY~~

3. Regarding these three specific requests, inclosed for your information is a summary of NSA's contacts with Senator McGovern's Subcommittee on International Operations. As indicated in the summary and as discussed previously with Mr. Andrews of your staff, we have not shown nor discussed any material with Senator McGovern's staff representative pending the drafting of an approved memorandum of understanding by your office and the execution of such an MOU between the Executive Branch and the Senator.

4. In his letter received by NSA on 20 December, Representative Louis Stokes, Chairman of the House Select Committee on Assassinations, requested certain information from NSA relating to the Cuban intelligence network during the period 1959 - 1964. Chairman Stokes also certified that access to any NSA material would be restricted to those staff members with a TOP SECRET security clearance; access to NSA material, of course, requires indoctrination for SI as well. No response has been made to Chairman Stokes' correspondence pending resolution of how NSA should deal with non-oversight committees. Once that decision is made, we recommend that any SIGINT information selected for the Select Committee on Assassinations be provided only by the DoD or DCI as part of a larger submission of data and that the SIGINT be properly sanitized.

5. Mr. Ira Nordlicht's 16 December letter to you requested information from NSA on the flow of oil to South Africa and Rhodesia. At the time of his initial telephone call, Mr. Nordlicht had a TOP SECRET clearance. It is our understanding that he has since been indoctrinated for SI/TK by DIA.



~~TOP SECRET~~

~~NO RELEASE WITHOUT COMINT DIVISION'S APPROVAL~~

~~CONFIDENTIAL~~
Mr. Nordlicht stated his present request is not related to the previous inquiry.

6. The lack of an MOU or other agreed procedure for dealing with requests for SIGINT from other than the three traditional oversight committees mentioned above has severely hampered NSA's ability to be responsive to the Congress. We urgently recommend that an agreed procedure be developed between the Executive and Legislative Branches which would set forth the terms and conditions on which sensitive cryptologic or other intelligence information would be provided to the non-oversight committees. In the absence of such an agreement with both the Senate Foreign Relations Committee and the House Select Committee on Assassinations, we cannot respond to these queries. We also recommend that your office so advise Congressman Stokes and Mr. Nordlicht and also determine a proper response to Senator McGovern consistent with the President's instructions.



B. R. INMAN
Vice Admiral, U. S. Navy
Director, NSA/Chief, CSS

Incl:
a/s

Copy Furnished:
Col. Stephen Harrick
OASD (LA)

~~TOP SECRET~~

~~NO DISSEMINATION TO THE PUBLIC~~

f/c

SUMMARY OF SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
OF SENATE FOREIGN RELATIONS COMMITTEE
DISCUSSIONS WITH NSA
MAY - NOV 1977

On 6 May 1977, Senator George McGovern, Chairman of the Subcommittee on International Operations, Senate Foreign Relations Committee, sent a letter to NSA informing the Agency of the Subcommittee's pending investigation into matters relating to (1) the activities of intelligence agencies of foreign nations in the U.S. and foreign-sponsored surveillance, harassment or intimidation of private persons, and (2) efforts by foreign interests to influence official U.S. Government policy. We understand that a similar letter was sent to the Secretary on 15 June.

Since that time, Mr. Michael Glennon, Legal Counsel for the Senate Foreign Relations Committee, visited NSA on 15 June to explain in more detail the scope of the Committee's investigation of item (1) above: (a) whether intelligence agencies of foreign nations are engaging in harassment, intimidation and surveillance of foreign nationals here in the U.S.; (b) against whom these activities are directed; (c) who is performing these activities on behalf of the intelligence agencies; (d) how often it occurs and what form it takes; (e) where these activities are conducted; and (f) to what extent U.S. intelligence and law enforcement agencies may be "cooperating" with or "acquiescing" in this activity. This information will, according to Mr. Glennon, help the Committee evaluate the extent to which intelligence agencies of foreign nations can conclude that their activities are condoned. He stated that it was his intention to talk also with the FBI, DIA, and CIA, and we understand he has done so.

[REDACTED]

On 14 September 1977, Mr. Glennon requested by secure telephone that NSA brief him on information NSA may have [REDACTED]

[REDACTED]

Classified by DIRM/ACR/CS (NSA/CSS) 1112
Exempt from GDS, EO 11652, Cat 2
Declassify Upon Authorization by the Originator

[REDACTED]

[REDACTED]

[REDACTED]

Although the Senate Select Committee on Intelligence has been conducting a similar investigation since January 1977, they have focused primarily on [REDACTED]

[REDACTED]

~~TOP SECRET~~

~~HANDLE VIA COMINT CHANNELS ONLY~~


cc: DIR V
D/DIR G
DDO EX REG
Exec DDO L221
ADLA NCRDEF
U1
U2 D4

M/R: a. On 17 May 1977, the Director proposed in a memorandum to the DCI that the DCI assume responsibility for acting as the focal point for requests for intelligence information from any Committee of the Congress which does not have direct oversight responsibilities. This proposal included the recommendation that the channel of communications for such requests should be through a designated individual on the IC Staff and that responses to the Congress should flow back through the same person, providing the DCI, on behalf of the President, the opportunity to review what intelligence information is made available to the Congress. The DCI has never responded to this memorandum.

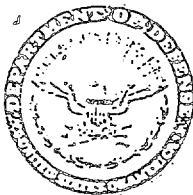
b. Instant memo recommends that an agreed procedure be developed between the Executive and Legislative Branches which would set forth the terms and conditions on which sensitive cryptologic or other intelligence information would be provided to the non-oversight committees. It also recommends OSD GC assume action on R/S 5507 and provides background information on two Congressional requests (references a and c) for SIGINT information now pending in OSD.

c. Deadline on R/S 5507 response to Ms. Siemar extended to 4 January per Col. Steve Harrick, ATSD(LA), and Mr. Bob Andrews, OSD(GC).

d. Mr. Yeates, Exec DDO, and Mr. Brady, GC, concur. Classification reviewed by Mr. Michael Levin, D4.


JULIA WETZEL, U2, 3161s, 4 Jan 78, bj


LAO



~~TOP SECRET~~
NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 21755

D/SIR

Serial: N0078
26 January 1976

TOP SECRET

MEMORANDUM FOR THE PRINCIPAL DEPUTY ASSISTANT SECRETARY
OF DEFENSE (INTELLIGENCE)

SUBJECT: Senate Select Committee Queries to NSA Concerning
the Warren Commission

Reference your letter dated 14 January 1976 transmitting a request from Mr. Alton Quanbeck of the Senate Select Committee Staff. The following information is provided in response to Mr. Quanbeck's letter, keyed by paragraph to his letter (included - see underlined portions). Most of the information was made available to the SSC Staff, Mr. Jim Johnson, during an interview with Dr. Louis Tordella on 20 January 1976.

Para. 1 - NSA requested permission to retain photocopies of those reports on which we had worked merely as record copies of our efforts on behalf of the Commission. It was felt that if a question should arise at that time concerning what analytic efforts had been involved and the number of manhours expended, a record copy would prove useful. No operational use was made of these documents except to hold them on file for a period of time which cannot now be determined. To the best of our present knowledge, the photocopies have now been destroyed. Absolutely no results relevant to the assassination were obtained through NSA's analytic look at the exhibits. The Commission, in the person of Mr. Allan Dulles, had asked Dr. Tordella, informally, to review the exhibits for any secret writing or codes which might have been contained in the documents. Dr. Tordella, after causing a careful review of the documents by NSA cryptanalysts, reported verbally to Mr. Dulles and other Commission members that nothing whatsoever had been achieved by the analytic effort. No written reply was submitted.

Classified by DIRM/CMC (NSA/CSSM 123-2)
Exempt from GDS, EO 12958, etc.
Declassify Upon Notification by the Originator

APPENDED DOCUMENTS CONTAIN
SENSITIVE MATERIAL

~~TOP SECRET~~
~~TOP SECRET~~

Serial: N0078

Para. 2. - NSA is uncertain as to what is precisely meant by these comments, but we assume that the comments on names refer to our biographic files which are maintained on foreign personalities of potential intelligence significance. As the Committee knows, these biographic files are maintained (now at CIA incidentally) as analytic support. It is also possible that the Commission was referring to the fact that names are frequently seen in traffic collected for foreign intelligence purposes and therefore NSA might have access to foreign names not otherwise available to the Intelligence Community.

Para. 3. - It may well be that CIA did obtain such transmissions and pass them to NSA for analysis, but no one presently working that analytic area recalls such a request. Discussions with Dr. Tordella also failed to shed any light on this subject. There are no files or records which we have been able to locate from that time frame which would substantiate such a claim. In fact, the only file the responsible analytic group has been able to locate concerning a request from the Warren Commission deals with a file compiled from open sources citing major dates in the last months of Oswald's life. Presumably the date file was to be compared with NSA product on/about the key dates in the hope that something could be deduced. The file does not contain any "hits." The analysts who performed this effort have since retired.

Para. 4. - The informal request from Mr. Dulles is the known total extent of NSA's role in assisting in the investigation. The file discussed in Paragraph 3 is the only file thus far recovered. There is no information which can now be identified which was developed from Cuban or Soviet transmissions relating to the assassination.

Para. 5. - We have no information on this subject at all. However, pursuant to the subject raised during the Tordella interview, we have searched our files manually, and as Mr. Lowman agreed during the Tordella interview, we have recovered three product reports (Inclosures 2 through 4) which show that Cuban military forces did go on alert immediately after the assassination. There is no SIGINT evidence, however, that the Cuban forces were alerted prior to the assassination, thereby suggesting that they had prior knowledge of the event.

~~TOP SECRET~~

~~PROPERTY OF NSA - NOT TO BE DISTRIBUTED OUTSIDE THE NSA~~

Serial: N0078

Para. 6. - No hard copy material of any kind was provided to the Commission (see Para. 1).



DAVID D. LOWMAN
Special Assistant
to the Director
for Congressional Reviews

4 Incls:
a/s

~~TOP SECRET~~

3
~~TOP SECRET~~

Serial: N0078

cc: DIR (~~Less Incls~~)
D/DIR " [REDACTED]
ESS " [REDACTED]
ESS/R
ESS, Mr. Lowman
G, [REDACTED]
NCRDEF
A, Miss Caracristi (Less Incls)
L221 " "

M/R: Inclosures 2 through 4 are product reports numbered
2/O/[REDACTED]/R66-63, 2/O/[REDACTED]/R196-63 and 2/O/[REDACTED]/R58-63.

[REDACTED]
Frank Foster/O/ESS/3161s/26 Jan 76/kjb

Serial: N 9347R2

8 OCT 1976

Director
Federal Bureau of Investigation
Attn: POLA Unit, Room 5273
9th & Pennsylvania Avenue
Washington, D. C.

Dear Sir:

1. (C-CCO) Inclosed please find a copy of our letter of referral to you concerning Mr. Robert Kessler's Freedom of Information Act request to the National Security Agency. Please be advised that the FBI memorandum dated 26 November 1963, Subject: Lee Harvey Oswald Internal Security, contains classified information furnished you by this Agency. We have reviewed the NSA information which was the basis for much of your memo. This NSA information was classified TOP SECRET DADNT at the time of your memo. Our review of this information reveals that it should continue to be protected by the classification TOP SECRET UMBRA.

2. (U) Request you take action to classify the subject memorandum.

3. (U) Additionally, in your processing of this FOI referral, the NSA information in paragraphs 1 through 4 of your 26 November 1963 memo is protected from disclosure by the following exemptions of Title 5 U.S.C. 552 as amended by Public Law 93-502:

a. Title 5 U.S.C. 552(b)(1) - The information is properly classified in accordance with the criteria for classification in Section 1 of Executive Order 11652, and paragraph 2-303 of Department of Defense (DoD) Regulation 5200.1-R. This information is properly excluded from automatic downgrading and declassification pursuant to Chapter 3, Section 3 of DoD Regulation 5200.1-R and Section 5(B) of Executive Order 11652.

b. Title 5 U.S.C. 552(b)(3) - Statutory Protection. Under the (b)(3) exemption, the specific statutes are Title 18 U.S.C. 793, Title 50 U.S.C. 403(d)(3) and Section 6 of Public Law 86-36.

4. (U) Also, the name and initials of NSA personnel and the NSA organization designator on ~~the~~ hand written

SECTION DELETED
BY SA [unclear] DATE
REMOVED

~~HANDLE VIA COMINT CHANNELS ONLY~~
~~HANDLE VIA COMINT CHANNELS ONLY~~

~~TOP SECRET UMBRA~~

Serial: N 9347R2

memo of 9 February 1976 are protected from release by Title 5
U.S.C. 552(b)(3). Public Law 96-36 applies.

5. (U) Recommend these exemptions be applied.

Sincerely,

Original Signed By

NORMAN BOARDMAN
Information Officer

Incl:
a/s

cc: ESS/R (Less Incl)
L221. " "
D4 RF " "
D4 SF " "
D6 (Less Incl)

Concur: D6 _____ SC/DIR has seen

~~_____~~ D4, 3083, 8 Oct 76, lf

John Orion Pittman

Four US (USA) documents (travel).

dated

(1) 14 April 1970

(2) 11 March 1970

(3) 7 May 1970

(4) 25 June 1969

VSA

~~SECRET~~
SECRET



**NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE**
FORT GEORGE G. MEADE, MARYLAND 20755-6000

SERIAL: J9001

28 JAN 1988

Central Intelligence Agency
Mr. Lee S. Strickland
Chief, Information Review Staff
1107 Ames Building
Washington, DC 20505

*File:
JFK*

ATTN: Deborah A. Kircher

1. THIS RESPONDS TO YOUR MEMORANDUM(S) DATED 21 December 1987		CONCERNING A REQUEST FROM Mark Allen, F81-0351, CA81-2543	
2. YOUR MEMORANDUM(S) FORWARDED FOR REVIEW:			
<input type="checkbox"/>	DOCUMENT(S) ORIGINATED BY NSA/CSS	<input checked="" type="checkbox"/> DOCUMENT(S) NOT ORIGINATED BY NSA/CSS BUT CONTAINING NSA/CSS INFORMATION	
<input checked="" type="checkbox"/>	3. APPROPRIATE DELETIONS HAVE BEEN MADE PURSUANT TO THE EXEMPTIONS CHECKED BELOW. THE REMAINING NSA/CSS INFORMATION MAY BE RELEASED TO THE REQUESTER.		
<input checked="" type="checkbox"/>	4. THE INFORMATION IS PROTECTED FROM DISCLOSURE PURSUANT TO THE EXEMPTIONS CHECKED BELOW.		
<input checked="" type="checkbox"/>	5. 5 U.S.C. 552 (b) (1) - THE INFORMATION IS PROPERLY CLASSIFIED IN ACCORDANCE WITH THE CRITERIA FOR CLASSIFICATION IN SECTION 1-3 OF EXECUTIVE ORDER 12356.		
<input checked="" type="checkbox"/>	6. 5 U.S.C. 552 (b) (3) - THE SPECIFIC STATUTE(S) IS/ARE LISTED BELOW.		
<input type="checkbox"/>	<input type="checkbox"/> 50 U.S.C. 402 NOTE (Public Law 86-36, Section 6)	<input checked="" type="checkbox"/> 50 U.S.C. 403 (d) (3)	<input type="checkbox"/> 18 U.S.C. 798
<input type="checkbox"/>	<input type="checkbox"/> 7. 5 U.S.C. 552 (b) (5)	<input type="checkbox"/> 5 U.S.C. 552 (b) (6)	
<input type="checkbox"/>	<input type="checkbox"/> 8. 5 U.S.C. 552 (b) (7) (C)	<input type="checkbox"/> 5 U.S.C. 552 (b) (7) (D)	
<input type="checkbox"/>	9. THE DISCLOSURE THAT THE INFORMATION CONTAINED IN YOUR RECORD(S) IS THE RESULT OF SENSITIVE COMPARTMENTED INFORMATION REQUIRES ADDITIONAL SPECIAL PROTECTION AND HANDLING PROCEDURES. PLEASE ENSURE THAT, IN ALL INSTANCES WHERE THE INFORMATION IN YOUR RECORD(S) IS ASSOCIATED WITH THIS AGENCY AS THE ORIGINATOR, OR IN ANY OTHER WAY REVEALS SENSITIVE COMPARTMENTED INFORMATION AS THE SOURCE, THE RECORD(S) AND ALL OTHER SUCH INDICATIVE RECORDS IS/ARE AFFORDED THE APPROPRIATE PROTECTION.		
<input checked="" type="checkbox"/>	10. WE DO NOT WISH TO BE PUBLICLY REVEALED AS THE ORIGINATOR OF THE INFORMATION CONTAINED IN THE RECORD(S) AS THIS IDENTIFICATION IN ITSELF MAY BE A DISCLOSURE OF CLASSIFIED INFORMATION. IN ADDITION, WE DO NOT WISH TO PUBLICLY ASSERT OUR EXEMPTIONS PURSUANT TO 18 U.S.C. 798 AND PUBLIC LAW 86-36 SINCE THE USE OF THESE STATUTES AND ASSOCIATION WITH NSA/CSS COULD REVEAL THAT THE INFORMATION CONTAINED IN THE RECORD(S) WAS DERIVED FROM SENSITIVE COMPARTMENTED INFORMATION SOURCES. THIS REVELATION, TOGETHER WITH THE SPECIFIC DESCRIPTION BY THE REQUESTER OF THE KINDS OF INFORMATION OR RECORDS SOUGHT, WOULD DISCLOSE CLASSIFIED INFORMATION ABOUT INTELLIGENCE SOURCES AND METHODS. THEREFORE, WE WOULD APPRECIATE YOUR RESPONDING DIRECTLY TO THE REQUESTER ON BEHALF OF, BUT WITHOUT MENTIONING, NSA/CSS, ASSERTING THE EXEMPTION(S) INDICATED IN PARAGRAPH(S) ABOVE.		
<input type="checkbox"/>	11. THE CLASSIFICATION OF CERTAIN INFORMATION IN THE ENCLOSED RECORD(S) HAS BEEN CHANGED. PLEASE MARK ALL COPIES ACCORDINGLY.		

12. ADDITIONAL COMMENTS

See attached

13. IF YOU HAVE ANY QUESTIONS OR COMMENTS PLEASE CALL

PHONE

Rona Lerner

688-6527

Downgrade to CONFIDENTIAL upon removal of enclosures.

Sincerely,

Carol A. Hewitt

JULIA B. WETZEL
Director of Policy

Serial: J9001

The information highlighted in yellow should be protected pursuant to the exemptions cited in blocks 5 and 6. As indicated in block 10, we do not wish to be publicly identified as the originator of the information or the source of any redactions. In citing 5 U.S.C. 552 (b)(3), cite only 50 U.S.C. 403(d)(3).

Serial: J9001

cc: Q43

Concur U: *Russell G. Galt* CPT USA 28 Jan 88

M/R: (S-CCO) FOIA referral of a document containing a list of the dates of NSA reports used by the CIA to compile records pertaining to U.S. defectors to the USSR. The document was located pursuant to a request for records between the CIA and the U.S. House Select Committee on Assassinations relating to President Kennedy.

(S-CCO) The document with the NSA information is not classified in and of itself. Its association with records pertaining to the Kennedy assassination is also not classified. The association with the records pertaining to defectors to the USSR, however, is classified SECRET-CCO. We are, therefore, advising the CIA that the identification of NSA on the document is to be redacted pursuant to b(1) and b(3)/403(d)(3). We ask that CIA not name NSA as the source of the information or redaction.

R. G. Galt

R. Lerner, Q43, 963-5825, 26 Jan 88

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED~~

~~DATE 11/11/00 BY 60322 UCBAW~~

[REDACTED]
5 December 1966

MEMORANDUM FOR THE RECORD

SUBJECT: "American Defectors to the USSR."

1. The attached material was part of a soft file entitled "American Defectors to the USSR", which was set up by [REDACTED] around 1960 and maintained by various [REDACTED] components until ca. 1963. The compilations were derived from a variety of sources, and contain both classified and overt data.

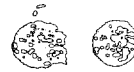
2. In the fall of 1966, the files were turned over to [REDACTED]. In most instances, basic information was then abstracted [REDACTED]. In all instances in which the material was unique, or represented a valuable collation effort, it has been incorporated into the appropriate 201 file, along with a copy of this memorandum.

3. It is suggested that any dissemination of this data should be coordinated with [REDACTED] and with [REDACTED], in view of the frequently inadequate sourcing and of the fact that disseminations have already been made [REDACTED].

Orig [REDACTED]

1 [REDACTED]
1 [REDACTED]
1 [REDACTED]
1 [REDACTED]

[REDACTED] [REDACTED] 8621

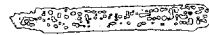


M. PITTMAN ✓



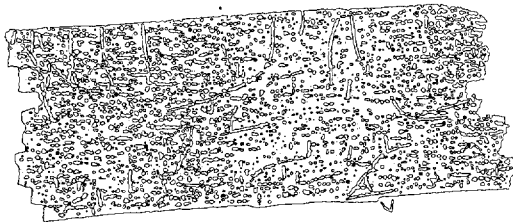
John
Margaret } PITTMAN

Both are in Moscow, Communists, working as correspondents for
"The Worker".



FBI REPORT

19 Aug 60



PITTMAN, John

COM
USA

Paris correspondent of American "Daily Worker".
[REDACTED] (May 47)

JUL 11 1952

FRANCE

24 November 1978


TO: DIR

SUBJECT: House Assassinations Committee Report

1. Enclosed is a new request from Mr. Blakey.
2. We have learned from the FBI that the subject of the inquiry is Mr. Gilberto Lopez Rodriguez a.k.a. Gilberto Lopez Polichaepo.
3. There is some information on this individual contained in the enclosed COMINT report of May 1962.
4. Dan Silver and I have prepared a proposed response - also enclosed - which pretty much protects the COMINT source while providing info to the Committee.
5. Request your approval.

for
EUGENE F. YEATES

Encl:
a/s

cc: D/DIR
ADPL
GC 

~~SECRET~~

Legislative Affairs

24 November 1978

TO: Judy Miller

1. Enclosed is a request made directly to us by Mr. Blakey and a reply which we propose be provided to Mr. Blakey by Mr. Kester.

2. If you have any questions concerning this please give me a call.


EUGENE F. YEATES

Encl:
a/s

~~SECRET~~
D R A F T

~~SECRET~~
Mr. G. Robert Blakey
Chief Counsel and Director
Select Committee on Assassinations
U.S. House of Representatives
3331 House Office Building, Annex 2
Washington, DC 20515

Dear Mr. Blakey:

This responds to your letter of November 13, 1978, directed to a component of the Department of Defense.

With respect to the subject of the FBI file to which the requested information relates, the information held by the Department of Defense indicates that the individual who has been identified by the FBI as the object of your inquiry applied for, and was granted permission to enter Cuba in late March 1962, entry to be made within 30 days.

Sincerely,

JOHN G. KESTER
Special Assistant to
The Secretary

~~SECRET~~

LEWIS STOKES, OHIO, CHAIRMAN

RICHARDSON PREYER, N.C.
WALTER E. FAUNTROY, D.C.
YVONNE BRATHWAITE BURKE, CALIF.
CHRISTOPHER J. DODD, CONN.
MAROLD E. FORD, TENN.
FLOYD J. PITTMAN, IND.
ROBERT W. EDGAR, PA.

SAMUEL L. DELANEY, OHIO
STEWART B. MCKEY, CONN.
CHARLES THOMAS, MISS.
MAROLD S. SAWYER, KICH.

Select Committee on Assassinations

U.S. House of Representatives

3369 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20515

*John
Cyrus Pond
47-78*

(202) 223-4624

November 13, 1978

Legislative Affairs Office
National Security Agency
Section D-1, Room 9A119
Fort George G. Meade, Maryland 20755

Gentlemen:

In connection with its investigation into the circumstances surrounding the death of President John F. Kennedy, the Select Committee on Assassinations requests access to NSA Document 3/0/CUD/R 12-62 dated May 15, 1962, consisting of two pages. That document is referenced in FBI Bufile #64-330-210-1262 and was deleted from the FBI file pursuant to the Third Agency Agreement.

Your cooperation and prompt attention to this request is appreciated.

Sincerely,

G. Robert Blakey

- G. Robert Blakey
Chief Counsel and Director

GRB: sbg

*15 Nov
Requested doc from John Murral*

RICHARDSON P. EYER, M.C.
WALTER E. PAUNTROY, D.C.
YOUNG BATHWALTE BURRE, CALIF.
WALTER J. DODD, CONN.
MAROL S. SPOTEM.
FLOYD J. PITKIN, ILL.
ROBERT W. EDGAR, PA.

SAMUEL L. DEVINE, OHIO
STEWART D. MCINNEY, CONN.
CHARLES TONK, MISS.
MAROLD S. SAWYER, MICH.

Select Committee on Assassinations

U.S. House of Representatives

3331 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20515

July 10, 1978

Legislative Affairs Office
National Security Agency
Section D-1, Rm. 9A119
Fort George G. Meade
Maryland 20755

Gentlemen:

In connection with its investigation into the circumstances surrounding the death of President Kennedy, the Select Committee requests access to any and all telegrams, or other communications, sent from Cobo Cleaners in Detroit, Michigan, by Earl Ruby, or any other individuals, to Cuba in March and April of 1962.

Your assistance in this matter would be greatly appreciated.

Sincerely,



G. Robert Blakey
Chief Counsel and Director

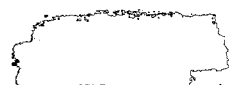
GRB:dm

Mr. S. Lee



FBI from

Mr. Yates.



24 Jul 78



OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

JUL 18 1978

Distribution List for Requests of
House Select Committee on Assassinations

From: Judith A. Miller
Assistant to The Special Assistant

_____ Eric T. Freyfogle	Office of the General Counsel, Department of the Army
_____ Sara Lister	Associate General Counsel, Department of the Navy
_____ Major Dick Flowers	Office of the Secretary of the Air Force Legislative Liaison
_____ John Brock	General Counsel, Defense Intelligence Agency
_____ Colonel Hartig	Defense Investigative Service

✓
_____ NSA

*Legislative Affairs Office
NSA*

Suspense: July 25, 1978

MEMORANDUM FOR THE RECORD

7 July 1978

SUBJECT: Phone Call from House Select Committee on Assassinations

This office received a phone call this date from a staffer of the House Select Committee on Assassinations who said the Committee is "doing research on a personality and needs some information from the Cuban messages" and wanted to know how to address a letter to NSA. She was given LAO's address and said the letter would be on its way shortly.



Legislative Affairs

RS
for LAO

cc: DIR
D/DIR
GC ←

JBS
NO
Chid

File Congressional Committee

PRESIDENT'S COMMISSION
ON THE
ASSASSINATION OF PRESIDENT KENNEDY

200 Maryland Ave. N.E.
Washington, D.C. 20002
Telephone 545-1400

J. LEE RANKIN,
General Counsel

EARL WARREN,
Chairman
RICHARD B. RUSSELL
JOHN SHERMAN COOPER
HALE BOGGS
GERALD R. FORD
JOHN J. McCLOY
ALLEN W. DULLES

April 21, 1964

Lieutenant General Gordon A. Blake
Director
National Security Agency
Fort George G. Meade, Maryland

Dear General Blake:

Representatives of the Commission have recently returned from Mexico City, where they conferred with officials of the American Embassy and with representatives of various federal investigative agencies abroad.

From the information gathered during this trip we feel that the National Security Agency may be in a position to furnish the Commission with some valuable assistance in its work. I would appreciate it if a representative of your Agency would telephone or otherwise contact Mr. W. David Slawson of the Commission Staff to arrange a conference on this subject in the near future.

Thank you for your cooperation in our work.

Sincerely,

J. Lee Rankin
General Counsel

42986
CBOA42

PRESIDENT'S COMMISSION
ON THE
ASSASSINATION OF PRESIDENT KENNEDY

200 Maryland Ave. N.E.
Washington, D.C. 20002
Telephone 543-1400

EARL WARREN,
Chairman
RICHARD B. RUSSELL
JOHN SHERMAN COOPER
HALE BOGGS
GERALD R. FORD
JOHN J. McCLOY
ALLEN W. DULLES

J. LEE RANKIN,
General Counsel

JUL 10 1964

Lieutenant General Gordon A. Blake, U. S. A. F.
Director, National Security Agency
Fort George G. Meade, Maryland

Dear General Blake:

In regard to Dr. Tordella's request, the National Security Agency is authorized to keep for its file the following photographic copies of items which have been used by the Commission in its investigation:

- (1) Commission Exhibit 31
- (2) Commission Exhibit 15
- (3) Commission Exhibit 104
- (4) Commission Exhibit 18
- (5) Typewritten version of Commission Exhibit 24
- (6) F. B. I. items A-2, A-6
- (7) F. B. I. items 137, 152

Thank you for the cooperation and assistance you have rendered the Commission.

Sincerely,

J. Lee Rankin
General Counsel

AP
Carie:
Are these the items
we desired to retain?
Assured yes on 1/8/8
cc retained by Carie Perry

42-986
CBOA42

~~CONFIDENTIAL~~

*** BEGIN MESSAGE 1 ***

SERIAL=MOSCOW273-92 UDN=V00 (1850)

CLASS=~~CONFIDENTIAL~~

~~CONFIDENTIAL~~ NS1108

PAGE 01 MOSCOW 00273 032056Z

ACTION EUR-01

INFO	LOG-00	AID-01	AMAD-01	CIAE-00	C-01	DODE-00	EAP-01
	E-01	CSCE-01	HA-09	H-01	INRE-00	INR-01	L-03
	ADS-00	MOFM-01	MOP-03	M-01	NPI-01	NRRC-01	NSAE-00
	NSCE-00	OKB-01	PA-01	PK-01	PRS-01	P-01	SCT-03
	SDEL-01	SNP-01	SP-01	SSO-00	SS-01	TRSE-00	T-01
	USIE-00	/041W					

-----BDD794 032056Z /36

O 032051Z JAN 92

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 5886

BT

~~CONFIDENTIAL~~ MOSCOW 000273

SERIAL: MOSCOW00273-92

FOR P, C/E, H, EUR/SOV AND EAP/VLC

E.O. 12356: DECL: OADR

TAGS: PREL, PINR, MOPS, UR

SUBJECT: KGB INTERROGATIONS OF AMERICAN POWS IN
- VIETNAM -- MORE FROM KALUGIN

REF: A)STATE 00061, B)MOSCOW 00072

1. CONFIDENTIAL -- ENTIRE TEXT.

2. IN RESPONSE TO REF A REQUESTS, EMBOFF AGAIN CONTACTED EX-KGB GENERAL OLEG KALUGIN (PROTECT) ON JANUARY 3 TO FOLLOW-UP ON POSSIBLE EMBASSY ACCESS TO OLEG NECHIPORENKO, THE EX-KGB OFFICER KALUGIN HAS

NAMED AS THE INDIVIDUAL WHO LED THE 1977-78 INTERROGATIONS OF AMERICAN POWS IN VIETNAM.

3. KALUGIN SAID THAT HE HAD JUST VISITED NECHIPORENKO TO URGE HIM TO GO PUBLIC WITH HIS INFORMATION AND TO SPEAK WITH EMBASSY OFFICERS ABOUT THE MATTER. ACCORDING TO KALUGIN, NECHIPORENKO SAID THAT HE WILL MAKE HIS FINAL DECISION ON WHETHER OR NOT TO GO PUBLIC AFTER THE RUSSIAN CHRISTMAS HOLIDAYS (AFTER JANUARY 7). NECHIPORENKO ALSO SAID THAT HE FELT COMPELLED TO SPEAK TO HIS FORMER KGB SUPERIORS ABOUT THE MATTER BEFORE MAKING A FINAL DECISION. IN KALUGIN'S OPINION, HOWEVER, NECHIPORENKO WILL GO PUBLIC AND PROBABLY VERY SOON. KALUGIN SAID THAT NECHIPORENKO ALREADY MENTIONED THAT HE HAD DISCUSSED WITH A NEW YORK TELEVISION COMPANY THE POSSIBILITY OF DOING SOME INTERVIEWS ON ANOTHER SUBJECT -- HIS MEETINGS WITH LEE HARVEY OSWALD IN MEXICO CITY.

4. EMBOFF ALSO ASKED KALUGIN WHETHER OR NOT HE COULD SUBSTANTIATE HIS CLAIMS ABOUT KGB INTERROGATIONS OF AMERICAN POWS IN 1978 WITH SOME

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

DOCUMENTATION, ARCHIVES, OR OTHER EVIDENCE. KALUGIN SAID THAT UNFORTUNATELY HE COULD NOT. HE ADMITTED THAT HIS ONLY LIKELY SOURCE OF SUBSTANTIATION AT THE MOMENT IS NECHIPORENKO. KALUGIN EXPRESSED SOME CONCERN THAT IF NECHIPORENKO DECIDED NOT TO COME FORWARD IT COULD CAST SOME DOUBT ON KALUGIN'S CREDIBILITY.

5. KALUGIN ADVISED EMBOFF THAT, ACCORDING TO THE ITINERARY CNN HAS PREPARED FOR HIM, HE EXPECTS TO DEPART MOSCOW ON JANUARY 8 AND FLY DIRECTLY TO LOS ANGELES, THEN ON TO SAN FRANCISCO, NEW YORK, WASHINGTON, D.C., AND ATLANTA. HE WILL BE IN WASHINGTON JANUARY 15-17. KALUGIN SAID THAT HE WOULD BE SPEAKING TO NECHIPORENKO AGAIN BEFORE LEAVING FOR THE U.S. AND WOULD AGAIN URGE NECHIPORENKO TO AGREE TO SPEAK TO AN EMBASSY OFFICER. KALUGIN DECLINED TO GIVE EMBOFF NECHIPORENKO'S TELEPHONE NUMBER AT THIS TIME.

COLLINS

BT

~~CONFIDENTIAL~~

NNNN

NNN

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

*** BEGIN MESSAGE 2 ***

SERIAL=MOSCOW72-92 UDN=V00(1870)
CLASS=~~CONFIDENTIAL~~

~~CONFIDENTIAL~~ NSA0017

PAGE 01 MOSCOW 0007Z 030826Z

ACTION EUR-01

INFO	LOG-00	AID-01	AMAD-01	CIAE-00	C-01	DODE-00	EAP-01
	E-01	CSCE-01	HA-09	H-01	INRE-00	INR-01	L-03
	ADS-00	MOFM-01	MOF-03	M-01	NPI-01	NRRC-01	NSAE-00
	NSCE-00	OMB-01	PA-01	PM-01	PRS-01	P-01	SCT-03
	SDEL-01	SNP-01	SP-01	SSO-00	SS-01	TRSE-00	T-01
	USIE-00	/041W					

-----BDDE34 030826Z /38

O 030823Z JAN 92
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC IMMEDIATE 5686
BT

~~CONFIDENTIAL~~ MOSCOW 00007Z

SERIAL: MOSCOW00072-92
FOR P, C/E, H, EUR/SOV AND EAP/VLC
E.O. 12356: DECL: OADR
TAGS: PREL, PINR, MOPS, UR
SUBJECT: EX-KGB GENERAL KALUGIN ON AMERICAN POW
- INTERROGATIONS IN VIETNAM
REF: STATE 871

1. CONFIDENTIAL -- ENTIRE TEXT.
2. EMBOFF CONTACTED EX-KGB GENERAL OLEG KALUGIN (PROTECT) ON JANUARY 2 TO INQUIRE ABOUT HIS PLANS TO TRAVEL TO WASHINGTON TO MEET WITH SENATE INVESTIGATORS. KALUGIN CONFIRMED THE REPORT WHICH

APPEARED IN A JANUARY 2 ASSOCIATE PRESS STORY THAT HE WOULD BE MEETING WITH SENATE INVESTIGATORS TO DISCUSS FURTHER HIS OFT REPEATED CLAIM THAT THE KGB INTERROGATED THREE AMERICAN POWS IN VIETNAM IN 1978.

3. KALUGIN EXPRESSED SURPRISE THAT WASHINGTON IS GIVING SO MUCH ATTENTION TO HIS ASSERTIONS -- PARTICULARLY SINCE HE HAS NOT SAID ANYTHING NEW OR DIFFERENT ABOUT THE CASE SINCE HE FIRST SPOKE OUT PUBLICLY ON THIS ISSUE SEVERAL MONTHS AGO. NEVERTHELESS, HE TOLD EMBOFF THAT HE WANTED TO BE AS HELPFUL AS POSSIBLE.

4. KALUGIN SAID THAT HE HAD RECENTLY BEEN IN TOUCH WITH ONE OF THE FORMER KGB INTERROGATORS WHO QUESTIONED THE AMERICAN POWS IN VIETNAM IN 1978. THE INTERROGATOR, KALUGIN TOLD EMBOFF, HAS RECENTLY DECIDED TO GO PUBLIC IN THE NEAR FUTURE WITH WHAT HE KNOWS ABOUT THE INCIDENT. KALUGIN SAID THAT HE PLANNED TO SPEAK WITH HIS FORMER COLLEAGUE ON JANUARY 3 TO DISCUSS HIS INTENTIONS FURTHER. KALUGIN ALSO SAID THAT THE FORMER INTERROGATOR CLAIMED TO HAVE OTHER INFORMATION OF INTEREST TO THE

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

U.S. -- HE CLAIMED TO HAVE INFORMATION ABOUT LEE HARVEY OSWALD THAT "EVEN THE KGB NEVER HAD." THE INTERROGATOR TOLD KALUGIN THAT HE MET WITH OSWALD IN MEXICO CITY NOT LONG BEFORE PRESIDENT KENNEDY WAS ASSASSINATED AND THAT HIS INFORMATION ABOUT OSWALD WAS DERIVED FROM THIS MEETING.

5. POST NOTES THAT KALUGIN, PERHAPS THROUGH FORCE

OF HABIT, DECLINED TO PROVIDE THE NAME OF THIS PERSON OVER THE PHONE, WHILE INDICATING THAT HE BELIEVED THE PERSON WOULD INDEED BE WILLING TO TALK TO THE EMBASSY. HE DID NOT RPT NOT SIMPLY DECLINE TO PROVIDE THE NAME OF THE PERSON.--

6. EMBOFF ASKED KALUGIN WHETHER OR NOT IT WOULD BE POSSIBLE FOR AN EMBASSY OFFICER TO INTERVIEW THE ALLEGED POW INTERROGATOR BEFORE HE WENT PUBLIC WITH HIS STORY. KALUGIN SAID THAT HE WOULD ASK, BUT THOUGHT THAT HIS FORMER COLLEAGUE WOULD WELCOME THE OPPORTUNITY.

7. KALUGIN IS EXPECTED TO CONTACT EMBOFF ON JANUARY 3 WITH MORE INFORMATION AND TO ASK FOR ASSISTANCE WITH HIS VISA REQUEST. KALUGIN PLANS TO TRAVEL TO ATLANTA ON JANUARY 6 AND TO WASHINGTON ON JANUARY 14. CNN IS HOSTING HIS ENTIRE VISIT TO THE U.S. IN CONJUNCTION WITH A LONG-TERM DOCUMENTARY PROJECT KALUGIN HAS AGREED TO WORK ON. KALUGIN DOES NOT YET KNOW WHERE HE WILL BE STAYING IN WASHINGTON BUT TOLD EMBOFF THAT HE WOULD BE VERY PLEASED TO MEET WITH EUR/SOV DIRECTOR AND/OR OTHER STATE DEPARTMENT REPRESENTATIVES DURING HIS VISIT. HE WILL CALL EUR/SOV DIRECTOR UPON ARRIVAL IN WASHINGTON.

8. EMBASSY WILL PROCEED WITH EFFORTS TO CONTACT NECHIPORENKO, MARTINOF AND "ANDRE." IF WE ARE ABLE TO CONTACT KALUGIN AGAIN TODAY, WE MAY BE ABLE TO OBTAIN CONTACT INFORMATION ON NECHIPORENKO. EFFORTS TO TRACK DOWN THE OTHER TWO INDIVIDUALS ARE LIKELY TO TAKE CONSIDERABLY MORE TIME GIVEN THE LIMITED

INFORMATION PROVIDED.

COLLINS

BT

NNN

~~CONFIDENTIAL~~

NNNN

~~CONFIDENTIAL~~

UNCLASSIFIED

*** BEGIN MESSAGE 8 ***

SERIAL=MOSCOW1592-93 UDN=W00(22874)
CLASS=UNCLASSIFIED

UNCLASSIFIED NSA0651

PAGE 01 MOSCOW 01592 210945Z

ACTION EUR-01

INFO	LOG-00	AID-01	A-01	BIB-01	CA-02	CCO-00	CIAE-00
	CTME-00	C-01	OASY-00	DODE-00	CISA-02	DS-00	EB-01
	OIGO-01	FBO-01	HA-09	H-01	IMMC-01	INRE-00	INR-01
	IO-19	LAB-04	L-03	MCO-01	ADS-00	MOFM-04	MOF-03
	M-01	NPI-01	NRRC-00	NSAE-00	NSCE-00	OCS-06	OIC-02
	CMB-01	OPR-01	PA-02	PM-02	PRS-01	P-01	SCT-03
	SDEL-00	SIL-00	SNP-00	SP-00	SR-00	SSO-00	SS-00
	STR-17	TRSE-00	T-01	USIE-00	USSS-00	SA-01	ASDS-01
	RPE-00	- /099W					

-----928C04 210947Z /38

R 210938Z JAN 93
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC 1907
INFO AMEMBASSY MINSK
BT

UNCLAS MOSCOW 001592
SERIAL: MOSCOW01592-93
DEPT FOR EUR/ISCA, HA AND H
E.O. 12356: N/A

TAGS: PREL, PHUM, RS

SUBJECT: KENNEDY ASSASSINATION RECORDS

REFS: A) STATE 03120 B) MOSCOW 00514

1. REGARDING THE REQUEST UNDER SECTION 10 OF THE
JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION ACT

(REF A), IT HAS COME TO EMBASSY'S ATTENTION THAT SOME
OF THE RECORDS IN QUESTION MAY IN FACT NO LONGER BE
IN RUSSIAN HANDS. IN A SERIES OF ARTICLES LAST
AUGUST, THE DAILY NEWSPAPER "IZVESTIYA" REPORTED THAT
THE KGB FILES ON LEE HARVEY OSWALD ARE IN THE HANDS
OF THE BELARUS STATE SECURITY SERVICES IN MINSK.

2. IN THE MEANTIME, MFA NORTH AMERICA DEPARTMENT
DEPDIR SMIRNOV REMINDED EMBOFF JANUARY 18 OF THE
GOR'S REQUEST FOR THE TEXT OF SECTION 10 OF THE ACT
AND THE ADDITIONAL DETAILS OF CONGRESSIONAL ADOPTION
OF THE ACT AND THE LEGISLATIVE BACKGROUND (REF B).

COLLINS

BT

UNCLASSIFIED NNNN

NNN

UNCLASSIFIED

UNCLASSIFIED

*** BEGIN MESSAGE 3 ***

SERIAL=SHANGH3241-92 UDN=V02(27099)
CLASS=UNCLASSIFIED

UNCLASSIFIED NSAS266

PAGE 01 SHANGH 03241 01 OF 02 210616Z

ACTION EAP-01

INFO LOG-00 AIT-03 AMAD-01 CIAE-00 DODE-00 INRE-00 INR-01
NSAE-00 PA-02 PRS-01 SP-01 /010W

-----351E88 210816Z /38

F R 210810Z MAY 92
FM AMCONSUL SHANGHAI
TO AMEMBASSY BEIJING PRIORITY
USIA WASHDC PRIORITY 2770
SECSTATE WASHDC 8574
INFO AMCONSUL-GUANGZHOU
AMCONSUL SHENYANG
AMCONSUL HONG KONG
AIT TAIPEI
USCINCPAC HONOLULU HI/USIA
BT

UNCLAS SECTION 01 OF 02 SHANGHAI 03241
SERIAL: SHANGH03241-92
BEIJING PLEASE PASS CHENGDU
USIA
BEIJING FOR USIS
USIA FOR D, EA, P/M, P/G, P/R, P/PPF, B/TVW, B/TVP, B/VOA/F, R
STATE FOR EAP/CM, EAP/P
AIT FOR CIS AND CLASS/RAY MCGUNIGLE

E.O. 12356: N/A

SUBJ: SHANGHAI MEDIA REACTION--MAY 21, 1992

HEADLINES:

1. U.S. AND KAZAKHSTAN REACH AGREEMENT ON NUCLEAR WEAPONS
2. JOHN KENNEDY WAS KILLED BY ONE GUNMAN, TWO BULLETS
1. THE MAY 21 WENHUI DAILY (CIRCULATION 1,000,000) CARRIED A PAGE-4 ARTICLE BY ITS WASHINGTON CORRESPONDENT, ZHU XINGFU, REPORTING ON THE NUCLEAR WEAPONS AGREEMENT BETWEEN THE U.S. AND KAZAKHSTAN. A TRANSLATION FOLLOWS:
"...THE U.S. AND KAZAKHSTAN REACHED AN AGREEMENT IN WASHINGTON TUESDAY ON THE ELIMINATION OF NUCLEAR WEAPONS IN KAZAKHSTAN. THE AGREEMENT MARKS IMPORTANT PROGRESS BETWEEN THE U.S. AND THE FORMER SOVIET REPUBLICS ON HOW TO CARRY OUT THE START TREATY SIGNED IN 1991 AND HOW TO CONTROL THE PROLIFERATION OF NUCLEAR WEAPONS IN THE FORMER SOVIET UNION.
"...KAZAKH PRESIDENT NAZARBAYEV VOWED AFTER HOLDING TALKS WITH PRESIDENT BUSH TUESDAY THAT KAZAKHSTAN WOULD REMOVE THE 104 SOVIET MADE SS-18 LONG RANGE NUCLEAR MISSILES IN ITS TERRITORY. HE ALSO INDICATED THAT, UPON APPROVAL BY ITS PARLIAMENT, KAZAKHSTAN WILL JOIN THE INTERNATIONAL NON-PROLIFERATION TREATY.
"...BECAUSE ITS NATIONAL SECURITY HAD NOT BEEN EFFECTIVELY GUARANTEED, KAZAKHSTAN HAS NOT BEEN WILLING TO ABANDON ITS

UNCLASSIFIED

UNCLASSIFIED

NUCLEAR WEAPONS. AFTER EXTENSIVE DISCUSSIONS WITH OTHER FORMER SOVIET REPUBLICS AND THE U.S., KAZAKHSTAN DECIDED TO GIVE UP NUCLEAR WEAPONS. NAZARBAYEV SAID THAT THE U.S. IS WILLING TO RECOGNIZE KAZAKHSTAN AS AN INDEPENDENT PARTY WITH REGARD TO THE REDUCTION OF STRATEGIC NUCLEAR WEAPONS. BESIDES, U.S. SECRETARY OF STATE BAKER REITERATED IN A LETTER THE U.S. PROMISE TO PROTECT NUCLEAR-FREE COUNTRIES AFTER THEY HAVE SIGNED THE NON-PROLIFERATION TREATY.

"...THE U.S. SIGNED A SIMILAR PACT WITH UKRAINE TWO WEEKS AGO. TO ENSURE THE NON-PROLIFERATION AND ABSOLUTE SECURITY OF NUCLEAR WEAPONS IN THE FORMER SOVIET UNION, THE U.S. IS NEGOTIATING WITH RUSSIA, BELORUSSIA, UKRAINE AND KAZAKHSTAN ON PROCEDURES FOR ELIMINATING NUCLEAR WEAPONS. REPORTEDLY THE U.S. MAY SIGN A REVISED START WITH THE FOUR COUNTRIES IN LISBON AS EARLY AS THIS WEEKEND.A

"...THE U.S. IS HAPPY ABOUT KAZAKHSTAN'S PROMISE. A U.S. OIL COMPANY HAS DECIDED TO INVEST 10 BILLION DOLLARS IN KAZAKH OIL FIELDS OVER THE NEXT 40 YEARS. THE U.S. ALSO SIGNED TRADE AND BILATERAL INVESTMENT AGREEMENTS WITH KAZAKHSTAN TUESDAY."

2. THE SAME EDITION OF WENHUI DAILY CARRIED ANOTHER PAGE-4 ARTICLE BY UNITED NATIONS CORRESPONDENT ZHANG HUANPEI, REPORTING ON THE RECENT STATEMENTS BY TWO PATHOLOGISTS WHO CONDUCTED THE AUTOPSY ON PRESIDENT JOHN F. KENNEDY. A TRANSLATION FOLLOWS:

"...DR. GEORGE LUNDBERG, EDITOR IN CHIEF OF THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION, REVEALED AT A PRESS CONFERENCE IN NEW YORK TUESDAY THAT, AFTER INTERVIEWING THE TWO PATHOLOGISTS WHO PERFORMED THE AUTOPSY ON PRESIDENT KENNEDY, HE CONCLUDED

THAT THE PRESIDENT WAS KILLED BY TWO BULLETS FIRED FROM BEHIND. THE GUNMAN USED A RIFLE. DR. LUNDBERG FIERCELY ATTACKED PEOPLE WHO BELIEVE IN A CONSPIRACY BEHIND THE MURDER; THEY ARE TAKING ADVANTAGE OF A PRESIDENT TO FISH FOR FAME AND ADULATION.

.SINCE THE FILM 'JFK' CAME OUT LAST YEAR, MANY PEOPLE BELIEVE THAT KENNEDY WAS MURDERED IN A CONSPIRACY. DOCTORS JAMES HUMES AND THORNTON BOSWELL, THE TWO PATHOLOGISTS WHO PERFORMED THE AUTOPSY ON THE PRESIDENT, BROKE A 28-YEAR-LONG BT

UNCLASSIFIED NNNM

NNN

SERIAL=SHANGH3241-92 UDN=V02(27100)

CLASS=UNCLASSIFIED

UNCLASSIFIED NS88280

PAGE 01 SHANGH 03241 02 OF 02 210817Z

ACTION EAP-01

INFO LOG-00 AIT-03 AMAD-01 CIAE-00 DODE-00 INRE-00 INR-01
NSAE-00 PA-02 PRS-01 SP-01 /010W

-----351F98 210827Z /10

P R 210810Z MAY 92

UNCLASSIFIED

UNCLASSIFIED

FM AMCONSUL SHANGHAI
TC AMEMBASSY BEIJING PRIORITY
USIA WASHDC PRIORITY 2771
SECSTATE WASHDC 6575
INFO AMCONSUL GUANGZHOU
AMCONSUL SHENYANG
AMCONSUL HONG KONG
AIT TAIPEI
USCINCPAC HONOLULU HI/USIA

BT

UNCLAS SECTION 02 OF 02 SHANGHAI 03241

SERIAL: SHANGH03241-92

E.O. 12356: N/A

E.O. 12356: N/A

SILENCE TO SAY THERE WAS NO EVIDENCE THAT A THIRD BULLET HIT KENNEDY, AND NO EVIDENCE THAT ANY BULLET WAS SHOT FROM ANOTHER DIRECTION. THEY DENIED THAT THEIR ORIGINAL REPORT HAS BEEN ALTERED BY ANY SENIOR OFFICIALS OR THAT THEY HAVE CHANGED THEIR CONCLUSION UNDER PRESSURE. THEY ALSO RULED OUT THE POSSIBILITY THAT KENNEDY'S BODY WAS HANDLED BEFORE THE AUTOPSY. THE TWO DOCTORS SUPPORT THE OFFICIAL WARREN COMMISSION'S FINDINGS. THE TWO PATHOLOGISTS WERE THEN DOCTORS AT THE BETHESDA NAVAL HOSPITAL IN A SUBURB OF WASHINGTON. THEY PERFORMED THE FOUR-

HOUR LONG AUTOPSY AFTER KENNEDY'S BODY WAS TRANSPORTED TO THE HOSPITAL.

"...ON NOVEMBER 22, 1963, WHEN KENNEDY'S MOTORCADE WAS MOVING ALONG A DALLAS STREET, A GUNMAN NAMED LEE HARVEY OSWALD SHOT KENNEDY IN THE BACK OF THE HEAD FROM THE WINDOW OF A BUILDING ON THE STREET. MOST AMERICANS DO NOT BELIEVE IN THE CONCLUSION DRAWN BY THE OFFICIAL WARREN COMMISSION. NEITHER DO THEY BELIEVE THAT OSWALD'S ACTION WAS AN INDEPENDENT ONE. LOCAL COMMENTATORS THINK THAT, AT A TIME WHEN U.S. OFFICIALS ARE JUST GETTING READY TO REVEAL PART OF THE MATERIALS ON KENNEDY'S ASSASSINATION, HOW MUCH THE COMMENTARY BY THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION WILL COUNT FOR IS STILL HARD TO PREDICT."

HARRIS

BT

UNCLASSIFIED

NNNN

NNN

UNCLASSIFIED

~~CONFIDENTIAL~~

*** BEGIN MESSAGE 4 ***

SERIAL=MINSK526-92 UDN=V03(25923)
CLASS=~~CONFIDENTIAL~~

~~CONFIDENTIAL~~ NSAO306

PAGE 01 MINSK 00526 131518Z
ACTION EUR-01
INFO LOG-00 CIAE-00 INRE-00 INR-01 ADS-00 NSAE-00 /002W
-----49A085 132311Z /72 38

R 131444Z JUL 92
FM AMEMBASSY MINSK
TO SECSTATE WASHDC 0119
BT

~~CONFIDENTIAL~~ MINSK 000526

SERIAL: MINSK 00526-92
FOR EUR/ISCA AND INR
E.O. 12356: DECL: OADR
TAGS: PINR, BO

SUBJECT: CHAIRMAN SHUSHKEVICH WAS LEE HARVEY
OSWALD'S RUSSIAN TEACHER

1. C - ENTIRE TEXT.
2. DURING MEETING JULY 13 BELARUSIAN SUPREME SOVIET CHAIRMAN STANISLAV SHUSHKEVICH SUPRISED CHARGE BY STATING OUT OF THE BLUE THAT HE HAD ONCE GIVEN RUSSIAN LESSONS TO PRESIDENT KENNEDY'S ASSASSIN, LEE HARVEY OSWALD. SHUSHKEVICH SAID HE HAD NEVER BEFORE TOLD A FOREIGNER OF HIS CONNECTION TO OSWALD. THE YEAR WAS 1961 AND OSWALD HAD BEEN ASSIGNED TO WORK AT THE MINSK RADIO-TECHNICAL FACTORY AS A METAL CRAFTSMAN (SLESAR'). SHUSHKEVICH, WHO LATER BECAME A PHYSICS

*
*
*
*
*

PROFESSOR, AT THAT TIME WAS ALSO EMPLOYED AT THE PLANT AND WAS TOLD, HE SAID, TO GIVE OSWALD RUSSIAN LESSONS.

*
*

3. SHUSHKEVICH SAID HE NEVER WOULD HAVE BELIEVED THAT "SOMEONE OF OSWALD'S MENTALITY AND CHARACTER" (NOT FURTHER SPECIFIED) COULD POSSIBLY HAVE PLOTTED AND CARRIED OUT THE ASSASSINATION OF PRESIDENT KENNEDY.

SWARTZ
BT

~~CONFIDENTIAL~~ NNNN

NNN

~~CONFIDENTIAL~~

UNCLASSIFIED

*** BEGIN MESSAGE 5 ***

SERIAL=MINSK703-92 UDN=VC3(58021)
CLASS=UNCLASSIFIED

UNCLASSIFIED NSA5027

PAGE 01 MINSK 00703 01 OF 04 101436Z

ACTION EUR-01

INFO	LOG-00	AID-01	AMAD-01	SJK-01	C-01	CISA-02	DS-00
	OIGO-01	HA-09	H-01	INRE-00	INR-01	L-03	ADS-00
	MOFM-01	MOF-03	M-01	NRRC-01	NSAE-00	NSCE-00	OMB-01
	PA-02	PM-01	PRS-01	P-01	RP-10	SCT-03	SDEL-01
	SNP-01	SP-01	SS-01	TRSE-00	T-01	USIE-00	/052W

-----53FOE1 101506Z /38

R 101416Z AUG 92
FM AMEMBASSY MINSK
TO SECSTATE WASHDC 0311
INFO AMEMBASSY MOSCOW
DIA WASHDC
AMEMBASSY KIEV
AMEMBASSY VILNIUS
CIA WASHDC
BT

UNCLAS SECTION 01 OF 04 MINSK 000703

SERIAL: MINSK 00703-92

E.O.12356: N/A

TAGS: PINT, PINR, PGOV, ASEC, BO

SUBJECT: BELARUSIAN KGB -- "A KINDER, GENTLER
SECURITY APPARATUS"

1. BEGIN SUMMARY: IN AN AUGUST 4 PRESS
CONFERENCE AT KGB HEADQUARTERS, BELARUS' KGB
CHIEF EDUARD SHERKOVSKIY ANNOUNCED THE SIGNING
JULY 31 OF A MUTUAL COOPERATION AGREEMENT
BETWEEN THE BELARUSIAN AND UKRAINIAN KGB'S IN

THE AREAS OF INTELLIGENCE, COUNTERINTELLIGENCE
ORGANIZED CRIME AND DRUGS. IN ADDITION TO OPERATIONAL
COOPERATION, THE TWO STATE SECURITY ORGANS
WILL ASSIST EACH OTHER "TECHNICALLY AND
THROUGH THE EXCHANGE OF INFORMATION."
SHERKOVSKIY UNDERSCORED THAT BELARUSIAN
AGREEMENTS WITH RUSSIA, KAZAKHSTAN, AND NOW
UKRAINE DID NOT SIGNIFY A REUNIFICATION OF
SECURITY SERVICES -- SECRET INFORMATION OF ONE
STATE WOULD NOT BE SHARED WITH ANOTHER.

2. IN RESPONSE TO QUESTIONS, SHERKOVSKIY
ALLEGED THAT THE KGB WAS ORGANIZED TO FIGHT
INTERNATIONAL TERRORISM AND SHOULD COOPERATE
WITH FOREIGN SECURITY ORGANIZATIONS. HE
CLAIMED THE KGB DID NOT TAP GOVERNMENT
TELEPHONES AND EXPRESSED THE VIEW THAT THE KGB
SHOULD BE SUBORDINATED TO THE SUPREME SOVIET,
RATHER THAN THE COUNCIL OF MINISTERS.
SHERKOVSKIY SAID THE BELARUS KGB HAD SIX

UNCLASSIFIED

UNCLASSIFIED

THE AGREEMENT

6. HE BEGAN THE CONFERENCE WITH A PREPARED STATEMENT REGARDING THE JULY 31, 1992, SIGNING IN KIEV OF A MUTUAL COOPERATION AGREEMENT BETWEEN THE BELARUS KGB AND THE UKRAINIAN KGB WHICH HE EMPHASIZED WAS AN AGREEMENT BETWEEN MUTUALLY INDEPENDENT ORGANIZATIONS, WITH NO DOMINATION OR HEGEMONY ON EITHER SIDE. THE AGREEMENT, HE SAID, BT

UNCLASSIFIED NNNN

NNN

SERIAL=MINSK703-92 UDN=V03(58022)
CLASS=UNCLASSIFIED

UNCLASSIFIED NSA5026

PAGE 01 MINSK 00703 02 OF 04 101436Z

ACTION EUR-01

INFO LOG-00	AID-01	AMAD-01	SJK-01	C-01	CISA-02	DS-00
OIGC-01	HA-C9	H-01	INRE-00	INR-01	L-03	ADS-00
MOFM-01	HOF-03	M-01	NRRC-01	NSAE-00	NSCE-00	OMB-01
PA-C2	PM-01	PRS-01	P-01	RP-10	SCT-03	SDEL-01
SNP-01	SP-01	SS-01	TRSE-00	T-01	USIE-00	/052W

-----53FOFA 101506Z /38

R 101416Z AUG 92
FM AMEMBASSY MINSK
TO SECSTATE WASHDC 0312
INFO AMEMBASSY MOSCOW
DIA WASHDC
AMEMBASSY KIEV
AMEMBASSY VILNIUS
CIA WASHDC

BT

UNCLAS SECTION 02 OF 04 MINSK 000703

SERIAL: MINSK 00703-92

E.O.12356: N/A

TAGS: PINT, PINR, PGOV, ASEC, BO

SUBJECT: BELARUSIAN KGB -- "A KINDER, GENTLER SECURITY APPARATUS"

PROVIDES A LEGAL BASIS UNDER INTERNATIONAL AND NATIONAL LAW FOR OPERATIONAL COOPERATION BETWEEN STATE SECURITY FORCES, NOT SIMPLY HEADQUARTERS, IN THE AREAS OF INTELLIGENCE, COUNTERINTELLIGENCE, THE FIGHT AGAINST DRUGS,

AND ORGANIZED CRIME. THIS IS NOT A REUNIFICATION OF SECURITY SERVICES, SHERKOVSKIY SAID; SECRET MATERIALS OF ONE STATE ARE NOT TO BE SHARED WITH ANOTHER. IN ADDITION TO OPERATIONAL COOPERATION, THE TWO STATE SECURITY ORGANS WILL ASSIST EACH OTHER TECHNICALLY AND THROUGH EXCHANGE OF

UNCLASSIFIED

UNCLASSIFIED

CORRUPTION

10. SHERKOVSKIY REPORTED THAT HIS ORGANIZATION HAS SOME INFORMATION ON CORRUPTION IN THE RULING CIRCLES IN BELARUS. HE SAID ONE CASE HAD RESULTED IN THE ARREST OF A JUDGE FOR TRYING TO SELL THREE KILOS OF GOLD ABROAD ON FALSE DOCUMENTATION. COOPERATION WITH FOREIGN INTELLIGENCE SERVICES

11. SHERKOVSKIY RESTATED THE BELARUSIAN NATIONAL POLICY OF BEING A NON-NUCLEAR, NEUTRAL STATE, BUT WARNED THAT THE BELARUSIAN KGB IS ORGANIZED NOT ONLY TO FIGHT CRIME, BUT INTERNATIONAL TERRORISM AND OTHER THREATS TO NATIONAL SECURITY. HE ASKED RHETORICALLY WHY BELARUS SHOULD NOT COOPERATE WITH FOREIGN SECURITY ORGANIZATIONS -- FRENCH, ITALIAN AND BT

UNCLASSIFIED NNNN

NNN

SERIAL=MINSK703-92 UDN=V03(58023)
CLASS=UNCLASSIFIED

UNCLASSIFIED NSA5032

PAGE 01 MINSK 00703 03 OF 04 101437Z

ACTION EUR-01

INFO	LOG-00	AID-01	AMAD-01	SJK-01	C-01	CISA-02	DS-00
	OIGO-01	HA-09	H-01	INRE-00	INR-01	L-03	ADS-00
	MOFM-01	MOF-03	M-01	NRRC-01	NSAE-00	NSCE-00	OME-01
	PA-02	PM-01	PRS-01	P-01	RP-10	SCT-03	SDEL-01
	SNP-01	SP-01	SS-01	TRSE-00	T-01	USIE-00	/052W

-----53F10C 101507Z /38

R 101416Z AUG 92
FM AMEMBASSY MINSK
TO SECSTATE WASHDC 0313
INFO AMEMBASSY MOSCOW
DIA WASHDC
AMEMBASSY KIEV
AMEMBASSY VILNIUS
CIA WASHDC
BT

UNCLAS SECTION 03 OF 04 MINSK 000703
SERIAL: MINSK 00703-92
E.O.12356: N/A
TAGS: PINT, PINR, PGOV, ASEC, BO
SUBJECT: BELARUSIAN KGB -- "A KINDER, GENTLER SECURITY APPARATUS"
AMERICAN -- "TO MAINTAIN THE PEACE." THE COURSE OF DEMOCRATIZATION CANNOT BE STOPPED, SAID THE KGB CHIEF; "THE DAYS OF CLOAK AND DAGGER ARE OVER."

UNCLASSIFIED

UNCLASSIFIED

WHAT WAS IMPORTANT NOW WAS STABILITY.

OSWALD

15. IN RESPONSE TO A FINAL (SEEKINGLY PLANTED FOR OUR BENEFIT) QUESTION FROM REPORTERS, SHERKOVSKIY SAID THE BELARUSIAN KGB HAS SIX VOLUMES OF FILES ON LEE HARVEY OSWALD.

SHERKOVSKIY SAID THAT HE HAS TALKED WITH NUMEROUS REPORTERS AND AUTHORS FROM THE US AND THE FORMER-USSR AND OFFERED TO SHOW THEM THE RECORDS WHICH HE SAID PROVE THAT OSWALD WAS NOT A KGB AGENT. HE SAID THAT HIS ORGANIZATION WENT TO EXTREME LENGTHS TO DETERMINE IF OSWALD WAS A CIA AGENT, AND IS CONVINCED THAT HE WAS NOT. OSWALD, HE SAID, WAS MENTALLY UNBALANCED; AND HE, FOR ONE, WAS GLAD WHEN THE MAN LEFT BELARUS. AS A POLICEMAN, SHERKOVSKIY SAID, HE DID NOT BELIEVE THE SKILL AT MARKSMANSHIP ALLEGED OF OSWALD. SHERKOVSKIY SAID THE KGB HAD FOLLOWED OSWALD EVERYWHERE HE WENT, GIVEN THE INTELLIGENCE INTEREST HE GENERATED. WHEN OSWALD WAS GIVEN ACCESS TO A GUN AND PERMITTED TO GO HUNTING "HE COULDN'T HIT A CROWD."

16. THE BELARUS KGB CHIEF CLOSED WITH A WARNING AGAINST PRESS SENSATIONALISM. "THERE'S A GOOD DEAL MORE INTEREST IN THE KGB NOWADAYS," HE SAID. "WE'RE CHANGING. ONLY BT

UNCLASSIFIED NNNN

NNN

SERIAL=MINSK703-92 UDN=V03(58024)

CLASS=UNCLASSIFIED

UNCLASSIFIED NSA5031

PAGE 01 MINSK 00703 04 OF 04 101437Z

ACTION EUR-01

INFC	LOG-00	AID-01	AMAD-01	SJK-01	C-01	CISA-02	DS-00
	OIGO-01	HA-09	H-01	INRE-00	INR-01	L-03	ADS-00
	MOPM-01	MOP-C3	M-01	NRRC-01	NSAE-00	NSCE-00	OMB-01
	PA-02	PM-01	PRS-01	P-01	RP-10	SCT-03	SDEL-01
	SNP-01	SP-01	SS-01	TRSE-00	T-01	USIE-00	/052W

-----53F10F 101507Z /38

R 101416Z AUG 92
FM AMEMBASSY MINSK
TO SECSTATE WASHDC 0314
INFO AMEMBASSY MOSCOW
DIA WASHDC
AMEMBASSY KIEV
AMEMBASSY VILNIUS
CIA WASHDC

BT

UNCLASSIFIED

~~LIMITED OFFICIAL USE~~

*** BEGIN MESSAGE 6 ***

SERIAL=STATE353053-92 UDN=V04(77423)

CLASS=~~LIMITED OFFICIAL USE~~

~~LIMITED OFFICIAL USE~~ NSA306E

PAGE 01 STATE 353053 290700Z

ORIGIN EUR-01

INFO LOG-00 AMAD-01 CIAE-00 DODE-00 CISA-02 OIGO-01 FBIE-00
INRE-00 INR-01 JUSE-00 L-03 ADS-00 NSAE-00 /009R

DRAFTED BY: EUR/ISCA:PNTIMMER:PNT

APPROVED BY: EUR/ISCA:LCNAPPER

EUR/ISCA:JSCHUMAKER

EUR/ISCA/WST:DHESS

INR/IC:JJOHNSON

EUR/PA:KPEARSON

FBI:KNEU

DESIRED DISTRIBUTION

FBI

-----73D5D9 290701Z /38

P 290657Z OCT 92

FM SECSTATE WASHDC

TO AMEMBASSY MINSK PRIORITY

BT

~~LIMITED OFFICIAL USE~~ STATE 353053

SERIAL: STATE353053-92

E.O. 12356: N/A

TAGS: PINR, BO

SUBJECT: REQUEST FOR ASSISTANCE IN FBI INVESTIGATION OF
OSWALD FILES

REF: MINSK 703

1. ON BEHALF OF THE DEPT OF JUSTICE AND THE FBI. EMBASSY
IS REQUESTED TO APPROACH THE GOB FOR ASSISTANCE IN ENABLING
FBI REPRESENTATIVES TO REVIEW ANY GOE FILES ON LEE HARVEY

OSWALD WHICH MIGHT INDICATE A CONSPIRACY TO KILL PRESIDENT
KENNEDY.

2. EMBASSY MAY DRAW ON THE FOLLOWING TALKING PONTS IN TS
REQUEST:

-- THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY IS A
TRAGEDY WHICH PROFOUNDLY TOUCHED THE AMERICAN PEOPLE.

-- IN ITS INVESTIGATION OF THE ASSASSINATION THE U.S
GOVERNMENT HAS BEEN COMMITTED TO PURSUING ANY SIGNFICANT
EVIDENCE WHICH ANSWERS ANY QUESTIONS WHICH MAY LINGEF IN
THE AFTERMATH.

-- THE U.S. DEPARTMENT OF JUSTICE AND THE FEDERA BUREAU OF
INVESTIGATION WERE INTERESTED TO HEAR THAT THE GOVERNMENT
OF BELARUS HAS IN ITS POSSESSION SIX VOLUMES OF FILES ON
LEE HARVEY OSWALD.

~~LIMITED OFFICIAL USE~~

~~LIMITED OFFICIAL USE~~

-- THE FBI WISHES TO REVIEW ANY AVAILABLE RECORDS WHICH MIGHT HAVE A BEARING ON THE ISSUE OF WHETHER THERE WAS A CONSPIRACY TO KILL PRESIDENT JOHN F. KENNEDY OR WHICH IDENTIFY OSWALD ASSOCIATES WHOSE RELATIONSHIP WITH HIM PROVIDE FURTHER INFORMATION OR INSIGHT ON THE ISSUE OF A POSSIBLE CONSPIRACY.

-- IF THE RESPONSE FROM YOUR GOVERNMENT IS POSITIVE WE CAN BEGIN MAKING ARRANGEMENTS FOR FBI REPRESENTATIVES TO TRAVEL TO MINSK TO REVIEW THE AVAILABLE MATERIALS. KANTER
BT

~~LIMITED OFFICIAL USE NNNN~~

NNN

~~LIMITED OFFICIAL USE~~

~~CONFIDENTIAL~~

*** BEGIN MESSAGE 58 ***

SERIAL=MINSK1220-92 UDN=V05(4719)
CLASS=~~CONFIDENTIAL~~

~~CONFIDENTIAL~~ NSA3562

PAGE 01 MINSK 01220 01 OF 02 041530Z

ACTION EUR-01

INFO	LOG-00	CIAE-00	C-01	ANHR-01	CISA-02	DS-00	FBIE-00
	INRE-00	INR-01	JUSE-00	L-03	ADS-00	NSAE-00	NSCE-00
	PM-02	P-01	SP-00	SSO-00	SS-00	ASDS-01	/013W

-----76802E 041608Z /43

O 041421Z NOV 92
FM AMEMBASSY MINSK
TO SECSTATE WASHDC IMMEDIATE 0885
BT

~~CONFIDENTIAL~~ SECTION 01 OF 02 MINSK 001220

SERIAL: MINSK 01220-92

DEPT FOR EUR/ISCA

E.O. 12356: DECL: OADR

TAGS: PINR, BO, US

SUBJECT: THE OSWALD FILES

REF: A) STATE 353053, B) MINSK 703

1. C - ENTIRE TEXT.

2. BEGIN SUMMARY: IN A NINETY-MINUTE MEETING NOVEMBER 4 AT THE KGB HEADQUARTERS IN MINSK (OTHER ISSUES REPORTED SEPTEL), AMBASSADOR MADE REF A DEMARCHE, REQUESTING ACCESS TO THE KGB'S FILES ON LEE HARVEY OSWALD. BELARUSIAN KGB CHIEF EDUARD SHIRKOVSKIY, WHILE EXPRESSING A WILLINGNESS "TO MAKE THINGS MORE TRANSPARENT" TO THE

U.S., SAID HE COULD NOT SIMPLY HAND OVER THE DOCUMENTS INASMUCH AS KGB METHODS OF OPERATION WOULD ALSO BE REVEALED. HE ADDED THAT HE WOULD OPEN HIMSELF UP TO ALL SORTS OF ACCUSATIONS IF HE ACTED WITHOUT THE APPROVAL OF PARLIAMENT.

3. SHIRKOVSKIY SUGGESTED AN EXCHANGE OF INFORMATION MIGHT BE POSSIBLE, ADDING THAT BELARUS HAD MANY LINGERING QUESTIONS ABOUT WHO SENT OSWALD TO THE FORMER USSR AND FOR WHAT PURPOSE. HE EXPRESSED THE PERSONAL VIEW THAT OSWALD HAD NOT ACTED ALONE; OSWALD, HE SAID, WAS INCAPABLE OF SHOOTING PRESIDENT KENNEDY WITHOUT INSTRUCTIONS FROM SOMEBODY. SHIRKOVSKIY PROPOSED THAT THE FBI SUBMIT A LIST OF POINTED QUESTIONS WHICH THE KGB WOULD SEEK TO ANSWER. UPON RECEIPT AND INITIAL RESEARCH OF THE QUESTIONS, SHIRKOVSKIY SUGGESTED U.S. EXPERTS MIGHT VISIT MINSK TO PARTICIPATE IN A WORKING GROUP. SHIRKOVSKIY UNDERSCORED THAT SUCH A

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

VISIT SHOULD BE HANDLED QUIETLY. END
SUMMARY.

4. AMBASSADOR SWARTZ AND POL/ECON CHIEF MET NOVEMBER 4 FOR NINETY MINUTES WITH KGB CHIEF EDUARD SHIRKOVSKIY AT THE KGB HEADQUARTERS IN MINSK. (OTHER TOPICS REPORTED SEPTTEL.) SHIRKOVSKIY WAS ACCOMPANIED BY A NOTETAKER AND "OSWALD EXPERT" GENNADIY SEMYONOVICH

NARKEVICH. REFERRING TO SHIRKOVSKIY'S AUGUST 4 PRESS CONFERENCE (REF B), IN WHICH SHIRKOVSKIY HAD MENTIONED THE EXISTENCE OF SIX VOLUMES OF DOCUMENTS RELATING TO LEE HARVEY OSWALD, AMBASSADOR WENT OVER THE POINTS IN REF A, REQUESTING FBI ACCESS TO THOSE DOCUMENTS.
ACCESS IS NOT SO SIMPLE

5. SHIRKOVSKIY REPLIED THAT THE DOCUMENTS HAD ORIGINALLY BEEN IN THE ARCHIVES IN MOSCOW AND THAT RUSSIAN KGB CHIEF BAGATIN HAD OFFERED TO GIVE U.S. OFFICIALS ACCESS TO THEM. SINCE MANY OF THE EVENTS HAD TAKEN PLACE IN MINSK, HOWEVER, IT WAS DETERMINED THAT THE BELARUSIAN KGB SHOULD REVIEW THE DOCUMENTS.

6. SHIRKOVSKIY SAID HE HAD RECEIVED MANY REQUESTS FOR ACCESS TO THE FILES -- FROM THE LIKES OF MOVIE PRODUCERS AND THE WRITER NORMAN MAILER. ON A PREVIOUS VISIT TO MINSK, MAILER HAD BEEN INTRODUCED TO CERTAIN PEOPLE, NOW RETIRED, WHO KNEW OSWALD. MOREOVER, MAILER HAD BEEN GIVEN ACCESS TO A NUMBER OF "BASIC DOCUMENTS," THE AUTHENTICITY OF WHICH THE KGB WAS WILLING TO PERMIT TO HAVE VERIFIED BY WESTERN EXPERTS.

7. THE PROBLEM, SAID SHIRKOVSKIY, WAS THAT THE DOCUMENTS AS A WHOLE--WHICH SHIRKOVSKIY CLAIMED WERE KEPT IN A SPECIAL SAFE, TO WHICH NO ONE HAD ACCESS--REVEALED KGB METHODOLOGIES AND REFERRED TO PEOPLE, MANY OF WHOM WERE STILL ALIVE. SHIRKOVSKIY COULD NOT SIMPLY HAND OVER THE FILES TO THE FBI OR CIA (HE ADDED THE LATTER ACRONYM). IF HE DID SO, HE WOULD BE SKEWERED BY PARLIAMENT AND ACCUSED OF BEING A TRAITOR AND WORSE. HE NOTED THAT THE U.S. ITSELF HAD STILL NOT DECLASSIFIED PORTIONS OF THE WARREN COMMISSION'S REPORT AND DOCUMENTATION.
BUT WE WANT TO COOPERATE

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

8. SHIRKOVSKIY NEVERTHELESS SAID THE KGB
WOULD BE WILLING "TO MAKE THINGS MORE
BT

~~CONFIDENTIAL~~ MNNN

NNN
SERIAL=MINSK1220-92 UDN=V05(4719)
CLASS=~~CONFIDENTIAL~~

~~CONFIDENTIAL~~ NSA3560

PAGE 01 MINSK 01220 02 OF 02 041530Z

ACTION EUR-01

INFO	LOG-00	CIAE-00	C-01	ANHR-01	CISA-02	DS-00	FBIE-00
	INRE-00	INR-01	JUSE-00	L-03	ADS-00	NSAE-00	NSCE-00
	PM-02	P-01	SP-00	SSC-00	SS-00	ASDS-01	/013W

-----76802B 041608Z /43

O 041421Z NOV 92
FM AMEMBASSY MINSK
TO SECSTATE WASHDC IMMEDIATE 0866
BT

~~CONFIDENTIAL~~ SECTION 02 OF 02 MINSK 001220

SERIAL: MINSK 01220-92

DEPT FOR EUR/ISCA

E.O. 12356: DECL: OADR

TAGS: PINR, BO, US

SUBJECT: THE OSWALD FILES

TRANSPARENT" TO THE U.S. HE SUGGESTED THAT
PERHAPS AN EXCHANGE OF INFORMATION WAS
POSSIBLE, WITH THE KGB AND CIA HANDING OVER
ITS INFORMATION AND THE KGB GIVING THEM
INFORMATION FROM ITS FILES. SHIRKOVSKIY SAID
THE KGB HAD MANY LINGERING QUESTIONS ABOUT
OSWALD, WHO SENT HIM AND WHY -- THE CIA, THE
MAFIA, WHO?

9. THE AMBASSADOR STRESSED THAT THE U.S.
WOULD FIND IT DIFFICULT TO UNDERSTAND IF THE
KGB HELD US AT ARMS LENGTH WHILE PERMITTING

NORMAN MAILER ACCESS TO THE FILES.
SHERKOVSKIY REITERATED THAT MAILER HAD BEEN
GIVEN ACCESS TO "BASIC DOCUMENTS" ONLY AND
SAID THEY HAD BEEN PROVIDED IN THE HOPE THAT
AN OBJECTIVE OBSERVER AND WRITER COULD MAKE
THE U.S. PUBLIC AND GOVERNMENT UNDERSTAND
THAT THE ENIGMA OF OSWALD AND THE
ASSASSINATION OF PRESIDENT KENNEDY LAY IN THE
U.S.
OSWALD

10. SHIRKOVSKIY SAID THE KGB HAD ORIGINALLY
THOUGHT OSWALD WAS A CIA PLANT, BUT HAD

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

REACHED THE CONCLUSION THAT THIS WAS NOT POSSIBLE. AT THE SAME TIME, THE KGB REALIZED OSWALD WAS OF NO USE TO IT AND THANKED ITS LUCKY STARS WHEN HE FINALLY LEFT THE USSR. SHIRKOVSKIY EXPRESSED THE PERSONAL VIEW THAT OSWALD COULD NOT HAVE ACTED ALONE WHEN HE SHOT PRESIDENT KENNEDY; HE WAS SIMPLY INCAPABLE OF THIS, BEING UNSTABLE IN THE EXTREME. HE REFERRED TO OSWALD'S ATTEMPT TO SLASH HIS WRISTS AS EVIDENCE OF THIS INSTABILITY.

NEXT STEPS

11. IN RESPONSE TO THE AMBASSADOR'S PRODDING

ON HOW NEXT TO PROCEED, SHIRKOVSKIY SUGGESTED THAT THE FBI PUT TOGETHER A LIST OF DETAILED, FOCUSSED QUESTIONS, WHICH KGB EXPERTS ON OSWALD WOULD SEEK TO RESEARCH AND ANSWER. THEN PERHAPS, U.S. EXPERTS COULD QUIETLY COME TO MINSK TO MEET WITH KGB EXPERTS. SHIRKOVSKIY UNDERSCORED THAT HE DID NOT WANT TO GET IN THE MIDDLE OF POLITICS OR POSTURING. THE IMPORTANT THING WAS TO GET AT THE TRUTH. HE STRESSED THAT THE BELARUSIANS WOULD HAVE A NUMBER OF QUESTIONS FOR U.S. EXPERTS AS WELL.

12. SHIRKOVSKIY SAID THAT WHEN AND IF THE EMBASSY RECEIVED A LIST OF FOCUSSED QUESTIONS THEY SHOULD BE PASSED TO HIM OR TO GENNADIY NARKEVICH, WHOM HE INTRODUCED AS THE PREEMINENT EXPERT ON OSWALD IN BELARUS. NARKEVICH PROMISED TO BE IN TOUCH WITH THE EMBASSY TO PROVIDE A NUMBER AT WHICH HE COULD BE REACHED.

SWARTZ

BT

~~CONFIDENTIAL~~

NNNN

NNN

~~CONFIDENTIAL~~

~~LIMITED OFFICIAL USE~~

*** BEGIN MESSAGE 59 ***

SERIAL=STATE378834-92 UDN=V05(29540)
CLASS=~~LIMITED OFFICIAL USE~~

~~LIMITED OFFICIAL USE~~ NSA9050

PAGE 01 STATE 378834 210139Z

ORIGIN EUR-01

INFO LOG-00 AMAD-01 CIAE-00 DODE-00 CISA-02 OIGO-01 FBIE-00
INRE-00 INR-01 L-03 ADS-00 NSAE-00 /009R

DRAFTED BY: EUR/ISCA:PNTIMMER:PNT

APPROVED BY: EUR/ISCA:JFSCUMAKER

EUR/ISCA/WST:DHESS

FBI:KNEU

INR/IC:JJOHNSON

DESIRED DISTRIBUTION

FBI

-----7D35EE 210140Z /36

P 210137Z NOV 92
FM SECSTATE WASHDC
TO AMEMBASSY MINSK PRIORITY
BT

~~LIMITED OFFICIAL USE~~ STATE 378834

SERIAL: STATE378834-92

E.O. 12356: N/A

TAGS: PINR, BO

SUBJECT: OSWALD IN MINSK: QUESTIONS AND SHARING OF
INFORMATION

REF: A) MINSK 865 B) STATE 353053 C) MINSK 703

1. IN RESPONSE TO REQUESTS FROM THE GOB LISTED IN REF A,
EMBASSY MAY CONVEY THE FOLLOWING INFORMATION TO APPROPRIATE
OFFICIALS IN THE GOB:

-- THE FBI WOULD BE WILLING IN PRINCIPLE TO PARTICIPATE IN
AN EXCHANGE OF INFORMATION ON OSWALD. THE PARAMETERS OF
SUCH AN EXCHANGE WOULD HAVE TO BE DISCUSSED FIRST.

WITHOUT HAVING SEEN THE FILES IN MINSK, THE FBI'S QUESTIONS
FOR THE GOB CANNOT BE MORE SPECIFIC AT THIS POINT THAN THE
FOLLOWING:

-- IS THERE ANY INFORMATION OR EVIDENCE IN THE FILES THAT
WOULD PERTAIN TO THE ASSASSINATION OF PRESIDENT KENNEDY?

-- IS THERE ANY EVIDENCE IN THE FILES THAT WOULD INDICATE
THAT OSWALD WAS INVOLVED IN A CONSPIRACY TO ASSASSINATE

PRESIDENT KENNEDY?

-- ARE THERE ANY INDIVIDUALS IDENTIFIED IN THE FILES WHO
MAY HAVE CONSPIRED WITH OSWALD TO ASSASSINATE PRESIDENT
KENNEDY?

~~LIMITED OFFICIAL USE~~

~~LIMITED OFFICIAL USE~~

2. IN RESPONSE TO OTHER POINTS MADE BY THE GOB IN REF A,
THE EMBASSY MAY ALSO CONVEY TO THE GOB THE FOLLOWING:

-- THE FBI IS NOT RPT NOT INTERESTED IN PURSUING OSWALD'S
ACTIVITIES IN THE USSR OR ACCESS TO INFORMATION WHICH DOES
NOT HAVE A BEARING ON THE KENNEDY ASSASSINATION.

-- VIRTUALLY ALL OF THE WARREN COMMISSION'S REPORT ON THE
KENNEDY ASSASSINATION IS NOW IN THE PUBLIC DOMAIN. THE
ONLY MATERIAL WHICH HAS NOT BEEN RELEASED IS DEEMED TO BE
PERSONAL, AND REMAINS SEALED AT THE REQUEST OF THE KENNEDY

FAMILY. EVEN SOME OF THIS MATERIAL WILL BE RELEASED IN THE
NEXT TWO YEARS. KANTER

BT

~~LIMITED OFFICIAL USE NNNN~~

NNN

~~LIMITED OFFICIAL USE~~

UNCLASSIFIED

*** BEGIN MESSAGE 61 ***

SERIAL=STATE3120-93 UDN=W00(4130)
CLASS=UNCLASSIFIED

UNCLASSIFIED NSA0541

PAGE 01	STATE	003120	061002Z				
ORIGIN EUR-01							
INFO LOG-00	AID-01	AMAD-01	CIAE-00	C-01	OASY-00	DODE-00	
CISA-C2	DS-00	EB-01	OIGO-01	HA-09	H-01	INRE-00	
INR-01	IO-19	LAB-04	L-03	MCO-01	ADS-00	M-01	
NPI-01	NSAE-00	NSCE-00	OIC-02	OMB-01	PA-02	PK-02	
PRS-01	P-01	SCT-03	SIL-00	SNP-00	SP-00	SR-00	
SSO-00	SS-00	STR-17	TRSE-00	T-01	USIE-00	RPE-00	

/C76R

DRAFTED BY: EUR/ISCA:MERYZA:MJB

APPROVED BY: EUR:RKAUZLARICH

EUR/ISCA:LNAPPER

EUR/ISCA:DHESS

P:EMALLOY

H:DCURRAN

L/EUR:TEUCHWALD

D:JWARLICK

S/S-O: MWITT

S/S: RLWILSON

-----8D4B6A 061025Z /36

R 061003Z JAN 93

FM SECSTATE WASHDC
TO AMEMBASSY MOSCOW
BT

UNCLAS STATE 003120
SERIAL: STATE03120-93
E.C. 12356: N/A

TAGS: PREL, PHUM, RS, US

SUBJECT: DEMARCHE ON KENNEDY ASSASSINATION RECORDS

1. BOTH HOUSES OF CONGRESS RECENTLY PASSED THE JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION ACT. SECTION 10 OF THAT ACT STATES THAT THE SECRETARY OF STATE SHOULD

CONTACT THE GOVERNMENT OF RUSSIA AND SEEK THE DISCLOSURE ALL RECORDS OF THE GOVERNMENT OF THE FORMER SOVIET UNION, INCLUDING KGB AND GRU RECORDS, RELEVANT TO THE ASSASSINATION OF PRESIDENT KENNEDY. ACTION REQUEST: PLEASE CONTACT MFA AT APPROPRIATE LEVEL AND CONVEY POINTS THAT FOLLOW BELOW.

2. BEGIN TEXT OF TALKING POINTS:

- THE CONGRESS OF THE UNITED STATES RECENTLY PASSED LEGISLATION CALLING FOR THE PRESERVATION AND EVENTUAL PUBLIC DISCLOSURE OF ALL GOVERNMENT RECORDS CONCERNING TH ASSASSINATION OF PRESIDENT JOHN F. KENNEDY.

- IN RESPONSE TO THIS CONGRESSIONAL INITIATIVE, WE REQUES THAT THE RUSSIAN GOVERNMENT PROVIDE THE GOVERNMENT OF THE

UNITED STATES COPIES OF ANY RECORDS OF THE GOVERNMENT OF
UNCLASSIFIED

UNCLASSIFIED
THE FORMER SOVIET UNION, INCLUDING KGB AND GRU RECORDS,
RELEVANT TO PRESIDENT KENNEDY'S ASSASSINATION.

- WE WOULD BE GRATEFUL FOR YOUR ASSISTANCE IN HELPING US
CLOSE THIS PAINFUL PAGE IN AMERICAN HISTORY.

EAGLEBURGER

BT

UNCLASSIFIED

NNNN

NNN

UNCLASSIFIED

WARNING: FOUO -- DUE TO COPYRIGHT OR OTHER RESTRICTIONS, THIS ITEM IS INTENDED FOR USE ONLY BY U.S. GOVERNMENT CONSUMERS.

WARNING: A VIDEOTAPE OF THE NEWSCAST SUMMARIZED BELOW CAN BE ORDERED FROM THE FBIS TV CENTER. VIDEOTAPES MAY BE ORDERED DIRECTLY FROM FBIS BY CALLING THE FOLLOWING TOLL-FREE NUMBERS: 1-800-542-8660 AND IN VIRGINIA 1-800-822-5115 TAPES NOT ORDERED WITHIN 30 DAYS WILL BE ERASED.

SERIAL: LD1808214891

PASS: ATTN USIS MOSCOW

ATTN TV CENTER

COPY TO MOD (2), LIAISON (2)

COUNTRY: USSR

SUBJ: TELEVISION PROGRAM SUMMARY 182000: MRT 91-088

SOURCE: MOSCOW RUSSIAN TELEVISION NETWORK IN RUSSIAN 2000 GMT
18 AUG 91

TEXT:

//(("VESTI"; RECEPTION GOOD; FIGURES IN PARENTHESES INDICATE TIME IN MINS/SECS SINCE START OF PROGRAM))

1. (107) YELTSIN ENDED VISIT TO KAZAKHSTAN TODAY; NAZARBAYEV AND YELTSIN AGREED TO HELP MEDIATE IN AZERBAIJANI-ARMENIAN CONFLICT.

2. (0200) USSR PEOPLE'S DEPUTY Z. BALAYAN INTERVIEWED IN VIDEO REPORT FROM A-1 STUDIO IN YEREVAN HAILING YELTSIN-NAZARBAYEV AGREEMENT TO HELP SOLVE CONFLICT IN NKAO.

3. (0300) CONFLICTING REPORTS ON ATERK SITUATION COMING IN.
(PROC)

4. (0345) KAMENSK-URALSK, SVERDLOVSK OBLAST, PROCURATOR HAS ISSUED A WARNING TO 1ST SECRETARY OF GORKOM FOR HOLDING A PLENUM DURING WORKING TIME.

5. (0410) ERKOMAISHVILI VIDEO REPORT FROM SVERDLOVSK ON IMPLEMENTATION OF YELTSIN'S DEPARTIZATION DECREE, INTERVIEWING Z. VOYTETSKIY, HEAD OF SVERDLOVSK OBLAST KGB, WHO SAYS PARTY MEETINGS ARE NOW HELD IN NON-WORKING TIME, AND NON-PARTY PEOPLE WORK FOR THE DEPARTMENT AS THEY HAVE ALWAYS DONE.

6. (0500) O. KRASILNIKOV VIDEO REPORT FROM TVER OBLAST, WHERE WORK IS UNDER WAY TO EXHUME THE REMAINS OF POLISH SERVICEMEN WHO WERE VICTIMS OF PRE-WAR REPRESSION. VIDEO SHOWS SERVICEMEN WORKING IN FOREST, CAMERA GROUPS TAKING SHOTS OF SPADES, FOLLOWING INSTRUCTIONS FROM COMMANDER THAT JOURNALISTS WERE NOT ALLOWED TO WATCH THE EXHUMATIONS.

7. (0540) M. PONOMAREV VIDEO REPORT ON INVESTIGATION CURRENTLY UNDER WAY INTO BLAST AT DEMOCRATIC RUSSIA HEADQUARTERES IN MOSCOW: VIDEO SHOWS PICTURES OF RESULTS OF BLAST. INVESTIGATOR SAYS THAT NO TRACES OF EXPLOSIVES HAVE BEEN FOUND AT THE SITE. FINAL CONCLUSIONS WILL DEPEND ON THE EXPERTS' REPORT.

8. (0650) SERGEY SHCHERBAL VIDEO REPORT FROM NOVOROSIYSK WHERE REQUEST FOR FURTHER INVESTIGATION INTO ADMIRAL NAKHIMOV COLLISION FIVE YEARS AGO HAS BEEN SUBMITTED. THE SHIPS' CAPTAINS WERE SENTENCED TO 15 YEARS IN PRISON. A. PETRAKOV, CHAIRMAN OF THE "RISK" CAPTAINS' CLUB, SAYS THAT THE CONCLUSIONS OF THE INVESTIGATION WERE INFLUENCED BY THE POLITBURO DECISION AND THEREFORE UNOBJECTIVE; AN APPEAL TO RE-OPEN THE INVESTIGATION HAS BEEN SUBMITTED TO GORBACHEV.

9. (0804) BUSH IS STARTING CAMPAIGN FOR RE-ELECTION.

UNCLAS 3Z/PMU STV TAB/MOSTV VIDEO 291

*** BEGIN MESSAGE 1 ***

SERIAL=LD1806214891 UDN=U03(56363)
CLASS=UNCLAS 3Z/PMU STV TAB/MOSTV VIDEO 291
ZCZCOLC1645ADC1857
PTTUZYUW RUDKMKKA3628 2302226-UUUU--RUETIAV.
ZNR UUUUU ZYN
P 182148Z AUG 91
FM FBIS LONDON UK
TO RUCWAAB/FBIS RESTON VA
RHDIAAA/480TH RTG LANGLEY AFB VA//INPAR//
RHEGLAI/DOE LANL INTELLIGENCE DIVISION//IT/STILLMAN//
RHEGLLL/DOE LAWRENCE LIVERMORE LAB//L-389//
RHEGSNM/SANDIA NATIONAL LABORATORY//9110 PATRICIA NEWMAN//
RHHMBRA/JICPAC HONOLULU HI
RUADJHA/CDR500THMIGP CP ZAMA JA//IAGPD-AS//
RUCBSAA/AIC NORFOLK VA
RUCEAAM/USSPACECOM INTEL CEN CHEYENNE MTN AFB CO//JSIC//
RUCIAEA/FTD/SQHR WRIGHT PATTERSON AFB OH
RUCIMDA/CDR GARRISON FT HUACHUCA AZ//ATZS-PTE-EL-LANGUAGE LAB//
RUCLBWA/CMDT USACMLS FT MCCLELLAN AL//ATZN-CM-CU//
RUDKMKB/FBIS LONDON UK//BBC//
RUDMNOP/NAVOPINTCEN SUITLAND MD//MAD-621R//
RUDMNSC/NAVTECHINTCEN WASHINGTON DC
RUDMNSC/NAVTECHINTCEN WASHINGTON DC//DS313 DOLORES//
RUDPMAX/FAISA FT BRAGG NC
RUEAIIA/CIA WASHINGTON DC
RUEANAT/NASA HQ WASHINGTON DC//FOR CODE LD//
RUEATAC/CDR USAITAC WASHINGTON DC//AIAIT-KT//
RUEBHAA/STORAGE CENTER FBIS RESTON VA
RUEBHHA/USNA ANNAPOLIS MD//LANGES-STUD//
RUEDADN/OSIA WASH DC//DOMC//
RUEDGE/CDR 112TH MI BDE FT DEVENS MA//ATSI-ETP-B-CLP//
RUEHC/SECSTATE WASHINGTON DC//INR/ISD/DC//
RUEHC/SECSTATE WASHINGTON DC//INR/SEE//
RUEHIA/USIA WASHINGTON DC//P/RLS/M/PT//
RUEHMY/AMEMBASSY MOSCOW
RUEKJCS/DEFINTAGNCY WASH DC
RUENAAA/CNO WASHINGTON DC//OP-009Y1//
RUEOACC/CDR PSYOPGP FT BRAGG NC//ASOF-POG-SB//
RUEOACC/CDR6THPSYOPBN FT BRAGG NC//AFVS-POS-DD//
RUEOAYC/CDR FSTC INTEL CHARLOTTESVILLE VA//IS3//
RUEORDF/DIR AFMIC FT DETRICK MD//IS//
RUESFV/FBIS VIENNA AU
RUETIAL/HQ AFIA FT GEO G MEADE MD//INII FOR BREWER//
RUETIAV/FT GEO G MEADE MD//P-16//
RUETIAV/MPC FT GEO G MEADE MD
RUHQHQA/USCINCPAC HONOLULU HI
RUMJBP/FBIS OKINAWA JA
RUWMLHB/COMDT DLI MONTEREY CA//FLC PMRY/ATFL-SS-R//
RUWOHEA/NASA JOHNSON SPACE CEN HOUSTON TX//ALICE MARTIN//
ACCT FBLD-EWDK

BT

UNCLAS 3Z/PMU STV TAB/MOSTV VIDEO 291

UNCLAS 3Z/PMU STV TAB/MOSTV VIDEO 291

UNCLAS 3Z/PMU STV TAB/VIDEO MOSTV 291 905

13. (0632) KENYA ON THE ARREST OF THE FORMER MINISTER OF ECONOMY. REPORT OVER VIDEO.
14. (0642) AMNESTY INTERNATIONAL FINDINGS ON YUGOSLAVIA. REPORT OVER VIDEO.
15. (0658) U.S. MILITARY BASE CLOSES IN PHILIPPINES. REPORT OVER VIDEO.
16. (0714) JAPANESE GOVERNMENT DECIDES TO CURTAIL FISHING INDUSTRY. REPORT OVER VIDEO.
17. (0730) ABC BROADCASTS PROGRAM ON LEE HARVEY OSWALD, USING THE MATERIALS FROM THE KGB ARCHIVES. REPORT OVER VIDEO.
18. (0913) A BONN FIREMAN SET FIRES TO BECOME A HERO.
19. (0930) UN EXPERTS FOUND MORE ENRICHED URANIUM IN IRAQ; CORRESPONDENT PASLYAK REPORTS ON THE USSR TRANSPORTING NUCLEAR MATERIALS FROM IRAQ TO THE USSR FOR SAFE-KEEPING; INTERVIEW WITH S. YERMAKOV. VIDEO REPORT. (LD2611235891)
20. (1211) CORRESPONDENT MARTYNOV REPORTS ON THE DISCUSSION BY THE RSFSR SUPREME SOVIET CHANGES TO THE CRIMINAL CODE ON DRUGS; INTERVIEW WITH AN OFFICIAL. VIDEO REPORT.
21. (1400) GUROV LEFT THE USSR INTERNAL AFFAIRS MINISTRY.
22. (1410) CORRESPONDENT SOKOLOVA INTERVIEWS ALEKSIY II ON HIS RETURN FROM THE U.S.
23. (1525) CORRESPONDENT REPORTS ON A FUNERAL SERVICE FOR THOSE WHO DIED IN 1917 DEFENDING MOSCOW AGAINST BOLSHEVIKS. VIDEO REPORT.
24. (1704) CORRESPONDENT ZAYTSEVA REPORTS ON A STRIKE BY MOSCOW PUBLIC BATHS EMPLOYEES. VIDEO REPORT.
25. (1821) TASS: REPORT ON CONCENTRATING TROOPS ON THE CHECHEN BORDER REFUTED. (COV LD2611201491)
26. (1825) THE DEFENSE MINISTRY REFUTED A REPORT ON AFGHAN GROUPING BREAKING THROUGH INTO THE USSR. (COV LD2611150591)
27. (1835) SHELLING IN TSKHINVALI CONTINUES.
28. (1843) A STRIKE OF RUSSIAN MEDICAL WORKERS PLANNED FOR 25 DECEMBER.
29. (1851) CORRESPONDENT NIKOLAYEV REPORTS FROM KAZAN ON THE SITTING OF THE SUPREME SOVIET OF TATARSTAN; INCOMES AND A REFERENDUM ARE UNDER DISCUSSION. VIDEO REPORT.
30. (1945) CORRESPONDENT OVCHINNIKOV REPORTS FROM MURMANSK ON THE PRIVATIZATION OF SHOPS THERE. VIDEO REPORT.
31. (2030) CORRESPONDENT ZVEREVA REPORTS ON THE WORK OF A NEW LINE FOR SAUSAGE PRODUCTION AT THE MEAT PROCESSING COMBINE IN NIZHNIY NOVGOROD. VIDEO REPORT.
32. (2117) CORRESPONDENT LAZAREV REPORTS ON THE OPENING OF AN EXHIBITION OF INTERTORGPRODASH IN MOSCOW. VIDEO REPORT.
33. (2215) CORRESPONDENT GURATSKIY REPORTS ON KAAS OPENING HER TOUR IN MOSCOW. VIDEO REPORT.
34. (2407) THE SOCIETY OF NATURISTS HAS BEEN REFUSED REGISTRATION BY MOSCOW JUDICIAL BOARD.
35. (2433) A WOMAN IN IZHEVSK CELEBRATES HER 105TH BIRTHDAY.
36. (2500) WEATHER.

TITTEL CTE22611.005/PN 27/0343Z NOV

BT

#4774

NNNN

NNN

UNCLAS 3Z/PMU STV TAB/VIDEO MOSTV 291 905

UNCLAS 3Z/PMU STV TAB/VIDEO MOSTV 291 905

*** BEGIN MESSAGE 4 ***

SERIAL=LD1001000192 UDN=V00(9429)

CLASS=UNCLAS 3Z/PMU STV TAB/VIDEO MOSTV 291 905

UNCLAS 3Z/PMU STV TAB/VIDEO MOSTV 291 905

WARNING: FOUO -- DUE TO COPYRIGHT OR OTHER RESTRICTIONS, THIS ITEM IS INTENDED FOR USE ONLY BY U.S. GOVERNMENT CONSUMERS.

WARNING: A VIDEOTAPE OF THE NEWSCAST SUMMARIZED BELOW CAN BE ORDERED FROM THE FBIS TV CENTER. VIDEOTAPES MAY BE ORDERED DIRECTLY FROM FBIS BY CALLING THE FOLLOWING TOLL-FREE NUMBERS: 1-800-542-8660 AND IN VIRGINIA 1-800-822-5115 TAPES NOT ORDERED WITHIN 30 DAYS WILL BE ERASED.

SERIAL: LD1001000192

PASS: ATTN USIS MOSCOW

ATTN TV CENTER

COPY TO MOD (2), LIAISON (2)

COUNTRY: RUSSIA

SUBJ: TELEVISION PROGRAM SUMMARY 092100: MRT 92-010

SOURCE: MOSCOW RUSSIAN TELEVISION NETWORK IN RUSSIAN 2100 GMT
9 JAN 92

TEXT:

//(("VESTI" NEWSCAST PRESENTED BY A. GURNOV; RECEPTION GOOD; FIGURES IN PARENTHESES INDICATE TIME IN MINS/SECS SINCE START OF PROGRAM))

1. (0026) EXPLOSION ON BOARD SHIP ENTERING BAKU PORT, INTERFAX REPORTS.

2. (0047) YELTSIN TO GO TO UN MEETING. (COV)

3. (0050) YELTSIN IN VOLGA REGION. VIDEO REPORT FROM ULYANOVSK SHOWING YELTSIN ARRIVING.

4. (0152) REPORT OVER VIDEO: TATARSTAN COUP BEING PREPARED. (COV)

5. (0205) FIRST KABARTINO-BALKARIA PRESIDENT SWORN IN TODAY.

6. (0217) UZBEK MUFTI REMOVED.

7. (0222) SEVRASTOPOL MEETING AGAINST UKRAINIAN CONTROL OF BLACK SEA FLEET.

8. (0246) BLACK SEA FLEET COMMANDER GONE TO KIEV FOR TALKS WITH KRAVCHUK.

9. (0300) REPORT OVER VIDEO: KRAVCHUK AND FOKIN SPOKE TODAY ON ARMY.

10. (0334) VIDEO REPORT: MEETING OF ARMY OFFICERS DEMANDING STOP TO BREAK UP OF ARMY. (PROC)

11. (0419) UN SECURITY COUNCIL MET TODAY ON YUGOSLAVIA. REPORT OVER VIDEO: YUGO UPDATE.

12. (0449) VIDEO REPORT: EC DISCUSSING YUGOSLAVIA SITUATION

13. (0521) REPORT OVER VIDEO: PALESTINIAN GROUP LEFT FOR TALKS WITH ISRAEL; BUSH LEFT JAPAN.

14. (0547) KOZYREV SPOKE WITH BAKER TODAY. (COV TASS)

15. (0601) REPORT OVER VIDEO: BURBULIS ON FUTURE OF USSR FOREIGN MINISTRY. (PROC)

16. (0633) REPORT OVER VIDEO: KGB COLONEL ANNOUNCED AT PRESS CONFERENCE THAT HE MET LEE HARVEY OSWALD TWO MONTHS BEFORE KENKEDY'S ASSASINATION. (COV TASSE)

17. (0657) REPORT OVER VIDEO: LUZHKOVA MOSCOW GOVERNMENT RESIGNED. (COV)

UNCLAS 3Z/PMU STV TAB/VIDEO MOSTV 291 905

18. (0709) SIGUA SAYS GOVERNMENT CONTROLS SITUATION IN GEORGIA. HOWEVER OPPOSITION UNDERTAKING ACTS OF CIVIL DISOBEDIENCE. (COV TASS)

19. (0744) COMMENTARY OVER VIDEO ON SITUATION IN GEORGIA PONDERING POSSIBLE FUTURE OF THE REPUBLIC.

20. (0829) SIGUA ANNOUNCED GAMSAKHURDIA MENTALLY ILL. (COV)

21. (0844) INTERVIEW WITH GAMSAKHURDIA ON POSSIBLE TORTURE CHAMBER. (COV RUSTV 1800)

22. (0935) TAJIKISTAN PRICE LIBERALIZATION TO BEGIN 10 JANUARY. (COV)

23. (0940) CHAMPION DIVER DIED TODAY

24. (0950) LITHUANIA FORBIDDING BRINGING OF RECRUITS OF FORMER SOVIET ARMY ONTO ITS TERRITORY.

25. (0954) KHASBULATOV GONE TO DACHA WITH HIS FAMILY BECAUSE ELECTRICS NOT WORKING IN HIS FLAT.

26. (1003) VIDEO REPORT: KHASBULATOV MET ENTREPRENEURS TODAY. (SEE AURN 1600)

27. (1050) 1.5 TONNES OF SALAMI DESTROYED IN KOMSOMOLSK-NA-AMUR BECAUSE NO-ONE IS BUYING IT.

28. (1056) INDIA IS TO SEND MORE AID TO RUSSIA.

29. (1128) IVIDEO REPORT: ON EFFECTS OF PRICE LIBERALIZATION IN RUSSIA. SOME ARE MAKING LOTS OF MONEY AT EXPENSE OF OTHERS.

30. (1240) LETTER RECEIVED BY VESTI ON AID BEING RECEIVED IN HIS WORK PLACE FROM GERMANY WHICH HE IS ASHAMED TO GIVE TO HIS CHILDREN.

31. (1356) REPORT OVER VIDEO: KADET PARTY TODAY WENT INTO OPPOSITION, DISAGREEING WITH YELTSIN POLICIES.

32. (1508) VIDEO REPORT: INSTITUTE OF BUDDHISM OPENED IN MOSCOW TODAY. (COV TASSE)

ROBINSON SRE20901.008/MC 10/0032Z JAN

BT

#7303

NNNN

NNN

UNCLAS 3G

*** BEGIN MESSAGE 9 ***

SERIAL=OWO408163592 UDN=V03(39310)

CLASS=UNCLAS 3G

FBIS 053AUG04

UNCLAS 3G

BYELARUS: KGB CHIEF OPPOSES RELEASE OF LEE HARVEY OSWALD FILES
OWO408163592 MOSCOW INTERFAX IN ENGLISH 1559 GMT 4 AUG 92

FOLLOWING ITEM TRANSMITTED VIA KYODO

TEXT BYELARUS'S KGB CHIEF EDUARD SHIRKOVSKIY HAS HIGHLY
PRAISED THE BYELARUSIAN-UKRAINIAN AGREEMENT ON COOPERATION BETWEEN
THE SECRET SERVICES OF THE TWO COUNTRIES SIGNED IN KIEV ON JULY 31.
HE POINTED OUT THE FACT THAT THE REPUBLICAN KGB CARRIED OUT ONLY
INTELLIGENCE AND COUNTERINTELLIGENCE ACTIVITIES NEEDED FOR A NEUTRAL
STATE.

EDUARD SHIRKOVSKIY SAID THAT HE HAD PERSONALLY EXAMINED THE CASE
OF LEE HARVEY OSWALD AND ADDED THAT IT WOULD BE DECLASSIFIED ONLY BY
PERMISSION OF PARLIAMENT. THE KGB GENERAL BELIEVES THAT IT SHOULD
NOT BE DONE, FOR THE SIX VOLUMES OF MATERIALS OF THE CASE REVEAL ALL
METHODS OF OPERATION WORK OF THE SECRET SERVICE. THOUGH, EDUARD
SHIRKOVSKIY EXPRESSED CONFIDENCE THAT LEE HARVEY OSWALD WAS UNLIKELY
TO BE INVOLVED IN THE ASSASSINATION OF PRESIDENT JOHN KENNEDY. HE
ADDED THAT LEE HARVEY OSWALD WAS NEITHER KGB, NOR CIA COLLABORATOR,
AND THAT HE WAS NO MARKSMAN.

04 AUG 1641Z KC

NNNN

NNK

UNCLAS 3G

UNCLAS

*** BEGIN MESSAGE 11 ***

SERIAL=WA0408200092 UDN=V03(39534)
CLASS=UNCLAS
FBIS 086AUG04
UNCLAS
WIRE LOG 04 AUG 1600 - 04 AUG 2000 GMT
WA0408200092
GENERAL

048 WIRE LOG 04 AUG 1200 - 04 AUG 1600 GMT

CHINA

076 PRC: VICE FOREIGN MINISTER MEETS KHIEU SAMPHAN IN BANGKOK
EAST EUROPE

051 B-H: SERBIAN JETS REPORTEDLY DROP CLUSTER BOMBS ON IGMAN
056 BULGARIA: YELTSIN ENDS VISIT; DEFENSE MINISTERS SIGN AGREEMENT
060 BOSNIA: SERBS SAY 6,000 'LIQUIDATED' IN CROAT-MUSLIM CAMPS
061 BOSNIAN SERB LEADER ALLEGES WEAPONS HIDDEN IN AID AIRCRAFT
068 BOSNIA-HERCEGOVINA: BELGRADE ROUNDS UP BATTLE REPORTS
077 ARMY LEADER SAYS FORCES READY FOR SARAJEVO'S 'LIBERATION'
CENTRAL EURASIA

049 RUSSIAN 'EXPERTS' TO JOIN ARMS INSPECTION GROUP IN IRAQ
052 CIS: ADMIRAL WARNS UKRAINE OFFICERS ON UNDERMINING DAGOMYS PAC
053 BYELARUS: KGB CHIEF OPPOSES RELEASE OF LEE HARVEY OSWALD FILES
054 RUSSIA: CASE HISTORIES OF MISSING U.S. CITIZENS (TAKE 1 OF 2)
055 RUSSIA: CASE HISTORIES OF MISSING U.S. CITIZENS (TAKE 2 OF 2--
063 TAJIKISTAN: NATIONAL SECURITY CHIEF DISMISSED
066 RUSSIA: YELTSIN EXPECTED TO TAKE 2-WEEK VACATION
069 AZERBAIJAN TO CONTROL 30 PERCENT OF CASPIAN FLEET
070 TAJIKISTAN: SECURITY STAFF REFUSES TO ACCEPT NEW CHIEF
071 ARMENIA: AZERBAIJAN REPORTEDLY SHELLING BORDER AREAS
074 RUSSIA: YELTSIN RETURNS FROM TRIP TO BULGARIA
075 RUSSIA: FOREIGN MINISTRY CRITICAL OF JAPANESE STATEMENTS
078 RUSSIA: YELTSIN ACTIVITIES IN SOFIA NOTED, NEWS CONFERENCE HEL
079 MOLDOVA: MINISTER ANNOUNCES WITHDRAWAL FROM DNIESTER COMPLETE
080 MOLDOVA: PRIME MINISTER SUMMARIZES GOALS OF NEW GOVERNMENT
082 ARMENIAN ENCLAVE ENCIRCLED, SITUATION 'CRITICAL'
083 RUSSIA WELCOMES FRANCE JOINING NON-PROLIFERATION TREATY
085 CIS: UKRAINE PREPARING TO DESTROY CONVENTIONAL ARMS
EAST ASIA

NONE

NEAR EAST & SOUTH ASIA

057 AFGHANISTAN: DOZENS OF ROCKETS HIT KABUL, ENDING CEASEFIRE
059 HIZBALLAH-PALESTINE CLAIMS ATTACK ON JORDAN-ISRAEL BORDER
057 IRAQ: SPEAKER SAYS COMING UN TEAM MUST BEHAVE 'PROPERLY'
084 ISRAEL: PERES REITERATES PUSH FOR AUTONOMY PACT IN 9-12 MONTHS
LATIN AMERICA

073 COLOMBIA: GOVERNMENT ANNOUNCES END TO U.S. OVERFLIGHTS

WEST EUROPE

058 GERMANY: DEFENSE MINISTER SAYS EFA 'DEAD', TO BE REPLACED
062 TURKEY: FOREIGN MINISTER SEES 'LIMITED INTERVENTION' IN BOSNIA
064 UN AIRLIFT TO SARAJEVO 'TEMPORARILY CALLED OFF'
065 UK: KUWAITI MINISTER, HURD SHARE VIEWS ON IRAQ
072 UNITED KINGDOM: AGREEMENT REPORTEDLY REACHED ON CONTINUING EFA
081 EUROPEAN NATIONS OPT FOR 'CHEAPER' FIGHTER AIRCRAFT PROJECT

UNCLAS

UNCLAS 3D/PMU/SU 291 797

*** BEGIN MESSAGE 6 ***

SERIAL=LD1006145792 UDN=V02(49790)
CLASS=UNCLAS 3D/PMU/SU 291 797
ZCZCOLC0040
RTTUZYUW RUDKMKA6141 1621519-UUUU--RUETIAV.
ZNR UUUUU ZYN
R 101457Z JUN 92
FM FBIS LONDON UK
TO RUCWAAA/FBIS RESTON VA
RHHMNCY/JICPAC HONOLULU HI
RUCKDDA/SECOND INTEL CO//ITU//
RUDPMAX/FAISA FT BRAGG NC
RUDPWDC/DA AMHS WASHINGTON DC
RUEBFGA/VOA WASH DC
RUEBHAA/STORAGE CENTER FBIS RESTON VA
RUEHC/SECSTATE WASHINGTON DC//INR/SEE/SI//
RUEKJCS/DEFINTAGNCY WASH DC
RUEOACC/CDR PSYOPGP FT BRAGG NC//ASOF-POG-SB//
RUESDJ/FBIS OKINAWA JA
RUESFV/FBIS VIENNA AU
RUETIAV/MPC FT GEO G MEADE MD
RUFHFT/AMCONSUL FRANKFURT//FRCIC//
ACCT FBLD-EWDK

BT

UNCLAS 3D/PMU/SU 291 797

SERIAL: LD1006145792

PASS: COPY TO CD

COUNTRY: RUSSIA

SUBJ: EX-KGB CHIEF DENIES COMPLICITY IN KENNEDY ASSASSINATION

SOURCE: MOSCOW ITAR-TASS IN ENGLISH 1311 GMT 10 JUN 92

TEXT:

//((BY ITAR-TASS CORRESPONDENT SERGEY SOSNOVSKIY))

((TEXT)) BONN JUNE 10 TASS -- KGB TOOK NO PART WHATSOEVER IN THE ORGANISATION OF THE ASSASSINATION OF PRESIDENT JOHN KENNEDY", EX-CHIEF OF THE KGB VLADIMIR SEMICHASTNIY SAID IN AN INTERVIEW WITH THE GERMAN MAGAZINE DER SPIEGEL.

SEMICHASTNIY HEADED THE KGB WHEN THE TRAGIC EVENTS UNFURLED IN DALLAS, TEXAS.

ASKED WHEN THE KGB FIRST CAME ACROSS LEE HARVEY OSWALD, SEMICHASTNIY SAID: "WHEN OUR COUNTER-INTELLIGENCE CHIEF REPORTED THAT OSWALD ASKED US FOR POLITICAL ASYLUM". I.E. ABOUT TWO YEARS PRIOR TO THE ASSASSINATION.

"WE ARRIVED AT A CONCLUSION THAT OSWALD WAS A COMMON PERSON OF LITTLE INTEREST".

OSWALD SPENT SOME TIME IN MOSCOW AND WAS LATER TRANSPORTED TO MINSK WHERE HE LIVED UNDER LOCAL KGB SURVEILLANCE. THE OSWALD FILE CONTAINED MAINLY "TRIVIAL THINGS: LOVE AFFAIRS, DANCING SPREES AND PICNICS WITH A GIRL-FRIEND".

ACCORDING TO SEMICHASTNIY, OSWALD COULD NOT BE THE CENTRAL FIGURE IN THE ASSASSINATION OF KENNEDY. "HE IS A STOOGES, A SORT OF LIGHTNING ROD IN A MUCH MORE SERIOUS OPERATION", WHICH "WAS BRILLIANTLY ARRANGED", SEMICHASTNIY SAID.

(ENDALL) 101311 LEVICK PLE21006.034/WB 10/1517Z JUN

UNCLAS 3D/PMU/SU 291 797

UNCLAS 32B/PMU/SU

*** BEGIN MESSAGE 14 ***

SERIAL=LD1001000392 UDN=V00(9426)
CLASS=UNCLAS 32B/PMU/SU
UNCLAS 32B/PMU/SU
SERIAL: LD1001000392
COUNTRY: CIS
SUBJ: FURTHER ON KGB AGENT'S DENIAL OF U.S. POW INTERROGATION
REF: LD0901231192 MOSCOW TASS ENGLISH 092135 -- FORMER KGB AGENT
DENIES INTERROGATING U.S. POWS IN VIETNAM
SOURCE: MOSCOW RADIO MOSCOW WORLD SERVICE IN ENGLISH 2210 GMT
9 JAN 92

TEXT:

((TEXT)) AT A MOSCOW NEWS CONFERENCE, RETIRED KGB COLONEL OLEG NECHEPORENKO HAS DESCRIBED HIS CONVERSATION IN HANOI WITH AN AMERICAN PRISONER OF WAR IN 1973, AND TWO MEETINGS WITH LEE HARVEY OSWALD, WHO SHOT PRESIDENT JOHN KENNEDY SINGLEHANDED, ACCORDING TO WASHINGTON'S OFFICIAL VERSION.

AT THE NEWS CONFERENCE MR. NECHEPORENKO DENIED THE CLAIM OF HIS FORMER COLLEAGUE, RETIRED GENERAL OLEG KALUGIN, WHO SAID LAST WEEK THAT HIS MEN INTERROGATED AT LEAST THREE AMERICAN POW'S IN VIETNAM IN 1978, AND REFERRED TO NECHEPORENKO, WHO ALLEGEDLY WAS IN CHARGE OF THE INTERROGATION. THE RETIRED COLONEL TOLD JOURNALISTS THAT HE ARRIVED IN HANOI FOR THE FIRST TIME IN JANUARY, 1973.

((BEGIN NECHEPORENKO RECORDING IN RUSSIAN FADING TO SUPERIMPOSED TRANSLATION TO ENGLISH)) THERE WAS AN UNDERSTANDING THAT TOGETHER WITH MY VIETNAMESE COLLEAGUES, I WOULD MEET AN AMERICAN TAKEN PRISONER SEVERAL YEARS EARLIER DURING THE (DA NAT) OFFENSIVE, IF I AM NOT MISTAKEN. HE WAS KNOWN TO BE A MEMBER OF THE SOVIET SECTION OF THE CIA. IN VIETNAM HE WAS A STATIONARY CIA AGENT IN (DA NAT), I THINK. THE CONVERSATION LASTED FOR TWO OR TWO AND A HALF HOURS. THEN A BREAK WAS ANNOUNCED FOR LUNCH, BUT AFTER LUNCH THE VIETNAMESE SAID THAT THE PRISONER DID NOT WANT TO CONTINUE THE CONVERSATION. SO THIS WAS BY NO WAY AN INTERROGATION.

I WAS IN HANOI ONCE MORE A YEAR LATER. FOR TWO WEEKS I WORKED ON THE RECORDS OF INTERROGATIONS OF AMERICAN POW'S BY THE VIETNAMESE SIDE. THERE WERE NO MORE CONTACTS BETWEEN THE SOVIET AND VIETNAMESE INTELLIGENCE ON THE ISSUE, NEITHER DID I HAVE ANY MORE MEETINGS WITH AMERICAN PRISONERS, AND I DON'T KNOW OF ANY MEETINGS OF OTHER KGB OFFICERS WITH AMERICAN PRISONERS IN VIETNAM. ((END RECORDING))

THE RETIRED SOVIET INTELLIGENCE OFFICER REAFFIRMED THAT IN SEPTEMBER 1963, OR ALMOST TWO MONTHS BEFORE THE DEATH OF JOHN KENNEDY, HE MET LEE HARVEY OSWALD IN MEXICO CITY. THERE WERE TWO MEETINGS AT THE CONSULATE OF THE SOVIET EMBASSY. ACCORDING TO NECHEPORENKO, THEY DISCUSSED THE POSSIBILITY OF GIVING OSWALD A VISA FOR HIS RETURN TO THE SOVIET UNION.

THE CONTENTS OF THESE CONVERSATIONS WITH OSWALD WILL SOON BE MADE PUBLIC IN MOSCOW, NECHEPORENKO SAID. HE FELT THAT THE PUBLICATION OF SUCH MATERIALS WILL ALLOW EXPERTS TO TAKE A NEW LOOK AT THE CIRCUMSTANCES OF THE ASSASSINATION OF THE AMERICAN PRESIDENT.

(ENDALL) 092210 NEWLIN DNE40901.022/MC 10/0032Z JAN

BT

#7304

NNNN

UNCLAS 32B/PMU/SU

UNCLAS 3EE/PMU/SU

NNN

UNCLAS 3BB/PMU/SU

UNCLAS 3BB/FAX SASPOW IND
*** BEGIN MESSAGE 5 ***

SERIAL=PM1601095592 UDN=V00(17029)
CLASS=UNCLAS 3BB/FAX SASPOW IND
UNCLAS 3BB/FAX SASPOW IND
SERIAL: PM1601095592
PASS: COPY TO UD
COUNTRY: CIS
SUBJ: EX-KGB COLONEL 'DEMOLISHES' KALUGIN POW STORY
SOURCE: MOSCOW IZVESTIYA IN RUSSIAN 11 JAN 92 MORNING EDITION P4
TEXT:

//((CORRESPONDENT VLADIMIR SKOSYREV REPORT: "KGB SECRETS BECOME COMMERCIAL"))

((TEXT)) IF ANYONE DOUBTS THAT WE ARE BECOMING MORE CIVILIZED, THEY SHOULD HAVE BEEN PRESENT AT THE PRESS CONFERENCE GIVEN BY RETIRED KGB COLONEL OLEG NECHIPORENKO ON 9 JANUARY. EVEN THE DOUBTING THOMASES AMONG US WOULD HAVE REALIZED THAT RETIRED INTELLIGENCE WORKERS AT HOME AND ABROAD ARE FEARLESSLY SUPPLYING JOURNALISTS WITH INFORMATION ON SECRET MATTERS AND, MOREOVER, STILL REFUTING STATEMENTS BY THEIR SUPERIOR OFFICERS (ALSO RETIRED, OF COURSE).

IN THIS CASE, THE SUPERIOR OFFICER IN QUESTION WAS NONE OTHER THAN OLEG KALUGIN. AS WE HAVE ALREADY REPORTED, HE HAS CLAIMED IN SEVERAL INTERVIEWS WITH U.S. TELEVISION COMPANIES THAT KGB PERSONNEL QUESTIONED (OR INTERROGATED) THREE U.S. PRISONERS OF WAR IN VIETNAM IN 1978, I.E. FIVE YEARS AFTER HANOI SAID IT HAD RELEASED ALL PRISONERS. THIS FEATURE OF THE INTERVIEWS HAS EXCITED U.S. PUBLIC OPINION MOST OF ALL.

COLONEL NECHIPORENKO COMPLETELY DEMOLISHED GENERAL KALUGIN'S STORY. FIRST, THE INCIDENT TOOK PLACE IN 1973, RATHER THAN 1978 -- IMMEDIATELY AFTER THE SIGNING OF THE PARIS AGREEMENTS ON INDOCHINA. SECOND, HE HAD ONLY TALKED TO ONE AMERICAN IN HANOI -- HE WORKED AT THE CIA RESIDENCE IN THE CITY OF DA NANG AND SPECIALIZED IN THE SOVIET UNION.

ACCORDING TO THE COLONEL, THE MEETING ORGANIZED BY "VIETNAMESE FRIENDS" WAS NOT WITHOUT ITS HUMOROUS SIDE. THE VIETNAMESE INTRODUCED HIM TO THE AMERICAN AS A MEMBER OF STAFF OF AN EAST EUROPEAN COUNTRY'S FOREIGN MINISTRY. THE AMERICAN SAW THROUGH THIS SUBTERFUGE, ALTHOUGH HE GAVE NO SIGN. THE CONVERSATION, WHICH LASTED BETWEEN TWO AND TWO AND A HALF HOURS, WAS FOLLOWED BY A LUNCH BREAK. NATURALLY, THE COLONEL WAS EAGER TO CONTINUE, BUT DISAPPOINTMENT AWAITED HIM. THE VIETNAMESE INFORMED HIM THAT THE "CONTACT HAD REFUSED ANOTHER MEETING."

CONSEQUENTLY, HE HAD TO GIVE THE LIST OF QUESTIONS PREPARED IN MOSCOW TO HIS "FRIENDS," SO THAT THEY COULD PUMP THE INFORMATION OUT OF THE AMERICAN. REFERENCE INFORMATION -- MAINLY CONFIRMING WHAT THE KGB ALREADY KNEW -- WAS EVENTUALLY OBTAINED FROM AN ENEMY SPY HELD PRISONER FOR FIVE YEARS.

A U.S. JOURNALIST AT THE PRESS CONFERENCE TRIED TO FIND OUT THE NAME OF THE PRISONER. NECHIPORENKO REPLIED THAT WASHINGTON ALREADY KNOWS THE PRISONER'S IDENTITY AND THAT IT COULD NOT BE REVEALED TO JOURNALISTS FOR REASONS OF "PROFESSIONAL SOLIDARITY."

O. KALUGIN HAS NOT BEEN OVERLY WORRIED BY THESE CONSIDERATIONS -- NOT SO MUCH IN HIS ATTITUDE TO HIS FORMER RIVALS AS WITH REGARD

UNCLAS 3BB/FAX SASPOW IND

UNCLAS 3BB/FAX SASPOW IND

TO HIS FORMER COMRADES. THE RETIRED GENERAL HAS NOT STOOD ON CEREMONY WHEN ASSESSING HIS FORMER COLLEAGUES. SO WHAT PROMPTED HIM TO MAKE HIS DISCLOSURES? THAT QUESTION, THE COLONEL SMILED, WOULD BE BEST ANSWERED BY THE MEDICS. HE ALSO MADE IT CLEAR THAT HE WOULD NOT OBJECT TO THE GENERAL BEING BROUGHT BEFORE AN OFFICERS' COURT OF HONOR.

THE SUBJECT OF THE U.S. PRISONERS' INTERROGATION COULD PROBABLY BE CONSIDERED CLOSED, IF IT WERE NOT FOR ONE STRIKING COINCIDENCE: ON THE VERY DAY NECHIPORENKO GAVE HIS PRESS CONFERENCE, A RUSSIAN FOREIGN MINISTRY SPOKESMAN ANNOUNCED THE FORMATION OF A JOINT COMMISSION OF THE RUSSIAN PARLIAMENT AND U.S. CONGRESS TO INVESTIGATE THE REPORTS ABOUT U.S. PRISONERS OF WAR. ONE WONDERS WHY THIS COMMISSION IS BEING SET UP IF THERE WERE NO FURTHER CONTACTS WITH U.S. SERVICEMEN.

HAVING ACHIEVED INSTANT FAME AS A RESULT OF THE EPISODE IN VIETNAM, O. NECHIPORENKO KEPT A MODEST SILENCE ABOUT HIS OTHER BRUSH WITH HISTORY -- HIS MEETINGS WITH LEE HARVEY OSWALD, FUTURE ASSASSIN OF U.S. PRESIDENT KENNEDY. HOWEVER, JOURNALISTS QUESTIONED HIM ABOUT THIS TOO. THE COLONEL WAS CHARY WITH THE DETAILS. HE ADMITTED THAT HE AND TWO KGB COLLEAGUES MET OSWALD TWICE AT THE SOVIET EMBASSY IN MEXICO IN 1963, APPROXIMATELY TWO MONTHS BEFORE THE ASSASSINATION.

WHAT DID THEY TALK ABOUT? THE OSWALD CASE REMAINS A STAIN ON WORLD HISTORY, AND NECHIPORENKO HAS PROMISED TO SHED SOME LIGHT ON THE SUBJECT. HOWEVER, ANYONE WHO WANTS TO FIND OUT WHAT THEY TALKED ABOUT WILL OBVIOUSLY HAVE TO PAY: THIS MATERIAL IS A "COMMERCIAL SECRET" OF THE COLONEL AND HIS TWO COLLEAGUES.

SUCH A PRACTICAL APPROACH TO WORLD HISTORY HAS TO BE ADMIRERD. AS WE CAN SEE, RETIRED KGB STAFFERS ARE INCREASINGLY ENTHUSIASTIC ABOUT ADOPTING THE NORMS OF CONDUCT WIDESPREAD AMONG THEIR COLLEAGUES IN THE WEST. NEVERTHELESS, THE QUESTION REMAINS: IS IT RIGHT TO USE SECRET INFORMATION OBTAINED IN STATE SERVICE FOR COMMERCIAL PURPOSES?

(ENDALL) 11 JAN JW/JENNINGS/KS 16/1118Z JAN

BT

#9097

NNNN

NNN

UNCLAS 3BB/FAX SASPOW IND

UNCLAS 3A/PMU/SU 291

*** BEGIN MESSAGE 29 ***

SERIAL=LD2007123992 UDX=V03(22651)

CLASS=UNCLAS 3A/PMU/SU 291

UNCLAS 3A/PMU/SU 291

SERIAL: LD2007123992

PASS: COPY TO CD

COUNTRY: RUSSIA

SUBJ: GOLOVACHEV: OSWALD DID NOT ACT ALONE IN MURDER OF KENNEDY

SOURCE: MOSCOW ITAR-TASS IN ENGLISH 1147 GMT 20 JUL 92

TEXT:

((TEXT)) MOSCOW JULY 20 TASS -- LEE HARVEY OSWALD WAS UNDOUBTEDLY INVOLVED IN THE ASSASSINATION OF U.S. PRESIDENT JOHN KENNEDY, BUT HE WAS NOT THE ONLY MURDERER, ACCORDING TO PAVEL GOLOVACHEV, A SOVIET FRIEND OF OSWALD.

30-YEAR OLD GOLOVACHEV, WHOM OSWALD USED TO CALL HIS "BEST FRIEND", MET THE FORMER U.S. MARINE IN MINSK AFTER THE LATTER FLED TO THE USSR. THEY WORKED AT THE SAME PLANT AND BECAME FRIENDS BY CHANCE. THE KGB IMMEDIATELY NOTICED THE FRIENDSHIP AND TOLD GOLOVACHEV TO SPY ON OSWALD, BUT HE REFUSED.

IT LATER BECAME KNOWN THAT THE KGB ASKED GOLOVACHEV'S FATHER, AN AIR FORCE GENERAL, TO INFLUENCE HIS SON. THE FATHER DID NOT DO IT, BUT BEGAN TO CALL HIS SON A "CIA AGENT".

"MY ATTITUDE TO OSWALD WAS THE SAME AS IF HE WERE AN EXTRATERRESTRIAL. IT WAS INTERESTING FOR ME TO KNOW WHAT THIS AMERICAN WAS LIKE", GOLOVACHEV TOLD THE LATEST ISSUE OF THE "ECHO OF THE PLANET" MAGAZINE. OSWALD WAS A WEAK MAN, NOT VERY BRIGHT NOR VERY INTELLECTUAL, ACCORDING TO HIS FRIEND.

OSWALD BOUGHT A GUN AND ENTERED A HUNTER'S CLUB, BUT HE WAS A POOR MARKSMAN. HE DID NOT ATTEND TRAINING SESSIONS, ONLY THE COMPETITIONS. HE FAILED TO HIT THE TARGET EVEN ONCE.

OSWALD WAS SOON DISAPPOINTED BY THE USSR. HE WAS ONLY SUCCESSFUL IN HIS LOVE LIFE. GOLOVACHEV WAS INVITED TO HIS WEDDING WITH MARINA PRUSAKOVA. HE BELIEVES OSWALD WAS CASUAL ABOUT THE MARRIAGE, TAKING REVENGE ON HIS PREVIOUS GIRL FRIEND WHO HAD LEFT HIM. SOON THE OSWALDS LEFT FOR THE USA.

GOLOVACHEV SENT A LETTER WITH CONDOLENCES TO MARINA WHEN OSWALD WAS MURDERED. HE ASKED HER TO PUT "A PAIR OF FLOWERS ON HIS GRAVE". THE LETTER WAS INTERCEPTED BY THE KGB AND GOLOVACHEV WAS SUMMONED FOR INTERROGATION. THEY WERE INTERESTED IN WHETHER HE HAD HAD A LOVE AFFAIR WITH MARINA. ALL PICTURES OF OSWALD WERE CONFISCATED FROM GOLOVACHEV. THE KGB FEARED THE UNITED STATES COULD LINK THE ASSASSINATION OF KENNEDY TO THE USSR.

GOLOVACHEV DID NOT BELIEVE IT WHEN HE FIRST HEARD THE REPORT THAT "A 24-YEAR OLD RESIDENT OF DALLAS, LEE HARVEY OSWALD" WAS INVOLVED IN THE MURDER OF THE U.S. PRESIDENT. ONLY MANY YEARS LATER, AFTER HAVING READ ALL THE MATERIAL PUBLISHED ABOUT THIS EVENT, HE BEGAN TO ADMIT THAT OSWALD MIGHT HAVE BEEN INVOLVED IN THE ASSASSINATION. HOWEVER, HE STILL DENIES CLAIMS THAT OSWALD WAS THE LONE ASSASSIN. (ENDALL) 201147 LEVICK PLE22007.022/PG 20/1307Z JUL

BT

#2570

NNNN

NNN

UNCLAS 3A/PMU/SU 291

UNCLAS 1B

*** BEGIN MESSAGE 8 ***

SERIAL=OW2807034292 UDN=V03(31326)
CLASS=UNCLAS 1B

UNCLAS 1B

SERIAL: OW2807034292

COUNTRY: PRC

SUBJ: XINHUA--U.S. SENATE VOTES FOR RELEASE OF KENNEDY FILES

SOURCE: BEIJING XINHUA IN ENGLISH 0321 GMT 28 JUL 92

TEXT:

((TEXT)) WASHINGTON, JULY 27 (XINHUA) -- U.S. SENATE VOTED TODAY TO REQUIRE THE GOVERNMENT TO OPEN TO THE PUBLIC ITS FILES ON THE 1963 ASSASSINATION OF PRESIDENT JOHN F. KENNEDY.

THE SENATE IN ITS DECISION DEMANDED OFFICIALS TO MAKE THE SECRET DOCUMENTS AVAILABLE TO THE PUBLIC THROUGH THE NATIONAL ARCHIVES AFTER REVIEWING THEM.

THE DECISION CAME AMID RENEWED PUBLIC INTEREST IN THE ASSASSINATION FUELED BY RECENT HOME VIDEO RELEASE OF THE 1991 FILM "JFK," WHICH CONTENDS THAT PRESIDENT KENNEDY WAS NOT KILLED BY LEE HARVEY OSWALD ACTING AS A LONE GUNMAN AS THE WARREN COMMISSION CONCLUDED. *

THE MOVIE SUGGESTED THAT BEHIND OSWALD, THERE WAS A CONSPIRACY MASTERMINDED BY THE CIA AND THE MILITARY ESTABLISHMENT, BECAUSE THEY WERE SERIOUSLY ALARMED WHEN KENNEDY SIGNALLED HIS INTENTION IN 1963 TO BRING U.S. TROOPS HOME FROM VIETNAM, A MOVE THAT WOULD HURT THE INTEREST OF THE MILITARY AND INTELLIGENCE COMPLEX.

THE BILL PASSED THE SENATE TO OPEN THE ASSASSINATION FILES ((PASSAGE AS RECEIVED)) SAID DOCUMENTS THAT OFFICIALS DECLINED TO RELEASE WOULD BE DELIVERED TO A FIVE-MEMBER INDEPENDENT PANEL FOR THE FINAL DECISION ON THEIR RELEASE.

THE PANEL, TO CONSIST OF HISTORIANS, ATTORNEYS AND OTHER PROFESSIONALS APPOINTED BY THE PRESIDENT WITH THE SENATE'S CONSENT, WOULD WITHHOLD THE PAPERS ONLY IF THEY ENDANGERED NATIONAL SECURITY OR VIOLATED A PERSON'S PRIVACY.

THE PANELISTS WOULD REVIEW THE UNRELEASED PAPERS PERIODICALLY AND RELEASE THEM AS SOON AS THEY COULD BE RELEASED.

THE SENATE ALSO DECIDED THAT ALL DOCUMENTS STILL HELD BY THE GOVERNMENT WOULD HAVE TO BE RELEASED NO MORE THAN 25 YEARS AFTER THE BILL'S ENACTMENT.

THE U.S. HOUSE OF REPRESENTATIVES PASSED A SIMILAR BILL EARLIER.
(ENDALL) 280321 MCLEAN IA992807.016 MY 28/0342Z JUL

BT

#5023

NNNN

NNN

UNCLAS 1B

UNCLAS 3G/PMU/SU 797

*** BEGIN MESSAGE 34 ***

SERIAL=LDC408222392 UDN=V03(39897)
CLASS=UNCLAS 3G/PMU/SU 797
UNCLAS 3G/PMU/SU 797
SERIAL: LDC408222392
COUNTRY: BYELARUS
SUBJ: NO KGB INVOLVEMENT IN KENNEDY ASSASSINATION
REF: OW0408163592 MOSCOW INTERFAX ENGLISH 041559 -- KGB CHIEF
OPPOSES RELEASE OF LEE HARVEY OSWALD FILES
SOURCE: MOSCOW ITAR-TASS WORLD SERVICE IN RUSSIAN 1750 GMT 4 AUG 92
TEXT:

//((BY BELINFORM CORRESPONDENT LARISA LAZAR))

((TEXT)) MINSK, 4 AUGUST (TASS) -- SO FAR THE NUMEROUS ATTEMPTS BY OUR OWN AND FOREIGN JOURNALISTS TO BECOME ACQUAINTED WITH THE SIX-VOLUME DOSSIER KEPT IN THE BYELARUSSIAN KGB ARCHIVES ON LEE HARVEY OSWALD, ONE OF THE PARTICIPANTS IN THE "CRIME OF THE CENTURY," HAVE MET WITH NO SUCCESS. "IT WILL ONLY BE POSSIBLE ONCE THE BYELARUS SUPREME SOVIET TAKES THE DECISION TO DECLASSIFY THE CASE," REPORTED EDUARD SHIRKOVSKIY, CHAIRMAN OF THE STATE SECURITY COMMITTEE OF THE REPUBLIC, AT A PRESS CONFERENCE TODAY.

HE SAID THAT WHEN OSWALD LIVED IN MINSK THE SECURITY FORCES CAME TO THE CONCLUSION AFTER STUDYING HIM CAREFULLY THAT HE COULD NOT BE A CIA AGENT. AT THE SAME TIME THE ENTIRE SECURITY SERVICE WAS MOBILIZED IN OPERATIONAL WORK TO STUDY THE AMERICAN SO THAT THE DOCUMENT COULD ONLY BE MADE PUBLIC WITH THE AGREEMENT OF THE SUPREME BODY OF STATE.

"ON THE BASIS OF THE FACTS COLLATED AT THE TIME IT IS POSSIBLE TO ESTABLISH THAT KGB BODIES WERE NOT INVOLVED IN THE TRAGIC EVENTS IN DALLAS 30 YEARS AGO," EDUARD SHIRKOVSKIY SAID. "STATE SECURITY DID NOT INVOLVE LEE HARVEY OSWALD IN ANY COOPERATION. AS FOR THE FACT THAT OSWALD HAD A WEAPON WHILE HE WAS IN MINSK, HE WAS ACTUALLY GIVEN THIS AS A MEMBER OF THE HUNTING AND FISHING CLUB. HOWEVER, ACCORDING TO EYEWITNESSES' STATEMENTS, HE WAS NOT A PARTICULARLY GOOD MARKSMAN AND IT IS HARD TO IMAGINE THAT HE COULD KILL THE PRESIDENT."

(ENDALL) 041730 WALL JWE70408.031/JA 04/2240Z AUG

BT

#6577

NNNN

NNN

UNCLAS 3G/PMU/SU 797

UNCLAS 3G/LD PMU

*** BEGIN MESSAGE 33 ***

SERIAL=OW0408163592 UDN=V03(29324)
CLASS=UNCLAS 3G/LD PMU
UNCLAS 3G/LD PMU
SERIAL: OW0408163592
PASS: COPY TO LIAISON (5)
COUNTRY: BYELARUS
SUBJ: KGB CHIEF OPPOSES RELEASE OF LEE HARVEY OSWALD FILES
SOURCE: MOSCOW INTERFAX IN ENGLISH 1559 GMT 4 AUG 92
TEXT:

//((FOLLOWING ITEM TRANSMITTED VIA KYODO))

((TEXT)) BYELARUS'S KGB CHIEF EDUARD SHIRKOVSKIY HAS HIGHLY
PRAISED THE BYELARUSIAN-UKRAINIAN AGREEMENT ON COOPERATION BETWEEN
THE SECRET SERVICES OF THE TWO COUNTRIES SIGNED IN KIEV ON JULY 31.
HE POINTED OUT THE FACT THAT THE REPUBLICAN KGB CARRIED OUT ONLY
INTELLIGENCE AND COUNTERINTELLIGENCE ACTIVITIES NEEDED FOR A NEUTRAL
STATE.

EDUARD SHIRKOVSKIY SAID THAT HE HAD PERSONALLY EXAMINED THE CASE
OF LEE HARVEY OSWALD AND ADDED THAT IT WOULD BE DECLASSIFIED ONLY BY
PERMISSION OF PARLIAMENT. THE KGB GENERAL BELIEVES THAT IT SHOULD
NOT BE DONE, FOR THE SIX VOLUMES OF MATERIALS OF THE CASE REVEAL ALL
METHODS OF OPERATION WORK OF THE SECRET SERVICE. THOUGH, EDUARD
SHIRKOVSKIY EXPRESSED CONFIDENCE THAT LEE HARVEY OSWALD WAS UNLIKELY
TO BE INVOLVED IN THE ASSASSINATION OF PRESIDENT JOHN KENNEDY. HE
ADDED THAT LEE HARVEY OSWALD WAS NEITHER KGB, NOR CIA COLLABORATOR,
AND THAT HE WAS NO MARKSMAN.

(ENDALL) 041559 BELLAMAH MB990508.015 ME 04/1536Z AUG

BT

#0503

NNNN

NNN

UNCLAS 3G/LD PMU

UNCLAS 3G/FAX

*** BEGIN MESSAGE 13 ***

SERIAL=PM2909114992

UDN=V04(32280)

CLASS=UNCLAS 3G/FAX

UNCLAS 3G/FAX

SERIAL: PM2909114992

PASS: COPY TO CD

COUNTRY: BELARUS

SUBJ: BELARUSIAN KGB CHAIRMAN CITED ON LEE HARVEY OSWALD

SOURCE: MOSCOW KRASNAYA ZVEZDA IN RUSSIAN 24 SEP 92 P 4

TEXT:

(((KRASNAYA ZVEZDA CORRESPONDENT PAVEL CHERNENKO REPLY TO
READER'S QUERY UNDER THE "READERS' BRIEFING" RUBRIC: "LEE HARVEY
OSWALD WAS A USELESS SHOT"))

((TEXT)) EVERYBODY PROBABLY KNOWS ABOUT LEE HARVEY OSWALD, WHO
SHOT JOHN F. KENNEDY. BUT ONLY A FEW PEOPLE KNOW THAT HE LIVED AND
WORKED FOR SOME TIME IN MINSK. WHAT HAVE THE BELARUSIAN KGB
STAFFERS GOT TO SAY ABOUT THIS?

CAPTAIN N. ROGOVICH.

OUR MINSK CORRESPONDENT PAVEL CHERNENKO:

"FOREIGN JOURNALISTS' INTEREST IN THE SIX-VOLUME DOSSIER KEPT IN
THE BELARUSIAN KGB ARCHIVES ON THE PERPETRATOR OF THE 'CRIME OF THE
CENTURY' IS CERTAINLY WELL-KNOWN. HOWEVER, AS THE BELARUSIAN
REPUBLIC KGB CHAIRMAN EDUARD SHIRKOVSKIY HAS SAID, IT WILL ONLY BE
POSSIBLE TO GET TO KNOW THE CASE WHEN THE REPUBLIC SUPREME SOVIET
ADOPTS A DECISION TO DECLASSIFY IT.

"IT IS NEVERTHELESS KNOWN THAT WHEN LEE HARVEY OSWALD LIVED IN
MINSK, KGB STAFFERS DID OBSERVE HIM AT FIRST, BUT HAVING STUDIED
THIS PERSON CAREFULLY, CAME TO THE CONCLUSION THAT HE WAS NOT A CIA
AGENT.

"I PERSONALLY HAVE AN INTEREST IN PRESENTING THIS DOSSIER TO
THOSE AMERICAN WRITERS WHO HAVE TURNED TO US WITH SUCH A REQUEST,'
THE BELARUSIAN KGB CHAIRMAN SAID. 'ON THE BASIS OF FACTS GATHERED
AT THE TIME, IT IS POSSIBLE TO ESTABLISH THAT THE ORGANS OF THE KGB
WERE NOT INVOLVED IN THE TRAGIC EVENTS OF 30 YEARS AGO IN DALLAS.
THE STATE SECURITY SERVICE DID NOT RECRUIT LEE HARVEY OSWALD. AS
REGARDS THE FACT THAT LEE HARVEY OSWALD POSSESSED A FIREARM IN
MINSK, IT IS TRUE THAT IT WAS HANDED OUT TO HIM AS A MEMBER OF A
HUNTING CLUB. BUT, AS EYEWITNESSES TESTIFY, HE WAS A USELESS SHOT,
AND IT IS HARD TO IMAGINE THAT HE COULD HAVE KILLED THE PRESIDENT.'"
(ENDALL) 24 SEP AR/TILLER/PG 29/1214Z SEP

BT

#9265

NNNN

NNN

UNCLAS 3G/FAX

~~TOP SECRET~~

Mr. Thomas K. Latimer
January 13, 1976
Page Two

~~HANDLE VIA COMINT CHANNELS~~

to NSA and what information on names NSA had that CIA did not. If names had significance, what names did NSA use in its analysis?

3. We are informed that CIA obtained transmissions from the Soviet Embassy in Mexico City for November or December 1963 and that it may have passed these to NSA for analysis. Did NSA receive these transmissions or any transmissions relevant to the assassination inquiry? Did it analyze them? What were the results of its analysis?

4. We are interested in learning the extent of NSA's role in assisting in the investigation of the assassination. In that connection, please inform the Committee the extent of NSA files relating to the assassination. Please provide the staff of the Committee access to those files. Please provide the staff with a summary of all information NSA developed from Cuban or Soviet transmissions relating to the assassination.

5. We have been informed that after the assassination the Cuban government instructed its embassies and consulates to return all files on Oswald to Cuba. What information does NSA have on whether such instructions were issued?

6. In connection with the answers to questions 4 and 5, please indicate whether such material was provided the Warren Commission and provide copies of all documents evidencing that fact.

We would appreciate receiving a response to these questions as soon as possible and to expedite this inquiry we are sending a copy of this letter to Mr. Foster of NSA.

Sincerely,

AL

Alton H. Quanbeck

cc: Frank Foster

CLASSIFIED BY SSC Intel. Act
EXEMPT FROM AUTOMATIC DECLASSIFICATION
SCHEDULE OF 1992 - EXCEPTION CATEGORY:
§ 1.10.10 - 1.10.11 - 1.10.12 - 1.10.13 - 1.10.14 - 1.10.15 - 1.10.16 - 1.10.17 - 1.10.18 - 1.10.19 - 1.10.20 - 1.10.21 - 1.10.22 - 1.10.23 - 1.10.24 - 1.10.25 - 1.10.26 - 1.10.27 - 1.10.28 - 1.10.29 - 1.10.30 - 1.10.31 - 1.10.32 - 1.10.33 - 1.10.34 - 1.10.35 - 1.10.36 - 1.10.37 - 1.10.38 - 1.10.39 - 1.10.40 - 1.10.41 - 1.10.42 - 1.10.43 - 1.10.44 - 1.10.45 - 1.10.46 - 1.10.47 - 1.10.48 - 1.10.49 - 1.10.50 - 1.10.51 - 1.10.52 - 1.10.53 - 1.10.54 - 1.10.55 - 1.10.56 - 1.10.57 - 1.10.58 - 1.10.59 - 1.10.60 - 1.10.61 - 1.10.62 - 1.10.63 - 1.10.64 - 1.10.65 - 1.10.66 - 1.10.67 - 1.10.68 - 1.10.69 - 1.10.70 - 1.10.71 - 1.10.72 - 1.10.73 - 1.10.74 - 1.10.75 - 1.10.76 - 1.10.77 - 1.10.78 - 1.10.79 - 1.10.80 - 1.10.81 - 1.10.82 - 1.10.83 - 1.10.84 - 1.10.85 - 1.10.86 - 1.10.87 - 1.10.88 - 1.10.89 - 1.10.90 - 1.10.91 - 1.10.92 - 1.10.93 - 1.10.94 - 1.10.95 - 1.10.96 - 1.10.97 - 1.10.98 - 1.10.99 - 1.10.100 - 1.10.101 - 1.10.102 - 1.10.103 - 1.10.104 - 1.10.105 - 1.10.106 - 1.10.107 - 1.10.108 - 1.10.109 - 1.10.110 - 1.10.111 - 1.10.112 - 1.10.113 - 1.10.114 - 1.10.115 - 1.10.116 - 1.10.117 - 1.10.118 - 1.10.119 - 1.10.120 - 1.10.121 - 1.10.122 - 1.10.123 - 1.10.124 - 1.10.125 - 1.10.126 - 1.10.127 - 1.10.128 - 1.10.129 - 1.10.130 - 1.10.131 - 1.10.132 - 1.10.133 - 1.10.134 - 1.10.135 - 1.10.136 - 1.10.137 - 1.10.138 - 1.10.139 - 1.10.140 - 1.10.141 - 1.10.142 - 1.10.143 - 1.10.144 - 1.10.145 - 1.10.146 - 1.10.147 - 1.10.148 - 1.10.149 - 1.10.150 - 1.10.151 - 1.10.152 - 1.10.153 - 1.10.154 - 1.10.155 - 1.10.156 - 1.10.157 - 1.10.158 - 1.10.159 - 1.10.160 - 1.10.161 - 1.10.162 - 1.10.163 - 1.10.164 - 1.10.165 - 1.10.166 - 1.10.167 - 1.10.168 - 1.10.169 - 1.10.170 - 1.10.171 - 1.10.172 - 1.10.173 - 1.10.174 - 1.10.175 - 1.10.176 - 1.10.177 - 1.10.178 - 1.10.179 - 1.10.180 - 1.10.181 - 1.10.182 - 1.10.183 - 1.10.184 - 1.10.185 - 1.10.186 - 1.10.187 - 1.10.188 - 1.10.189 - 1.10.190 - 1.10.191 - 1.10.192 - 1.10.193 - 1.10.194 - 1.10.195 - 1.10.196 - 1.10.197 - 1.10.198 - 1.10.199 - 1.10.200 - 1.10.201 - 1.10.202 - 1.10.203 - 1.10.204 - 1.10.205 - 1.10.206 - 1.10.207 - 1.10.208 - 1.10.209 - 1.10.210 - 1.10.211 - 1.10.212 - 1.10.213 - 1.10.214 - 1.10.215 - 1.10.216 - 1.10.217 - 1.10.218 - 1.10.219 - 1.10.220 - 1.10.221 - 1.10.222 - 1.10.223 - 1.10.224 - 1.10.225 - 1.10.226 - 1.10.227 - 1.10.228 - 1.10.229 - 1.10.230 - 1.10.231 - 1.10.232 - 1.10.233 - 1.10.234 - 1.10.235 - 1.10.236 - 1.10.237 - 1.10.238 - 1.10.239 - 1.10.240 - 1.10.241 - 1.10.242 - 1.10.243 - 1.10.244 - 1.10.245 - 1.10.246 - 1.10.247 - 1.10.248 - 1.10.249 - 1.10.250 - 1.10.251 - 1.10.252 - 1.10.253 - 1.10.254 - 1.10.255 - 1.10.256 - 1.10.257 - 1.10.258 - 1.10.259 - 1.10.260 - 1.10.261 - 1.10.262 - 1.10.263 - 1.10.264 - 1.10.265 - 1.10.266 - 1.10.267 - 1.10.268 - 1.10.269 - 1.10.270 - 1.10.271 - 1.10.272 - 1.10.273 - 1.10.274 - 1.10.275 - 1.10.276 - 1.10.277 - 1.10.278 - 1.10.279 - 1.10.280 - 1.10.281 - 1.10.282 - 1.10.283 - 1.10.284 - 1.10.285 - 1.10.286 - 1.10.287 - 1.10.288 - 1.10.289 - 1.10.290 - 1.10.291 - 1.10.292 - 1.10.293 - 1.10.294 - 1.10.295 - 1.10.296 - 1.10.297 - 1.10.298 - 1.10.299 - 1.10.300 - 1.10.301 - 1.10.302 - 1.10.303 - 1.10.304 - 1.10.305 - 1.10.306 - 1.10.307 - 1.10.308 - 1.10.309 - 1.10.310 - 1.10.311 - 1.10.312 - 1.10.313 - 1.10.314 - 1.10.315 - 1.10.316 - 1.10.317 - 1.10.318 - 1.10.319 - 1.10.320 - 1.10.321 - 1.10.322 - 1.10.323 - 1.10.324 - 1.10.325 - 1.10.326 - 1.10.327 - 1.10.328 - 1.10.329 - 1.10.330 - 1.10.331 - 1.10.332 - 1.10.333 - 1.10.334 - 1.10.335 - 1.10.336 - 1.10.337 - 1.10.338 - 1.10.339 - 1.10.340 - 1.10.341 - 1.10.342 - 1.10.343 - 1.10.344 - 1.10.345 - 1.10.346 - 1.10.347 - 1.10.348 - 1.10.349 - 1.10.350 - 1.10.351 - 1.10.352 - 1.10.353 - 1.10.354 - 1.10.355 - 1.10.356 - 1.10.357 - 1.10.358 - 1.10.359 - 1.10.360 - 1.10.361 - 1.10.362 - 1.10.363 - 1.10.364 - 1.10.365 - 1.10.366 - 1.10.367 - 1.10.368 - 1.10.369 - 1.10.370 - 1.10.371 - 1.10.372 - 1.10.373 - 1.10.374 - 1.10.375 - 1.10.376 - 1.10.377 - 1.10.378 - 1.10.379 - 1.10.380 - 1.10.381 - 1.10.382 - 1.10.383 - 1.10.384 - 1.10.385 - 1.10.386 - 1.10.387 - 1.10.388 - 1.10.389 - 1.10.390 - 1.10.391 - 1.10.392 - 1.10.393 - 1.10.394 - 1.10.395 - 1.10.396 - 1.10.397 - 1.10.398 - 1.10.399 - 1.10.400 - 1.10.401 - 1.10.402 - 1.10.403 - 1.10.404 - 1.10.405 - 1.10.406 - 1.10.407 - 1.10.408 - 1.10.409 - 1.10.410 - 1.10.411 - 1.10.412 - 1.10.413 - 1.10.414 - 1.10.415 - 1.10.416 - 1.10.417 - 1.10.418 - 1.10.419 - 1.10.420 - 1.10.421 - 1.10.422 - 1.10.423 - 1.10.424 - 1.10.425 - 1.10.426 - 1.10.427 - 1.10.428 - 1.10.429 - 1.10.430 - 1.10.431 - 1.10.432 - 1.10.433 - 1.10.434 - 1.10.435 - 1.10.436 - 1.10.437 - 1.10.438 - 1.10.439 - 1.10.440 - 1.10.441 - 1.10.442 - 1.10.443 - 1.10.444 - 1.10.445 - 1.10.446 - 1.10.447 - 1.10.448 - 1.10.449 - 1.10.450 - 1.10.451 - 1.10.452 - 1.10.453 - 1.10.454 - 1.10.455 - 1.10.456 - 1.10.457 - 1.10.458 - 1.10.459 - 1.10.460 - 1.10.461 - 1.10.462 - 1.10.463 - 1.10.464 - 1.10.465 - 1.10.466 - 1.10.467 - 1.10.468 - 1.10.469 - 1.10.470 - 1.10.471 - 1.10.472 - 1.10.473 - 1.10.474 - 1.10.475 - 1.10.476 - 1.10.477 - 1.10.478 - 1.10.479 - 1.10.480 - 1.10.481 - 1.10.482 - 1.10.483 - 1.10.484 - 1.10.485 - 1.10.486 - 1.10.487 - 1.10.488 - 1.10.489 - 1.10.490 - 1.10.491 - 1.10.492 - 1.10.493 - 1.10.494 - 1.10.495 - 1.10.496 - 1.10.497 - 1.10.498 - 1.10.499 - 1.10.500 - 1.10.501 - 1.10.502 - 1.10.503 - 1.10.504 - 1.10.505 - 1.10.506 - 1.10.507 - 1.10.508 - 1.10.509 - 1.10.510 - 1.10.511 - 1.10.512 - 1.10.513 - 1.10.514 - 1.10.515 - 1.10.516 - 1.10.517 - 1.10.518 - 1.10.519 - 1.10.520 - 1.10.521 - 1.10.522 - 1.10.523 - 1.10.524 - 1.10.525 - 1.10.526 - 1.10.527 - 1.10.528 - 1.10.529 - 1.10.530 - 1.10.531 - 1.10.532 - 1.10.533 - 1.10.534 - 1.10.535 - 1.10.536 - 1.10.537 - 1.10.538 - 1.10.539 - 1.10.540 - 1.10.541 - 1.10.542 - 1.10.543 - 1.10.544 - 1.10.545 - 1.10.546 - 1.10.547 - 1.10.548 - 1.10.549 - 1.10.550 - 1.10.551 - 1.10.552 - 1.10.553 - 1.10.554 - 1.10.555 - 1.10.556 - 1.10.557 - 1.10.558 - 1.10.559 - 1.10.560 - 1.10.561 - 1.10.562 - 1.10.563 - 1.10.564 - 1.10.565 - 1.10.566 - 1.10.567 - 1.10.568 - 1.10.569 - 1.10.570 - 1.10.571 - 1.10.572 - 1.10.573 - 1.10.574 - 1.10.575 - 1.10.576 - 1.10.577 - 1.10.578 - 1.10.579 - 1.10.580 - 1.10.581 - 1.10.582 - 1.10.583 - 1.10.584 - 1.10.585 - 1.10.586 - 1.10.587 - 1.10.588 - 1.10.589 - 1.10.590 - 1.10.591 - 1.10.592 - 1.10.593 - 1.10.594 - 1.10.595 - 1.10.596 - 1.10.597 - 1.10.598 - 1.10.599 - 1.10.600 - 1.10.601 - 1.10.602 - 1.10.603 - 1.10.604 - 1.10.605 - 1.10.606 - 1.10.607 - 1.10.608 - 1.10.609 - 1.10.610 - 1.10.611 - 1.10.612 - 1.10.613 - 1.10.614 - 1.10.615 - 1.10.616 - 1.10.617 - 1.10.618 - 1.10.619 - 1.10.620 - 1.10.621 - 1.10.622 - 1.10.623 - 1.10.624 - 1.10.625 - 1.10.626 - 1.10.627 - 1.10.628 - 1.10.629 - 1.10.630 - 1.10.631 - 1.10.632 - 1.10.633 - 1.10.634 - 1.10.635 - 1.10.636 - 1.10.637 - 1.10.638 - 1.10.639 - 1.10.640 - 1.10.641 - 1.10.642 - 1.10.643 - 1.10.644 - 1.10.645 - 1.10.646 - 1.10.647 - 1.10.648 - 1.10.649 - 1.10.650 - 1.10.651 - 1.10.652 - 1.10.653 - 1.10.654 - 1.10.655 - 1.10.656 - 1.10.657 - 1.10.658 - 1.10.659 - 1.10.660 - 1.10.661 - 1.10.662 - 1.10.663 - 1.10.664 - 1.10.665 - 1.10.666 - 1.10.667 - 1.10.668 - 1.10.669 - 1.10.670 - 1.10.671 - 1.10.672 - 1.10.673 - 1.10.674 - 1.10.675 - 1.10.676 - 1.10.677 - 1.10.678 - 1.10.679 - 1.10.680 - 1.10.681 - 1.10.682 - 1.10.683 - 1.10.684 - 1.10.685 - 1.10.686 - 1.10.687 - 1.10.688 - 1.10.689 - 1.10.690 - 1.10.691 - 1.10.692 - 1.10.693 - 1.10.694 - 1.10.695 - 1.10.696 - 1.10.697 - 1.10.698 - 1.10.699 - 1.10.700 - 1.10.701 - 1.10.702 - 1.10.703 - 1.10.704 - 1.10.705 - 1.10.706 - 1.10.707 - 1.10.708 - 1.10.709 - 1.10.710 - 1.10.711 - 1.10.712 - 1.10.713 - 1.10.714 - 1.10.715 - 1.10.716 - 1.10.717 - 1.10.718 - 1.10.719 - 1.10.720 - 1.10.721 - 1.10.722 - 1.10.723 - 1.10.724 - 1.10.725 - 1.10.726 - 1.10.727 - 1.10.728 - 1.10.729 - 1.10.730 - 1.10.731 - 1.10.732 - 1.10.733 - 1.10.734 - 1.10.735 - 1.10.736 - 1.10.737 - 1.10.738 - 1.10.739 - 1.10.740 - 1.10.741 - 1.10.742 - 1.10.743 - 1.10.744 - 1.10.745 - 1.10.746 - 1.10.747 - 1.10.748 - 1.10.749 - 1.10.750 - 1.10.751 - 1.10.752 - 1.10.753 - 1.10.754 - 1.10.755 - 1.10.756 - 1.10.757 - 1.10.758 - 1.10.759 - 1.10.760 - 1.10.761 - 1.10.762 - 1.10.763 - 1.10.764 - 1.10.765 - 1.10.766 - 1.10.767 - 1.10.768 - 1.10.769 - 1.10.770 - 1.10.771 - 1.10.772 - 1.10.773 - 1.10.774 - 1.10.775 - 1.10.776 - 1.10.777 - 1.10.778 - 1.10.779 - 1.10.780 - 1.10.781 - 1.10.782 - 1.10.783 - 1.10.784 - 1.10.785 - 1.10.786 - 1.10.787 - 1.10.788 - 1.10.789 - 1.10.790 - 1.10.791 - 1.10.792 - 1.10.793 - 1.10.794 - 1.10.795 - 1.10.796 - 1.10.797 - 1.10.798 - 1.10.799 - 1.10.800 - 1.10.801 - 1.10.802 - 1.10.803 - 1.10.804 - 1.10.805 - 1.10.806 - 1.10.807 - 1.10.808 - 1.10.809 - 1.10.810 - 1.10.811 - 1.10.812 - 1.10.813 - 1.10.814 - 1.10.815 - 1.10.816 - 1.10.817 - 1.10.818 - 1.10.819 - 1.10.820 - 1.10.821 - 1.10.822 - 1.10.823 - 1.10.824 - 1.10.825 - 1.10.826 - 1.10.827 - 1.10.828 - 1.10.829 - 1.10.830 - 1.10.831 - 1.10.832 - 1.10.833 - 1.10.834 - 1.10.835 - 1.10.836 - 1.10.837 - 1.10.838 - 1.10.839 - 1.10.840 - 1.10.841 - 1.10.842 - 1.10.843 - 1.10.844 - 1.10.845 - 1.10.846 - 1.10.847 - 1.10.848 - 1.10.849 - 1.10.850 - 1.10.851 - 1.10.852 - 1.10.853 - 1.10.854 - 1.10.855 - 1.10.856 - 1.10.857 - 1.10.858 - 1.10.859 - 1.10.860 - 1.10.861 - 1.10.862 - 1.10.863 - 1.10.864 - 1.10.865 - 1.10.866 - 1.10.867 - 1.10.868 - 1.10.869 - 1.10.870 - 1.10.871 - 1.10.872 - 1.10.873 - 1.10.874 - 1.10.875 - 1.10.876 - 1.10.877 - 1.10.878 - 1.10.879 - 1.10.880 - 1.10.881 - 1.10.882 - 1.10.883 - 1.10.884 - 1.10.885 - 1.10.886 - 1.10.887 - 1.10.888 - 1.10.889 - 1.10.890 - 1.10.891 - 1.10.892 - 1.10.893 - 1.10.894 - 1.10.895 - 1.10.896 - 1.10.897 - 1.10.898 - 1.10.899 - 1.10.900 - 1.10.901 - 1.10.902 - 1.10.903 - 1.10.904 - 1.10.905 - 1.10.906 - 1.10.907 - 1.10.908 - 1.10.909 - 1.10.910 - 1.10.911 - 1.10.912 - 1.10.913 - 1.10.914 - 1.10.915 - 1.10.916 - 1.10.917 - 1.10.918 - 1.10.919 - 1.10.920 - 1.10.921 - 1.10.922 - 1.10.923 - 1.10.924 - 1.10.925 - 1.10.926 - 1.10.927 - 1.10.928 - 1.10.929 - 1.10.930 - 1.10.931 - 1.10.932 - 1.10.933 - 1.10.934 - 1.10.935 - 1.10.936 - 1.10.937 - 1.10.938 - 1.10.939 - 1.10.940 - 1.10.941 - 1.10.942 - 1.10.943 - 1.10.944 - 1.10.945 - 1.10.946 - 1.10.947 - 1.10.948 - 1.10.949 - 1.10.950 - 1.10.951 - 1.10.952 - 1.10.953 - 1.10.954 - 1.10.955 - 1.10.956 - 1.10.957 - 1.10.958 - 1.10.959 - 1.10.960 - 1.10.961 - 1.10.962 - 1.10.963 - 1.10.964 - 1.10.965 - 1.10.966 - 1.10.967 - 1.10.968 - 1.10.969 - 1.10.970 - 1.10.971 - 1.10.972 - 1.10.973 - 1.10.974 - 1.10.975 - 1.10.976 - 1.10.977 - 1.10.978 - 1.10.979 - 1.10.980 - 1.10.981 - 1.10.982 - 1.10.983 - 1.10.984 - 1.10.985 - 1.10.986 - 1.10.987 - 1.10.988 - 1.10.989 - 1.10.990 - 1.10.991 - 1.10.992 - 1.10.993 - 1.10.994 - 1.10.995 - 1.10.996 - 1.10.997 - 1.10.998 - 1.10.999 - 1.10.1000

Impossible to Determine
(unless proper file control date is used)

~~TOP SECRET~~

1011
NSA

JLR:RS/bjc
7/7/64

JUL 10 1964

Lieutenant General Gordon A. Blake, U. S. A. P.
Director, National Security Agency
Fort George G. Meade, Maryland

Dear General Blake:

In regard to Dr. Tordello's request, the National Security Agency is authorized to keep for its file the following photographic copies of items which have been used by the Commission in its investigation:

- (1) Commission Exhibit 51
- (2) Commission Exhibit 15
- (3) Commission Exhibit 104
- (4) Commission Exhibit 18
- (5) Typewritten version of Commission Exhibit 24
- (6) F. B. I. items A-2, A-6
- (7) F. B. I. items 157, 152

Thank you for the cooperation and assistance you have rendered the Commission.

Sincerely,

SIGNED

J. Lee Rankin
General Counsel

REC'D

[Handwritten signature]

cc. Rankin
cc. Willens
cc. Mosk

UNCLASSIFIED

*** BEGIN MESSAGE 7 ***

SERIAL=VIENNA8961-90 UDN=TCB(89695)
CLASS=UNCLASSIFIED

UNCLASSIFIED NSA4884

PAGE 01 VIENNA 08961 01 OF 02 081419Z

ACTION EUR-01

INFO LOG-00 INR-05 OIC-02 CIAE-00 DODE-00 IO-19 NSCE-00
NSAE-00 PA-02 INRE-00 ACDA-13 SP-01 PRS-01 SDEL-01
/045 W

-----065063 081421Z /38

C 081418Z AUG 90

FM AMEMBASSY VIENNA

TO AMEMBASSY BONN IMMEDIATE

USIA WASHDC IMMEDIATE 1542

SECSTATE WASHDC IMMEDIATE 4630

INFO USDOC WASHDC IMMEDIATE

USMISSION USVIENNA IMMEDIATE

BT

UNCLAS SECTION 01 OF 02 VIENNA 08961

SERIAL: VIENNA 8961-90

USIS

USIA FOR EU

STATE FOR EUR/CE, INR/WEA AND INR/P

USDOC FOR 4220/IEF/EUR OEW FOR P. COMBS

USVIENNA FOR USDEL CFE AND UNVIE

E.O. 12356: N/A

SUBJECT: AUSTRIAN PRESS SUMMARY NO. 120, FOR AUGUST 8,
1990

1. STATE FUNERAL OF FORMER CHANCELLOR KREISKY: THE
FUNERAL CEREMONY FOR LATE FORMER CHANCELLOR KREISKY ON
JULY 7, 1990, WAS EXTENSIVELY COVERED BY ALL AUSTRIAN
MEDIA. ALL DAILIES RUN REPORTS ON THE TOPIC; ORF RAN A
LIVE COVERAGE OF THE EVENT FROM 9 A.M. TO 5 P.M.
REGARDING THE OFFICIAL U.S. REPRESENTATION AT THE

FUNERAL, ORF COMMENTED ON ITS TV COVERAGE AS FOLLOWS:
"BOTH SUPER-POWERS DID NOT DECIDE ON THEIR OFFICIAL
REPRESENTATIVES UNTIL SHORTLY BEFORE THE CEREMONY. THE
USSR'S REPRESENTATIVE WAS GEORGI ARBATOV. THE UNITED
STATES SENT THE U.S. AMBASSADOR TO BONN AND FORMER CIA
DIRECTOR VERNON WALTERS AS PRESIDENT BUSH'S SPECIAL
AMBASSADOR. BOTH SUPER-POWERS ARE AT THE MOMENT WORRIED
ABOUT THE SITUATION AT THE GULF; THIS MAY HAVE
INFLUENCED THE U.S. IN ITS DECISION NOT TO SEND A
REPRESENTATIVE DIRECTLY FROM WASHINGTON."
THE INDEPENDENT DAILY "DIE PRESSE" OF JULY 9 ALSO
MENTIONS THE OFFICIAL U.S. REPRESENTATIVE AT THE
FUNERAL, VERNON WALTERS, BY NAME. (DIE PRESSE, P.3;
ORF LIVE TV COVERAGE OF KREISKY FUNERAL, AUGUST 7)
2.. PLO CHIEF ARAFAT IN VIENNA: BEFORE ATTENDING THE
STATE FUNERAL FOR LATE FORMER CHANCELLOR BRUNO KREISKY,
PLO CHIEF JASSIR ARAFAT MET WITH AUSTRIAN FEDERAL

UNCLASSIFIED

UNCLASSIFIED

PRESIDENT WALDHEIM. THEIR CONVERSATION FOCUSED ON THE DIFFICULT SITUATION IN THE MIDDLE EAST. AFTER THE FUNERAL, ARAFAT TALKED TO AUSTRIAN CHANCELLOR VRANITZKY FOR ABOUT HALF AN HOUR. VRANITZKY AND ARAFAT GAVE AN INTERVIEW AFTERWARDS, WHICH ORF BROADCAST IN ITS DAILY EVENING NEWS PROGRAM "ZEIT IM BILD I". DURING THEIR TALK, THE AUSTRIAN CHANCELLOR MADE IT CLEAR THAT AUSTRIA IS FULLY PARTICIPATING IN THE SANCTIONS IMPOSED ON IRAQ. ARAFAT WAS REPORTED TO HAVE SAID THAT HE IS VERY UNHAPPY ABOUT THE SITUATION IN THE GULF. HE CONSIDERED THE SITUATION DANGEROUS AND SAID EVERYTHING HAD TO BE DONE TO ALLOW AN INNER-ARAB SOLUTION. HE REFUSED TO ANSWER QUESTIONS AS TO WHY HE IS NOT CONDEMNING IRAQ'S AGGRESSION.

ASKED WHAT HE CONSIDERED KREISKY'S POLITICAL HERITAGE TO THE MIDDLE EAST, HE SAID "WE HAVE TO FOLLOW IN THE LINE OF KREISKY'S PRINCIPLES, WHICH ARE FREEDOM, DEMOCRACY, AND HUMANITARIAN ASPECTS". ARAFAT REFUSED TO RESPOND TO A QUESTION AS TO WHAT HE IS DOING TO CONVINCE IRAQ OF THESE PRINCIPLES. (DIE PRESSE, P.2; ORF DAILY EVENING NEWS ROUND-UP, AUGUST 7)

3. AUSTRIA IMPOSES EMBARGO ON IRAQ: ON TUESDAY, AUGUST 7, THE AUSTRIAN FEDERAL GOVERNMENT ADOPTED A DECLARATION STATING THAT AUSTRIA WILL AS AN AUTONOMOUS STATE APPLY THE SANCTIONS IMPOSED ON IRAQ BY THE U.N. SECURITY COUNCIL. ACCORDING TO FOREIGN MINISTER MOCK, THE SECURITY COUNCIL'S MEASURE IS A "MODEST BUT VISIBLE STEP OF THE UNITED NATIONS TOWARD SECURING THE PRINCIPLE OF NON-VIOLENCE AND THUS THE REALIZATION OF THE U.N. CHARTER".

WHILE A BAN ON ARMS SUPPLIES AND A TRADE EMBARGO POSE NO LEGAL PROBLEMS, THE LOCKING OF IRAQI AND KUWAITI ACCOUNTS IS, ACCORDING TO THE HEAD OF THE CONSTITUTIONAL SECTION AT THE OFFICE OF THE FEDERAL CHANCELLOR, A "VERY DELICATE QUESTION". (DIE PRESSE, P.4)

4. AUSTRIAN DAILIES REPORT OF NEWS ON KENNEDY ASSASSINATION: SEVERAL MAJOR AUSTRIAN DAILIES RUN A REPORT, BASED ON A WIRE-SERVICE STORY, ON U.S. CITIZEN RICKY DON WHITE'S CLAIM THAT THREE AGENTS OF THE U.S. SECRET SERVICE ARE RESPONSIBLE FOR JOHN F. KENNEDY'S ASSASSINATION AND THAT HIS FATHER HAD ASSASSINATED THE FORMER U.S. PRESIDENT. (DER STANDARD, P.4; NEUE KRONEN
BT

NNN

SERIAL=VIENNA8961-90 UDN=T03(39886)

CLASS=UNCLASSIFIED

UNCLASSIFIED NSA4881

PAGE 01 VIENNA 08961 02 OF 02 081419Z

ACTION EUR-01

UNCLASSIFIED

UNCLASSIFIED

INFC LOG-00 INR-05 OIC-02 CIAE-00 DODE-00 IO-19 NSCE-00
NSAE-00 PA-02 INRE-00 ACDA-13 SP-01 FRS-01 SDEL-01
/045 W

-----063057 061420Z /38

O 061418Z AUG 90
FM AMEMBASSY VIENNA
TO AMEMBASSY BONN IMMEDIATE
USIA WASHDC IMMEDIATE 1543
SECSTATE WASHDC IMMEDIATE 4631
INFO USDOC WASHDC IMMEDIATE
USMISSION USVIENNA IMMEDIATE
BT
UNCLAS SECTION 02 OF 02 VIENNA 08961
SERIAL: VIENNA 8961-90
USIS
USIA FOR EU
STATE FOR EUR/CE, INR/WEA AND INR/P
USDOC FOR 4220/IEP/EUR OEW FOR P. COMBS
USVIENNA FOR USDEL CFE AND UNVIE
E.O. 12356: N/A
SUBJECT: AUSTRIAN PRESS SUMMARY NO. 120, FOR AUGUST 6,
ZEITUNG, P.10)
O'CONNOR
BT

NNN

UNCLASSIFIED

~~SECRET~~

~~TOP SECRET~~

0600 26 Nov - 0600 27 Nov '63

Four
Articles

15. Section III/2-American Consul General Hong Kong Comments On Peiping Reaction To President Kennedy's Death:

Comment: There is a distinctive defensive note underlying Chinese Communist commentary, which the Am Consul believes can be attributed to Peiping's realization that except for Communist China and a scattering of adherents, the whole world (including the USSR) has joined together in scolding the leadership of President Kennedy and in wishing President Johnson well. As so often in the case when Peiping feels itself isolated and on the defensive, eg. regarding Soviet charges that the Chinese Communists advocate war as a means of world revolution, Peiping in this instance feels obliged to vilify its chosen enemies inordinately in order to justify its extreme stand. Insofar as local Chinese reaction is concerned in Hong Kong, the Consul contacts think this line will provoke adverse effect even among Communist adherents. What effect such treatment will have on China mainland remains to be seen. Meanwhile, we surmise that Peiping senses it will have considerable difficulty in shifting its propaganda attacks away from President Kennedy to his successor, who is unknown quantity due to regime's technique of using the President as the personification of all that it hates in us.
(AmConsul Hong Kong 251015Z) (LO7)

16. Section III/7-Khrushchev Supports Indonesia Against Malaysia:

Khrushchev has expressed full support for Indonesia's confrontation with Malaysia, the Government-controlled Antara news agency reported on 26 Nov. Antara said the support was given by Khrushchev at a luncheon for Indonesian Defense Minister and chief of the armed forces General Nasution during a recent visit to Russia. Nasution told Antara he felt satisfied with his talks with Khrushchev and again stressed that Indonesia would continue to oppose the British-backed federation. Nasution, who is now in the United States, will later visit Paris. (R79, 26 Nov) (Uncl)

17. Section III/2-ChiNat Reports For Helicopters For Mainland Invasion:

Date of Info mid Nov '63 - Evaluation B3
According to reliable official of the Kawasaki aircraft company, the ChiNats are negotiating with the Kawasaki aircraft company for the purchase of 10 Boeing Vertol 107 helicopters. These aircraft are reportedly to be used in secret invasion of the China mainland being planned for the end of 1964. The helicopters will be amphibious and able to transport 40 fully armed troops. Combat radius with full load is 125 miles and with larger and/or auxiliary fuel tanks the radius can be increased to 300 miles. Govt of Japan has sanctioned negotiation which is under way. Contract expected to be concluded in late December 1963 or early January 1964. ChiNats requested for delivery of 3 acft by Jan-Feb '64 to facilitate necessary training of main and operation personnel. Delivery of remaining 7 acft to be made in 2 shipments before end of '64. ChiNats have insisted on secrecy of negotiations and plan even from US advisory personnel.
(6409 Spt Gp Japan, 230640Z) (S)

~~SECRET~~

~~TOP SECRET~~



NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

file copy



Serial: LR/049/92
11 May 1992

MEMORANDUM FOR OFFICE OF CONGRESSIONAL AFFAIRS, CENTRAL
INTELLIGENCE AGENCY

SUBJECT: S.J. Resolution 282 - The Assassination Materials Disclosure Act of 1992
- INFORMATION MEMORANDUM

1. This responds to your request for information regarding National Security Agency (NSA) holdings that may be relevant to S.J. Resolution 282. Our preliminary search uncovered holdings that are comprised of NSA's responses to inquiries by the Warren Commission and the Church Committee and several NSA reports. These documents number approximately 50 pages.
2. Our preliminary check of FOIA requests indicates that we have processed approximately 17 requests relevant to the Kennedy assassination, with five requests still open. We are currently checking our files to ascertain if any material was released under FOIA.
3. If we can be of any further assistance, please contact me or Rhea Siers, of this office at (301) 688-7438.

R. N. FIELDING
Legislative and Regulatory Counsel

Serial: LR/049/92

cc: C/S
A/GC
AGC(A/Lit)
AGC(Ops)

M/R: This responds to CIA's request for a preliminary accounting of our holdings relevant to the Kennedy assassination. The DCI requested that a preliminary assessment be made of Intelligence Community information on this matter.

Rhea D Siers

RHEA D. SIERS, OL&RC, 963-3121, 8 May 1992, mvk

CONCUR:

LAO h/s, Date *May 8*

Q43 h/s, Date *May 8*

Draft 5/8/92
2:00 p.m.

STATEMENT OF ROBERT M. GATES
DIRECTOR OF CENTRAL INTELLIGENCE
BEFORE THE
COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

12 MAY 1992

Mr. Chairman, I am here today at your request to provide my views on Senate Joint Resolution 282, "The Assassination Materials Disclosure Act of 1992," and to describe the nature of documents held by the CIA that relate to the assassination of John F. Kennedy. I very much appreciate the opportunity to speak on this important matter.

Let me begin by stating that I am in complete agreement with the purpose underlying the joint resolution--that efforts should be made to declassify and make available to the public as quickly as possible government documents relating to the assassination of John F. Kennedy. We hope that opening up and giving journalists, historians and, most importantly, the public access to governmental files will help to resolve questions that still linger over 28 years after the assassination. Further, I believe that maximum disclosure will discredit the theory that CIA had anything to do with the murder of John F. Kennedy.

Even before introduction of this joint resolution, I recognized the need for greater public access to CIA documents of historical importance. Two months ago, I announced the establishment of a new unit within CIA that will be responsible for declassifying as many historical documents as possible consistent with the protection of intelligence sources and

methods. This new unit, the Historical Review Group, in the Agency's Center for the Study of Intelligence, will review for declassification documents 30 years old or older, and national intelligence estimates on the former Soviet Union that are 10 years old or older. In addition to the systematic review of 30-year-old documents, I have directed the History Staff in the Center for the Study of Intelligence to assemble CIA records focusing on particular events of historical importance, including the assassination of President Kennedy. The Historical Review Group will then examine the documents for the purpose of declassifying the records. Because of high interest in the JFK papers, I am not waiting for legislation or other agencies to start declassifying documents belonging to CIA. The Historical Review Group, at my direction, already has begun its review of the documents related to the assassination of President Kennedy, and I am glad to report that the first group of these records, including all CIA documents on Lee Harvey Oswald prior to the assassination, has been declassified and transferred to the National Archives for release to the public. As we speak, the reviewers are going through a substantial number of documents, and I anticipate that many of these will be released shortly.

As we carry out our program to declassify Kennedy assassination documents, our goal will be to release as many documents as possible. In fact, I recently approved new CIA declassification guidelines for our Historical Review Program which specifically direct a presumption in favor of

declassification. I believe we can be very forward leaning in making these documents available to the public, and I have instructed the Historical Review Group to take this attitude to heart.

To understand the magnitude of the effort involved in reviewing these documents for declassification, it is important to place them in some context. The CIA's collection of documents related to the assassination of President Kennedy consist of approximately 250,000-300,000 pages of material. This includes 64 boxes of copies and originals of information provided to the Warren Commission and the House Select Committee on Assassinations and 17 boxes of material on Lee Harvey Oswald accumulated after President Kennedy's assassination. Unfortunately, and for reasons I do not know, what we are dealing with is a mass of material that is not indexed, uncatalogued, and highly disorganized--all of which makes the review process more difficult. The material contains everything from the most sensitive intelligence sources to the most mundane news clippings.

These records include documents that CIA had in its files before the assassination, a large number of records that CIA received later as routine disseminations from other agencies, as well as the reports, correspondence, and other papers that CIA prepared in the course of the assassination investigations. I should emphasize that these records were assembled into the

present collection as a result of specific inquiries received from the Warren Commission or the House Select Committee on Assassinations. I have prepared a chart that illustrates this point.

As you can see, prior to President Kennedy's assassination CIA held only a small file on Lee Harvey Oswald that consisted of 33 documents (approximately 160 pages), some of which originated with the FBI, State Department, the Navy, and newspaper clippings. Only 11 documents originated with the CIA. I have brought along a copy of Oswald's file as it existed before the assassination so that you can see first-hand how slender it was at the time. As I have already noted, we have declassified the CIA documents in this file with minimal deletions and provided them to the National Archives. The records in this file dealt with Oswald's defection to the Soviet Union in 1959 and his activities after his return in 1961. By contrast, it was only after the assassination that CIA accumulated the rest of the material on Oswald--some 33,000 pages--most of which CIA received from other agencies after November 22, 1963.

You have asked about documents in our possession generated by other agencies. In fact, much of the material held by CIA originated with other agencies or departments. For example, in the 17 boxes of Oswald records, approximately 40% of the documents originated with the FBI, and about 20% originated from the State Department or elsewhere. Our staff is still going through the material compiled at the request of the Warren

Commission and the House Select Committee on Assassinations, which includes 63 boxes of paper records and one box that contains 72 reels of microfilm. The microfilms in part overlap material in other parts of the collection. We estimate that within the 63 boxes of paper records, approximately 27% of the documents originated with a variety of other U.S. government agencies, private organizations, and foreign and American press.

Although our holdings do include many documents from other agencies, we nonetheless have a substantial collection of CIA documents that will require a considerable effort to review and, as I said earlier, at my direction, this review for declassification is now underway. A preliminary survey of these files has provided us some indications of what they contain. Although the records cover a wide variety of topics, they principally focus on CIA activities concerning Cuba and Castro, Oswald's defection to the Soviet Union, and Oswald's subsequent activities in Mexico City and New Orleans. They also include a large number of name traces requested by the staff of the House Select Committee on Assassinations, as well as material relating to the Garrison investigation and Cuban exile activities.

The CIA cannot release a number of documents unilaterally because of the limits in the Privacy Act (which protects the names of American citizens against unauthorized disclosure), the sequestration of many documents by the House Select Committee on Assassinations, and the fact that many of the documents

belong to agencies other than the CIA. However, we have already taken the necessary steps to lift the sequestration, coordinate with other agencies and begin the process of declassification. If necessary, I will ask the House for a resolution permitting CIA to release the results of the declassification effort on the sequestered documents.

While I expect a large amount of material can be declassified under our program, there still will be information that cannot be released to the public for a variety of reasons, including privacy concerns or the exposure of intelligence sources and methods. Let me take a moment to give examples of this type of material. During the investigation by the House Select Committee on Assassinations, I understand that security and personnel files were requested on a number of Agency employees. These files contain fitness reports (performance evaluations), medical evaluations and credit checks on individual CIA officers. Although irrelevant to the question of who killed President Kennedy, these and other personal documents ultimately ended up in the sequestered collection of documents. I do not believe that the benefit to the public of disclosure of this information outweighs the clear privacy interest of the individuals in keeping this information confidential. Similar privacy concerns exist with documents containing derogatory information on particular individuals where the information is based on gossip or rumor. Our files also contain names of individuals who provided us intelligence information on a promise of confidentiality. We

would not disclose their names in breach of such a promise. Where we cannot disclose such information to the public, the Agency will make redactions and summarize the information in order to ensure that the maximum amount of information is released while still protecting the identity of an agent or the privacy of an individual.

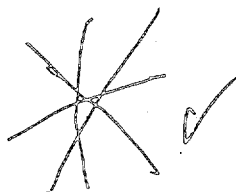
If legislation is not passed by Congress and signed by President regarding the JFK papers, to enhance public confidence and provide reassurance that CIA has not held back any information relevant to the assassination, I will appoint a panel of distinguished Americans to examine whatever documents were redacted or kept classified. They would then issue an unclassified public report on their findings.

The effort required to declassify the documents relating to the assassination of President Kennedy will be daunting. However, it is an important program, and I am personally committed to making it work. Even in this time of diminished resources within the Intelligence Community, I have directed the allocation of 15 full-time positions to expand the History Staff and to form the Historical Review Group that will review the documents and other documents of historical interest.

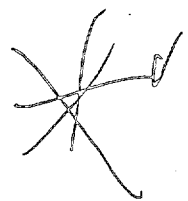
I believe these actions attest to the seriousness of our effort to get these papers declassified and released, and to open them to outside, non-governmental review. I

against this background that, in response to this Committee's request, I cite our technical reservations about the mechanism established by the joint resolution to achieve this same result. I intend to address only Intelligence Community concerns; I will defer to the Department of Justice on any additional problems posed by the joint resolution.

First, vesting the determination as to whether CIA materials related to the assassination can be released to the public in an outside body is inconsistent with my statutory responsibility to protect intelligence sources and methods.



Second, I am concerned that the joint resolution contains no provision requiring security clearances or secure document handling by the Assassination Materials Review Board or its staff.



Third, I am concerned that the joint resolution does not provide the Agency with the opportunity to object to the release of CIA information contained in documents originated by Congress or the Warren Commission. Under the joint resolution, documents originated by these entities can be released directly by the Executive Director of the Assassination Materials Review Board without any review by the President or other Executive Branch agencies.

Fourth, the joint resolution provision for a 30-day period for agencies or departments to appeal decisions by the Executive

Director to release information may not provide sufficient time for meaningful review of what could prove to be a large volume of material at one time.

Fifth and finally, section 6 of the joint resolution, which outlines the grounds for postponement of public release of a document, makes no provision for postponing release of documents that may contain Executive privilege or deliberative process, attorney-client, or attorney work-product information. While such privileges could be waived in the public interest and are not likely to arise with respect to factual information directly related to the JFK assassination, they would be unavailable under the joint resolution in the rare case that they might be needed.

These are technical problems that I believe can be solved in ways that will, in fact, expedite the release of documents bearing on the assassination of President Kennedy.

But, again, whatever the future course of the legislation, CIA is proceeding even now to review for declassification the relevant documents under its control. Further, we will cooperate with any mechanism established by the Congress and the President to declassify all of this material.

~~LIMDIS~~

~~TOP SECRET~~

MEMORANDUM FOR THE RECORD

4 January 1977

SUBJECT: Senate Select Committee on Intelligence (SSCI) Inquiry into the Assassinations of Kennedy and King

1. On 30 December, the undersigned met with Howard Liebengood, Deputy Staff Director of the SSCI staff and Tom Moore, staff member. The meeting was to permit the Committee to read an NSA end-product report on Cuba in response to the Committee's letter #5900 dated 20 December 1976. The Committee staff members exhibited keen interest in the product and the two Cuban national names contained therein. The Committee staff also indicated that they intended to broaden the scope of their inquiry and would forward to NSA another letter (which has been received and is inclosed) requesting access to all Cuban reports stored in the repository for the period 1961-1965.

2. After the meeting, the undersigned contacted LTC Don Bennett of Mr. Latimer's office to inform him of the first letter since it had been sent directly to NSA. LTC Bennett indicated that another DoD component had been asked for similar information. As a result, LTC Bennett stated Mr. Latimer was revising his earlier containing policy on providing to the SSCI information on the assassinations and now had decided on a policy of full cooperation. At Mr. Latimer's direction, LTC Bennett will draft a letter to Staff Director Bill Miller suggesting a meeting between the SSCI staff and Mr. Latimer's staff; the meeting will focus on projected DoD responses to the Committee's inquiry. NSA will be invited to attend these meetings.

John C. Wobensmith
JOHN C. WOBENSMITH
Legislative Affairs

Incl:
Ltr dtd 30 Dec 76

cc: EXEC/DDO
GC
V
G
ADLL

LAO
LAO

Classified by *DI/MS/...* (SIPR/DODM 500-2)
Exempt from automatic downgrading and
Declassify Upon Approval by the Originator

~~TOP SECRET~~
~~CONFIDENTIAL~~
~~LIMDIS~~

1976-6
SSCI
...

5 January

Jerry,

We have sent copies to EXEC/DDO,
GC, V and G. Suggest that it should
also go to DIR & D/DIR.


John

DANIEL K. INOUE, HAWAII, CHAIRMAN
HOWARD H. BAKER, JR., TENN., VICE CHAIRMAN
BIRCH BATH, IND.
ADAM S. STEVENS, JR., ILL.
WILLIAM D. HATHAWAY, MAINE
WALTER D. HULL, N.Y.
JOSEPH R. BIDEN, JR., DEL.
ROBERT MCGOAN, W.V.
GARY HART, COLO.
CLIFFORD D. BURTON, IND.
STROM THOMAS, S.C.
MARK O. PATFIELD, OREG.
BARRY GOLDWATER, ARIZ.
ROBERT T. STAFFORD, VT.
JAKE GARN, UTAH

United States Senate

SELECT COMMITTEE ON INTELLIGENCE
(PURSUANT TO S. RES. 486, 94TH CONGRESS)
WASHINGTON, D.C. 20510

HINE MANFIELD, MONT., EX OFFICIO
HUGH SCOTT, PA., EX OFFICIO
WILLIAM G. MILLER, STAFF DIRECTOR

December 30, 1976

IN REPLY PLEASE
REFER TO R#6009

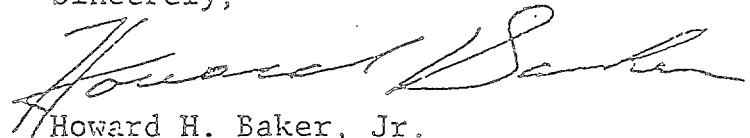
Lieutenant General Lew Allen, Director
National Security Agency
Fort George G. Meade, Maryland 20755

Dear General Allen:

The National Security Agency has recently provided the Select Committee with certain intercept traffic relating to Cuba in November, 1962. We found this material most helpful to the Committee's efforts and would most appreciate access to any and all such traffic remaining extant at the National Security Agency.

Thank you for your ongoing assistance and cooperation.

Sincerely,


Howard H. Baker, Jr.
Vice Chairman

Classified by D12345/67890 (NSA/SSSI 123-2)
Exempt from GDS, FD 35072, Cat _____
Declassify Upon Notification by the Originator

~~FOR OFFICIAL USE ONLY~~

~~CONFIDENTIAL~~

FINAL REPORT
OF THE
SELECT COMMITTEE ON ASSASSINATIONS
U.S. HOUSE OF REPRESENTATIVES
NINETY-FIFTH CONGRESS
SECOND SESSION

SUMMARY OF FINDINGS
AND RECOMMENDATIONS



JANUARY 2, 1979.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1979

29-006

Asc. 5-
Jan

SELECT COMMITTEE ON ASSASSINATIONS

LOUIS STOKES, Ohio, *Chairman*

RICHARDSON PREYER, North Carolina

WALTER E. FAUNTROY,
District of Columbia

YVONNE BRATEWAITE BURKE,
California

CHRISTOPHER J. DODD, Connecticut

HAROLD E. FORD, Tennessee

FLOYD J. FITELAN, Indiana

ROBERT W. EDGAR, Pennsylvania

*Subcommittee on the
Assassination of
Martin Luther King, Jr.*

WALTER E. FAUNTROY, *Chairman*

HAROLD E. FORD

FLOYD J. FITELAN

ROBERT W. EDGAR

STEWART B. MCKINNEY

LOUIS STOKES, *ex officio*

SAMUEL L. DEVINE, *ex officio*

G. ROBERT BLAKEY, *Chief Counsel and Director*

SAMUEL L. DEVINE, Ohio
STEWART B. MCKINNEY, Connecticut
CHARLES THONE, Nebraska
HAROLD S. SAWYER, Michigan

*Subcommittee on the
Assassination of
John F. Kennedy*

RICHARDSON PREYER, *Chairman*

YVONNE BRATEWAITE BURKE

CHRISTOPHER J. DODD

CHARLES THONE

HAROLD S. SAWYER

LOUIS STOKES, *ex officio*

SAMUEL L. DEVINE, *ex officio*

(11)

LETTER OF SUBMITTAL

U.S. HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON ASSASSINATIONS,
Washington, D.C., December 29, 1978.

HON. EDMUND L. HENSHAW, JR.,
Clerk of the House, U.S. Capitol,
Washington, D.C.

DEAR MR. HENSHAW: On behalf of the Select Committee on Assassinations, and pursuant to the mandate of House Resolutions 222 and 433, I am filing for presentation to the House of Representatives the enclosed Summary of Findings and Recommendations of the Select Committee on Assassinations.

As has been agreed upon with the Speaker of the House, the Committee is filing this Summary of Findings and Recommendations while the preparation of the complete volumes of its Final Report continues under your auspices. The complete Final Report will include Volume I, the Findings and Recommendations of the Select Committee with an analysis of the evidence concerning each finding and recommendation; and Volumes II and sequential volumes, which will contain the Committee's hearings, scientific reports, and other materials pertinent to the Committee's investigation. These volumes will be presented to the House as soon as they can be suitably prepared for publication, including, where appropriate, the declassification of classified information. It is anticipated that the entire Final Report will be published by March 30, 1979.

Sincerely,

LOUIS STOKES, *Chairman.*

(III)

Union Calendar No. 962

95TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2^D Session } No. 95-1828

REPORT OF ACTIVITIES—SELECT COMMITTEE ON
ASSASSINATIONS

JANUARY 2, 1979.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. Stokes, from the Select Committee on Assassinations,
submitted the following

REPORT

H. R. 1828

F. 20

I. FINDINGS OF THE SELECT COMMITTEE ON ASSASSINATIONS IN THE
ASSASSINATION OF PRESIDENT JOHN F. KENNEDY IN DALLAS, TEX.,
NOVEMBER 22, 1963

A. Lee Harvey Oswald fired three shots at President John F. Kennedy. The second and third shots fired struck the President. The third shot he fired killed the President.

1. President Kennedy was struck by two rifle shots fired from behind him.

2. The shots that struck President Kennedy from behind him were fired from the sixth floor window of the southeast corner of the Texas School Book Depository building.

3. Lee Harvey Oswald owned the rifle that was used to fire the shots from the sixth floor window of the southeast corner of the Texas School Book Depository building.

4. Lee Harvey Oswald, shortly before the assassination, had excess to and was present on the sixth floor of the Texas School Book Depository building.

5. Lee Harvey Oswald's other actions tend to support the conclusion that he assassinated President Kennedy.

B. Scientific acoustical evidence establishes a high probability that two gunmen fired at President John F. Kennedy. Other scientific evidence does not preclude the possibility of two gunmen firing at the President. Scientific evidence negates some specific conspiracy allegations.

C. The committee believes, on the basis of the evidence available to it, that President John F. Kennedy was probably assassinated as a result of a conspiracy. The committee is unable to identify the other gunman or the extent of the conspiracy.

1. The committee believes, on the basis of the evidence available to it, that the Soviet Government was not involved in the assassination of President Kennedy.

2. The committee believes, on the basis of the evidence available to it, that the Cuban Government was not involved in the assassination of President Kennedy.

3. The committee believes, on the basis of the evidence available to it, that anti-Castro Cuban groups, as groups, were not involved in the assassination of President Kennedy, but that the available evidence does not preclude the possibility that individual members may have been involved.

4. The committee believes, on the basis of the evidence available to it, that the national syndicate of organized crime, as a group, was not involved in the assassination of President Kennedy, but that the available evidence does not preclude the possibility that individual members may have been involved.

5. The Secret Service, Federal Bureau of Investigation, and Central Intelligence Agency, were not involved in the assassination of President Kennedy.

4

D. Agencies and departments of the U.S. Government performed with varying degrees of competency in the fulfillment of their duties. President John F. Kennedy did not receive adequate protection. A thorough and reliable investigation into the responsibility of Lee Harvey Oswald for the assassination of President John F. Kennedy was conducted. The investigation into the possibility of conspiracy in the assassination was inadequate. The conclusions of the investigations were arrived at in good faith, but presented in a fashion that was too definitive.

1. The Secret Service was deficient in the performance of its duties.

(a) The Secret Service possessed information that was not properly analyzed, investigated or used by the Secret Service in connection with the President's trip to Dallas: in addition, Secret Service agents in the motorcade were inadequately prepared to protect the President from a sniper.

(b) The responsibility of the Secret Service to investigate the assassination was terminated when the Federal Bureau of Investigation assumed primary investigative responsibility.

2. The Department of Justice failed to exercise initiative in supervising and directing the investigation by the Federal Bureau of Investigation of the assassination.

3. The Federal Bureau of Investigation performed with varying degrees of competency in the fulfillment of its duties.

(a) The Federal Bureau of Investigation adequately investigated Lee Harvey Oswald prior to the assassination and properly evaluated the evidence it possessed to assess his potential to endanger the public safety in a national emergency.

(b) The Federal Bureau of Investigation conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination.

(c) The Federal Bureau of Investigation failed to investigate adequately the possibility of a conspiracy to assassinate the President.

(d) The Federal Bureau of Investigation was deficient in its sharing of information with other agencies and departments.

4. The Central Intelligence Agency was deficient in its collection and sharing of information both prior to and subsequent to the assassination.

5. The Warren Commission performed with varying degrees of competency in the fulfillment of its duties.

(a) The Warren Commission conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination.

(b) The Warren Commission failed to investigate adequately the possibility of a conspiracy to assassinate the President. This deficiency was attributable in part to the failure of the Commission to receive all the relevant information that was in the possession of other agencies and departments of the Government.

- (c) The Warren Commission arrived at its conclusions, based on the evidence available to it, in good faith.
- (d) The Warren Commission presented the conclusions in its report in a fashion that was too definitive.

II. FINDINGS OF THE SELECT COMMITTEE ON ASSASSINATIONS IN THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR., IN MEMPHIS, TENN., APRIL 4, 1968

A. James Earl Ray fired one shot at Dr. Martin Luther King, Jr. The shot killed Dr. King.

1. Dr. King was killed by one rifle shot fired from in front of him.

2. The shot that killed Dr. King was fired from the bathroom window at the rear of a rooming house at 422½ South Main Street, Memphis, Tenn.

3. James Earl Ray purchased the rifle that was used to shoot Dr. King and transported it from Birmingham, Ala. to Memphis, Tenn., where he rented a room at 422½ South Main Street and moments after the assassination, he dropped it near 424 South Main Street.

4. It is highly probable that James Earl Ray stalked Dr. King for a period immediately preceding the assassination.

5. James Earl Ray fled the scene of the crime immediately after the assassination.

6. James Earl Ray's alibi for the time of the assassination, his story of "Raoul", and other allegedly exculpatory evidence are not worthy of belief.

7. James Earl Ray knowingly, intelligently, and voluntarily pleaded guilty to the first degree murder of Dr. King.

B. The committee believes, on the basis of the circumstantial evidence available to it, that there is a likelihood that James Earl Ray assassinated Dr. Martin Luther King as a result of a conspiracy.

C. The committee believes, on the basis of the evidence available to it, that no private organizations or individuals, other than those discussed under section B, were involved in the assassination of Dr. King.

D. No Federal, State or local government agency was involved in the assassination of Dr. King.

E. The Department of Justice and the Federal Bureau of Investigation performed with varying degrees of competency and legality in the fulfillment of their duties.

1. The Department of Justice failed to supervise adequately the Domestic Intelligence Division of the Federal Bureau of Investigation. In addition, the Federal Bureau of Investigation, in the Domestic Intelligence Division's COINTELPRO campaign against Dr. King, grossly abused and exceeded its legal authority and failed to consider the possibility that actions threatening bodily harm to Dr. King might be encouraged by the program.

2. The Department of Justice and Federal Bureau of Investigation performed a thorough investigation into the responsibility of James Earl Ray for the assassination of Dr. King, and conducted a thorough fugitive investigation, but failed to investigate ade-

quately the possibility of conspiracy in the assassination. The Federal Bureau of Investigation manifested a lack of concern for constitutional rights in the manner in which it conducted parts of the investigation.

III. RECOMMENDATIONS OF THE SELECT COMMITTEE ON ASSASSINATIONS

I. *Legislative Recommendations on Issues Involving the Prohibition, Prevention and Prosecution of Assassinations and Federally Cognizable Homicides*

A. Prohibition and prevention—

1. The Judiciary Committee should process for early consideration by the House legislation that would make the assassination of a Chief of State of any country, or his political equivalent, a Federal offense, if the offender is an American citizen or acts on behalf of an American citizen, or if the offender can be located in the United States.

2. The Judiciary Committee should process for early consideration by the House comprehensive legislation that would codify, revise and reform the Federal law of homicide, paying special attention to assassinations. The Judiciary Committee should give appropriate attention to the related offenses of conspiracy, attempt, assault and kidnapping in the context of assassinations. Such legislation should be processed independently of the general proposals for the codification, revision or reform of the Federal criminal law. The committee should address the following issues in considering the legislation:

(a) Distinguishing between those persons who should receive the protection of Federal law because of the official positions they occupy and those persons who should receive protection of Federal law only in the performance of their official duties,

(b) Extending the protection of Federal law to persons who occupy high judicial and executive positions, including Justices of the Supreme Court and Cabinet officers,

(c) The applicability of these laws to private individuals in the exercise of constitutional rights,

(d) The penalty to be provided for homicide and the related offenses, including the applicability and the constitutionality of the death penalty,

(e) The basis for the exercise of Federal jurisdiction, including domestic and extraterritorial reach,

(f) The preemption of State jurisdiction without the necessity of any action on the part of the Attorney General where the President is assassinated,

(g) The circumstances under which federal jurisdiction should preempt State jurisdiction in other cases,

(h) The power of Federal investigative agencies to require autopsies to be performed,

(i) The ability of Federal investigative agencies to secure the assistance of other Federal or State agencies, including the military, other laws notwithstanding,

(j) The authority to offer rewards to apprehend the perpetrators of the crime,

(k) A requirement of forfeiture of the instrumentalities of the crime,

(l) The condemnation of personal or other effects of historical interest,

(m) The advisability of providing, consistent with the first amendment, legal trust devices to hold for the benefit of victims, their families, or the General Treasury, the profits realized from books, movie rights, or public appearances by the perpetrator of the crime, and

(n) The applicability of threat and physical zone of protection legislation to persons under the physical protection of Federal investigative or law enforcement agencies.

3. The appropriate committees of the House should process for early consideration by the House charter legislation for the Central Intelligence Agency and Federal Bureau of Investigation. The committees should address the following issues in considering the charter legislation:

(a) The proper foreign and domestic intelligence functions of the intelligence and investigative agencies of the United States,

(b) The relationship between the domestic intelligence functions and the interference with the exercise of individual constitutional rights.

(c) The delineation of proper law enforcement functions and techniques including: (i) the use of informants and electronic surveillance, (ii) guidelines to circumscribe the use of informants or electronic surveillance to gather intelligence on, or investigate, groups that may be exercising first amendment freedoms, and (iii) the proper response of intelligence or investigative agencies where information is developed that an informant has committed a crime,

(d) Guidelines to consider the circumstances, if any, when an investigative agency or a component of that agency should be disqualified from taking an active role in an investigation because of an appearance of impropriety growing out of a particular intelligence or investigative action.

(e) Definitions of the legislative scope and extent of "sources and methods" and the "informant privilege" as a rationale for the executive branch withholding information in response to congressional or judicial process or other demand for information,

(f) Institutionalizing efforts to coordinate the gathering, sharing, and analysis of intelligence information.

(g) Insuring those agencies that primarily gather intelligence perform their function so as to serve the needs of other agencies that primarily engage in physical protection, and

(h) Implementing mechanisms that would permit inter-agency tasking of particular functions.

B. Prosecution—

1. The Judiciary Committee should consider the impact of the provisions of law dealing with third-party records, bail and speedy

trial as it applies to both the investigation and prosecution of federally cognizable homicides.

2. The Judiciary Committee should examine recently passed special prosecutor legislation to determine if its provisions should be modified to extend them to presidential assassinations and the circumstances, if any, under which they should be applicable to other federally cognizable homicides.

II. Administrative Recommendations to the Executive

The Department of Justice should reexamine its contingency plans for the handling of assassinations and federally cognizable homicides in light of the record and findings of the committee. Such an examination should consider the following issues:

A. Insuring that its response takes full advantage of inter- and intraagency task forces and the strike force approach to investigations and prosecutions.

B. Insuring that its response takes full advantage of the advances of science and technology, and determining when it should secure independent panels of scientists to review or perform necessary scientific tasks, or secure qualified independent forensic pathologists to perform a forensic autopsy.

C. Insuring that its fair trial/free press guidelines, consistent with an alleged offender's right to a fair trial, allow information about the facts and circumstances surrounding an assassination promptly be made public, and promptly be corrected when erroneous information is mistakenly released, and

D. Entering at the current time into negotiations with representatives of the media to secure voluntary agreements providing that photographs, audio tapes, television tapes and related matters, made in and around the site of assassinations, be made available to the Government by consent immediately following an assassination.

III. General Recommendations for Congressional Investigations

A. The appropriate committee of the House should consider amending the Rules of the House to provide for a right to appointive counsel in investigative hearings where a witness is unable to provide counsel from private funds.

B. The appropriate committees of the House should examine the Rules of the House governing the conduct of counsel in legislative and investigative hearings and consider delineating guidelines for professional conduct and ethics, including guidelines to deal with conflicts of interest in the representation of multiple witnesses before a committee.

C. The Judiciary Committee should examine the adequacy of Federal law as it provides for the production Federal and State prisoners before legislative or investigative committees under a writ of habeas corpus ad testificandum.

D. The appropriate committees of the House should examine and clarify the applicability to congressional subpoenas of recently enacted legislative restrictions on access to records and other documents.

E. The appropriate committees of the House should consider legislation that would authorize the establishment of a legislative counsel to conduct litigation on behalf of committees of the House incident to

the investigative or legislative activities and confer jurisdiction on the U.S. District Court for the District of Columbia to hear such lawsuits.

F. appropriate committees of the House should consider if rule II of the House should be amended, so as to restrict the current access by all Member of the House to the classified information in the possession of any committee.

IV. Recommendations for Further Investigation

A. The Department of Justice should contract for the examination of a film taken by Charles L. Bronson to determine its significance, if any, to the assassination of President Kennedy.

B. The National Institute of Law Enforcement and Criminal Justice of the Department of Justice and the National Science Foundation should make a study of the theory and application of the principles of acoustics to forensic questions, using the materials available in the assassination of President John F. Kennedy as a case study.

C. The Department of Justice should review the committee's findings and report in the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr. and after completion of the recommended investigation enumerated in sections A and B, analyze whether further official investigation is warranted in either case. The Department of Justice should report its analysis to the Judiciary Committee.

○

LOUIS STOKES, OHIO, CHAIRMAN
RICHARDSON PREYER, N.C.
WALTER E. FAUNTROY, D.C.
YVONNE BRAYWHAITE BURKE, CALIF.
CHRISTOPHER J. DODD, CONN.
HAROLD E. FORD, TENN.
FLOYD J. FITZIAN, IND.
ROBERT W. EDGAR, PA.
SAMUEL L. BEVINE, OHIO
STEWART C. McHINNEY, CONN.
CHARLES TIGHE, NEBR.
HAROLD S. SAWYER, MICH.

(202) 229-6824

Select Committee on Assassinations
U.S. House of Representatives
3331 HOUSE OFFICE BUILDING, ANNEX 2
WASHINGTON, D.C. 20515

The Honorable Harold Brown
Secretary of Defense
Washington, D.C. 20301

Attention: Mr. John G. Kester
Special Assistant to the Secretary

Dear Mr. Secretary:

In connection with its investigation into the circumstances surrounding the death of President John F. Kennedy, the Select Committee on Assassinations requests that you provide the following information about the persons listed in Attachment A:

1. For how many of these persons do you have files or file references?
2. How many of these persons visited or lived in the U.S.S.R. or a Soviet bloc country at any time during the period 1958-1963?
3. How many of these persons were considered to be "defectors" to the U.S.S.R. or a Soviet bloc country?
4. a) How many of these persons considered by you to be "defectors" were interviewed or debriefed by the Department of Defense?
b) How many contacts were generally made with such a person?
5. How many of these debriefings revealed that the individual had had contact with the KGB during his stay in the Soviet Union?
6. a) Was it standard operating procedure to interview returning "defectors"?

The Honorable Harold Brown
Page 2.

6. b) How many of those persons not interviewed by the Department of Defense were interviewed by another federal agency?

Please consider this a priority request. We would greatly appreciate compliance by November 1, 1978.

Sincerely,



G. Robert Blakey
Chief Counsel and Director

Attachment

GRB:ewb

ATTACHMENT A

1. Abrams, Stephan
DPOB: 15 July 1938; Chicago, Illinois
2. Aisenstein, Tamara
3. Amron, Irving
DPOB: 04 December 1917; New York
4. Antaramian, Paul
DPOB: 30 May 1929; Kenosha, Wisconsin
5. Arnautoff, Victor
DPOB: 11 November 1896; Marinpol, USSR
6. Arnold, Mary
DPOB: 21 January 1919; USA
7. Arutyunyan, Pogos, aka Paul Harry
8. Aslanian, Fred
DPOB: 11 September 1908; East St. Louis, Illinois
9. Aslanian, Sonya
DPOB: 28 February 1911; Grand Rapids, Minnesota
10. Beaver, Karen
DPOB: Boston, Massachusetts
11. Block, Mollie
DPOB: 6 November 1912; New York, New York
12. Block, Morris
DPOB: 30 March 1920; New York, New York
13. Bovt, Victoria
DPOB: USA
14. Bridges, James
DPOB: 19 October 1932; Jackson, Mississippi
15. Brisker, Luba
DPOB: 17 June 1898; Gomel, USSR
16. Citrynell, Harold
DPOB: 10 March 1923; New York, New York
17. Coe, Mary
DPOB: 10 March 1940; Washington, D.C.
18. Cort, Joseph
DPOB: 27 December 1927; Boston, Massachusetts

19. Damiano, Leonard
DPOB: 1914; Boston, Massachusetts
20. Dannenberg, James
DPOB: 21 March 1939; White Plains, New York
21. Davis, Bruce
DPOB: 4 May 1936; Rome, New York
22. Dedekian, Armen
DPOB: 4 December 1942; Massachusetts
23. Dedekian, Karekin
DPOB: 11 November 1906; Arabkin, Turkey
24. Drexler, Esther
DPOB: 08 August 1914; Connecticut
25. Dubinsky, Shirley
DPOB: 11 March 1925; New York, New York
26. Feldman, Fred T.
DPOB: U.S.A.
27. Frank, Richard
DPOB: 22 August 1922; Rochester, New York
28. Frank, Susan
DPOB: 18 November 1913; New York, New York
29. Genimatas, George C.
DPOB: 25 October, 1897
30. Gold, Robert
DPOB: 14 March 1928; Massachusetts
31. Gontar, Effie
DPOB: 8 March 1900; South Shields, UK
32. Gontar, Peter
DPOB: ca 1903; USA
33. Guralski, Jack
DPOB: 08 August 1914; Winsted, Connecticut
34. Guralsky, Jacob
DPOB: 03 July 1908; New York, New York
35. Guralsky, Victoria
36. Hachikian, Semon
DPOB: 06 January 1928; Philadelphia, Pennsylvania

55. Kizirian, Ernest
DPOB: 10 August 1932; Troy, New York
56. Koch, Harold
DPOB: 30 June 1932; Chicago, Illinois
57. Lawson, John
DPOB: 25 September, 1904
58. Lawson, Susan
DPOB: 01 September 1895; Waco, Texas
59. Lefian, Harry
DPOB: 06 October 1928; Providence, Rhode Island
60. Lefian, Milton
DPOB: 31 May 1930; Providence, Rhode Island
61. Lewvan, Magda
DPOB: 21 November 1918; Laevatown, USSR
62. Mackler, Mary
DPOB: 25 April 1915; Albany, New York
63. Marshall, Joseph
DPOB: 29 September 1897; Utica, New York
64. Martinkus, Anthony
DPOB: 15 June 1911; Chicago, Illinois
65. Maynazarian, Nazar
DPOB: 15 August 1903; Turkey
66. Melkonian, Alice
DPOB: 15 October 1930; Lowell, Massachusetts
67. Meyer, Karl
DPOB: 30 June 1937; Mountain, Wisconsin
68. Milukas, Alfonso
DPOB: 05 April 1911; Philadelphia, Pennsylvania
69. Mooradian, Tommas
DPOB: 31 July 1928; Detroit, Michigan
70. Morray, Joseph
DPOB: 17 December 1916; Vienna, Illinois
71. Morray, Majorie
DPOB: 19 February 1919; Chicago, Illinois

37. Halperin, Edith
DPOB: 06 July 1907; Wabash, Indiana
38. Halperin, Maurice H.
DPOB: 03 March 1906; Boston, Massachusetts
39. Hamilton, Victor N.
DPOB: 15 July 1919; Jaffa, Labanon
40. Harootian, Agnes
DPOB: 11 April 1929; Illinois
41. Harrington, Oliver W.
DPOB: 14 February 1912; New York, New York
42. Hoffman, Joseph
DPOB: 28 August 1906; Philadelphia, Pennsylvania
43. Jakob-Sade, James
DPOB: 05 May 1916; Armenia, USSR
44. Jerome, Victor
DPOB: 12 October 1896, Strykow, Poland
45. Joachim, John
DPOB: ca 1933, Germany
46. Johnson, David
DPOB: 1830; U.S.A.
47. Jones, Louis
DPOB: 17 March 1934; Arlington Heights, Ohio
48. Jurtschenko, Anna
DPOB: 22 April 1911; Vienna, Austria
49. Kaczmarczyk, Joseph
DPOB: 11 November 1912; Frampel, Poland
50. Kalinin, Iwan
DPOB: 12 March 1902; Kolasz, USSR
51. Karibian, Arthur
DPOB: 25 March 1900; Sivas City, Turkey
52. Karibian, Michael
DPOB: 09 April 1935; Detroit, Michigan
53. Karibian, Sophie
DPOB: 12 April 1915; Buffalo, New York
54. Ketchian, Philip
DPOB: 29 June 1910; Harpoot, Turkey

72. Nekrasov, John
DPOB: 21 December 1921; USSR
73. Neski, Leonard
DPOB: 22 December 1907; Estonia, USSR
74. Niemi, Esteri
DPOB: 05 May 1902; Cakato, Minnesota
75. North, Joseph
DPOB: 25 May 1904; Odessa, USSR
76. Oswald, Lee Harvey
DPOB: 18 October 1939; New Orleans, Louisiana
77. Packler, Allan
DPOB: 07 March 1933; Illinois
78. Pagenhardt, Charles
DPOB: 26 February 1912; Piedmont, West Virginia
79. Palakian, John
DPOB: 23 October 1934; New York, New York
80. Parker, James
DPOB: 21 February 1926; Alameda, California
81. Petinov, Leonid
DPOB: 27 June 1937; USSR
82. Petrulli, Nicholas
DPOB: 13 February 1921; Brooklyn, New York
83. Pittman, John
DPOB: 17 September 1906; Atlanta, Georgia
84. Pittman, Margaret
DPOB: 07 October 1919; Frankfurt, West Germany
85. Licciardelli, Libero
DPOB: 08 June 1917; Needham, Massachusetts
86. Russell, Maud
87. Sade, Annaliese
DPOB: 20 July 1922; Germany
88. Schelegin, Victor
DPOB: 19 April 1924; Polevskie, USSR
89. Seborer, Miriam
DPOB: 09 December 1918; Philadelphia, Pennsylvania

90. Sgovo, Thomas
DPOB: 07 October 1916; Buffalo, New York
91. Silverstein, Clara
DPOB: 28 December 1890; Odessa, USSR
92. Sobey, Stefan
DPOB: 22 April 1897; Harpoot, Turkey
93. Soukiasian, Haig
DPOB: 26 September 1926; Lawrence, Massachusetts
94. Soukiasian, Siragan
DPOB: 04 September 1897; Harpoot, Turkey
95. Steinberg, Benjamin
DPOB: 15 March 1915; Baltimore, Maryland
96. Stiegletsky, Lenny
DPOB: New York, New York
97. Tegnazian, Thelma
DPOB: 08 May 1927; Hackensack, New Jersey
98. Tegnazian, Zaryk
DPOB: 04 January 1926, Hackensack, New Jersey
99. Tobien, Margaret
DPOB: 28 May 1921; Reese, Michigan
100. Tynes, George
DPOB: 12 April 1906; Roanoke, Virginia
101. Veski, Hilda
DPOB: 07 May 1919; Talli, USSR
102. Veski, Hillard
DPOB: 12 June 1947; UK/Wales
103. Veski, Leonard
DPOB: 18 October 1948; Miami, Florida
104. Vogramian, Nigol
DPOB: USSR
105. Voronkov, Eugenio
DPOB: 02 October 1937; Hailar, China
106. Warnick, Philip
DPOB: 07 May 1890; Mozyr, USSR
107. Warnick, Rachama
DPOB: 1913; USA

108. Webster, Robert
DPOB: 23 October 1928; Tiffin, Ohio
109. Welins, Leroy
DPOB: 26 May 1929; Chicago, Illinois
110. Whitmire, Clarence
DPOB: 20 August 1939; Greenville, S.C.
111. Wilson, George
DPOB: 25 October, 1921; Indianapolis, Indiana
112. Winston, Henry
DPOB: 02 April 1911; Hattiesburg, Mississippi
113. Yudin, Sidney
DPOB: 26 May 1916; Lynn, Massachusetts
114. Zarian, Frances
DPOB: 04 January 1901; San Francisco, California
115. Zeitlin, Anna
DPOB: 28 November 1895; USA
116. Maynazarian, Jadwiga
DPOB: 7 October 1912; Buffalo, New York
117. Maynazarian, Mitchell



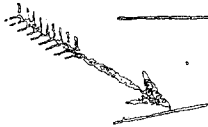
OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

OCT 16 1978

Distribution List for Requests of
House Select Committee on Assassinations

From: Judith A. Miller
Assistant to The Special Assistant

_____ Eric T. Freyfogle	Office of the General Counsel, Department of the Army
_____ Sara Lister	Associate General Counsel, Department of the Navy
_____ Major Dick Flowers	Office of the Secretary of the Air Force Legislative Liaison
_____ John Brock	General Counsel, Defense Intelligence Agency
_____ Colonel Hartig	Defense Investigative Service



NSA

Suspense

OCT 31 1978

47-7

memorandum

DATE: 20 October 1978

REPLY TO
ATTN OF: GENERAL COUNSEL


SUBJECT: Request from House Select Committee on Assassinations

TO: DIRECTOR

1. We received from Judith A. Miller, Special Assistant to John Kester, the attached request from Mr. Blakey, Chief Counsel of the House Select Committee on Assassinations. The request seeks certain DoD information on 117 listed individuals. From the context of the request and the list there is a fair basis to suspect that many, if not all, of the listed individuals are United States persons within the definition of E.O. 12036.

2. In my view, there is a serious doubt as to the propriety of engaging in a review of NSA materials to amass information on this list of individuals. In addition, it appears likely that a substantial amount of work would be necessary and that we would have serious security concerns with disclosing the fact that NSA had information on visits to the Soviet Union of specific named persons.

3. I called Ms. Miller this afternoon and explained these concerns to her. We agreed that NSA would take no action on this request for the present.


DANIEL B. SILVER
General Counsel

Encl:
a/s

→ cc: LAO

10/24
Per Kelly D. [unclear]
Sumner wrote [unclear]
agreed [unclear]
copy [unclear]
[unclear]



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

U.S. Government Printing Office: 1975-241-530/3013

OPTIONAL FORM
(REV. 7-75)
GSA FPMR (41 CFR

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

2

August 21, 1978

Mr. G. Robert Blakey
Chief Counsel and Director
Select Committee on Assassinations
U.S. House of Representatives
331 House Office Building, Annex 2
Washington, D. C. 20515

Dear Mr. Blakey:

This is in reply to your recent letter which requested from the Department of Defense certain information relating to Cobo Cleaners and Mr. Earl Ruby in March and April 1962.

The Department of Defense has conducted a thorough search of its records and has not found evidence that any element of the Department attempted to collect information of any sort concerning Cobo Cleaners and/or Mr. Ruby in March and April 1962. Beyond that, we could not find any information concerning either Cobo Cleaners or Mr. Earl Ruby in intelligence reports produced within the Department for March and April 1962. Further, we can find no record that any agency of the U.S. Government provided the Department of Defense any information concerning the subject of your request.

The above information is classified CONFIDENTIAL because it relates to Department of Defense intelligence operations and must not be disclosed to unauthorized individuals. In addition, you must not reveal the Department of Defense or any Defense Agency as the source of this information.

Sincerely,

JS/
John G. Kester
The Special Assistant

CLASSIFIED BY *OSD/Spr Gsch*
SUBJECT TO GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
AUTOMATICALLY DOWNGRADED AT TWO YEAR
INTERVALS UNLESS INDICATED OTHERWISE
DECEMBER 31, 1984

~~CONFIDENTIAL~~

47-78



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

Serial: LAO/025-78
9 August 1978

~~SECRET~~

MEMORANDUM FOR THE SPECIAL ASSISTANT TO THE SECRETARY AND
DEPUTY SECRETARY OF DEFENSE
ATTN: Ms. Judith A. Miller

SUBJECT: House Select Committee on Assassinations 10 July 1978
Request

1. NSA has made a thorough search of all records that might contain information relevant to the Select Committee on Assassinations' request for "telegrams or other communications, sent from Cobo Cleaners in Detroit, Michigan, by Earl Ruby or any other individuals to Cuba in March and April 1962."

2. No telegrams, communications, or information relating to the Committee's request has been located. If no other component of DoD has located information pursuant to the Committee's request, propose you use the attached draft as your response to the Committee. If, however, there is any reason why the attached draft cannot be used, please consult with Mr. Silver before releasing information in any other form.

3. The attached draft response is classified CONFIDENTIAL. A direct response from the National Security Agency to the Committee's request would be classified in COMINT channels because the availability or nonavailability of the type of information requested by the Committee is in itself classified and protected in special intelligence channels.

John C. Wobensmith
JOHN C. WOBENSMITH
Acting Chief
Legislative Affairs

Incl:
a/s

Copy Furnished:
DoD General Counsel

CLASSIFIED BY 1120/AG/SS (NSA/CSSM 112-01)
EXEMPT FROM AUTOMATIC DOWNGRADING AND
DECLASSIFICATION BY THE COMINTS

~~HANDLE VIA COMINT CHANNELS ONLY~~

~~NO FORN DISSEM~~
~~NO UNCLASSIFIED DISSEM~~

47-78

~~SECRET~~

Serial: LAO-025-78

cc: DIR
D/DIR
GC
DDO
EXEC/DDO
V
G
D4

M/R: 1. Mr. Blakey, Chief Counsel and Staff Director of the House Select Committee on Assassinations, requested this information from NSA on 10 July. On 14 July, he was informed that, in accordance with the MOU between DoD and the Committee, requests must go to DoD not NSA. Ms. Judy Miller forwarded the Committee request to NSA.

2. A thorough search of NSA records by V, G and T12 failed in locating any records relating to the Committee request.

3. This memo has been coordinated with GC and EXEC/DDO. The classification was reviewed by D4, Mike Levin and approved by D/DIR.

Samuel R Raskin
S. Raskin/LAO/3747s/3 Aug 78/mpt

~~SECRET~~
~~HANDLE VIA COMINT CHANNELS ONLY~~

DRAFT

~~CONFIDENTIAL~~
DRAFT

DRAFT

Mr. G. Robert Blakey
Chief Counsel and Director
Select Committee on Assassinations
U. S. House of Representatives
331 House Office Building, Annex 2
Washington, DC 20515

Dear Mr. Blakey:

This is in reply to your recent letter which requested from the Department of Defense certain information relating to Cobo Cleaners and Mr. Earl Ruby in March and April 1962.

The Department of Defense has conducted a thorough search of its records and has not found evidence that any element of the Department attempted to collect information of any sort concerning Cobo Cleaners and/or Mr. Ruby in March and April 1962. Beyond that, we could not find any information concerning either Cobo Cleaners or Mr. Earl Ruby in intelligence reports produced within the Department for March and April 1962. Further, we can find no record that any agency of the U.S. Government provided the Department of Defense any information concerning the subject of your request.

The above information is classified CONFIDENTIAL because it relates to Department of Defense intelligence operations and must not be disclosed to unauthorized individuals. In addition, you must not reveal the Department of Defense or any Defense Agency as the source of this information.

Sincerely,

John G. Kester
The Special Assistant

Classified by DIRNSA/CHCSS INSA/CS94 138-21
Exempt from GDS, EO 11652, Category 2
Exempt Upon Notification by the Originator

DRAFT

~~CONFIDENTIAL~~

DRAFT

LOUIS STOKES, OHIO, CHAIRMAN
 RICHARDSON PREYER, N.C.
 WALTER E. FAHRHOFF, D.C.
 NORMAN BATHURST, CALIF.
 CHRISTOPHER J. BOB, CONN.
 HAROLD E. POPE, TEXAS
 FLOYD L. PITHAN, IND.
 ROBERT W. EDGAR, PA.
 DANIEL L. MC, OHIO
 STEWART D. CHINNEY, CONN.
 CHARLES THORP, MICH.
 HAROLD G. BAYLER, MICH.

(202) 225-4824

Select Committee on Assassinations

U.S. House of Representatives

3331 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20513

June 26, 1978

The Honorable Harold Brown
 Secretary of Defense
 Washington, D. C. 20201

Dear Mr. Secretary:

On December 16, 1977, I wrote to Vice Admiral Inman of the National Security Agency, requesting that certain members of the Committee staff be allowed access to data, if any, relating to the assassination of President Kennedy, but particularly relating to the Cuban Intelligence network of Premier Castro, with emphasis on operations by Cuban Intelligence operatives. A copy of that letter is enclosed for your information.

Subsequent to this request, Professor G. Robert Blakey, Chief Counsel to the Select Committee, had a number of conversations with your Special Assistant John Kester, in an effort to set up a briefing by appropriate staff people from NSA. We had hoped that this briefing could have taken place prior to the end of March when Committee members and staff personnel were to be out of the country on matters relating to this request.

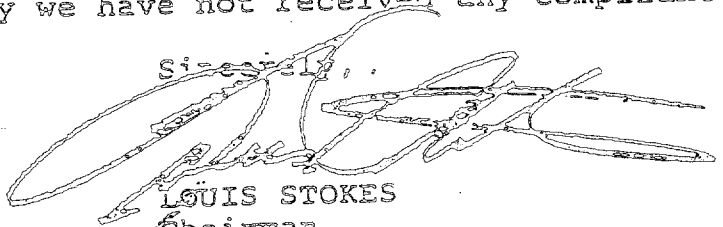
Nevertheless, a briefing was not arranged until May 15, 1978 at 1:00 p.m., over a month ago. The briefing was held, as scheduled, but the content of it had nothing whatsoever to do with our initial request. We have been waiting since that time for another briefing to be set up. What we have received is one short, hardly adequate, letter saying essentially that no information is possessed relative to the President's assassination.

It is the Committee's feeling that to pursue this matter in the future as we have in the past would be a futile effort on our part.

The Honorable Harold Brown
June 22, 1978
Page 2

Consequently, I respectfully request that you look into this matter personally, and advise me of the status of our request and the reason why we have not received any compliance.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Louis Stokes', is written over the typed name and title.

LOUIS STOKES
Chairman

LS:dm

cc: John Kester

LEWIS STOKES, OHIO, CHAIRMAN

DEWANE	FRAYER, N.E.	DANIEL L. DEWINE, OHIO
WALTER E. FAUNTROY, D.C.	STEWART	CHINSEY, COOK
WILLIAM DONAHUE, MISSOURI, CALIF.	CHARLES	ST. MARY, ILL.
ALFRED J. GOUD, OHIO	MARKUS S. BARTER, MICH.	
WILLIAM S. GOUD, TEXAS		
W. J. PETERMAN, IND.		
OTIS W. EDWARDS, PA.		

(202) 553-4424

Select Committee on Assassinations

U.S. House of Representatives

3331 HOUSE OFFICE BUILDING, ANNEX 2
WASHINGTON, D.C. 20515

12/16/77

Vice Admiral B. R. Inman
Director
National Security Agency
Fort George G. Meade, Maryland 20755.

Dear Mr. Director:

The Select Committee on Assassinations was established by the House of Representatives pursuant to House Resolutions 222 and 433 to investigate the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr. In conjunction with our investigation into the assassination of President Kennedy, it has come to the Committee's attention that the National Security Agency has information which will be of substantial assistance to the Committee's inquiry.

The information to which the Committee staff needs access and which is held by the National Security Agency is all outlines and summaries and biographical data relating to the Cuban Intelligence network of Premier Castro covering the period from 1959 - December 31, 1964 with emphasis on operations by Cuban Intelligence operatives in the United States and other Latin American countries, and any analyses of the direction and evaluation of specific assassination operations.

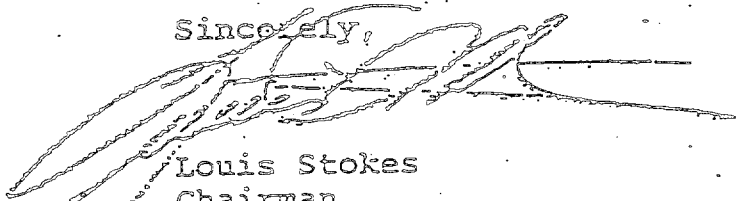
In addition, the Committee requests that it be provided access to any other materials you have relevant to the assassination of President Kennedy or any investigation into the assassination. Access to all materials we will receive from the National Security Agency will be restricted to staff members with a TOP SECRET security clearance.

Vice Admiral B. R. Inman

- 2 -

The Committee requests that it be provided with these materials as soon as possible, and would very much appreciate it if we could receive such access prior to the end of December. Should you have any questions concerning this request, please address them to myself or our Chief Counsel, G. Robert Blakey.

Sincerely,

A large, stylized handwritten signature in dark ink, appearing to read 'Louis Stokes', is written over the typed name and title.

Louis Stokes
Chairman

IS:jwc

cc: Mr. Frank Foster
Office of Legislative Affairs

General Counsel

18 July 1978

NOTE FOR THE DIRECTOR
LAO

For your information, if you have
not yet seen.



DANIEL B. SILVER
General Counsel

75



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

Serial: GC/94/78
12 April 1978

MEMORANDUM FOR THE GENERAL COUNSEL, DEPARTMENT OF DEFENSE

SUBJECT: Inquiry from House Select Committee on Assassinations

1. Enclosed is a copy of the NSA summary prepared for purposes of an oral briefing to be given to the House Select Committee on Assassinations by Mr. Kester. The attached information comprises that material in the hands of NSA which can be disclosed without revealing intelligence sources or methods.

2. As we discussed, it would be preferable if the enclosed document were not physically in evidence during the briefing.

DANIEL B. SILVER
General Counsel

Encl: .
a/s

Copy Furnished:
The Special Assistant to the Secretary

~~SECRET~~

cc: DIR
D/DIR
LAO

Serial: GC/94/78

We have reviewed DoD intelligence holdings available for the period 1958 through 31 December 1974 with the following results:

a. During this period, the Cubans used agents for intelligence and subversion in North, Central and South America, Africa and Asia;

b. We have some limited information covering the referenced timeframe describing Cuban Directorate of Intelligence (DGI) activities in recruiting, gathering information and reporting, spreading propaganda, and logistics. The only non-routine information developed during our review involved Cuban intentions for violent action against U.S. property and installations abroad and Cuban plans for the assassination of some Cuban exile representatives.

c. Our review has revealed no intelligence material suggesting Cuban involvement in the Assassination of President Kennedy.

~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED~~

RICHARDSON PREYER, M.C.
WALTER E. FAUNTROY, D.C.
YVONNE BRATHWAITE BURKE, CALIF.
CHRISTOPHER J. DODD, CONN.
HAROLD E. FORD, TENN.
FLOYD J. FITHIAN, IND.
ROBERT W. EGGAR, PA.

LOUIS STOKES, OHIO, CHA

SAMUEL DEVINE, OHIO
STEWART B. MCKIRNEY, CONN.
CHARLES THONE, MERR.
HAROLD S. SAWYER, MICH.

20 Dec 77
M

Select Committee on Assassinations

U.S. House of Representatives

3331 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20515

(202) 225-4624

Vice Admiral B. R. Inman
Director
National Security Agency
Fort George G. Meade, Maryland 20755

Dear Mr. Director:

The Select Committee on Assassinations was established by the House of Representatives pursuant to House Resolutions 222 and 433 to investigate the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr. In conjunction with our investigation into the assassination of President Kennedy, it has come to the Committee's attention that the National Security Agency has information which will be of substantial assistance to the Committee's inquiry.

The information to which the Committee staff needs access and which is held by the National Security Agency is all outlines and summaries and biographical data relating to the Cuban Intelligence network of Premier Castro covering the period from 1959 - December 31, 1964 with emphasis on operations by Cuban Intelligence operatives in the United States and other Latin American countries, and any analyses of the direction and evaluation of specific assassination operations.

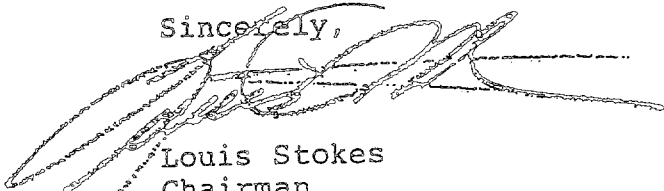
In addition, the Committee requests that it be provided access to any other materials you have relevant to the assassination of President Kennedy or any investigation into the assassination. Access to all materials we will receive from the National Security Agency will be restricted to staff members with a TOP SECRET security clearance.

Vice Admiral B. R. Inman

- 2 -

The Committee requests that it be provided with these materials as soon as possible, and would very much appreciate it if we could receive such access prior to the end of December. Should you have any questions concerning this request, please address them to myself or our Chief Counsel, G. Robert Blakey.

Sincerely,

A handwritten signature in dark ink, appearing to read "Louis Stokes", written over a horizontal line.

Louis Stokes
Chairman

LS:jwc

cc: Mr. Frank Foster
Office of Legislative Affairs

MAR 29 1978



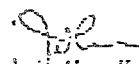
MEMORANDUM FOR THE DEPUTY SECRETARY OF DEFENSE

SUBJECT: NSA Information

The Counsel of the House Assassinations Committee has been after us for some NSA intercepts going back to the period around the Kennedy assassination. I have put him off for quite a while. Last week I finally told him that the matter of our policy with respect to whether non-oversight committees could get NSA data was under study, but that in fairness to his deadlines (which he insists are urgent) I would let him know by Wednesday what, in light of the overall policy, our answer will be. (You have a separate paper from Deanne on the overall policy question.)

Assuming you decide the larger issue to treat non-oversight committees on an ad hoc basis, I would propose to offer him an oral briefing which does not reveal sources and methods, and which would be in response to a request for information from "Defense intelligence sources," not specifically from NSA. The main alternatives would be to give him a flat "no" (which will lead to howls from Congressman Stokes, and probably claims of favoritism), or to offer a written briefing.

Does the approach suggested meet with your approval?


John C. Kester
The Special Assistant

_____ OK _____

_____ Other _____

cc: Ms Siemer

cc: Judy Miller

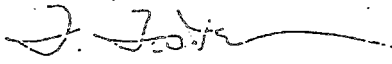
15 March 1973

SUBJECT: House Assassination Committee Response by SecDef

Ms. Judy Miller, assigned to the Office of the Special Assistant to the Secretary of Defense, Mr. Kester, called LAO for information on how to go about responding to the Assassination Committee's undated inquiry to NSA, received here on 20 Dec 77. Mr. Blakely, Committee Counsel, was pressing DoD for a reply.

She indicated that the Secretary had directed that responses to this Committee be handled by Mr. Kester's Office instead of DoD GC. She had a copy of the draft memorandum prepared by NSA and DoD GC on the provision of SIGINT to Congress and requested a verbal briefing on the history and general background of the paper. She intended to use this discussion to ground herself in preparation for the drafting of a reply for the Secretary's signature. She indicated that the Secretary had already decided to respond negatively. After a lengthy phonecon, she indicated she had enough information to prepare her reply.

NCRDEF has been informed and will arrange for NSA to receive a copy of the reply.


FRANK T. FOSTER
Legislative Affairs

cc: DIR
D/DIR
ADPL
GC

28 March 1978

TO: DIR

SUBJECT: House Assassinations Committee Request

*We are the
to the
to the
to the
to the
to the*

1. Mr. Judy Miller of Mr. Kester's office called again today. She is still seeking NSA materials from which to build a no-attribution briefing for the Assassinations Committee. Mr. Blakey is pressing Mr. Kester for a briefing either today or tomorrow, the 29th. Were we to honor this request, a great deal of material would, of course, be involved.

2. There is a further problem, however, with Mr. Blakey in that he is having difficulty with the MOU and may not accept it which could cause postponement of the briefing.

3. Understand you spoke directly to Mr. Kester last week. I declined to accept a charge from Ms. Miller to do a search until receiving approval/guidance from you.

4. Both the SSCI and the Church Committee inquired into NSA materials, products, logs, even memories of analysts which could possibly shed new light on the Kennedy assassination. At that time, we searched both the machine files and even old hand records in A7 for anything of value. Those Committee staffs reviewed what we had at that time.

J. Foster

FRANK T. FOSTER

cc: D/DIR
ADPL

~~SECRET~~
~~NO FORN DISSEM~~
~~ONLY~~

PHIL K. INGUYE, HAWAII, CHAIRMAN
HOWARD H. BAKER, JR., TENN., VICE CHAIRMAN
CLIFFORD P. CASE, N.J.
STROM THURMOND, S.C.
MARK O. HATFIELD, OREG.
BARRY GOLDWATER, ARIZ.
ROBERT T. STAFFORD, VT.
JAKE GARN, UTAH

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 121, 89TH CONGRESS)

WASHINGTON, D.C. 20510

IND.
E. STEVENSON, JR., ILL.
WILLIAM O. MATHAWAY, MAINE
WALTER D. HUDDESTON, KY.
JOSEPH R. BIDEEN, JR., DEL.
ROBERT MORGAN, N.C.
GARY HART, COLO.

MIKE MANSFIELD, MONT., EX OFFICIO
HUGH SCOTT, PA., EX OFFICIO

WILLIAM G. MILLEN, STAFF DIRECTOR

December 30, 1976

IN REPLY PLEASE
REFER TO R#6009

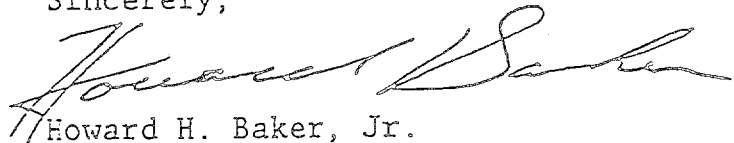
Lieutenant General Lew Allen, Director
National Security Agency
Fort George G. Meade, Maryland 20755

Dear General Allen:

The National Security Agency has recently provided the Select Committee with certain intercept traffic relating to Cuba in November, 1962. We found this material most helpful to the Committee's efforts and would most appreciate access to any and all such traffic remaining extant at the National Security Agency.

Thank you for your ongoing assistance and cooperation.

Sincerely,



Howard H. Baker, Jr.
Vice Chairman

CLASSIFIED BY 2025/03/28 (100/0311 133-2)
EXEMPT FROM AUTOMATIC DOWNGRADING AND
DECLASSIFICATION BY THE ORIGINATOR

~~CONFIDENTIAL~~
~~EXEMPT FROM AUTOMATIC DOWNGRADING AND
DECLASSIFICATION BY THE ORIGINATOR~~

PHILIP A. HART, MICH.
WALTER F. MONDALE, MINN.
WALTER O. MIDDLETON, NY.
ROBERT MORGAN, N.C.
GARY HART, COLO.

HOWARD M. BAKER, OHIO
BARRY GOLDWATER, ARIZ.
CHARLES MCC. MATHIAS, MD.
RICHARD S. SCHWELB, PA.

United States Senate

SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 31, 94TH CONGRESS)

WASHINGTON, D.C. 20510

WILLIAM G. MILLER, STAFF DIRECTOR
FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL
CURTIS H. SMOTHERS, MINORITY COUNSEL

January 13, 1976

Mr. Thomas K. Latimer
Special Assistant to the Secretary
U. S. Department of Defense
Washington, D. C. 20301

Dear Tom:

In connection with the Select Committee's investigation of the assassination of President Kennedy, we earlier received answers to certain questions put to NSA. Since then we have examined other material pertaining to NSA's contribution to the Warren Commission's investigation and we desire further information from NSA.

By way of background for this request, we note the Warren Commission provided NSA various documents and asked NSA to review them for any cryptological significance. NSA found no cryptological significance and its report of this fact was published by the Commission.

1. By letter of July 10, 1964, (a copy of which is attached) Mr. Rankin provided General Blake a copy of certain documents requested by Dr. Tordella for NSA's files. Since NSA's analysis of the documents was apparently completed at the time of Rankin's letter, we wish to know why NSA wanted to keep these documents for its file. Further, we wish to know what use, if any, was made of these documents and what results relevant to the assassination were obtained from such use.

2. In a Commission staff internal memorandum, discussing the documents provided NSA, it is reported that NSA is "primarily interested in names," and NSA claims it has "information on names which the CIA does not have." Assuming these statements are accurate, we wish to know what significance such names would have

~~TOP SECRET~~

~~HANDLE VIA COMINT CHANNELS~~

CLASSIFIED BY SSC Intell. Act.
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
& 13526 IN THE ABSENCE OF MORE
AUTHORITY TO DECLASSIFY OR
Impossible to determine
(unless impossible, insert date or event)

Mr. Thomas K. Latimer
January 13, 1976
Page Two

~~HANDLE VIA COMINT CHANNELS~~

to NSA and what information on names NSA had that CIA did not. If names had significance, what names did NSA use in its analysis?

3. We are informed that CIA obtained transmissions from the Soviet Embassy in Mexico City for November or December 1963 and that it may have passed these to NSA for analysis. Did NSA receive these transmissions or any transmissions relevant to the assassination inquiry? Did it analyze them? What were the results of its analysis?

4. We are interested in learning the extent of NSA's role in assisting in the investigation of the assassination. In that connection, please inform the Committee the extent of NSA files relating to the assassination. Please provide the staff of the Committee access to those files. Please provide the staff with a summary of all information NSA developed from Cuban or Soviet transmissions relating to the assassination.

5. We have been informed that after the assassination the Cuban government instructed its embassies and consulates to return all files on Oswald to Cuba. What information does NSA have on whether such instructions were issued?

6. In connection with the answers to questions 4 and 5, please indicate whether such material was provided the Warren Commission and provide copies of all documents evidencing that fact.

We would appreciate receiving a response to these questions as soon as possible and to expedite this inquiry we are sending a copy of this letter to Mr. Foster of NSA.

Sincerely,

al

Alton H. Quanbeck

cc: Frank Foster

CLASSIFIED BY SSC Intel Act
EXEMPT FROM GDS DECLASSIFICATION
AUTHORITY: 50 USC 3024 (a)(3) (C) (i) (i)
& 50 USC 3024 (a)(3) (C) (i) (ii) (i)
DATE: 11/11/2011 DECLASSIFIED ON

Impossible to Determine
(unless info is correct date of event)

~~HANDLE VIA COMINT CHANNELS~~

~~HANDLE VIA COMINT CHANNELS~~

JLR:RM/bjc

7/7/64

53-

JUL 10 1964

Lieutenant General Gordon A. Blake, U. S. A. F.
Director, National Security Agency
Port George O. Meade, Maryland

Dear General Blake:

In regard to Dr. Tordello's request, the National Security Agency is authorized to keep for its file the following photographic copies of items which have been used by the Commission in its investigation:

- (1) Commission Exhibit 31
- (2) Commission Exhibit 15
- (3) Commission Exhibit 104
- (4) Commission Exhibit 18
- (5) Typewritten version of Commission Exhibit 24
- (6) F. B. I. items A-2, A-6
- (7) F. B. I. items 137, 152

Thank you for the cooperation and assistance you have rendered the Commission.

Sincerely,

SIGNED

J. Lee Rankin
General Counsel

cc: Mr. Rankin
Mr. Millens
Mr. Mosk

REC'D

Archives

FRANK CHURCH, IDAHO, CHAIRMAN
JOHN G. TOWER, TEXAS, VICE CHAIRMAN
PHILIP A. HART, MICH.
WALTER F. MONDALE, MINN.
WALTER D. HULL, ILL.
ROBERT MORGAN, N.C.
CARY HART, CALIF.
HOWARD M. BAKER, JR., TENN.
BARRY GOLDWATER, ARIZ.
CHARLES MC C. MATHIAS, JR., MD.
RICHARD S. SCHWEIKER, PA.

WILLIAM G. MILLER, STAFF DIRECTOR
FREDERICK A. O. SCHWABZ, JR., CHIEF COUNSEL
CURTIS R. SMOTHERS, MINORITY COUNSEL

~~TOP SECRET~~

United States Senate

R1854

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 91TH CONGRESS)

WASHINGTON, D.C. 20510

November 14, 1975

Mr. Frank Foster
Special Assistant to the Director
National Security Agency
Fort Meade, Maryland

Dear Frank:

In accordance with our discussion today on matters related to President Kennedy's assassination, I would like to follow up on some specific items. The Committee is interested in any communications intercepted that were to, from, or mentioning the following individuals: Lee Harvey Oswald (a.k.a. Lee Henry Oswald, A. J. Hidell, O. H. Lee), Marina Oswald, Jack Ruby (a.k.a. Jack Rubenstein), and Earl Ruby. We would appreciate all such information from 1957 to the present.

We would also like information on the following:

1. Were any of the above names put on a watch list and, if so, by which agency or individual of the Government?
2. Was product or information concerning the individuals cited above ever requested by any agency or individual of the Government or of the Warren Commission? If so, what information and by whom?
3. Was product or information concerning the individuals cited above ever disseminated to any agency or individual of the Government or of the Warren Commission? If so, what information and to whom?
4. Did NSA ever have a watch list on U.S. defectors to the Soviet Union? If so, to which agencies was this information disseminated?
5. Were there ever any requests to monitor specific links for information pertaining to the individuals cited above? Who

~~HANDLE VIA COMINT CHANNELS~~

~~TOP SECRET~~

~~TOP SECRET~~

Mr. Frank Foster
November 14, 1975
Page Two

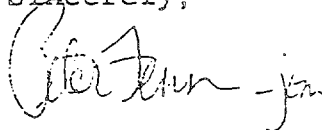
made these requests, and when? Did these include links between Mexico-U.S.A., Mexico-Cuba, Mexico-U.S.S.R., Cuba-U.S.A., or Cuba-U.S.S.R.?

6. Were there ever any requests to monitor specific links for information pertaining to the assassination of President Kennedy? Who made these requests, and when? Did these include links between Mexico-U.S.A., Mexico-Cuba, Mexico-U.S.S.R., Cuba-U.S.A., or Cuba-U.S.S.R.?

Thank you for your help on this matter. If we have further requests along this line, we will let you know.

With best wishes,

Sincerely,



Peter Fenn

~~HANDLE VIA COMINT CHANNELS~~

~~TOP SECRET~~

OUT

Commentary

Let's Reform The Military Reformers

*Pentagon Critics Can't Tell
A Laser From a Latrine Pan*

By Fred Reed

MANY AND GRAVE things are wrong with the American military, about which nothing will be done; these defects could easily lose us a big war. A major reason why we will do nothing to remedy them is that a few evangelical critics of the military, by focusing on defects which do not exist, have distracted attention from defects that do exist. Not to mince words, much of what prominent adversaries of the military write is absolute, verifiable nonsense—yet Washington takes it seriously. This is an inadequate approach to the management of a heavily armed world.

A few examples of the work of these people, who invariably call themselves Military Reformers:

Dina Razor, archenemy of the M1 tank, head of the Project on Military Procurement, and so frequently on talk-shows as to seem part of their furniture, has over the years released all sorts of information purporting to show the manifold shortcomings of the M1. Rather less attention has been paid to the manifold shortcomings of Razor, the unconscious assumption in much of Washington being that anything derogatory to the military must be true.

In 1985 she published a book, a risk which few Reformers should take, in the book ("The Pentagon Underground"), she tells of going with a congressional delegation to Fort Hood, Texas, in 1981 to see the M1. She tells of getting into the driver's seat, low in the front of the hull, and discovering—lo! The Army had designed the tank for midgets! There wasn't enough room for people of normal size. For example, her head bumped against the turret. Why, she gasped, one of our boys might be knocked out.

Ever vigilant, Razor ferreted out another manifestation of the tanks excessive tininess. She is only 5'6" tall, she writes, yet "I later had a crew member close the hatch while I was in the driver's seat. In order to fit,



Was Castro

New Evidence Shows the

By Seymour M. Hersh

LOOK

by and Opinion

*Returns to
F-1*



WALTER GURBO FOR THE WASHINGTON POST

Out of Control in 1962?

U.S. Officials Weren't Calling All the Shots in the Cuban Missile Crisis

...which became known only when the United States face-to-air missile in the crisis, and senior White House officials did not consider the possibility that it had been a Cuban decision to shoot down the Cubans; were more independent of Moscow in the crisis.

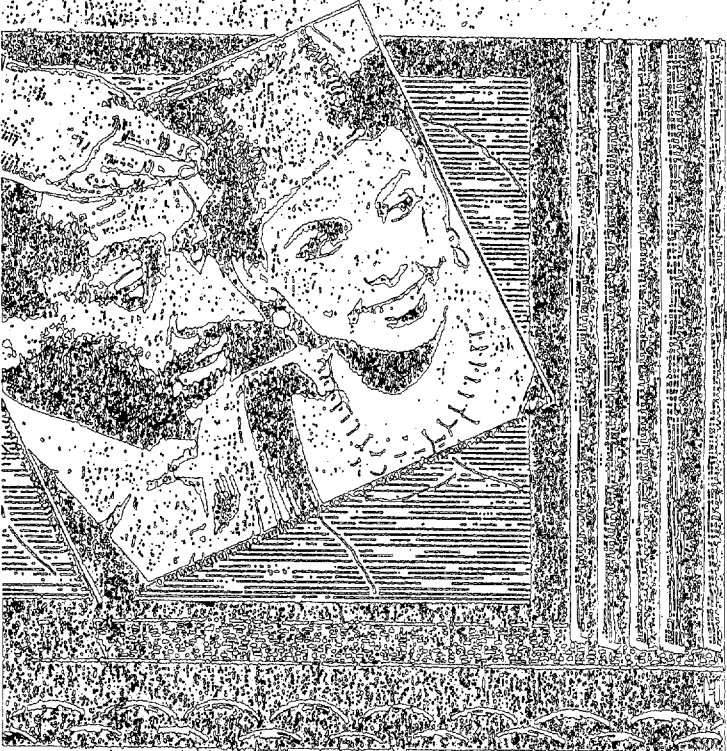
possible. In particular, it suggests that Soviet Premier Nikita S. Khrushchev may not have had complete control of the SAM battery that shot down the U2. If so, the Cuban missile crisis 25 years ago was even more dangerous than the public has realized—with both superpowers making important strategic misjudgments.

The Kennedy administration's assessment of the U2 shootdown, one of the most emotional issues of the crisis, was shaped by its assumption that Khrushchev had direct control of all surface-to-air missile batteries in Cuba and had ordered the shootdown—perhaps to deliberately escalate the crisis. It was the first known use of a Soviet sur-

The U2 shootdown was a factor in President Kennedy's decision to send his brother Robert to see Soviet Ambassador Anatoly Dobrynin on the evening of Oct. 27, according to Robert Kennedy's posthumous memoir. The younger Kennedy carried a tough ultimatum: The Soviets should begin dismantling the missiles within 48 hours or the United States would strike. Khrushchev caved in overnight and agreed to an immediate withdrawal of the Soviet nuclear missiles in Cuba in return for a private American commitment to remove Jupiter missiles within five months from Turkey and Italy, as well as a public pledge not to invade Cuba.

See CRISIS, II2, Col. 1

nd White



DAN HUDIG FOR THE WASHINGTON POST

Panama's Noriega?

... for reasons that elected civilian government. . . . The [U.S.] policy is to promote democracy." Noriega is bitter. He recalls the day his mentor and predecessor, Gen. Omar Tor-Abrams, Sen. Jesse Helms, asked him to go to Cuba to gain the release of a U.S. serviceman who had been captured during the 1961 Bay of Pigs invasion. He accomplished the mission and noted that "when the Americans need something, they picture it very nicely and say you're a hero, but when they don't need you anymore, they forget you." He says he has done other favors for the United States. He claims that when the American invasion force took off for Grenada, Panama should not be invaded. He should be run by an

See PANAMA, II2, Col. 1

MARY McGRORY

Reagan's Last Hope: Ortega

MANY Washingtonians woke up last Tuesday to the sound of a familiar sneer. Elliott Abrams, assistant secretary of state for inter-American affairs, was on National Public Radio sounding a theme that has been peddled by the administration ever since it began its hapless contra venture five years ago. What we are facing is nothing less than the establishment of a "Soviet base in this hemisphere." It was as if the Arias peace plan had never seen the light of day.

Abrams has been absent from Capitol Hill since the Iran-contra hearings, when he admitted to lying to Congress about his part in getting big bucks to the contras. Sen. Christopher Dodd (D-Conn.) refused to have him as a witness and House committees have followed suit.

But if he is out of the loop on the current peace initiative being pushed by House Speaker Jim Wright, Abrams is plainly in sync with his ultimate boss, President Reagan. The president's speech to the Organization of American States, which National Security Adviser Frank Carlucci had told Wright would be conciliatory, was the utterance of a man who chokes on the thought of leaving the Sandinistas in power.

Puzzled Hill people think that Carlucci was possibly speaking in

See McGRORY, III5, Col. 4

Mary McGrory is a Washington Post columnist.

almost impossible driving position." I had the same problem until I adjusted the seat. At 5'11" I fit comfortably into the tank. Not only didn't Rasor know about the adjustable seat, she apparently wasn't interested. The book was published in 1985, and the trip made in 1981, allowing ample time to make a telephone call. Her whole book is full of such tales. Thus do we influence policy in Washington. Ignorance of such august dimensions is customary among Reformers. When I first became a military colonel.

See REFORMERS, II4, Col. 1

Fred Reed writes "Soldiering," a nationally syndicated column on military affairs, and is a Washington editor of Harper's.

A in October 1962, a key Soviet surface-to-air missile base on the island was attacked, apparently by Cuban troops, with at least 18 Soviet casualties, according to newly available decoded communications intercepts.

Less than 12 hours later, on the morning of Oct. 27, 1962, an American U2 spyplane crashed in the base. President Kennedy and his advisers, who did not know of the firefight at the Cuban base, assumed the Soviets had shot down the U2 with a missile from that base.

The significance of the military skirmish in Cuba

Seymour Hersh is a Pulitzer Prize-winning journalist and author of "The Target Is Destroyed"

The Second World War in Black

How Hollywood Lost the Battle for Racial Progress

By Clayton R. Koppes and Gregory D. Black

IN 1942, the United States found itself not only fighting a war on two fronts abroad, but trying to unify the population at home behind the war effort. One group—black Americans—presented a particular problem. Blacks still suffered under the burden of Jim Crow laws which kept them segregated in large sections of the country, especially the South as well as the armed forces; they were effectively denied the right to vote in the South, and in the North they were confined to menial jobs and to living in squalid ghettos.

Polls taken by the government showed that blacks despised the Germans, not sur-

prising because of the Nazis' racial policies. At the same time, however, blacks showed a more ambivalent attitude toward the Japanese, who some tended to identify with as fellow people of color.

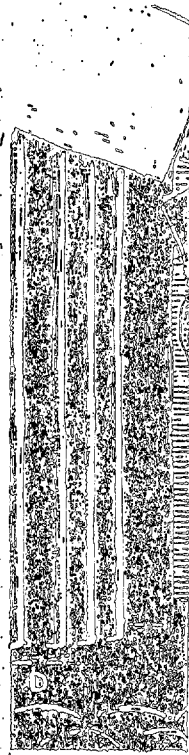
With racial tensions increasing, the government was anxious that nothing aggravate black hostility and undermine the war effort. Films were the most popular form of entertainment and the government, through its Office of War Information, had high hopes of getting Hollywood to portray blacks in a more favorable light than the film industry had ever done before.

There was clearly room for improvement. As Dalton Trumbo said, the movies made "tarts of the Negro's daughters, crapshooters of his sons, obsequious Uncle Toms of his fathers, superstitious and grotesque crones of his mothers, strutting peacocks of his successful men, psalm-singing mountebanks of his priests, and Barnum and Bailey side-shows of his religion."

OWI's Bureau of Motion Pictures regretfully concurred. In an analysis of the depic-

See HOLLYWOOD, II4, Col. 1

Clayton Koppes is chairman of the history department of Oberlin College. Gregory Black is chairman of the communications studies department of the University of Missouri, Kansas City. This article is adapted from "Hollywood Goes to War: How Politics, Profits & Propaganda Shaped World War II Movies."



Why Is Elliott Abrams Picking on

By Lally Weymouth

PANAMA CITY—Gen. Manuel Antonio Noriega, who has ruled Panama since 1983, is complaining that the Americans have set about destabilizing his country in an effort to get rid of him.

Noriega is sitting in the back of his helicopter, called "the Super Puma," with a drink in his hand and a pretty female soldier at his side. He's a short man with a pock-marked complexion, derided by his enemies as "pineapple face."

Lally Weymouth writes regularly about foreign affairs for The Washington Post.

"We are going to make a list of those the U.S. betrayed," says the Panamanian general. "The shah of Iran, Gen. Alvarez of Honduras—they kidnapped Alvarez and now he's a teacher in a small military school." He adds Ferdinand Marcos to the list and says that he—Noriega—is the next target of the United States.

"You can erase me," Noriega says. "But there are another two guys behind me. Ten years ago, I wasn't here."

Noriega is no angel. He's a military strongman and he's been accused of corruption, brutality and consorting with Cuba's Fidel Castro. But Noriega has a point. The United States does seem to be

trying to overthrow

aren't entirely clear

The American

present dilemma

tary of State

Helms (R-N.C.)

ama Arthur Da

Meisto. He claim

Arturo Delvalle,

president of Pan

tying us when the

temala just packe

Asked whether

fact, trying to de

Abrams says the

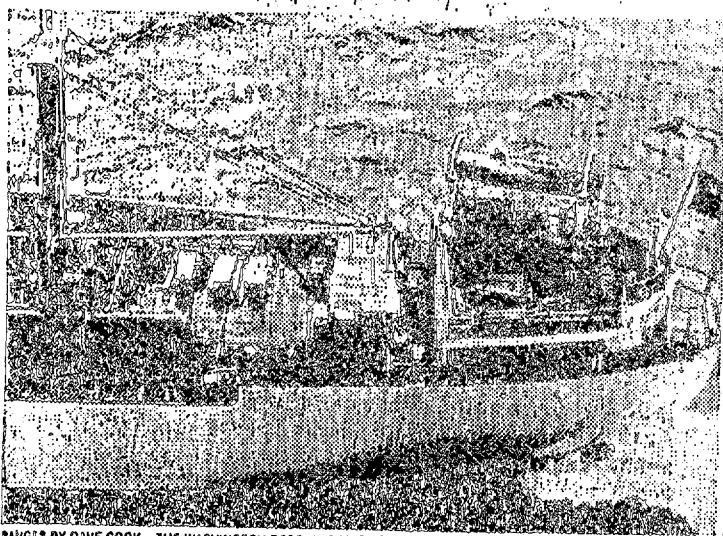
run by a genera

... military control of the ... no ... side at the time." ... in the television ... about the fire- ... intercepts. In ... scores of books and ... missile crisis have ... the extent of Khrush-

... emplacements that had fired on the two low-flying American reconnaissance planes on the morning of the 27th.

In Ellsberg's view, Khrushchev understood what Kennedy did not—that he, and perhaps even Fidel Castro, could not stop the firing of the anti-aircraft batteries.

"Bobby had no reason to believe that the threat on reconnaissance [to Dobrynin] had



RANGES BY DAVE COOK—THE WASHINGTON POST; PHOTO OF SOVIET MISSILES LEAVING CUBA BY ASSOCIATED PRESS

AM sites in Cuba, and ... suggested that the ... been ordered behind ... sident military men ... recent weeks that a ... independent corrobq- ... the firefight at Danes, ... his crisis-communic- ... undertaken for W. Walt ... department counselor, ... ss to America's most ... ell as to members of ... also had been deeply ... isis in 1962, working ... Cuban air strikes. ... ewed by Ellsberg in ... Kennedy, who told of ... eg with Dobrynin on ... after the U2 shoot- ... p came after the re- ... ter in which he de- ... missiles be pulled out, ... ment, as part of a set- ... are that his remarks ... ily classified internal ... Ellsberg of his ultima- ... ultimatium would not ... until Kennedy's mem- ... ten Days," was pub- ... te, the Soviets were ... tes would attack the ... by Tuesday morning, ... some evidence with- ... (the sites were being ... s already had learned ... or a full-scale invasion ... y set for early Tues- ... ndence emerged sug- ... ultimatium may have ... Rusk, who was sec-

any special significance," Ellsberg recalled. "He didn't think it was that important. He had no reason to believe that Khrushchev was going to be so reckless as to shoot anything else down. It didn't occur to him that he was talking to the wrong nation—and that Khrushchev did not control the Cubans."

That fact also didn't occur to Ellsberg—until he was informed on April 14, 1964, about a month after his meeting with Kennedy, of the new intelligence finding.

"Once I learned about the firefight at Los Angeles," Ellsberg recalled, "I said, 'Jesus Christ, Khrushchev didn't have control and that's why he backed off right away'—within 12 hours instead of taking the next 48 hours and attempting to improve his bargaining position. Khrushchev knew that the United States would send more reconnaissance flights at first light the next morning and he also knew, Ellsberg theorized, that he could not guarantee that the Cubans manning the anti-aircraft guns—and perhaps the SAM site at Los Angeles—would not shoot down another aircraft and precipitate an immediate American response."

Castro, in an interview with journalist Tad Szulc published last year, acknowledged that on Oct. 27 he had given his anti-aircraft forces blanket authority to shoot at low-flying American reconnaissance planes. Only "the inexperience of our artillerymen," he said, led them to miss that day. "I am absolutely certain that if the low-level flights had been resumed [on Oct. 28], we would have shot down one, two, or three of the planes," Castro said. "I don't know whether this would have started nuclear war."

The risks were greater than anyone in Washington realized.

Other Cuban missile crisis scholars, most notably Ambassador Raymond L. Garthoff,

commander of Soviet forces in Cuba. Thant quoted the officer, according to Stevenson, as explaining that all of the anti-aircraft weaponry and SAM sites on Cuba are "manned by Cubans. It was a Cuban colonel that shot down our plane."

Statsenko's statement to Thant suggested, as Ellsberg understood, that the Cubans were manning the SAM sites as of Oct. 30, three days after the only known firing of a SA2 SAM missile had taken place. Since it was highly improbable that the Soviets would turn over control of the SAM sites to the Cubans after the U2 had been shot down and after Khrushchev had agreed to no longer attack American reconnaissance aircraft, Statsenko's comment seemed to mean that the Soviets had permitted the Cubans to operate the SAM sites at least since the 27th, even if a Soviet officer was on the scene and nominally in charge.

The second telephone message to Rusk discovered by Ellsberg came from George Ball, the undersecretary of state, who reported Nov. 1 on a conversation he had with Thant's military adviser, Indian Gen. Indarjit Rikhye. Rikhye described a conversation with Fidel Castro in which the Cuban premier was quoted, as relayed by Ball, as saying that "Castro talked as though he had all the anti-aircraft and he did boast that it was the Cubans who had shot down Maj. Anderson. Rikhye himself is not at all persuaded," Ball told Rusk on the telephone, "that this was just only boastfulness on his [Castro's] part."

Rusk and other members of the ExComm thus had been provided with evidences within days of the shootdown from both the Cubans and the Soviets in Cuba that the U2 probably had not been attacked on orders from Khrushchev. But the senior officials could not see the significance of the information because everyone in the government assumed that the spy plane had been shot down by a Soviet SA2 missile in the control of the Soviet forces on the ground—and thus by Khrushchev.

Castro himself has since provided varying accounts of who was in control, telling a Washington Post reporter during an interview in 1985, for example, that Soviet troops had been manning the SA2 missiles when the U2 was shot down. "I did not have the honor of shooting down the spy plane," Castro said.

The strong assumption of Soviet control inside Cuba made it inevitable that the information provided by Thant and his military adviser also would be overlooked throughout the intelligence community, although senior American intelligence officials, in interviews in recent weeks, acknowledged that the United States government had no hard information as of Nov. 1, 1962, as to how Maj. Anderson's aircraft had been destroyed.

George Ball, in a telephone interview from his office in Princeton, N.J., confirmed that he had held a conversation with Rikhye. Told of the intelligence suggesting that Khrushchev had not controlled the U2 shootdown, Ball said he had not been told of the 1964 intercepts but acknowledged that he "was not surprised." Throughout the crisis, he said, the ExComm was constantly making assumptions about Soviet behavior: "We were making guesses and we were just plain wrong—and we were tapping what we thought was the best possible intelligence."

In the Soviet Union,

Word of the U2 shootdown came into the morning on Oct. 27, just moments after the White House learned that Khrushchev had toughened his demands for a settlement of the crisis by insisting in a letter to Kennedy that any withdrawal of Soviet missiles in Cuba be publicly linked to the withdrawal of American missiles from Turkey. In a note received by the White House the evening before, Khrushchev had offered to withdraw the missiles from Cuba without any such linkage.

The ExComm transcript shows that President Kennedy expressed concern that the U2 shootdown might be "an escalation" on the part of Khrushchev, according to those who have read the transcript. There also were reports that Cuban-run anti-aircraft batteries had opened fire on two low-flying American reconnaissance aircraft, without causing serious damage, and there were questions in the ExComm, according to the minutes, about the extent of Khrushchev's control over the anti-aircraft units.

The slain U2 pilot, as many in the ExComm knew, was Air Force Maj. Rudolph Anderson Jr., whose flight two weeks before had been the first to bring back photographic evidence of the Soviet missile installations.

The first challenge to American assumptions about the U2 shootdown came about 18 months later, in early 1964, when analysts at the National Security Agency succeeded in breaking a Soviet code. The Soviet code system, known to some in the American intelligence community as "Silver," had been in widespread usage by Soviet forces stationed in Cuba in 1962.

As the NSA analysts began decoding some of the many messages sent during the crisis, they learned that there had been a major firefight on the night of Oct. 26 at Los Angeles, a SAM site near a naval base at Banes, on Cuba's northeastern coast—which was the site of the next morning's U2 crash.

The Soviet commander at the Banes base was overheard saying that there had been an attack at the adjacent SAM base. He subsequently reported that he was advancing with troops and that three soldiers were killed and 15 others were wounded. The commander, identified by the NSA as an officer named Maltsev, also issued a call for surgeons. Seven physicians were sent to the scene that night.

Other NSA intercepts showed that Maltsev, whose "advance" was apparently a counterattack against Cuban troops seeking to storm the SAM base, was ordered to make a full report in person the next morning, Oct. 27, to Col. Gen. of Aviation Victor Davidkov, apparently the senior Soviet commander at the time in Cuba.

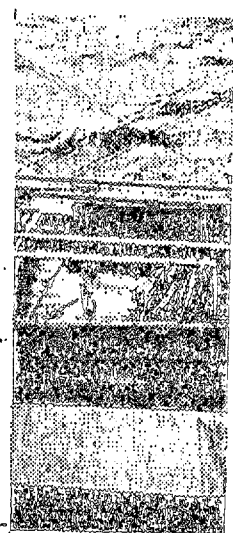
The intercepts, which made clear that Soviet soldiers had been "shot and wounded," did not specifically name the attacking forces as Cuban, although NSA analysts quickly reached the obvious conclusion that the fighting was between Soviets and Cubans. The intercepts suggested that the attack had ended by the morning of Oct. 27, but the NSA analysts were unable to preclude the possibility that the SAM

and, it could have been Russians fighting Russians. However, an American professor said in an interview last week that during a research trip to Cuba several years ago, he had been told that the Cubans indeed had taken over a Soviet military base by force during the Cuban missile crisis.

None of this information was available to the ExComm on the morning of Oct. 27. Nonetheless,

is not known," Ellsberg said that the Soviets had lost a site is known to the U.S.

Ellsberg did not mention in his interview that his information came from communist sources. In addition, only a few of the academic studies on the crisis raised any doubts as to t



MAP OF MISSILE

less, the intelligence official said, he found it disturbing that the senior members of the ExComm acted without full knowledge in assuming that Khrushchev was responsible for the shootdown: "I don't think you'll ever know who pulled the trigger."

The highly classified communications intelligence, with its implication that policy-makers had made a serious miscalculation during the missile crisis 18 months earlier, was kept under tight wraps inside the National Security Agency. Conversations in recent weeks with former members of the ExComm, including McGeorge Bundy, Kennedy's national security adviser, indicated that none of the key Kennedy administration actors in the missile crisis had been briefed on the new material in 1964.

The report of the firefight at Banes apparently did not surface again until 1979, when William B. Bader, an assistant deputy undersecretary of defense for policy, initiated an exhaustive study of Soviet forces in Cuba. The Carter administration was then in the embarrassing position of having called public attention to the so-called Soviet "brigade" in Cuba only to learn that it had been in place since the resolution of the missile crisis, which hinged in part on a pledge by the Kennedy administration not to invade the island.

Bader, in a recent interview, recalled asking the intelligence community in 1979 for all of its files on Soviet forces in Cuba. The documents included a bonus: the electronic intelligence about the battle at Banes. "What I saw was a summary talking about a firefight inside Cuba," he said. "It did have date and time groups but the significance of it didn't occur to me at the time." His focus then was to unravel the 1962 and 1970 agreements that permitted the Soviets to keep troops inside Cuba: "I saw that material in context of the brigade issue."

chev's control over the S the few doubters invariably downing of the U2 had Khrushchev's back by d inside the Soviet Union.

Ellsberg, informed in reporter had obtained information for his account of told more of the story. I tions study, which was in Rostov, then the State E gave him enormous access closely held secrets as v the ExComm. Ellsberg involved in the missile cr with a group planning th

Among those interviewed early 1964 was Robert his extraordinary meeting the evening of Oct. 27, down. That meeting also cept of Khrushchev's l manded that the Jupiter with an official announce tlement.

Kennedy, obviously as were meant only for a hi government study, told tum to Dobrynin. That become publicly known oir of the crisis, "Thir lished in 1969. In esser told that the United St; missile sites inside Cuba Oct. 30, unless there wa in the next 48 hours th dismantled. Soviet offic that American planning l was underway, with D-I day morning.

(Six weeks ago, now e gesting that Kennedy's been partly a bluff. Dea

Picking on Noriega

PANAMA, From III

ada, Vice President George Bush called and asked him to tell Castro to stay away. (Bush denies this through a spokesman.) "Bush is my friend," says Noriega. "I hope he becomes president."

In blaming the Americans for all his problems, Noriega has downplayed the widespread and genuine opposition to his regime. But it cannot be denied that the United States is playing an active role in undermining him. For example, one senior State Department official wondered out loud recently: "Why is it so hard to get rid of Noriega and Pinochet, when it was so easy with Haiti and Marcos?"

Noriega clearly feels that he's being cornered by the Americans. Last month, the U.S. Senate passed a resolution cutting off military and economic aid within 45 days unless the military (meaning Noriega and his forces) ceased to dominate the politics of Panama. Meanwhile, Panama's economy is crumbling. As a result of the political instability, capital is being withdrawn and credit isn't available.

The situation appeared to be reaching a stalemate in the past month, and moderates were hopeful that a compromise could be arranged. But instead of showing the hoped-for signs of moderation, Noriega lashed out this week. He had Delvalle make a hardline speech warning that the government would crack down on future opposition demonstrations. And after the speech, the police went out and picked up eight U.S. servicemen,

who were held overnight along with many Panamanian opposition members.

"This is only a sample of what could happen," says an anxious former U.S. official. "Noriega is bad, but he keeps the lid on. Don't corner him. He will fight and he holds the trump. We've got a catastrophe in Nicaragua. Do we need another one in Panama of our own making?"

Noriega made his name as the head of the Panamanian military intelligence service. In this capacity, he established close intelligence links with the Israelis. (His right hand man is reputedly a former Mossad agent named Mike Herari, and one U.S. official told me that Israel wants to see Noriega stay in power because of the information he provides.) Noriega also developed a long-term relationship with the Cubans.

A Machiavellian character, Noriega managed to play left against right and stay on top in Panama. If he gave communists key positions in his government and made Panama a rest-and-recreation site for some of the world's leading terrorists, he also managed to make it safe for the thousands of U.S. soldiers that are stationed there.

Four months ago everything changed, when Col. Roberto Diaz Herrera broke the code of silence that the Panamanian defense forces had always maintained about Noriega and themselves. Herrera alleged publicly what had long been rumored: that Noriega had ordered the murder of his political opponent, Hugo Spadafora, back in 1985, that he had participated in a plot to assassinate Torrijos and that the election of 1984 had

been rigged. Noriega's charges are "total sick man."

But in response crowds took to the waving white banner Noriega's ouster at Businessmen who politics joined with the so-called "Civil organized and sustained in Panama since rule 19 years ago."

Sitting at the table in his plush office Helms explains how riega explains how created the prese responsible, he cha

"Helms has always the canal to Pan Helms has devoted Panamanian interest

Helms did indeed long before it became one of his senior s me. And the senate very active in pre resolution, which imous vote.

As for why At in Panama, "Elliott defies to save himself fro was referring to I contra affair. Norie told by many Ame tion on Panama is himself with the Ce

The State Dept that by attacking I making its eagern

Was Cuba Out of Control?

CRISIS, From III

That Saturday, Oct. 27, was described by Harvard professor Graham T. Allison in his classic 1971 study, "Essence of Decision," as "the blackest and most frustrating day of the crisis." New details will emerge soon when a 25th-anniversary conference at Harvard University releases a previously classified transcript of the Oct. 27 meetings of President Kennedy's missile-crisis management group known as the Executive Committee, or "ExComm."

The ExComm transcript will show that Kennedy was more willing than many of his advisers to compromise over withdrawal of American missiles from Turkey than previously thought. Kennedy wondered on Oct. 27 how he could justify risking a nuclear war over the details of withdrawing missiles from Turkey that his own advisers considered obsolete. The minutes also show that ExComm members, in their discussions that day, all assumed that Khrushchev had authorized the U2 shootdown as a show of force designed to buttress his bargaining strategy—or had

site at Los Angeles may not have been fully under Soviet control when the U2 was shot down.

Other evidence supported the analysts' assumption. By early 1964, according to a former official who was at the top of an intelligence agency at the time, there was clear evidence that the Cuban military—and thus Fidel Castro—had been in direct control of the many anti-aircraft batteries scattered throughout the island at the height of the crisis. The official recalled that his agency eventually concluded that the SA2 SAM sites had been "manned by a mixed crew of Cubans and Russians" as of Oct. 27. Furthermore, he said, there was no available evidence linking Khrushchev to an order to shoot down Maj. Anderson's U2.

"We'll never know whether it was shot down by Cubans or Russians," the official added. "I doubt even if Castro knows."

Cuban accounts of the crisis are contradictory, and it remains unclear why Cubans would have attacked the Los Angeles SAM site. An American who recently visited Havana said that a senior Cuban official had told him that he had no knowledge of such a firefight in Oc-

Bader, who is a think tank called SI ized much later the intelligence report. question," he said, especially of an exo in the system? W community at the Why didn't they app den of it?"

One government the strategic signif 1964 was Daniel I from the Rand Cor sified study for the crisis communicatio site crisis. (Elsberg) en years later as th top-secret Pentagon close his special kno until April 1986, w WGBH, the Boston for a documentary to be aired in 1989.

According to i interview, he geles site had on Oct. 26, appare Soviet counterattad

"Precisely whose when the U2 was at

...ga says that all these false, the product of a to Herrera's charges, streets of Panama City, erchiefs and calling for the end of military rule. d never been involved in teachers and lawyers in n Crusade," the first ord opposition movement e imposition of military

of a long mahogany ta at a joint U.S.-Panama-called Fort Amador, No believes the Americans crisis. The man most es is Sen. Helms. l opposed the transfer of n," says Noriega, "and s political life to fighting

start opposing Noriega: fashionable to do so, as lers readily affirmed to s staff has indeed been otting the latest Senate sed by an almost unan- his is promoting change oriega had this to say: ly has his own strategy his own problems." He rams' role in the Iran- claims that he has been ans that Abrams' posi- means of ingratiating ess. ment may have hoped unpopolar Noriega and for democratization as

clear in regard to Panama as it is in Nicaragua, the administration would attract liberal support for the contras.

But there is another reason for the American enthusiasm to get rid of Noriega. Looking toward the year 2000, when the United States would turn over the canal to Panama, American officials want to plan for a stable government, friendly to U.S. interests. Back in 1977 when President Carter signed the Panama Canal treaty, U.S. strategic planners had not counted on a Sandinista presence in Nicaragua. As instability has increased in the region during the last few years, the State Department and the NSC staff have concluded that anything would be better in Panama than Noriega. The Pentagon and CIA aren't so enthusiastic about the campaign against the Panamanian leader, partly because they aren't sure what would come next.

The best solution to the present crisis is probably negotiations between Noriega and the opposition. Noriega claims he is willing to negotiate with anyone without preconditions, but members of the Crusade say they will not negotiate with him until he announces a retirement date—which he will not do.

Noriega struck a conciliatory tone in the interview, saying, about the opposition: "We have to gain their trust that they can have a fair chance in competing for the government." As for the next election, which is scheduled for 1989, he said he would agree to having computers count the votes and to representation of the opposition on the electoral tribunal—which is not now the case.

But many Panamanians would regard an election with Noriega still at the helm as a waste of time. After all, many believe he fixed the returns of the last election and then later kicked out the appointed winner, Nicky Barletta. Asked whether he would be willing

to step down before the election, he was evasive, claiming that this would lead to the destruction of the armed forces and ensuing anarchy. In reply to a question, he said he would run for president.

Noriega has other problems. According to news accounts, two federal investigations in Florida are looking into possible drug violations by Noriega, an allegation he denies. And he's angered conservatives in the United States by flirting with Nicaragua's Daniel Ortega. Asked why he was dealing with Ortega if he was worried about the left, Noriega replied that he had to talk with everyone and then asked: "Why does Reagan embrace Gorbachev?"

So what should the United States do about Noriega? It could actively encourage negotiations between the two sides—and not just stand by and wait for a disaster to occur. It could, for example, send a special U.S. emissary to cut a deal with Noriega to get him out by 1989. These steps have been discussed but not yet implemented.

The danger for the United States of a continuing stalemate is that as the situation gets worse, Noriega will play his only card—and unleash the Cuban-backed leftist elements he has kept under control until now.

State Department officials, although concerned by the radicalization of Nicaragua and Cory Aquino's problems in the Philippines, argue that Panama will be different, that it does not have an active insurgency like the Philippines and that it will not face a threat from the left because it has such a strong middle class. But as they move to destabilize Noriega's regime, how can American officials be sure they aren't providing an opening for the left? In any event, if the United States decides to oust Noriega, it should do so quickly and decisively—by finding a viable alternative and backing him all the way.

retary of state at the time, disclosed that Kennedy had told him to contact United Nations Secretary General U Thant and have him propose a compromise if the tough talk didn't work and Khrushchev didn't back down.)

Ellsberg recalled that he asked Kennedy: "So they had 48 hours to decide and if no dismantling is under way, then we'll hit the missile sites and follow up with an invasion." Bobby interjected, "Unless they hit another reconnaissance plane and in that case, we will hit all the SAM sites immediately and probably the missile sites as well." More reconnaissance flights were scheduled for the next morning. Kennedy was specific, Ellsberg said, in recalling that he had told Dobrynin he had 48 hours to act.

In "Thirteen Days," Kennedy described his tough conversation with Dobrynin this way: The shooting down of the U2 was "a most serious turn of events," he quoted himself as telling the Soviet ambassador. "Because of the deception of the Soviet Union, our photographic reconnaissance planes would have to continue to fly over Cuba, and if the Cubans or Soviets shot at these planes, then we would have to shoot back. This would inevitably lead to further incidents and to escalation of the conflict, the implications of which were very grave indeed." Kennedy was assuming that Khrushchev had control not only over the SAM sites in Cuba but also over the many an-

confirmed in recent interviews that the private record shows that Robert Kennedy did warn Dobrynin about reconnaissance flights in their Oct. 27 meeting. Garthoff, who wrote many key memoranda during the crisis as a young State Department officer, reports new details about the extent of Soviet-Cuban estrangement in his new book on the missile crisis, which will be published later this month. After Khrushchev's backdown, he writes, "Cuban troops took up positions around the four Soviet missile bases on Oct. 28 and remained there for three days . . . This fact was not immediately known."

As his research continued, Ellsberg said, he found further evidence of Khrushchev's lack of control, ignored at the time, in Rusk's as-yet-unpublished telephone records. Ellsberg was provided with full access to all of the secretary of state's telephone logs and memoranda and uncovered two extraordinary telephone calls in which Thant reported on his visit to Cuba in late October, just after Khrushchev had agreed to dismantle the nuclear missiles.

The first telephone message, dated Oct. 31, was from Adlai Stevenson, the American ambassador to the United Nations, who relayed Thant's account of a meeting on Oct. 30 in Havana with the Soviet ambassador and a young brigadier general, identified as Igor

a vice president of a international, only real- significance of the 1964 his raises an important his raw intelligence— w is used or abused didn't the intelligence t make the connection? date the significant bur- pial who did understand pe of the intercepts in erg, then a consultant I work on a highly clas- nson administration of during the Cuban mis- ld burst into fame sev- in who made public the pers. But he didn't dis- dge of the missile crisis he was interviewed by ublic television station, he Cuban missile crisis

ranscript of Ellsberg's called that the Los An- en under ground attack y Cubans, with a fierce ger was on the button" leaves the East morning

R2132

REFERRED TO OFFICE	RECEIVED			RELEASED		SEEN BY	
	SIGNATURE	DATE	TIME	DATE	TIME	NAME & OFFICE SYMBOL	DATE

~~Handle Via Indicated Controls~~

~~COMINT~~

Access to this document will be restricted to those persons cleared for the specific projects;

WARNING

This document contains information affecting the national security of the United States within the meaning of the espionage laws U. S. Code Title 18, Sections 793, 794 and 796. The law prohibits its transmission or the revelation of its contents in any manner to an unauthorized person, as well as its use in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States. It is to be seen only by personnel especially indoctrinated and authorized to receive information in the designated control channels. Its security must be maintained in accordance with regulations pertaining to the BYEMAN and Communications Intelligence Controls. No action is to be taken on any communications intelligence which may be contained herein, regardless of the advantage to be gained, if such action might have the effect of revealing the existence and nature of the source, unless such action is first approved by the appropriate authority.

~~TOP SECRET~~

GROUP 1
Excluded from automatic
downgrading and declassification

WALTER O. HUDDLESTON, JR., MD.
ROBERT MORGAN, M.C.
GARY HART, COLO.

RICHARD S. SCHWEIKER, PA.

WILLIAM G. MILLER, STAFF DIRECTOR
FREDERICK A. G. SCHWARTZ, JR., CHIEF COUNSEL
CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 11, 91TH CONGRESS)

WASHINGTON, D.C. 20510

January 13, 1976

Mr. Thomas K. Latimer
Special Assistant to the Secretary
U. S. Department of Defense
Washington, D. C. 20301

Dear Tom:

In connection with the Select Committee's investigation of the assassination of President Kennedy, we earlier received answers to certain questions put to NSA. Since then we have examined other material pertaining to NSA's contribution to the Warren Commission's investigation and we desire further information from NSA.

By way of background for this request, we note the Warren Commission provided NSA various documents and asked NSA to review them for any cryptological significance. NSA found no cryptological significance and its report of this fact was published by the Commission.

1. By letter of July 10, 1964, (a copy of which is attached) Mr. Rankin provided General Blake a copy of certain documents requested by Dr. Tordella for NSA's files. Since NSA's analysis of the documents was apparently completed at the time of Rankin's letter, we wish to know why NSA wanted to keep these documents for its file. Further, we wish to know what use, if any, was made of these documents and what results relevant to the assassination were obtained from such use.

2. In a Commission staff internal memorandum, discussing the documents provided NSA, it is reported that NSA is "primarily interested in names," and NSA claims it has "information on names which the CIA does not have." Assuming these statements are accurate, we wish to know what significance such names would have

~~TOP SECRET~~

~~HANDLE VIA COMINT CHANNELS~~

CLASSIFIED BY OSC Intell. Act.
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF E.O. 13526, CLASSIFICATION EXT. CODES
& SCHEDULES 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



14 January 1976

MEMORANDUM FOR The Director, National Security Agency

The attached letter from Alton Quanbeck, Senate Select Committee staff, dated 13 January 1976, is forwarded for your action.

Please provide this office with a response to Mr. Quanbeck's questions as soon as possible, but not later than 22 January 1976. Your response should include a proposed date the Committee staff may have access to files mentioned in paragraph 4.

Thomas K. Latimer
Thomas K. Latimer

Attachment

600484

~~TOP SECRET~~UPON REMOVAL OF ATTACHMENTS THIS
DOCUMENT BECOMES UNCLASSIFIED

January 24, 1979

5F - Assassination H 249

dollars over the years in locks and dams and dredging operations.

In 1977, the Congressional Budget Office reported that—

Federal subsidies are equal to about 22% of all barge revenues, compared with 3% for railroads, 1% for trucking companies, and no subsidy at all for pipelines.

Under present law enacted by the 95th Congress, this subsidy for commercial users of our inland waterways will be reduced to about 36 percent in 1986. Under my proposal, however, Federal subsidies could be reduced even further, to approximately 31 percent of barge revenues. As can be seen, barge subsidies would still be 10 times greater than those for railroads, the next most heavily subsidized carrier.

Even more significant is the cost control factor that is built into a requirement that waterway users pay a percentage of the costs associated with the operation of the system. If users must pay a certain percentage of the cost of Government services, they will have a tremendous incentive to act as "watchdogs" to prevent waste, since they will be forced to pay for a percentage of that waste. The percentage requirement thus promotes efficiency by enlisting the support of users, in whose interest it is to identify and eliminate unnecessary expenditures.

I believe that the principle of operator-supported waterways should be extended to provide that at least 25 percent of the cost of maintaining and developing the Nation's waterway system is borne by private enterprise, which benefits from its use. My bill would require the establishment of a schedule of user charges that will generate revenue sufficient to recoup 25 percent of the cost of waterway operation, maintenance, construction, and rehabilitation. This schedule would be designed to supplement the Federal excise tax on barge fuel levied by the Inland Waterways Revenue Act of 1978, and would be phased in over the same 5-year period. The amount of Federal tax paid by users would be credited against the user fee mandated for that year. In other words, the revenue to be collected under the fee schedule would be the difference between the amount of fuel tax paid and the annual percentage requirement established by the schedule.

The underlying purpose of this proposal is to bestow a reasonable and more equitable financial responsibility for the condition of our Nation's waterways on those who receive the most direct benefit. A well-conceived user fee program will lower the cost of construction and maintenance to the taxpayer, and will provide users with a direct incentive to advocate and carry out cost-effective proposals for waterway improvements.

I urge my colleagues to join me in support of this important legislation.○

UKRAINIAN INDEPENDENCE DAY

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 5 minutes.

Mr. STRATTON. Mr. Speaker, I am proud to join once again this year in our

annual observance of Ukrainian Independence Day. This year marks the 61st anniversary of the original Proclamation of the Independence of the Ukraine and the continuing struggle of the Ukrainian people against assimilation by their Russian masters.

It was on January 22, 1918, after 2½ centuries of Polish and Russian domination, that the people of the Ukraine finally threw off the shackles of oppression and finally declared themselves a free and independent nation. That date marked the fulfillment of the dreams of ten generations of Ukrainians who had never once relinquished their desire for freedom and independence.

But then, as we all know, after less than three years of this new independence, during which the people of the Ukraine put up a valiant struggle for the protection of their homeland, the new communist government of the Soviet Union overran the Ukraine by military force and established their particular brand of totalitarian rule over the Ukraine.

Today the Ukrainian people are still denied any recognition of national identity or the exercise of the rights of an independent people. Instead, they are persistently subjected to a deliberate policy of national absorption and attempted cultural extinction by the Soviet Union which wields this political repression in the name of ideological unity.

However, on this anniversary I want to pay tribute in a very special and personal way to the people of the Ukraine who live under this Soviet rule yet still keep alive in their hearts the memory of freedom and the hope of the eventual return of that freedom. I had the pleasure last Easter, along with other members of the committee, of visiting Kiev, the capital of the Ukraine, as part of a trip to the U.S.S.R. We also visited Leningrad and Moscow. But every member of our group agreed that the high point of our Soviet visit was Kiev. The weather was warmer, and the people were more friendly, more outgoing, and obviously this was the manifestation of their inward spirit of freedom and independence, reflected in a warm regard for the United States and for the American people.

So we saw with our own eyes that the tender flame of freedom still does burn in the hearts of the people of the Ukraine.

And, finally, Mr. Speaker, let me extend my tributes to those Americans of Ukrainian descent who have kept alive their Ukrainian heritage here in America and who have made such a valuable contribution to our American cultural development. Because of their interest, their zeal, and their fervor I am sure that the day is closer now than it was a year—or even 51 years—ago when the Ukraine and its people will once again walk in freedom and independence.

FINDINGS AND RECOMMENDATIONS

Mr. STOKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STOKES. Mr. Speaker, the Select Committee on Assassinations concluded its work on the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr., on January 3, 1979. At that time the committee submitted to the Clerk a summary of the findings and recommendations of the committee. I ask unanimous consent that the text of those findings and recommendations be inserted in the Record at the conclusion of my remarks, in order that my colleagues and others interested in our work can have general access to them.

It is expected that the final report, our hearings, and other documents will be edited in a fashion suitable for declassification and publication in the coming weeks under the auspices of the Clerk of the House. My understanding is that these documents should be ready for publication by the end of March.

The material follows:

SUMMARY OF FINDINGS AND RECOMMENDATIONS

(Final report of the Select Committee on Assassinations, U.S. House of Representatives, 95th Congress, 2d session, December 29, 1978)

SELECT COMMITTEE ON ASSASSINATIONS, Washington, D.C., December 29, 1978.

Hon. EDWARD L. HENSHAW, Jr., Clerk of the House, U.S. Capitol, Washington, D.C.

DEAR Mr. HENSHAW: On behalf of the Select Committee on Assassinations, and pursuant to the mandate of House Resolutions 222 and 433, I am filing for presentation to the House of Representatives the enclosed Summary of Findings and Recommendations of the Select Committee on Assassinations.

As has been agreed upon with the Speaker of the House, the Committee is filing this Summary of Findings and Recommendations while the preparation of the complete volumes of its Final Report continues under your auspices. The complete Final Report will include Volume I, the Findings and Recommendations of the Select Committee with an analysis of the evidence concerning each finding and recommendation; and Volumes II and sequential volumes, which will contain the Committee's hearings, scientific reports, and other materials pertinent to the Committee's investigation. These volumes will be presented to the House as soon as they can be suitably prepared for publication, including, where appropriate, the declassification of classified information. It is anticipated that the entire Final Report will be published by March 30, 1979.

Sincerely,

LOUIS STOKES, Chairman.

I. FINDINGS OF THE SELECT COMMITTEE ON ASSASSINATIONS IN THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY IN DALLAS, TEX., NOVEMBER 22, 1963

A. Lee Harvey Oswald fired three shots at President John F. Kennedy. The second and third shots he fired struck the President. The third shot he fired killed the President.

1. President Kennedy was struck by two rifle shots fired from behind him.
2. The shots that struck President Kennedy from behind him were fired from the sixth floor window of the southeast corner of the Texas School Book Depository building.
3. Lee Harvey Oswald owned the rifle that was used to fire the shots from the sixth floor window of the southeast corner of the Texas School Book Depository building.
4. Lee Harvey Oswald, shortly before the assassination, had access to and was present on the sixth floor of the Texas School Book Depository building.
5. Lee Harvey Oswald's other actions tend

to support the conclusion that he assassinated President Kennedy.

B. Scientific acoustical evidence establishes a high probability that two gunmen fired at President John F. Kennedy. Other scientific evidence does not preclude the possibility of two gunmen firing at the President. Scientific evidence negates some specific conspiracy allegations.

C. The Committee believes, on the basis of the evidence available to it, that President John F. Kennedy was probably assassinated as a result of a conspiracy. The Committee is unable to identify the other gunman or the extent of the conspiracy.

1. The Committee believes, on the basis of the evidence available to it, that the Soviet Government was not involved in the assassination of President Kennedy.

2. The Committee believes, on the basis of the evidence available to it, that the Cuban Government was not involved in the assassination of President Kennedy.

3. The Committee believes, on the basis of the evidence available to it, that anti-Castro Cuban groups, as groups, were not involved in the assassination of President Kennedy, but that the available evidence does not preclude the possibility that individual members may have been involved.

4. The Committee believes, on the basis of the evidence available to it, that the national syndicate of organized crime, as a group, was not involved in the assassination of President Kennedy, but that the available evidence does not preclude the possibility that individual members may have been involved.

5. The Secret Service, Federal Bureau of Investigation and Central Intelligence Agency were not involved in the assassination of President Kennedy.

D. Agencies and departments of the United States Government performed with varying degrees of competency in the fulfillment of their duties. President John F. Kennedy did not receive adequate protection. A thorough and reliable investigation into the responsibility of Lee Harvey Oswald for the assassination of President John F. Kennedy was conducted. The investigation into the possibility of conspiracy in the assassination was inadequate. The conclusions of the investigations were arrived at in good faith, but presented in a fashion that was too definitive.

1. The Secret Service was deficient in the performance of its duties.

(a) The Secret Service possessed information that was not properly analyzed, investigated or used by the Secret Service in connection with the President's trip to Dallas; in addition, Secret Service agents in the motorcade were inadequately prepared to protect the President from a sniper.

(b) The responsibility of the Secret Service to investigate the assassination was terminated when the Federal Bureau of Investigation assumed primary investigative responsibility.

2. The Department of Justice failed to exercise initiative in supervising and directing the investigation by the Federal Bureau of Investigation of the assassination.

3. The Federal Bureau of Investigation performed with varying degrees of competency in the fulfillment of its duties.

(a) The Federal Bureau of Investigation inadequately investigated Lee Harvey Oswald prior to the assassination and properly evaluated the evidence it possessed to assess his potential to endanger the public safety in a national emergency.

(b) The Federal Bureau of Investigation conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination.

(c) The Federal Bureau of Investigation failed to investigate adequately the possibility of a conspiracy to assassinate the President.

(d) The Federal Bureau of Investigation was deficient in its sharing of information with other agencies and departments.

4. The Central Intelligence Agency was deficient in its collection and sharing of information both prior to and subsequent to the assassination.

5. The Warren Commission performed with varying degrees of competency in the fulfillment of its duties.

(a) The Warren Commission conducted a thorough and professional investigation into the responsibility of Lee Harvey Oswald for the assassination.

(b) The Warren Commission failed to investigate adequately the possibility of a conspiracy to assassinate the President. This deficiency was attributable in part to the failure of the Commission to receive all the relevant information that was in the possession of other agencies and departments of the government.

(c) The Warren Commission arrived at its conclusions, based on the evidence available to it, in good faith.

(d) The Warren Commission presented the conclusions in its report in a fashion that was too definitive.

II. Findings of The Select Committee on Assassinations in the Assassination of Dr. Martin Luther King, Jr. in Memphis, Tenn., April 4, 1968.

A. James Earl Ray fired one shot at Dr. Martin Luther King, Jr. The shot killed Dr. King.

1. Dr. King was killed by one rifle shot fired from in front of him.

2. The shot that killed Dr. King was fired from the bathroom window at the rear of a rooming house at 422½ South Main Street, Memphis, Tenn.

3. James Earl Ray purchased the rifle that was used to shoot Dr. King and transported it from Birmingham, Ala. to Memphis, Tenn., where he rented a room at 422½ South Main Street, and moments after the assassination, he dropped it near 424 South Main Street.

4. It is highly probable that James Earl Ray stalked Dr. King for a period immediately preceding the assassination.

5. James Earl Ray fled the scene of the crime immediately after the assassination.

6. James Earl Ray's alibi for the time of the assassination, his story of "Raoul", and other allegedly exculpatory evidence are not worthy of belief.

7. James Earl Ray knowingly, intelligently, and voluntarily pleaded guilty to the first degree murder of Dr. King.

B. The Committee believes, on the basis of the circumstantial evidence available to it, that there is a likelihood that James Earl Ray assassinated Dr. Martin Luther King as a result of a conspiracy.

C. The Committee believes, on the basis of the evidence available to it, that no private organizations or individuals, other than those discussed under Section B, were involved in the assassination of Dr. King.

D. No federal, state or local government agency was involved in the assassination of Dr. King.

E. The Department of Justice and the Federal Bureau of Investigation performed with varying degrees of competency and legality in the fulfillment of their duties.

1. The Department of Justice failed to supervise adequately the Domestic Intelligence Division of the Federal Bureau of Investigation. In addition, the Federal Bureau of Investigation, in the Domestic Intelligence Division's COMTELPRO campaign against Dr. King, grossly abused and exceeded its legal authority and failed to consider the possibility that actions threatening bodily harm to Dr. King might be encouraged by the program.

2. The Department of Justice and Federal Bureau of Investigation performed a thorough investigation into the responsibility of

James Earl Ray for the assassination of Dr. King and conducted a thorough fugitive investigation, but failed to investigate adequately the possibility of conspiracy in the assassination. The Federal Bureau of Investigation manifested a lack of concern for constitutional rights in the manner in which it conducted parts of the investigation.

III. RECOMMENDATIONS OF THE SELECT COMMITTEE ON ASSASSINATIONS

1. Legislative recommendations on issues involving the prohibition, prevention and prosecution of assassinations and Federally cognizable homicides

A. Prohibition and Prevention:

1. The Judiciary Committee should process for early consideration by the House legislation that would make the assassination of a Chief of State of any country, or his political equivalent, a Federal offense, if the offender is an American citizen or acts on behalf of an American citizen, or if the offender can be located in the United States.

2. The Judiciary Committee should process for early consideration by the House comprehensive legislation that would codify, revise and reform the federal law of homicide, paying special attention to assassinations.

The Judiciary Committee should give appropriate attention to the related offenses of conspiracy, attempt, assault and kidnapping in the context of assassinations. Such legislation should be processed independently of the general proposals for the codification, revision or reform of the Federal criminal law. The Committee should address the following issues in considering the legislation:

(a) Distinguishing between those persons who should receive the protection of federal law because of the official positions they occupy and those persons who should receive protection of federal law only in the performance of their official duties.

(b) Extending the protection of federal law to persons who occupy high judicial and executive positions, including Justices of the Supreme Court and Cabinet officers.

(c) The applicability of these laws to private individuals in the exercise of constitutional rights.

(d) The penalty to be provided for homicide and the related offenses, including the applicability and the constitutionality of the death penalty.

(e) The basis for the exercise of federal jurisdiction, including domestic and extra-territorial reach.

(f) The pre-emption of state jurisdiction without the necessity of any action on the part of the Attorney General where the President is assassinated.

(g) The circumstances under which federal jurisdiction should preempt state jurisdiction in other cases.

(h) The power of federal investigative agencies to require autopsies to be performed.

(i) The ability of federal investigative agencies to secure the assistance of other federal or state agencies, including the military, other laws notwithstanding.

(j) The authority to offer rewards to apprehend the perpetrators of the crime.

(k) A requirement of forfeiture of the instrumentalities of the crime.

(l) The condemnation of personal or other effects of historical interest.

(m) The advisability of providing, consistent with the first amendment, legal trust devices to hold for the benefit of victims, their families, or the general treasury, the profits realized from books, movie rights, or public appearances by the perpetrator of the crime, and

(n) The applicability of threat and physical zone of protection legislation to persons under the physical protection of federal investigative or law enforcement agencies.

January 24, 1979

3. The appropriate Committees of the House should process for early consideration by the House charter legislation for the Central Intelligence Agency and Federal Bureau of Investigation. The Committees should address the following issues in considering the charter legislation:

- (a) The proper foreign and domestic intelligence functions of the intelligence and investigative agencies of the United States.
- (b) The relationship between the domestic intelligence functions and the interference with the exercise of individual constitutional rights.
- (c) The delineation of proper law enforcement functions and techniques including:
 - (1) the use of informants and electronic surveillance.
 - (2) guidelines to circumscribe the use of informants or electronic surveillance to gather intelligence on, or investigate, groups that may be exercising first amendment freedoms, and
 - (3) the proper response of intelligence or investigative agencies where information is developed that an informant has committed a crime.
- (d) Guidelines to consider the circumstances, if any, when an investigative agency or a component of that agency should be disqualified from taking an active role in an investigation because of an appearance of impropriety growing out of a particular intelligence or investigative action.
- (e) Definitions of the legislative scope and extent of "sources and methods" and the "informant privilege" as a rationale for the executive branch withholding information in response to Congressional or judicial process or other demand for information.
- (f) Institutionalizing efforts to coordinate the gathering, sharing, and analysis of intelligence information.
- (g) Insuring those agencies that primarily gather intelligence perform their function so as to serve the needs of other agencies that primarily engage in physical protection, and
- (h) Implementing mechanisms that would permit interagency tasking of particular functions.

B. Prosecution:

- 1. The Judiciary Committee should consider the impact of the provisions of law dealing with third-party records, bail and speedy trial as it applies to both the investigation and prosecution of federally cognizable homicides.
- 2. The Judiciary Committee should examine recently passed special prosecutor legislation to determine if its provisions should be modified to extend them to presidential assassinations and the circumstances, if any, under which they should be applicable to other federally cognizable homicides.

II. Administrative recommendations to the Executive

The Department of Justice should re-examine its contingency plans for the handling of assassinations and federally cognizable homicides in light of the record and findings of the Committee. Such an examination should consider the following issues:

- A. Insuring that its response takes full advantage of inter and intra-agency task forces and the strike force approach to investigations and prosecutions.
- B. Insuring that its response takes full advantage of the advances of science and technology, and determining when it should secure independent panels of scientists to review or perform necessary scientific tests, or secure qualified independent forensic pathologists to perform a forensic autopsy.
- C. Insuring that its fair trial, free press guidelines, consistent with an alleged offender's right to a fair trial, allow information about the facts and circumstances surround-

ing an assassination promptly be made public, and promptly be corrected when erroneous information is mistakenly released, and

D. Entering at the current time into negotiations with representatives of the media to secure voluntary agreements providing that photographs, audio tapes, television tapes and related masters, made in and around the site of assassinations, be made available to the government by consent immediately following an assassination.

III. General recommendations for congressional investigations

A. The appropriate Committees of the House should consider amending the Rules of the House to provide for a right to appointive counsel in investigative hearings where a witness is unable to provide counsel from private funds.

B. The appropriate Committees of the House should examine the Rules of the House governing the conduct of counsel in legislative and investigative hearings and consider delineating guidelines for professional conduct and ethics, including guidelines to deal with conflicts of interest in the representation of multiple witnesses before a Committee.

C. The Judiciary Committee should examine the adequacy of federal law as it provides for the production of federal and state prisoners before legislative or investigative committees under a writ of habeas corpus ad testificandum.

D. The appropriate Committees of the House should examine and clarify the applicability to Congressional subpoenas of recently enacted legislative restrictions on access to records and other documents.

E. The appropriate Committees of the House should consider legislation that would authorize the establishment of a legislative counsel to conduct litigation on behalf of committees of the House incident to the investigative or legislative activities and confer jurisdiction on the United States District Court for the District of Columbia to hear such lawsuits.

F. The appropriate committees of the House should consider if Rule 11 of the House should be amended, so as to restrict the current access by all Members of the House to the classified information in the possession of any committee.

IV. Recommendations for further investigation

A. The Department of Justice should contract for the examination of a film taken by Charles L. Bronson to determine its significance, if any, to the assassination of President Kennedy.

B. The National Institute of Law Enforcement and Criminal Justice of the Department of Justice and the National Science Foundation should make a study of the theory and application of the principles of acoustics to forensic questions, using the materials available in the assassination of President John F. Kennedy as a case study.

C. The Department of Justice should review the Committee's findings and report in the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr. and after completion of the recommended investigation enumerated in Sections A and B, analyze whether further official investigation is warranted in either case. The Department of Justice should report its analysis to the Judiciary Committee.

include therein extraneous material on the subject of the special orders today by the gentleman from Arkansas (Mr. ALEXANDER) and the gentleman from Pennsylvania (Mr. Flood).

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members, at the request of Mr. GILMAN, to revise and extend their remarks and include extraneous material:)

- Mr. DAVIS of Michigan, for 5 minutes, today.
- Mr. GOLDWATER, for 5 minutes, today.
- (The following Members (at the request of Mr. ANTHONY) to revise and extend their remarks and include extraneous material:)
- Mr. ANTONIO, for 5 minutes, today.
- Mr. GONZALEZ, for 5 minutes, today.
- Mr. ALEXANDER, for 30 minutes, today.
- Mr. ROSTENKOWSKI, for 10 minutes, today.
- Mr. BENJAMIN, for 5 minutes, today.
- Mr. USALL, for 5 minutes, today.
- Mr. BEDELL, for 5 minutes, today.
- Mr. WOLFF, for 30 minutes, on January 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks were granted to:

(The following Members (at the request of Mr. GILMAN) and to include extraneous material:)

- Mr. LENT.
- Mr. LOTT.
- Mr. DERWINSKI.
- Mr. Young of Florida, in five instances.
- Mr. Young of Alaska.
- Mr. GILMAN in five instances.
- Mr. FORSTHE.
- Mr. MITCHEL.
- Mr. DORMAN.

(The following Members (at the request of Mr. ANTHONY) and to include extraneous matter:)

- Mr. ROBERTS.
- Mr. GUBER.
- Mr. GORE in two instances.
- Mr. ANDERSON of California in three instances.
- Mr. GONZALEZ in three instances.
- Mr. JONES of Tennessee in 10 instances.
- Mr. BONER of Tennessee in 10 instances.
- Mr. BOMOR of Michigan.
- Mr. FISER.
- Mr. RAEBALL.
- Mr. HAMILTON.
- Mrs. SPELLMAN.
- Mr. BENJAMIN.
- Mr. JOHN L. BURTON.

1510

GENERAL LEAVE

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to

ADJOURNMENT

Mr. ANTHONY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 16 minutes p.m.), the House adjourned until Thursday, January 25, 1979, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

464. A communication from the President of the United States, transmitting a draft of proposed legislation to implement the Panama Canal Treaty of 1977 and related agreements, and for other purposes (H. Doc. No. 96-39); jointly, to the Committees on Merchant Marine and Fisheries, International Relations, the Judiciary, and Post Office and Civil Service and ordered to be printed.

465. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of military equipment to the Netherlands (transmittal No. 79-5), pursuant to section 813 of Public Law 94-106, as amended; to the Committee on Armed Services.

466. A letter from the Director, National Legislative Commission, The American Legion, transmitting the proceedings of their 1978 National Convention, a report of the activities for the year preceding the convention, and a financial statement and independent audit of the organization, pursuant to section 9 of the act of September 19, 1919, and section 3 of Public Law 88-504 (H. Doc. No. 96-42); to the Committee on Veterans' Affairs and ordered to be printed.

467. A letter from the National Adjutant, Disabled American Veterans, transmitting the proceedings of their 1978 National Convention and an independent audit report as of December 31, 1977, pursuant to section 9(a) of the act of June 17, 1932, and section 3 of Public Law 88-504 (H. Doc. No. 96-43); to the Committee on Veterans' Affairs and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AKAEA (for himself and Mr. HARTZ):

H.R. 1319. A bill to extend the period for duty-free entry of a 3.60 meter telescope and associated articles for the use of the Canada-France-Hawaii Telescope Project at Mauna Kea, Hawaii; to the Committee on Ways and Means.

By Mr. BENJAMIN:

H.R. 1320. A bill to amend the Disaster Relief Act of 1974; to the Committee on Public Works and Transportation.

By Mr. BROOMFIELD:

H.R. 1321. A bill to amend the Immigration and Nationality Act to provide for the deportation of any alien who receives welfare benefits as a result of causes not affirmatively shown to have arisen after entry; to the Committee on the Judiciary.

H.R. 1322. A bill to provide property tax relief to low-income elderly homeowners through direct reimbursements; to the Committee on Ways and Means.

H.R. 1323. A bill to amend the Internal Revenue Code of 1954 to provide a refundable credit against tax for post-secondary education expenses for tuition and fees paid by the taxpayer attributable to the attendance of a student at an institution of post-

secondary education, and for other purposes; to the Committee on Ways and Means.

By Mr. JOEL L. BURTON:

H.R. 1324. A bill to amend title IV of the Higher Education Act of 1986 to establish a system of student tuition advances to be repaid as an income tax imposed by the Internal Revenue Code of 1954, and for other purposes; jointly, to the Committees on Education and Labor, and Ways and Means.

By Mr. CONTE:

H.R. 1325. A bill to authorize the disposal of silver from the national stockpile; to the Committee on Armed Services.

H.R. 1326. A bill to prohibit discriminatory employment practices with respect to physically handicapped persons; to the Committee on Education and Labor.

H.R. 1327. A bill to amend the National Labor Relations Act to provide that a labor organization is not required to provide legal representation to an employee in an arbitration proceeding if such employee is not a member of such labor organization; to the Committee on Education and Labor.

H.R. 1328. A bill to amend the National Commission on Libraries and Information Science Act to require the National Commission on Libraries and Information Science to conduct studies of the library and information needs of children; to the Committee on Education and Labor.

H.R. 1329. A bill to amend the Buy American Act to increase the incentives for the purchase of domestic articles, materials, and supplies with regard to Federal and federally funded procurements; to the Committee on Government Operations.

H.R. 1330. A bill to prohibit travel at Government expense outside the United States by Members of Congress who have been defeated, or who have resigned, or retired; to the Committee on House Administration.

H.R. 1331. A bill to amend the National Trails System Act to authorize a feasibility study for the establishment of certain bicycle trails; to the Committee on Interior and Insular Affairs.

H.R. 1332. A bill to amend the Wild and Scenic Rivers Act to designate a certain portion of the St. John River in Maine as a potential addition to the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

H.R. 1333. A bill to establish a National Commission on Regulatory Reform; to the Committee on Interstate and Foreign Commerce.

H.R. 1334. A bill to improve existing tertiary eye centers, to examine the delivery of eye care to the general public, and to study the feasibility of implementing a system of tertiary eye care centers throughout the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 1335. A bill to amend subtitle IV of title 49, United States Code, to provide assistance in rebuilding the Nation's railroad rights-of-way, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1336. A bill to enact the National School-Age Mother and Child Health Act of 1979; to the Committee on Interstate and Foreign Commerce.

H.R. 1337. A bill to amend title VIII of the Public Health Service Act to extend for 2 fiscal years the program of assistance for nurse training; to the Committee on Interstate and Foreign Commerce.

H.R. 1338. A bill to prohibit any increase in the price of certain consumer commodities by any retailer once a price is placed on any such commodity by such retailer, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1339. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications

for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 1340. A bill to amend section 1951, title 18, United States Code, Act of July 3, 1946; to the Committee on the Judiciary.

H.R. 1341. A bill to amend part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide to Federal public safety officers the same benefits accorded under such part to State and local public safety officers; to the Committee on the Judiciary.

H.R. 1342. A bill authorizing the Secretary of the Interior to issue certain obligations and to utilize the revenues therefrom to acquire additional wetlands; to the Committee on Merchant Marine and Fisheries.

H.R. 1343. A bill to provide that any increase in the rate of pay for Members of Congress proposed during any Congress shall not take effect earlier than the beginning of the next Congress; to the Committee on Post Office and Civil Service.

H.R. 1344. A bill to designate the birthday of "Susan B. Anthony" as a legal public holiday; to the Committee on Post Office and Civil Service.

H.R. 1345. A bill to require that new forms and reports, and revisions of existing forms, resulting from legislation be contained in reports of committees reporting the legislation; to the Committee on Rules.

H.R. 1346. A bill to amend title 38 of the United States Code to provide for the payment of supplemental tuition allowances for certain veterans pursuing educational programs; to the Committee on Veterans' Affairs.

H.R. 1347. A bill to amend title II of the Social Security Act to provide that any individual may qualify for disability insurance benefits, and the disability freeze if he has 20 quarters of coverage (and meets the other conditions of eligibility therefor), regardless of which such quarters were earned; to the Committee on Ways and Means.

H.R. 1348. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

H.R. 1349. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 1350.—A bill to amend title XVIII of the Social Security Act to provide that the periodic adjustments made in the inpatient hospital deductible shall hereafter reflect increases in social security cash benefits rather than increases in the cost of inpatient hospital services; to the Committee on Ways and Means.

H.R. 1351.—A bill to amend the Internal Revenue Code of 1954 to require the establishment of formal procedures and criteria for the selection of individual income tax returns for audit, to inform individuals of the reasons why their returns were selected for audit, and for other purposes; to the Committee on Ways and Means.

H.R. 1352. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to individuals who rent their principal residences for a portion of the real property taxes paid or accrued by their landlords; to the Committee on Ways and Means.

H.R. 1353. A bill to amend section 167 of the Internal Revenue Code of 1954 to encourage landlords to meet minimal housing standards by disallowing the depreciation deduction to a landlord who has been convicted of violating a housing code; to the Committee on Ways and Means.

H.R. 1354. A bill to amend the Internal Revenue Code of 1954 to provide income tax

Hearings to End:

Assassinations Unit to Probe Ruby's Links to Organized Crime; Hears Ford on FBI

The final week of House hearings on the 1963 assassination of President John F. Kennedy was expected to continue the committee's investigation into the possibility that a conspiracy was behind the crime.

In testimony Sept. 18-19, the Select Committee on Assassinations heard evidence about the possibility of Cuban involvement in Kennedy's death. A committee member said the following week's hearings would consider the possibility that organized crime figures had links with Jack Ruby, the Dallas nightclub operator who shot Kennedy assassin Lee Harvey Oswald.

"The Warren Commission was wrong when it concluded that Ruby had no connection with organized crime," the member said. "He did and we'll prove that he did."

Reviewing the mass of evidence presented by scientific experts in the first phase of the hearings, the member said the evidence seemed clear that Oswald alone had committed the crime, but the question of motive was still unanswered. (*Previous hearings, Weekly Report p. 2497*)

"We've established a lone assassin theory," the member said. "The only thing we're left with is the possibility that he was a hired assassin."

Castro Denial

Evidence presented to the committee Sept. 19 included a tape recording of an April interview by House investigators with Cuban President Fidel Castro, who denied having any involvement in the assassination and described the idea as "insane."

"That would have been the most perfect pretext for the United States to invade our country, which is what I have tried to prevent for all these years, in every possible sense," Castro told the interviewers.

Asked about a statement made to an Associated Press reporter 10 weeks before the Kennedy slaying, in which he warned that plots against him could backfire, Castro said the statement was not given as a threat.

"I did not mean to threaten by that," he said. "... I did not mean that we were going to take measures, similar measures, like a retaliation for that."

Castro called "absurd" a report that he knew in advance of an assassination threat against Kennedy. The committee said in a statement that a confidential U.S. government source had told the committee the story might have some substance.

The story also was denied Sept. 13 by two former Cuban consuls in Mexico City and a consulate secretary, who testified regarding a one-week trip Oswald took to Mexico two months before the assassination.

Two of the three witnesses confirmed that it was indeed Oswald who applied for a transit visa to Cuba during a Sept. 27, 1963, visit to the consulate. Committee sources said that handwriting analysis had confirmed that the Oswald who signed the document was the same man captured in Dallas.

—By Bob Livernash

The only dissent was from former consul Eusebio Azcue Lopez, who said he thought there were two Oswalds, and that the man who visited the consulate was not the same man who killed Kennedy. The Oswald shown in assassination pictures, Azcue said, seemed younger and heavier than the man who came to the consulate.

Ford Testimony

The committee heard from former President Ford Sept. 21 as part of its examination of the handling of the investigation by the FBI and other federal agencies. Ford, then a House member, served on the Warren Commission.

Ford admitted that the Warren Commission investigation probably would have been broadened had the commission known of CIA plots to kill Castro.

Ford, one of only three surviving members of the commission, said knowledge of the CIA plots "certainly would have required the commission to extend its inquiry into those operations."

"But I don't think they, in and of themselves, would have changed the conclusions," he added.

Ford testified that he didn't understand why the commission had not been told about the CIA plots when one of its members was Allen W. Dulles, a former director of the intelligence agency.

"I had the feeling then that we were getting all the information from the agencies, including the CIA. Obviously, some information, such as on the assassination plots, was not given to us," Ford said. "Why we weren't given it, I frankly don't understand."

Ford added that former CIA Director Richard Helms had given the commission a long memorandum on the possibility of a conspiracy involving Cuba.

Ford acknowledged that for a time he briefed a top FBI official about organizational problems when the Warren Commission was beginning its work. He said there were only two such briefings, and that they stopped when the investigative phase began.

FBI Witnesses

James H. Gale, a retired assistant director of the FBI, told the committee Sept. 20 that Oswald should have been on the FBI's list of subversives, but even if he had it would not have prevented the assassination.

Gale said he was in charge of the investigation that led FBI Director J. Edgar Hoover to discipline 17 FBI employees for not putting Oswald on the list.

James R. Malley, a former FBI inspector who supervised the FBI investigation in Dallas, said the bureau had conducted a thorough investigation of various conspiracy theories before agreeing with the Warren Commission conclusion that Oswald acted alone.

Malley said the possibility of a conspiracy was a constant preoccupation, and that the bureau had looked into the possibility of Cuban involvement and the possible involvement of organized crime in the assassination.

Told by committee investigators that some FBI officials directly involved in organized crime cases had never been asked about the case, Malley insisted that crime syndicate connections had been checked and that other organized-crime agents in the bureau must have been contacted.

Malley said he had never heard Hoover object to the Warren Commission. Hoover reportedly was unhappy with the formation of the commission.

Serial: N 9347R1

8 OCT 1976

Director
Federal Bureau of Investigation
Attn: FOIA Unit, Room 5278
9th & Pennsylvania Avenue
Washington, D. C.

Dear Sir:

The attached letter representing a request by Mr. Ronald Kessler, under Title 5 U.S.C. 552, is hereby referred to your Office with respect to the inclosed records which were originated by you and located in our records in response to Mr. Kessler's request.

We intend to inform Mr. Kessler of the existence of these records and that we have referred these records to your Office for further action by you pursuant to the Freedom of Information Act and DoD Directive 5400.7, Section V, Paragraph E.

Sincerely,

Original Signed By

NORMAN BOARDMAN
Information Officer

2 Incls:

1. Ltr from Kessler dtd 7 Sep 76
- 2... FBI Documents

Copy Furnished:

Mr. Ronald Kessler (Less Incls)

cc: ESS/R (Less Incls)
L221
D4 RF
D4 SF
D6 (Less Incls)

SC/DIR has seen

M/R: Referral approved by Mr. Shackelford (FBI FOIA Unit) 8 Oct 76.

K. Miller, D4, 3083, 8 Oct 76, ~~IF THIS CONTAINS~~

~~HANDLE VIA COMINT CHANNELS ONLY~~

classified upon removal of the
markings and physical removal
of the covering sheet.

~~TOP SECRET~~

Serial: N 9347R

8 OCT 1976

TOP SECRET

MEMORANDUM FOR THE ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS)
ATTN: Lt. Col. Baker

SUBJECT: Freedom of Information Act Request (Kessler)

1. The attached letter representing a request by Mr. Ronald Kessler, under Title 5 U.S.C. 552 is hereby referred to your office with respect to the DoD originated documents, with inclosures, located in our records in response to Mr. Kessler's request.

2. We intend to inform Mr. Kessler of the existence of these documents and that we have referred these documents to your Office for further action by you pursuant to the Freedom of Information Act and DoD Directive 5400.7, Section V, Paragraph E.

Original Signed By

NORMAN BOARDMAN
Information Officer

2 Incls:

- 1. Ltr from Kessler dtd 7 Sep 76
- 2. DoD Documents

Copy Furnished:

Mr. Ronald Kessler (Less Incls)

- cc: ESS/R (Less Incls)
- L221 "
- D4 PF "
- D4 SP
- D6 (Less Incls)

Concur: D6

~~TOP SECRET~~
SC/DIR has seen

M/R: Referral approved by Lt Col Baker (DoD FOIA Unit) on 7 Oct 76

K. Miller, D4, 3083, 8 Oct 76, lf

The Washington Post

1150 15TH STREET, N.W.

WASHINGTON, D. C. 20071

(202) 223-6000

Sept. 7, 1976

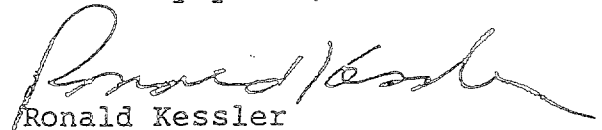
Public Information Office
National Security Agency
Fort George
G. Meade, Md.

FREEDOM OF INFORMATION ACT REQUEST

Dear Sirs:

Please consider this a request under the provisions of the Freedom of Information Act for copies of all material relating to Lee Harvey Oswald and the assassination of President John F. Kennedy.

Sincerely yours,


Ronald Kessler

~~SECRET~~

5 October 1976

Jerry,

Re: FOIA Request on Oswald/Kennedy

In searching our files, we found four messages on Oswald - none are very interesting. They were turned up in response to the SSC requests (Nov 75 - Jan 76). No hardcopy reports were given to the Warren Commission. Kile Miller in D4 is drafting a reply and will show it to us.

John
JOHN WOBENSMITH

NOTE: The file is attached.

John Wobensmith
10/10/76

~~SECRET~~

~~NO FORN DISSEM OR RELEASE~~

UNITED STATES GOVERNMENT

Memorandum

TO : Congressional Activities

FROM : D4

SUBJECT: Freedom of Information Act Request

Serial: D4 817
DATE: 23 SEP 1975

L. Figallo, D4, 3083

1. Attached is a Freedom of Information Act request from Ronald Kessler. Request a search of your files be conducted to determine if you maintain any information relative to Mr. Kessler's request.

2. Please submit the results of your search along with the attached Management Information Form not later than 1 October 1976. This form is required for an annual report which is to be submitted to DoD pursuant to the Freedom of Information Act, as amended. Please indicate on the form the amount of time spent in the search, whether the search was performed by clerical or professional personnel, and if computer search was required the estimated cost of the computer operation involved. Please complete the Non-Chargeable Section of the form also.


NORMAN BOARDMAN
Information Officer

- 2 Incls:
1. Ltr from Kessler
 2. Management Info Form



MEMORANDUM FOR RECORD

27 September 1976

1. I received an AUTOSEVOCOM call this morning from Bob Andrews, who said that the Office of Professional Responsibility and Integrity, Department of Justice, had been "charged by the Congress" to thoroughly reinvestigate the "harassment as well as the assassination" of Martin Luther King. Mr. Fred B. Folsom of that office will be conducting the investigation of any DoD involvement. He will be seeing Tom Latimer shortly to initiate the investigation and, presumably, thereafter will be dealing directly with DoD components. In preparation for this first meeting, Latimer has asked for a review of any information that NSA has concerning King, including that which may have been unearthed and reported during the Church, Pike and Abzug hearings. For example, was he on the watch list, what requirements pertaining to King did NSA receive from other agencies, etc.? Andrews asked that we make this review as soon as possible and notify either him or Latimer of its results.

2. I asked Andrews where in Congress the charge levied on the Department of Justice had originated. He didn't know but will try to find out. Our guess is that it originates from a 12-man committee recently appointed by Speaker Albert to look into the King and JFK assassinations. If so, Andrews probably has only half the story, and Latimer and Folsom will also want to know similar information pertaining to JFK/Oswald.

Gerard P. Burke
 GERARD P. BURKE
 Special Counsel

cc: General Allen
 Mr. Buffham
 Mr. Drake
 Mr. Banner
 → Mr. Foster

~~LHMDS~~

Action:
 Cong. Activities Office in
 coordination with DDO + D6.

**Panel Is Named
 On King, JFK**

United Press International
 Speaker Carl Albert (D-Okla.) named 12 members of the House yesterday to a new committee to look into the assassinations of John F. Kennedy and Martin Luther King Jr. Rep. Thomas N. Downing (D-Va.) who is retiring at the end of the year will be chairman. Other members are Del. Walter E. Fauntroy (D-D.C.) and Reps. Henry B. Gonzalez (D-Tex.), Richardson Preyer (D-N.C.), Louis Stokes (D-Ohio), Yvonne B. Burke (D-Calif.), Christopher J. Dodd (D-Conn.), Harold E. Ford (D-Tenn.), Samuel L. Devine (R-Ohio), Burt L. Talcott (R-Calif.), Stewart B. McKinney (R-Conn.) and Charles Thone (R-Neb.). The resolution mentioned specifically the deaths of King and Kennedy, with authority for the group to investigate others.

102^d CONGRESS
2^d Session

SENATE

REPORT
102-328

ASSASSINATION MATERIALS DISCLOSURE ACT
OF 1992

R E P O R T

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 3006

TO PROVIDE FOR THE EXPEDITIOUS DISCLOSURE OF RECORDS
RELEVANT TO THE ASSASSINATION OF PRESIDENT JOHN F.
KENNEDY



JULY 22 (legislative day, JULY 20), 1992.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

59-010

WASHINGTON : 1992

COMMITTEE ON GOVERNMENTAL AFFAIRS

JOHN GLENN, Ohio, *Chairman*

SAM NUNN, Georgia
CARL LEVIN, Michigan
JIM SASSER, Tennessee
DAVID PRYOR, Arkansas
HERBERT KOHL, Wisconsin
JOSEPH I. LIEBERMAN, Connecticut
DANIEL K. AKAKA, Hawaii

WILLIAM V. ROTH, Jr., Delaware
TED STEVENS, Alaska
WILLIAM S. COHEN, Maine
WARREN B. RUDMAN, New Hampshire
JOHN SEYMOUR, California

LEONARD WEISS, *Staff Director*

STEVEN L. KATZ, *Counsel*

FRANKLIN G. POLK, *Minority Staff Director and Chief Counsel*

MICHAL SUE PROSSER, *Chief Clerk*

ASSASSINATION MATERIALS DISCLOSURE ACT OF 1992

JULY 22 (legislative day, JULY 20), 1992.—Ordered to be printed

Mr. GLENN, from the Committee on Governmental Affairs,
submitted the following

REPORT

[To accompany S. 3006]

The Committee on Governmental Affairs, to which was referred the bill (S. 3006) to provide for the expeditious public disclosure of all records related to the assassination of President John F. Kennedy, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

CONTENTS

	Page
I. Text of Bill.....	1
II. Committee Action.....	17
III. Purpose and Summary.....	19
IV. Background and Need for Legislation.....	20
V. Major Provisions.....	34
VI. Section-by-Section Analysis.....	49
VII. Regulatory Impact.....	50
VIII. Cost Impact.....	

I. TEXT OF BILL

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSES.

(a) FINDINGS AND DECLARATIONS.—The Congress finds and declares that—

(1)

(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 assassination 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.

SEC. 3. DEFINITIONS.

In this Act:

"Archivist" means the Archivist of the United States.

"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.

"Collection" means the President John F. Kennedy Assassination Records Collection established under section 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.

"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 Government 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.

"Identification aid" means the written description prepared for each record as required in section 4.

"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.

"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.

"Originating body" means the Executive agency, government commission, congressional committee, or other governmental entity that created a record or particular information within a record.

"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.

"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.

"Review Board" means the Assassination Records Review Board established by section 7.

"Third agency" means a Government agency that originated an assassination record that is in the possession of another agency.

SEC. 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 the 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.

SEC. 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 records 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 identifies 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 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 available to the public not later than 300 days after the date of enactment of this Act, 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 as 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 information security program has been established at the 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, 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.

SEC. 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 agency 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.

SEC. 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 two 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 receiving the report from 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 create identification aids and organize assassination records;

(B) direct Government offices to transmit to the Archivist assassination records as required under this Act, including segre-

gable 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) 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.

SEC. 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.).

SEC. 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 standard 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 proceed-

ings 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.

SEC. 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.

SEC. 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 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.

SEC. 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.

SEC. 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.

SEC. 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.

II. COMMITTEE ACTION

S.J. Res. 282 was introduced by Senators Boren (for himself, Mr. Mitchell, Mr. Specter, Mr. Murkowski, Mr. Bradley, Mr. DeConcini, Mr. Glenn, Mr. Metzenbaum, Mr. Wofford, and Mr. Cohen) on March 26, 1992, and referred to the Committee on Governmental Affairs.

Hearings were held on May 12, 1992. Testimony was received from Senator David Boren, Senator Arlen Specter, and Representative Louis Stokes; Robert M. Gates, Director of the Central Intelligence Agency, and William Sessions, Director of the Federal Bureau of Investigation; Ernest May, Professor, Kennedy School of Government; Athan Thecharis, Professor, Department of History, Marquette University, and James Lesar, President, the Assassination Archives and Research Center.

On June 25, 1992, the Committee on Governmental Affairs approved by a voice vote adoption of the amendment in the nature of a substitute offered by Senator Glenn.

III. PURPOSE AND SUMMARY

S.J. Res. 282, as amended, creates a process to publicly disclose all records related to the assassination of President John F. Kennedy. The underlying principles guiding the legislation are independence, public confidence, efficiency and cost effectiveness, speed of records disclosure, and enforceability. In order to achieve these objectives, the Act creates a presumption of disclosure upon the government, and it establishes an expeditious process for the review and disclosure of the records. The Act creates numerous requirements to ensure that the public will be enabled to make its own

observations, judgments, and determinations with regard to the history of the assassination and related matters. In order to provide for the most comprehensive disclosure of records related to the assassination of President Kennedy, the Act empowers an independent review board with the authority to request any additional information or records from relevant government agencies and congressional committees. Finally, the determinations of the review board are reviewable and enforceable in a court of law.

These purposes and objectives were carefully addressed during the development of the new legislation. The "President John F. Kennedy Assassination Records Collection" ("the Act") reflects the many recommendations and ideas developed from the hearings, meetings with affected government agencies, and views expressed by members of the public experienced in efforts to access records from relevant agencies in general, and with particular emphasis upon the assassination of President Kennedy. The bill also reflects the considerable research and expertise of the Committee staff with regard to the law and policy of public access to government information.

The legislation establishes the President John F. Kennedy Assassination Records Collection at the National Archives. The Collection will be made known and accessible to the public by the creation of a subject guidebook and index to the records created by the National Archives. The Collection will include all publicly available assassination records at the National Archives at the time of enactment (e.g. public records of the Warren Commission); all assassination records released by government offices pursuant to the Act; all postponed records as part of the "protected" Collection; and all postponed records as they become publicly disclosed in the future. The public will also be able to request reproduction of records from originating government agencies.

Government offices holding assassination records are required to begin organizing and reviewing such records upon enactment and have this work completed within ten months of enactment. During this time, the government offices will determine whether records qualify as "assassination records" and then whether they recommend to the Review Board that public disclosure of certain records be postponed for reasons of national security, confidentiality, and privacy, as established in the Act. All assassination records which are not recommended for postponement must be made immediately available to the public through the government office and by transmission to the National Archives. Records recommended for postponement are required to be reviewed by an independent Assassination Records Review Board, which makes determinations for release or postponement.

In the case of executive branch records and information, the President has the authority to override the Review Board's determinations with regard to release or postponement. For congressional records, in the event that the Congress disagrees with a determination by the Review Board, each House would be required to adopt a resolution to change or create a rule governing the disposition of its records at issue. Such rule-making authority is preserved by the Act. Finally, all postponed records undergo periodic review and must be disclosed in full no later than twenty-five years after

the date of enactment unless, in the case of executive branch records, the President demonstrates that public disclosure will result in an identifiable harm to the national security, intelligence operations, or foreign relations of the United States.

The Assassination Records Review Board is an independent agency within the executive branch. The five-member Review Board will be appointed by the President with the advice and consent of the United States Senate. The confirmation hearings will be conducted by the Committee on Governmental Affairs. The Act requires that the Review Board include at least one historian and one attorney, and that each member is a national recognized professional in his or her field. The legislation requires that prior to making the appointments, the President is required to consider recommendations from the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Bar Association.

To ensure a comprehensive search and disclosure of assassination records, particularly to enable the public to obtain information and records beyond the scope of previous official inquiries, the Review Board has the authority to direct any government office to produce additional information and records which it believes are related to the assassination. It has the authority to subpoena private persons and to enforce the subpoenas through the courts.

The Review Board is authorized for a two-year period and it may be extended by a majority vote of the Review Board for up to an additional year. The Review Board could decide to extend its existence to less than one year if that is the time determined as necessary to complete its work. Annual financial reports and other periodic reports are required to be provided to the Congress. The reports must include statements of progress, the level of cooperation of government offices and agencies, and the possible need for additional time or authority from Congress.

IV. BACKGROUND AND NEED FOR LEGISLATION

On November 22, 1963, President John F. Kennedy was assassinated. It was a tragic and defining moment in American history. The desire by the American public to understand who assassinated President Kennedy, and why, has resulted in several official investigations and a broad spectrum of private inquiries and scholarship. Unfortunately, in the eyes of the public, each investigation and inquiry served to raise additional questions, and did so while increasing the volume of secret government records about the assassination. In 1992, the public demand, fostered by increased media attention, the opening of secret files by changing governments around the world, and other factors, culminated in the recognition by the Congress and the Executive Branch that the records related to the assassination of President Kennedy should be fully disclosed.

In addition to the legislation considered by the Committee, and its counterpart considered by the House Committee on Government Operations, four other related, though more limited, measures were introduced in the House of Representatives in 1992. Two bills mandating the release of all Kennedy assassination investigation

records were H.R. 4090, introduced January 3, 1992, and H.R. 4108, introduced January 24, 1992. Two House resolutions directing the unsealing of the records of the Select Committee on Assassinations were H. Res. 325, introduced January 22, 1992, and H. Res. 326, introduced January 24, 1992.

The Committee shares the belief in the importance of disclosing the records. It believes that all government records related to the assassination of President Kennedy should be preserved for historical and governmental purposes; that all such records should carry a presumption of immediate disclosure; and that all such records should be eventually disclosed to enable the public to become fully informed about the history surrounding the assassination.

The Committee also closely examined the issue of whether legislation was necessary and concluded that it was. While disclosure of the records could be achieved through a non-statutory approach—by each House of the Congress passing a resolution pertaining to its records, and the President issuing an executive order to the same effect—a statute is necessary to ensure an independent and enforceable mechanism for disclosure under uniform standards for review.

In addition, the Committee found that legislation is necessary because congressional records related to the assassination would not otherwise be subject to public disclosure until at least the year 2029 (with uncertain disclosure of related classified executive branch records); because the Freedom of Information Act, as implemented by the Executive Branch, has impeded the timely public disclosure of the assassination records; because Executive Order 12356, "National Security Information," has eliminated the government-wide schedules for declassification and downgrading of classified information and has prevented the timely public disclosure of assassination records; and because most of the records related to the assassination of President Kennedy are at least 30 years old, and only in the rarest cases is there any legitimate need for continued protection of such records.

The release of records and materials in the possession of the federal government pursuant to the legislation will significantly expedite public access to this information. Although certain records related to the assassination of President Kennedy have been made available over time to the public, the legislation will create opportunities for the public to review records which might otherwise not be possible for several decades. Importantly, the public will be enabled to make their own observations and judgments based on first-hand access to previously undisclosed records.

In addition to the above discussion, the Appendix of this report contains a thorough description and summary of the records of the presidential commissions and congressional committees which investigated the assassination of President Kennedy.

V. MAJOR PROVISIONS

The requirements of the "President John F. Kennedy Assassination Records Collection Act" are written in a detailed manner to ensure that its implementation is effective and efficient. In addi-

tion, it is important to emphasize and clarify the legislative intent and importance of particular provisions of the Act.

Defining assassination records

"Assassination records" are defined in Section 3. The definition of "assassination records" is a threshold consideration for the successful implementation of the Act. Its scope will be the barometer of public confidence in the release of assassination records. While the records of past presidential commissions and congressional committees established to investigate the assassination of President Kennedy are included as assassination records under this Act, it is intended and emphasized that the search and disclosure of records under this Act must go beyond those records. While such records are valuable, they reflect the views, theories, political constraints, and prejudices of past inquiries. Proper implementation of this Act and providing the American public with the opportunity to judge the surrounding history of the assassination for themselves, requires including not only, but going beyond, the records of the Warren and Rockefeller Commissions, and the Church and House Select Assassination Committees.

The term "assassination record" was not more specifically defined by the Committee because to do so before more is known about the universe of records would have been premature, and would have further injected the government between the records and the American public. There is a sufficient volume of known assassination records to organize and review at the outset. However, it is intended that the Review Board issue guidance to assist in articulating the scope or universe of assassination records as government offices and the Review Board undertakes their responsibilities. Such guidance will be valuable notwithstanding the fact that government offices will begin to organize and review their records before the Review Board is established. Government offices are required to begin the review and disclosure of records upon enactment to expedite public access to the many records which do not require additional review or postponement. However, the ultimate work of the Review Board will involve not only the review of records recommended for postponement, but requiring government offices to provide additional information and records, where appropriate. Guidance, especially that developed in consultation with the public, scholars, and affected government offices, will prove valuable to ensure the fullest possible disclosure and create public confidence in a working definition that was developed in an independent and open manner.

Autopsy Records

The Act specifically excludes from the definition of "assassination records" the autopsy records and copies or reproductions made from such records donated by the Kennedy family pursuant to a deed of gift executed on October 29, 1966. These records include the autopsy photographs and X-rays of President Kennedy. The Committee believes that this exclusion is a sound policy. The Committee believes that there is a compelling justification for protecting the privacy of the Kennedy family from the unwarranted

intrusion that would be raised by public disclosure of the autopsy records by the deed.

The Committee has carefully examined the deed of gift, which is operative throughout the lifetime of the survivors of the late President Kennedy. The deed in no way restricts access to official government investigators concerned with the assassination. Other members of the public may obtain access to the autopsy photographs and X-rays only with the express written permission of the Kennedy family or their legal representative. The Committee found that since the time of the donation, that public access has been granted judiciously and fairly, and that those best qualified to review and make use of the records have been granted access to the records. It is believed that this practice can and should continue as set forth by the terms of the deed and will rightfully balance the needs for access by professionals with the privacy protection intended by the terms of the deed.

Lastly, the provision also serves to restore to the original autopsy records donated by the Kennedy family to the National Archives any reproductions or copies of such records. This provision specifically governs all reproductions or copies made by official investigative committees or for other purposes, including those created by or for the House Select Committee on Assassinations (HSCA). During its hearings, the Committee was provided a "protocol" or summary inventory of the HSCA records prepared by the National Archives. The "protocol" revealed that the HSCA records contain Kennedy autopsy photographs and X-rays which were duplicated from the original records conveyed by the Kennedy deed. This is true despite a clear and documented understanding between the attorney for the Kennedy family and the National Archives, set forth in an August 15, 1977, memorandum by the National Archives general counsel. This memorandum required that all reproductions or copies of the autopsy records be returned to the original collection. It is intended that the Kennedy autopsy records contained in the HSCA records should be restored to the original collection of such records in the National Archives and treated as Kennedy autopsy records which are exempt from disclosure under the Act.

The President John F. Kennedy Assassination Records Collection and the National Archives and Records Administration

The legislation is designed and retitled to achieve the single most important purpose of the Act: public access to the assassination records. The records related to the assassination of President John F. Kennedy are the most publicly sought-after, unreleased records of our government. It is necessary to ensure that our nation's public access laws apply in full to these records. In Section 4, the Act requires the Archivist to establish the President John F. Kennedy Assassination Records Collection at the National Archives and Records Administration [National Archives]. Furthermore, the Archivist, the National Archives, and presidential libraries have specific responsibilities with regard to public access and disclosure, as well as for providing guidance to government offices whose records are the subject of the Act.

Subject Guidebook and Index

Section 4(a) requires that the Archivist create a subject guidebook and index so that the public may identify and make requests for assassination records in the Collection. It is intended that the guidebook and index, or parts thereof, be made publicly available on a cumulative basis. In addition, it is intended that the Archivist ensure that copies of the completed guidebook and index are distributed nationally to ensure access to the Collection through requests for reproduction of documents.

Identification or Finding Aid

In Section 5(d)(B)(1)(A) the Archivist is required to develop an identification aid for all assassination records. The purpose of the identification aid is to serve as a communication tool. It is intended to provide a uniform method for identifying records and create the clearest possible communication between government offices, originating bodies, the Review Board, and others. A final purpose of the identification aid is to serve as a finding aid to those in the National Archives who will be archiving and preparing the subject guidebook of the assassination records. The Archivist's responsibilities with regard to the identification aid are solely for the preparation of a standard form that can be used easily and effectively for the above purposes by all government offices. Each government office must use the identification aid as required by this Act, and the Archivist may not alter or amend those requirements in any way by any additional guidance or regulation.

Fees for Reproduction of Records

The Archivist's responsibilities with regard to making the Collection accessible to the public includes the Committee's concern over the cost of records reproduction. It is intended that the National Archives, along with other executive agencies, are required to make copies of assassination records available to the public at a reasonable cost. Additionally, the Act requires that the fee waiver provisions of the Freedom of Information Act be applied by the National Archives, executive agencies, and all originating bodies including the Congress. The fee waiver provisions are essential provisions of law which have served an important purpose of easing and facilitating public access to government records.

In developing the legislation, the Committee carefully considered the cost of reproduction of the assassination records charged to the public and the application of the Freedom of Information Act fee waiver requirements to the National Archives other government offices which possess assassination records. Just as the definition of the term assassination records is the threshold test for public confidence in the scope of disclosure resulting from the Act, public access itself is the single most important purpose of the Act.

For example, it has been the experience of certain researchers, including the Assassination Archives and Records Center, that it is more expensive to obtain copies of records related to the assassination of President Kennedy from the National Archives than from the originating agencies such as the Central Intelligence Agency (CIA) and the Federal Bureau of Investigation (FBI). The Commit-

tee examined this concern by investigating the cost of obtaining copies of records at the National Archives and at agencies including the CIA and the FBI. The Committee specifically sought to determine the cost of reproduction of records which are "on the shelf" and for which no search is required.

The Committee confirmed that it is more expensive for the public to obtain "on the shelf" records at the National Archives than at originating agencies. This is the result to two factors: Pricing policy and application of the fee waiver provisions of the Freedom of Information Act (FOIA). The National Archives charges the public a higher price for reproduction and does not honor the fee waiver provisions of the FOIA in the belief that it is exempt from such provisions.

The Committee determined that the pricing policy of the CIA and the FBI are identical. Where no search is required, the first one-hundred pages are free, and additional copies cost ten cents per page—regardless of whether the public takes delivery in person at the agency or by mail. In comparison, the National Archives charges the public ten cents per page for copies of records which are requested in person, and twenty-five cents per page for copies of records requiring mailing. The result has been that the National Archives has created a burden on the public to shop around government for the least expensive means of obtaining copies of records. As a result of these findings, and the National Archives determination to continue to charge more for records reproduction than agencies who comply with the Freedom of Information Act fee schedule requirements and guidelines, the Act provides in Section 5(h) that the public may also seek copies of "assassination records" from the originating agencies.

The Committee next determined that it is less expensive for the public to obtain copies of records at originating agencies than at the National Archives because the agencies fee waiver provisions of the FOIA. Again, the Committee was especially concerned with the history of access to "on the shelf" records related to the assassination of President Kennedy. The Committee examined the National Archives claim that it is exempt from such provisions of the FOIA, the influence that this interpretation has had on the cost of records to the public, and the impact of such a policy on uniform and reasonable access and public disclosure costs under this Act.

The Committee determined that application of the FOIA fee waiver provisions are particularly essential with regard to the records related to the assassination of President John F. Kennedy. First, the National Archives is covered by the Freedom of Information Act, there is no exception to this requirement in law, and to create such an exception would undermine the application of the nation's foremost means of public access and government accountability at the nation's foremost repository of government records. Second, without applying the FOIA fee waiver provision to the Kennedy assassination records the National Archives would be acting in a manner which undermines that law. Simply put, the public would lose its rights under the Freedom of Information Act as soon as any record is transferred to the National Archives. Third, as with its pricing policy, its policy with regard to the FOIA fee waiver would create an unnecessary and unreasonable burden

upon the public by requiring that it shop around the government for the least expensive means of records reproduction.

The Committee believes that it is necessary to require the application of the FOIA fee waiver provisions to public requests for records contained in the President John F. Kennedy Assassination Records Collection because to do otherwise would seriously conflict with the purposes and intent of public access and disclosure under the Act. While the Congress cannot specify the exact cost of record reproduction under the Act, it is clearly intended that the costs be reasonable and that the FOIA fee waiver provisions apply at all executive agencies including the National Archives.

Information Security

Another area of responsibility of the Archivist has to do with information security. The Act requires that the Collection include records which are publicly available under the Act as well as those which are postponed. The purpose behind housing postponed records at the National Archives is threefold: First, even though postponed, these records are not exempt, and are therefore a part of the Collection to be disclosed. Second, the Act requires periodic review of postponed records, in addition to the review specifically designated by the Review Board. The Committee believes that such review should occur at a single facility. That will be most effectively achieved by bringing the review committee to the documents and not vice versa. Third, there is less likelihood of loss or destruction, and therefore ease of access at a single central location.

The Act requires that the Archivist consult with the Information Security Oversight Office with regard to the protection of postponed records. This is required because during the course of development of the legislation several agencies expressed reluctance in providing the original or even reproductions of classified or otherwise confidential information to the National Archives. An assessment of the National Archives information security program by the Information Security Oversight Office (ISOO) was requested by Senator Glenn. The results confirmed the concerns of government agencies. For the five year period between August 1987 and March 1992, Mr. Steven Garfinkel, Director of ISOO, identified 35 violations of improper disclosure and handling of classified information by the National Archives at 10 different facilities including the Main Archives Building. Mr. Garfinkel stated that the National Archives "has not devoted or does have sufficient resources to devote to its information security program." He added that the National Archives "currently has only one full-time information security specialist." Mr. Garfinkel cited overcrowding of documents, commingling of classified and unclassified records, and other factors as the security problems at the National Archives.

The requirement in the Act for consultation between ISOO and the National Archives is essential to the Archives fulfilling the responsibilities in the Act for archiving and protecting postponed records. Failure in developing and properly implementing the recommendations of ISOO, and addressing concerns of affected agencies, will prevent the transmission of postponed records to the National Archives.

Publications and Reprints of Documents

The original legislation gave the Archivist the authority to identify records for reproduction and sale by the Government Printing Office. The substitute approved by the Senate Committee on Governmental Affairs does not include this provision. First, it is believed that by requiring the Archivist to complete a subject guidebook and index to the Collection, the public will be best served by having this detailed document-by-document guide. It is expected that this guidebook and index will be nationally distributed and provide the public with the best access to particular records. Second, estimates of the volume of records in the Collection will exceed one million pages, and it is unlikely that the Archivist would consider it feasible to seek multiple reproductions of bound volumes containing all the documents ultimately released. Third, the Act serves to facilitate public disclosure, not to interpret, edit, or evaluate relevant records. To do otherwise would effectively authorize an official government editor, deciding for the American public which documents are "important" and once again interposing the government between the assassination of President Kennedy and the American public. The Archivist retains existing authority to making records available for reprinting and sale by the Public Printer, but such action should be undertaken with the aforesaid considerations in mind.

Presidential Libraries

In Section 2, the Act includes presidential libraries within the definition of the National Archives, and in Section 5(C)(3) it specifically requires the directors of presidential libraries to expedite the review of all assassination records and make them available to the Review Board as required by this Act. It is incumbent on the presidential libraries to determine which of its records may qualify as "assassination records", regardless of whether the records were conveyed to the government by a deed or gift or donation, and where appropriate, be reviewed under the standards for postponement of the Act, not the more restrictive standards of the Freedom of Information Act or an executive order on information classification.

This provision reflects the existence of relevant records at presidential libraries, particularly, though not exclusively to include, the Lyndon B. Johnson Presidential Library in Austin, Texas, and the Gerald R. Ford Presidential Library in Ann Arbor, Michigan. Each of these presidential libraries received pertinent records by deeds of gift or donation, but which have either been made publicly available or which are in the process of being made publicly available. Specific sets of records which should be made immediately available for public disclosure, review by the Review Board, and inclusion in the Collection as set forth by this Act.

In development of the legislation, the Committee contacted the Ford and Johnson presidential libraries with regard to the public availability of its holdings. In the case of the Lyndon B. Johnson Presidential Library, the particular provision requiring expedited review, availability to the Review Board, and public disclosure was developed in consultation with its Director.

For the Lyndon B. Johnson Presidential Library, this provision requires the expedited review, availability to the Review Board, and public disclosure of all assassination records, and in particular the relevant portions of the 3,095 tape recorded conversations in the library's possession. These recordings were made by President Johnson, and were donated to the library by his former personal assistant Mildred Stegall in 1973.

For the Gerald R. Ford Presidential Library, this provision requires the expedited review, availability to the Review Board, and public disclosure of all assassination records, and in particular the records of the Rockefeller Commission related to the investigation of the assassination.

Standards for postponement

Section 6 establishes the grounds for postponement of public disclosure of assassination records. It is important to emphasize that postponement means that the records will be publicly available and publicly disclosed at some point in the future, and that the standards for postponement are not exemptions from disclosure. Furthermore, it is intended that the standards operate as discretionary, not compulsory, requirements for disclosure. The underlying principle for applying the standards for postponement remains the presumption of disclosure established by the Act. Any postponed records or information should be narrowly drawn to enable the majority of any record to be disclosed immediately, so that the redaction is minimal, and subject to review and disclosure in the near future. It is intended that the Review Board should make its own determinations and that its judgments will be shaped by its experience, knowledge, and expertise during the course of its work. In addition, it is important to emphasize that postponement requires that there be "clear and convincing evidence" that particular standards for postponement are triggered. Certain clarifications, however, may be useful to assist in providing the perspectives of the government, the Congress, and the public.

Intelligence Agents, Sources, or Methods

Section 6(1)(A) permits postponement if the disclosure would "reveal an intelligence agent whose identity currently requires protection." Concerns over the breadth of this provision have been raised by representatives of government agencies and experienced researchers, and have been considered in development of the provision.

Intelligence Agents

One of the earliest concerns was whether the identity of a deceased intelligence agent could be postponed. The government stressed that at times this might be necessary if the disclosure would create a risk of physical harm to surviving family members, especially if any of the survivors are currently employees of a U.S. intelligence organization. In addition, the government stressed that the fact of someone's employment with a U.S. intelligence or counterintelligence organization may have been a secret that requires continued protection. This is related to an additional concern about the definition of an "intelligence agent." The government believes

that it is a term of art and that it should extend to a "domestic or foreign intelligence or counterintelligence asset, collaborator, foreign liaison contact, or covert employee of a United States intelligence organization, where the identity of any of these currently require protection."

From the perspective of some experienced researchers concerning the assassination of President Kennedy, the term "intelligence agent" should not apply to deceased agents. They believe that the majority of records related to such individuals are at least thirty years old and do not require continued protection.

The Committee decided that the Review Board should make its own determinations, and in so doing should consult with the affected agencies, as well as be receptive to the views of the public. In determining whether or not the identity of a deceased agent should be disclosed, the Review Board may wish to consider the impact on survivors as a legitimate question, but the Review Board should satisfy itself as to the basis and need for such an assertion as grounds for postponement. The question of the breadth of the term "intelligence agent" raises a different set of questions. Potentially, the coverage of all individuals employed in an intelligence or counterintelligence capacity by the United States could become extremely wide-ranging and serve to defeat the presumption of disclosure and purpose of the Act. The Committee hesitates to adopt such a broad definition of "intelligence agent." However, when the Review Board is required to make determinations about the identities of "intelligence agents" it should consider the breadth of responsibilities and assignments which might fall into this category. Again, the Review Board should satisfy itself as to the basis and need for such an assertion as grounds for postponement.

Intelligence Sources and Methods

Section 6(1)(B) permits postponement of an "Intelligence source or method which is currently utilized, or reasonable expected to be utilized." Some researchers experienced in the difficulty of accessing records related to the assassination of President Kennedy have raised concerns over the scope of this provision because in the past "intelligence sources" have included newspapers and libraries, and because "intelligence methods" have included photography and listening devices on telephones. The Review Board should consider a variety of factors related to the need to postpone disclosure of intelligence sources and methods, including the age of the record, whether the use of a particular source or method is already well known by the public (e.g. that the Soviet Embassy in Mexico City was bugged during the alleged visit of Lee Harvey Oswald), and whether the source or method is inherently secret, or whether it was the information it collected which was secret.

Understanding of Confidentiality

Section 6(4) permits postponement if disclosure would "compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual or foreign government, and public disclosure would be so harmful that it outweighs the public interest." The government has argued that all such confidentiality requires withholding

to preserve the integrity the promise of confidentiality made by a government agency to a witness in order to obtain testimony or information.

In applying this postponement standard the Review Board should consider: Whether there is an express written confidentiality agreement, whether that agreement is express or implied, whether it is written or unwritten, and the exact restrictions regarding the scope and duration of confidentiality; whether the agreement currently requires protection; whether a witness or informant or confidential source is deceased; and whether the government is seeking postponement purely because it believes all such records should be withheld, or because of the informant's express desire that the understanding not be made public. In all cases where the Review Board is considering postponement, it should keep the withheld information to an absolute minimum, and ensure that the postponement is narrowly drawn is for the shortest possible duration. In so doing, the Review Board should release as much information from the records as is possible.

Priority of reviewing existing Freedom of Information Act requests

Section 5(2)(b)(G) requires that government offices give priority to 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 the Freedom of Information Act. This provision is intended to stop the continued expenditures by the government and private individuals related to litigation over records which will be specifically subject to the Act, and reviewed under different, and in most cases more liberal disclosure standards. An effort to disclose the pertinent records to these requestors will assist in responding to those who have sought access to the assassination records over the longest period of time. A continued delay in release of such records will only serve to undermine confidence by those members of the public whose past interest resulted in the Freedom of Information Act litigation. It is intended that the government offices identify and begin review of such records as a priority upon enactment of the legislation.

Appointment of the Review Board

The Committee first considered the approach proposed in the original legislation. This involved the appointment of an "Assassination Materials Review Board" in the same manner in which independent counsels are selected. This selection process is contained in the Ethics in Government Act, where it provides a method of independently determining the propriety and lawfulness of conduct by government officials. Under this provision the Attorney General of the United States must request the appointment of an independent counsel by a special judicial panel chaired by the Senior Judge of the Federal District Court for the D.C. Circuit.

The Committee carefully reviewed the use of this provision for the creation of the Review Board. The Committee determined that while this approach could possibly enhance the independence of the Review Board and the public confidence in the process, several other factors mitigated against this approach. The Committee

found that the added responsibilities for the Review Board would divest the Court's resources and time from its primary responsibilities under the Independent Counsel law. The Committee was also concerned that the judicial panel lacked the experience and expertise to select individuals who are nationally recognized professionals in the fields of history, archiving, and public access to information.

With these concerns in mind, the Committee chose an alternative approach to the appointment process while giving significant weight to the need for independence, public confidence, and accountability.

Section 7 establishes the Assassination Records Review Board. The Review Board will stand as the symbol and barometer of public confidence in the review and release of the government's records related to the assassination of President Kennedy. The independence of the Review Board will be rightfully judged by the public at its inception. The President is given the authority to appoint the members of the Review Board. Several provisions are intended to provide as much independence and accountability as is possible within our constitutional framework. These include the requirements that the members be confirmed by the United States Senate, that the President consider the recommendations of four private organizations with expertise in the areas of history, archiving, and the law, and that at least one of the members of the board be a historian and another be an attorney. The qualifications are also intended to maintain public confidence by requiring that the board members be nationally recognized professionals in their field. The organizations chosen to make recommendations was restricted to historians, archivists, and attorneys because the records are historical records and historians will want the complete record to form the historical time and context surrounding the assassination; archivists because such background will provide insights and an appreciation for records management and the ultimate disposition of the records in the Collection; and attorneys because of legal issues which may arise in the implementation of the Act, and because of the combined skills of advocacy and judgment. All of these qualifications will be required in the role of a Review Board member, although the President is free to make his own decisions, and similarly other organizations and members of the public are also free to volunteer their recommendations.

The approach presented in the legislation was developed out of a desire to satisfy the public demand for an independent entity which is not controlled by either the Congress or the President. These are essential and vital principles to prevent a conflict of interest and ensure efficient, speedy, and full disclosure of records to the American public.

Review Board authority to request additional information and records

In Section 7(j)(XC)(ii) the Act provides the Review Board with the authority to "direct a Government office to make available to the Review Board and if necessary investigate the facts surrounding the disposition of 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." This provision is extremely important to the proper implementation and effectiveness of the Act because it provides the Review Board with the authority to seek the fullest disclosure possible by going beyond the information and records which government offices initially chose to make available to the public and the Review Board. At the same time, executive branch agencies are fearful that this power will be abused and result in too great a burden to search for potential records and information.

In exercising its authority the Review Board should act on a reasonable basis in requesting additional information or records. It is also intended that the Review Board explore the need for such requests through public comments, hearings, advisory committees, or other means. It is intended that the Review Board consult with the affected government offices regarding such requests, and that all such offices comply expeditiously to satisfy the Review Board's request and need for access.

The Committee has considered requests from the Administration to narrow the Review Board's authority in this area. However, the Committee believes that it would be inconsistent with the purposes of the Act to prematurely limit the scope of this authority. The appropriate scope of such requests and searches should be determined by the Review Board as it conducts its work and becomes more experienced and knowledgeable about the assassination records it seeks, and more certain of the level of cooperation of government agencies. It is expected that in conducting such requests for additional information and records the Review Board consider whether the records are reasonably related to the history surrounding the assassination of President Kennedy, and that the Review Board and its staff be guided by the principle of the need to protect sources, methods, and confidential matters as set forth under the standards in Section 6 of this Act.

Review Board consultation with the public and government offices

Section 8 sets forth the responsibilities of the Review Board. It is intended that the Review Board should consider and consult, where appropriate, with members of the public and with affected agencies. This is essential for purposes of serving the public interest in ensuring the fullest public disclosures of records in an independent and accountable manner, as well as appreciating the governmental interests at stake. The Review Board may wish to hold hearings, or establish other forums to ensure that there is an adequate opportunity for public input and participation.

Furthermore, with regard to government offices which hold assassination records, consultation and dialogue is important to ensure that communication is clear and that the work of the Review Board progresses with efficiency and effectiveness. It is important that the provisions requiring notice of determinations are in compliance with the Act, and that to the extent possible, consultation with the government offices creates an understanding on each side as to the basis and reasons for their respective recommendations and determinations.

Limitations of presidential postponement

Section 9(d)(1) recognizes the President's authority to override the determinations of the Review Board; however, the provision expressly limits such authority to an assassination record or "information contained in an assassination record, obtained or developed solely within the executive branch." This prohibition is intended specifically to restrict the President from having any control or authority over legislative branch records or information. For example, within the files of the House Select Committee on Assassinations (HSCA) there are staff notes rely in part on information obtained or developed by the CIA. Under the "third agency" rule in the Act, the CIA could choose to recommend that the Review Board postpone those portions which it identifies as originating at the CIA. If the Review Board declined the recommendation and the President sought to override the determination, the President would be limited to postpone those sentences or words which were originated or developed by the CIA. The remainder of the document would have to be publicly disclosed.

Rules of construction

Deeds of Gift. Section 11(a) addresses the need to abide by the terms of deeds of gift and donation of records to the federal government. With the exception of the autopsy records which are excluded from the Act, this provision does not intend to exclude other donated records from the scope of assassination records, and all such records made publicly available are to be included in the Collection as established by this Act. It is particularly important that all such records, especially when classified, are considered "assassination records" under the Act so that any declassification review is done under the new standards of this Act, and not the more restrictive standards of the Freedom of Information Act and the executive order on security classified information.

During the development of the legislation, the Committee sought to determine the nature and extent of donations and gifts of "assassination records." It found that records and rights in such records have been transmitted by former Presidents, government officials, and private citizens to government institutions including the Library of Congress, the National Archives, and the presidential libraries. The Committee also familiarized itself with the legal instruments of as many of the gifts and donations as possible, and worked directly with the affected institutions to determine the extent to which such records had been made public or could be made public. When necessary, the Committee requested that the individual, persons, or entities in controlling access to such records make them publicly available.

While many of the records were donated by former Presidents or their families, allowable in part because the Presidential Records Act did not exist until the presidency of Ronald Reagan, certain other individuals have also donated records. The personal papers of former Representative Hale Boggs, a Warren Commission member, were donated to the National Archives by his widow the former Representative Lindy Boggs. In another case, the personal papers of the attorney Elmer Gertz, including the papers related to Gertz's

defense of Jack Ruby, were donated by Mr. Gertz to the Library of Congress. Mr. Gertz required personal written permission for access to these records. The Committee contacted Mr. Gertz and requested that he open these records to the public and remove the access restrictions. Mr. Gertz agreed without hesitation.

In another example, the Lyndon B. Johnson Library was contacted with regard to public access to relevant portions of the more than 3,000 tape recordings of conversations of Lyndon B. Johnson as Vice President and President of the United States. The Library Director, Harry Middleton, was contacted and was asked about making public these tapes and other records which might be viewed as related to the assassination. Mr. Middleton stated that although it was unclear whether anyone else's authority was required to do so, he obtained permission from Mrs. Lyndon B. Johnson in 1990 to begin processing the tapes for public disclosure. It was determined that the project could be completed within the 10 month period for records review under the Act.

In a final example, the Committee contacted the Gerald R. Ford Presidential Library in order to determine the status of the Rockefeller Commission records. Although the Commission devoted a relatively small portion of its time addressing a few questions about the assassination of President Kennedy, the Ford bequest contains the largest and most complete set of Rockefeller Commission records. President Ford had personally required anyone who used the records, including the Department of Justice who investigated criminal wrongdoing, to return the records to him personally. The Committee found that by June, 1992, the Ford Presidential Library had made the Rockefeller Commission records related to the assassination publicly available, and that other related, but still classified, records were available for declassification by originating agencies.

To the extent that there are other "assassination records" which have been donated to the federal government, it is intended that the Review Board fully explore such records and governing legal instruments, and where possible seek the waiver or necessary permission to open the records to the American public.

Title 5 Public Access Provisions and Judicial Review

Sections 11 (b) and (c) address the application of the Freedom of Information Act, and judicial review with regard to activities pursuant to the Act. In the original legislation, the authors chose to exempt the Review Board and the activities authorized by the bill from a number of laws dealing with government accountability. These included the Freedom of Information Act, the Government in the Sunshine Act, the Administrative Procedures Act, and judicial review. This would have the effect of exempting the personnel records of past investigative commissions or committees, even though the very same records of the Warren Commission have been publicly available for at least twenty years. The Committee believes that this is inconsistent with the operative principle of an affirmative presumption of public disclosure.

At the hearings of the Committee, the two original sponsors of the legislation in the Senate, Senator David Boren and Senator Arlen Specter, both called for the application of our nation's laws

ensuring openness and accountability, including the Freedom of Information Act and judicial review. Such laws, as well as the Government in the Sunshine Act, offer adequate protections in the events that meetings need to be closed for reasons of national security, as well as other reasons including personal privacy. However, such exemptions require public notice and this is entirely consistent with the extra level of sensitivity to the accountability and credibility of the Review Board. The applicable laws in Title 5 have been restored to the Act, as has judicial review.

Existing Authority

Section 11(d) provides that nothing in the 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. This provision is intended to make clear that, although the entities of the Government are required to disclose all assassination records are not covered by the standards for postponement in Section 6, they are not required to withhold or postpone disclosure of assassination records simply because those records are covered by these standards. If an agency or congressional committee has other statutory or inherent authority to release a record, it may do so even though the record would be qualified for postponement for disclosure under the Act. Thus, with respect to the assassination records, the Act sets a floor, but not a ceiling, as to what is to be disclosed. At the same time, nothing in the Act alters any existing rights or duties with respect to public disclosure of materials that are not assassination records.

VI. SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title.

The name of the Act is changed from the Assassination Materials Disclosure Act to the President John F. Kennedy Assassination Records Collection Act of 1992 to reflect its particular purpose, scope, and added priorities.

Sec. 2. Findings, declarations, and purposes.

Section 2 details the congressional findings, declarations, and purposes that are to guide the implementation and administration of the law. It is found and declared that all Government records related to the assassination of President Kennedy should be preserved for historical and governmental purposes, that they should carry a presumption of immediate disclosure, and that they should be eventually disclosed to enable the public to become fully informed about the history surrounding the assassination. Legislation is necessary to create an enforceable, independent, and accountable process for the public disclosure of such records. It is also necessary because congressional records related to the assassination of President Kennedy would not otherwise be subject to public disclosure until at least the year 2029; 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 Kennedy; and because Executive Order No. 12356, enti-

tled "National Security Information", has eliminated the declassification and downgrading schedules relating to classified information and has prevented the timely public disclosure of records relating to the assassination of President Kennedy. Finally, most of the records related to the assassination of President Kennedy are almost 30 years old, and only in the rarest cases is there any legitimate need for continued protection of such records.

The purposes of the law, as indicated in the section, are to provide for the creation of the President John F. Kennedy Assassination Records Collection at the National Archives and Records Administration and to require the expeditious transmission of assassination records to the Archivist and public disclosure of such records.

Sec. 3. Definitions.

1. A definition of "Archivist", to mean the Archivist of the United States, is provided.

2. The term "Assassination record" is clarified to mean a record that is related to the assassination of President 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 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. A definition of "Collection" is added and means the President John F. Kennedy Assassination Records Collection established under section 4.

4. The term "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", another added term, 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. As used in the law, "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. As used in the law, "Official investigation" means the reviews of the assassination of President 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. The term "Originating body" means the executive agency, Government commission, congressional committee, or other governmental entity that created a record of particular information within a record.

10. A definition of "Public interest" is added and 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 Kennedy.

11. As used in the law, "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. Reference to the "Review Board" means the Assassination Records Review Board established by section 7.

13. Another newly added term, "Third agency", means a Government agency that originated an assassination record that is in the possession of another agency.

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

The law provides generally that, not later than 60 days after the date of its enactment, the National Archives and Records Administration must begin establishing a collection of records to be known as the President John F. Kennedy Assassination Records Collection. In so doing, the Archivist ensures the physical integrity and original provenance of all collection records. The Collection consists of copies of all Government records relating to the assassination of President Kennedy, transmitted to the National Archives in accordance with section 2107 of title 44, United States Code. The term "original provenance" is a term of art among archivists and in this application is intended to preserve and archive records ac-

ording to their point of origin (e.g., CIA records remain archived with CIA records, legislative branch records remain archived with legislative branch records) even though the public is provided with access to a "collection" of records related to the assassination of President Kennedy through a unified subject matter guidebook and index. The Archivist prepares and publishes a subject guidebook and index to the collection. It is intended that the subject guidebook and index be prepared and made available as it is accumulated, and not waiting for public dissemination until the Collection is ultimately complete. Over time, it is intended that successive editions of the guidebook and index will be published and updated. Furthermore, it is intended that copies of the guidebook and index will be made available to depository libraries.

Furthermore, the Collection includes (A) all assassination records that have been transmitted to the National Archives or disclosed to the public in an unredacted form prior to the date of enactment of the law, that are required to be transmitted to the National Archives, or the disclosure of which is postponed under the law; (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 the law.

The term "unredacted" or "redacted" in this Act refers to records or parts of records which have been publicly released by the government in an edited version in which any part of a record is "blacked out" or is otherwise excised from a document.

All assassination records transmitted to the National Archives for disclosure to the public are included in the Collection and must be available to the public for inspection and copying at the National Archives within 30 days after the transmission to the National Archives.

The Archivist is authorized to charge fees for copying assassination records and to grant waivers of such fees pursuant to the standards established by section 552(a)(4) of title 5, United States Code, a provision of the Freedom of Information Act.

The Collection is 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 the law.

The National Archives, in consultation with the Information Security Oversight Office, ensures the security of the postponed assassination records in the Collection.

The Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate are vested with continuing oversight jurisdiction with respect to the Collection.

Sec. 5. Review, identification, transmission to the National Archives, and public disclosure of assassination records by Government offices.

Section 5(a) generally provides that, as soon as practicable after the date of enactment of the law, each Government office identifies and organizes its records relating to the assassination of President Kennedy and prepares them for transmission to the Archivist for inclusion in the Collection.

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

No assassination record made available or disclosed to the public prior to the date of enactment of the law may be withheld, redacted, postponed for public disclosure, or reclassified. [The term "unredacted" or "redacted" is defined in section 4 of this section-by-section analysis.]

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

Section 5(b) indicates that, during the review by Government offices and pending review activity by the Review Board, each Government office retains custody of its assassination records for purposes of preservation, security, and efficiency, unless the Review Board requires the physical transfer of records for purposes of conducting an independent and impartial review; transfer is necessary for an administrative hearing or other Review Board function; or it is a third agency record described in subsection (c)(2)(C).

Section 5(c) provides that, not later than 300 days after the date of enactment of the law, each Government office reviews, identifies, and organizes each assassination record in its custody or possession for disclosure to the public, review by the Review Board, and transmission to the Archivist. In carrying out this requirement, a Government office (A) determines which of its records are assassination records; (B) determines which of its assassination records have been officially disclosed or publicly available in a complete and unredacted form [the term "unredacted" or "redacted" in this Act is defined in section 4 of this section-by-section analysis]; (C) determines 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 transmits to a third agency or other Government office those records, or particular information contained in those records, or complete and accurate copies thereof; (D) determines whether its assassination records or particular information in assassination records are covered by the standards for postponement of public disclosure under the law, and specifies on the identification aid required by subsection (d) the applicable postponement provision contained in section 6; (E) organizes and makes 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 the law; (F) organizes and makes 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 the law; (G) gives priority to the identification, review, and transmission, under the standards for postponement set forth in the law, of assassination records that on the date of enactment of the law are the subject of litigation under section 552 of title 5, United States Code; and (H) makes 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 the law.

The Director of each archival depository established under section 2112 of title 44, United States Code, expedites review, for

public disclosure, of assassination records in the possession and custody of the depository, and makes such records available to the Review Board as required by the law.

Section 5(d) specifies that, not later than 45 days after the date of enactment of the law, the Archivist, in consultation with the appropriate Government offices, prepares and makes available to all Government offices a standard form of identification or finding aid for use with each assassination record subject to review under the law. The Archivist ensures 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. Upon completion of an identification aid, a Government office (A) attaches a printed copy to the record it describes; (B) transmits a printed copy to the Review Board; and (C) attaches a printed copy to each assassination record it describes when it is transmitted to the Archivist. Assassination records which are in the possession of the National Archives on the date of enactment of the law, and which have been publicly available in their entirety without redaction, are made available in the Collection without any additional review by the Review Board or another authorized office under the law, and are not required to have such an identification aid unless required by the Archivist.

Section 5(e) provides that each Government office transmits to the Archivist, and makes available to the public, not later than 300 days after the date of enactment of the law, all assassination records that can be publicly disclosed, including those that are publicly available on the date of enactment of the law, without any redaction, adjustment, or withholding under the standards of the law; and transmit to the Archivist, upon approval for postponement by the Review Board or upon completion of other action authorized by the law, all assassination records the public disclosure of which has been postponed, in whole or in part, under the standards of the law, to become part of the protected Collection.

Section 5(f) indicates that 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 information security program has been established at the National Archives, as required in section 4(e)(2).

Section 5(g) requires periodic review of all postponed or redacted records by the originating agency and the Archivist, consistent with the recommendations of the Review Board under section 9(c)(3)(B). [The term "unredacted" or "redacted" in this Act is defined in section 4 of this section-by-section analysis.] A periodic review must address the public disclosure of additional assassination records in the Collection under the standards of the law. All postponed assassination records determined to require continued postponement must have an unclassified written description of the reason for such continued postponement. Such description is provided to the Archivist and published in the Federal Register. The periodic review of postponed assassination records serves to downgrade and declassify security classified information. Finally, each assassination record is publicly disclosed in full, and available in the Collection no later than the date that is 25 years after the date

Pages
40 E 41
missing

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.

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 must 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. Furthermore, the President must publish in the Federal Register a report on the removal, 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.

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

A member of the Review Board is 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. A member of the Review Board also is 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.

Regarding duties and responsibilities, the Review Board considers and renders decisions on a determination by a Government office to seek to postpone the disclosure of assassination records. In carrying out this task, the Review Board considers and renders decisions as to whether a record constitutes an assassination record; and whether an assassination record or particular information in a record qualifies for postponement of disclosure under the law.

The Review Board has the authority to act in a manner prescribed under the law, 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 the law, including segregable portions of assassination records, and substitutes and summaries of assassination records that can be publicly disclosed to the fullest extent; (C) obtain access to assassination records that have been identified and organized by a Government office; direct a Government office to make available to the Review Board, and if necessary investigate the facts surrounding the disposition of additional information, records, or testimony from individuals, which the Review Board has reason to believe is required to fulfill its functions and responsibilities under the law; and subpoena private persons to compel testimony, records, and other information relevant

to its responsibilities under the law; (D) require any Government office to account in writing for the destruction of any records relating to the assassination of President 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. Such a subpoena may be enforced by any appropriate Federal court acting pursuant to a lawful request of the Review Board. Also, 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, and may issue interpretive regulations regarding its duties and responsibilities.

The Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate 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 have access to any records held or created by the Review Board. The Review Board, in turn, has the duty to cooperate with the exercise of such oversight jurisdiction.

The Administrator of the General Services Administration provides administrative services for the Review Board on a reimbursable basis.

The Review Board and the terms of its members terminate not later than 2 years after the date of enactment of the law, 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. Upon its termination, the Review Board submits reports to the President and the Congress, including a complete and accurate accounting of expenditures during its existence, and must complete all other reporting requirements under the law. Upon termination and winding up, the Review Board transfers all of its records to the Archivist for inclusion in the Collection, and no record of the Review Board shall be destroyed.

Sec. 8. Assassination Records Review Board personnel.

Section 8 provides support personnel for the Review Board. Not later than 45 days after the initial meeting of the Review Board, the Review Board appoints one citizen, without regard to political affiliation, to the position of Executive Director. This individual must 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 Kennedy. A candidate for Executive Director is to be granted the necessary security clearances in an accelerated manner subject to the standard procedures for granting such clearances, and must qualify for the necessary security clearance prior to being approved by the Review Board.

The Executive Director serves as principal liaison to Government offices, is responsible for the administration and coordination of the Review Board's review of records and for the administration of all official activities conducted by the Review Board, but has no authority to decide or determine whether any record should be disclosed to the public or postponed for disclosure.

The Executive Director is not to 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.

Additionally, 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 other personnel as are necessary to enable the Review Board and its Executive Director to perform its duties. A person appointed to the staff of the Review Board must 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 Kennedy. Each staff candidate is to be granted the necessary security clearances in an accelerated manner subject to the standard procedures for granting such clearances, and must qualify for the necessary security clearance prior to being approved by the Review Board.

The Review Board fixes 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.

The Review Board also is authorized to create advisory committees to assist in fulfilling the responsibilities of the Review Board under the law. Any advisory committee created by the Review Board is subject to the Federal Advisory Committee Act (5 U.S.C. App.).

Sec. 9. Review of records by the Assassination Records Review Board.

Section 9 specifies conditions and arrangements for the Review Board's examination of assassination records, beginning with custody considerations. Pending the outcome of the Review Board's review activity, a Government office retains custody of its assassination records for purposes of preservation, security, and efficiency, unless the Review Board requires the physical transfer of records for reasons of conducting an independent and impartial review or such transfer is necessary for an administrative hearing or other official Review Board function.

The Review Board, not later than 90 days after the date of its appointment, publishes in the Federal Register a schedule for review of all assassination records, and, not later than 180 days after the date of enactment of the law, begins its review of assassination records pursuant to the provisions of the law. It is intended that two priorities be established by government offices as they begin their review of assassination records: All assassination records which have been previously released in a redacted form, and all assassination records which were the subject of Freedom of Information Act litigation at the time of enactment. As the public is already familiar with previously released records, it is essential

that the fullest possible disclosure of these records be obtained by the public as early as possible. As stated elsewhere, the importance of making the review and disclosure of records at issue in Freedom of Information Act litigation is to expedite public access, and stop the continued expense to the government, taxpayers, and Freedom of Information Act requesters involved in the legal battles over disclosure.

The Review Board directs 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 Government record is not an assassination record or a Government record or particular information within an assassination record qualifies for postponement of public disclosure under the law. It is intended that all records approved for full disclosure in an unredacted form should be transmitted immediately to the Archivist and made available to the public.

In approving postponement of public disclosure of an assassination record, the Review Board seeks to provide for the disclosure of segregable parts, substitutes, or summaries of such a record, and determines, in consultation with the originating body and consistent with the standards for postponement under the law, which of the following alternatives forms of disclosure shall be made by the originating body: (1) any reasonably segregable particular information in an assassination record; (2) a substitute record for that information which is postponed; or (3) a summary of an assassination record. A "substitute record" is a record which accurately reflects the contents of a record requiring protection to such an extent that the actual record, even in a redacted form, and cannot be released. A summary is an outline or profile of a record which cannot be released even in a redacted form. While it is intended that government office shall have the ability to issue such substitutes or summaries in lieu of an actual record, this practice should be limited to the rarest cases if ever, with the understanding that the release of information other than official records will perpetuate public distrust and undermine public confidence in the government's responsibility to disclose the assassination records.

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 creates and transmits to the Archivist a report containing 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 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 the law.

Following its review and a determination that a assassination record shall be publicly disclosed in the Collection or postponed for disclosure and held in the protected Collection, the Review Board

notifies the head of the originating body of its determination and publishes a copy of the determination in the Federal Register within 14 days after the determination is made. Contemporaneous notice is made to the President for Review Board determinations regarding executive branch assassination records, and to the oversight committees designated in the law in the case of legislative branch records. Such notice must 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.

Specification is made of Presidential authority over Review Board determinations. 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 a assassination record, obtained or developed solely within the executive branch, the President has 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 must provide the Review Board with an unclassified written certification specifying his decision within 30 days after the Review Board's determination and notice to the executive branch agency as required under the law, stating the justification for his decision, including the applicable grounds for postponement under section 6, accompanied by a copy of the identification aid required under section 4.

Any executive branch assassination record postponed by the President is subject to the requirements of periodic review, downgrading and declassification of classified information, and public disclosure in the collection set forth in section 4. The term "downgrading" refers to reducing the level of information classification, for example, from TOP SECRET to SECRET to CONFIDENTIAL to DECLASSIFIED.

The Review Board must, 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 the release of assassination records.

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 must 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.

The Review Board reports 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. The first report is issued on the date that is 1 year after the date of enactment of the law, and subsequent reports every 12

months thereafter until termination of the Review Board. Such report must include (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 the law; (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 the law; (E) a record of review activities, including a record of postponement decisions by the Review Board or other related actions authorized by the law, and a record of the volume of records reviewed and postponed; (F) suggestions and requests to the Congress for additional legislative authority needs; and (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.

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

Sec. 10. Disclosure of other materials and additional study.

Section 10 provides guidance regarding the release of assassination records outside of the immediate purview of the Review Board. It 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 Kennedy that is held under seal of the court. The Review Board also may request the Attorney General to petition any court in the United States to release any information relevant to the assassination of President Kennedy that is held under the injunction of secrecy of a grand jury. The section indicates, in this instance, that a request for disclosure of assassination materials under the law shall be deemed to constitute a showing of particularized need under Rule 6 of the Federal Rules of Criminal Procedure.

In addition, three sense of the Congress provisions specify 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 Kennedy consistent with the public interest.

Sec. 11. Rules of construction.

Section 11 sets forth the rules of construction regarding the statute.

When the President John F. Kennedy Assassination Records Collection Act requires transmission of a record to the Archivist or public disclosure, it is to 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.

Nothing in the statute is to 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, which is the Freedom of Information Act.

Nothing in the law is to 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 the statute.

Nothing in the law 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.

Finally, to the extent that any provision of the statute establishes a procedure to be followed in the Senate or the House of Representatives, such provision is adopted as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is to be 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 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.

Sec. 12. Termination of effect of act.

The section provides that the provisions of the law that pertain to the appointment and operation of the Review Board cease to be effective when the Review Board and the terms of its members have terminated pursuant to section 7(o). The remaining provisions of the law, however, 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 the statute.

Sec. 13. Authorization of appropriations.

The section authorizes to be appropriated such sums as are necessary to carry out the law, to remain available until expended. Until such time as funds are appropriated pursuant to the foregoing proviso, the President is authorized to use such sums as are available for discretionary use to carry out the law.

Sec. 14. Severability.

Specification is made that, if any provision of the law or the application thereof to any person or circumstance is held invalid, the remainder of the statute and the application of that provision to other persons not similarly situated or to other circumstances is not affected by the invalidation.

VII. REGULATORY IMPACT

Rule 26.11b of the Standing Rules of the Senate requires the report accompanying each bill or joint resolution of a public character to contain an evaluation of the regulatory impact of the legislation. The evaluation must include the four elements listed below.

1. An estimate of the number of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses. S. 3006, would not result in any additional regulation to any individuals or businesses.

2. A determination of the economic impact of such regulation on the individuals, consumers, and businesses affected. Not applicable.

3. A determination of the impact on the personal privacy of individuals affected. S. 3006, establishes clear standards for the protection of personal privacy. Under Section 6(3), assassination records may be postponed "public disclosure of the 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" in disclosure. In addition, the application of other standards for disclosure may result in the postponement [under Section 6(1)(A)] of "an intelligence agent whose identity currently requires protection" as well as postponement [under Section 6(2)] of "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." These standards are specifically intended to reduce the unwarranted or unreasonable impact on the personal privacy of individuals in a manner consistent with the requirements for public disclosure of records by the legislation.

4. An estimate of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the legislation, including estimates of the amount of time and financial cost required of affected parties, as well as reasonable estimates of the recordkeeping requirement that may be associated with the legislation. No additional paperwork is imposed on the public by S. 3006.

VIII. COST IMPACT

Letter from the Congressional Budget Office

JULY 14, 1992.

Hon. JOHN GLENN,
Chairman, Commission on Governmental Affairs, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 3006, the President John F. Kennedy Assassination Records Collection Act of 1992, as ordered reported by the Senate

Committee on Governmental Affairs on June 25, 1992. We estimate that implementing this resolution would cost the federal government about \$4.5 million a year from 1993 through 1995, assuming appropriation of the necessary funds. This resolution would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply.

S. 3006 would create, as an independent agency, the Assassination Records Review Board to consist of five members appointed by the President. After federal agencies have had 300 days to release to the National Archives any unedited assassination records for public inspection, the board would have the authority to examine any remaining records held by a federal agency or by the Congress that the board determines are related to the assassination of President Kennedy. The board would then decide whether the records should be transferred to the National Archives to be available to the public or whether public release should be postponed for national security or privacy reasons. Depending on the source of the records, the House, the Senate, or the President would be able to postpone the availability of records that the board considers appropriate to make public. The board would be able to hire an Executive Director and additional personnel as needed. It would have two years to complete its work, but would be authorized to continue for a third year before it would terminate.

CBO expects that the board would use all three years allowed to conduct its review. The primary expense stemming from this review would be the cost of employees hired by the board and those at several federal agencies which would have to read through the 1 million or so pages of documents relating to President Kennedy's assassination that are still not released. Based on information from the National Archives and other affected agencies about the likely process and timing for reviewing the records, we estimate that it would take about 40 employees at federal agencies to conduct the initial review of records in the allotted 300 days, at a cost of about \$2 million in fiscal year 1993. We estimate that the board would need a staff of up to 35 employees to review all the records within the required three-year period, at a cost of about \$1.8 million annually. In addition, agencies that currently hold the records would need to assign staff to conduct a parallel review so that the President can decide whether to postpone the release of records that the board decides should be released. Such a parallel review could require the equivalent of up to 35 employees, representing about \$1.8 million in annual staff resources.

The review board itself would require additional appropriations of about \$0.6 million annually for the director, a counsel, support staff, overhead, and the cost of board meetings. In addition, the National Archives, which eventually would receive all the releasable records into a President John F. Kennedy Assassination Records Collection, would spend about \$0.6 million over the next three years to compile a subject guide index to the records in the collection to assist the public in locating records.

Enactment of this bill would not affect the budgets of state or local governments.

If you wish further details on this estimate, we would be pleased to provide them. The CBO staff contact is James Hearn, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

Congressional Budget Office—cost estimate summary

1. Bill number: S. 3006.
2. Bill title: President John F. Kennedy Assassination Records Collection Act.
3. Bill status: As ordered reported by the Senate Committee on Governmental Affairs on June 25, 1992.
4. Bill purpose: To authorize the appropriation of \$4.5 million a year in 1993, and 1994, and 1995 for the expedited review and public disclosure of records related to the assassination of President John F. Kennedy. The legislation requires existing agencies and staff to fulfill responsibilities under the Act, and in addition creates the Assassination Records Review Board as an independent agency in the executive branch.
5. Estimated cost to the Federal Government: \$4.5 million. Basis of estimate: See letter above.
6. Estimated cost to State and local governments: None.
7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by: James Hearn.
10. Estimate approved by: Robert D. Reischauer.

Page
52
blank

APPENDIX

CHRONOLOGY AND BACKGROUND INFORMATION ABOUT THE RECORDS OF PRESIDENTIAL COMMISSIONS AND CONGRESSIONAL COMMITTEES WHICH INVESTIGATED THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

The Warren Commission: November 29, 1963-September 24, 1964.

The Rockefeller Commission: January 5, 1975-July 6, 1975.

The Church Committee: January 27, 1975-May 31, 1976.

The House Assassinations Committee: October 17, 1976-December 31, 1977.

THE WARREN COMMISSION

Summary

Creation and Appointment of Members: President Lyndon B. Johnson.

Purpose: To Investigate the Assassination of President John F. Kennedy.

Date of Creation: November 29, 1963.

Date of Termination: September 24, 1964.

Date of Report: September 24, 1964.

Release of Records: By National Archives and Records Administration. Ninety-eight percent complete. Twenty-six volumes of hearings and testimony, on September 24, 1964.

Additional release of records including documents, studies, and materials from other Federal and State agencies: 360 cubic feet of records and related material, approximately 1,000 boxes. In mid-1992, approximately 3,000 pages of national security and privacy protected material remained withheld pending scheduled review in 1995. The Archivist requested agencies to conduct an earlier review in 1992.

Cost of Inquiry: \$10 million.

On November 29, 1963, seven days after the assassination of President John F. Kennedy, President Lyndon B. Johnson issued Executive Order 11130 creating the Commission to Investigate the Assassination of President John F. Kennedy.¹ On September 24, 1964, the Commission presented its report and twenty-six volumes of appendices to the President including fifteen volumes of hear-

¹ Earl Warren, Chief Justice of the United States (Chairman), and its members included two United States Senators, Richard Russell and John Sherman Cooper; two members of the House of Representatives, Gerald R. Ford and Hale Boggs; former Director of Central Intelligence, Alan W. Dulles; and a former Commissioner of Germany and attorney, John McCloy.

ings testimony and eleven volumes of exhibits. During its ten-month existence, the cost of the Commission exceeded \$10 million.²

The Commission relied directly on Federal and State investigative agencies to carry out its investigations. The "records" of the Commission therefore, are a combination of its own work and activities, along with numerous reports and related records from other agencies. According to the "Inventory of the Records of the President's Commission on the Assassination of President Kennedy" compiled by the National Archives, there are approximately 360 cubic feet of records and related material (an estimated 1,000 boxes).³ These include the minutes of Commission and staff meetings, agenda, proceedings, transcripts of testimony, depositions, and affidavits; correspondence and memorandums; summary reports relating to the assassination and to Lee Harvey Oswald, prepared by the Federal Bureau of Investigation, the Secret Service, the Central Intelligence Agency, other Federal agencies, State authorities, and private citizens. In 1965, agencies whose materials comprise the Commission records first met to review agency records, and establish a schedule for future review. At that time 80% of all material was released. Future review was conducted in 1970, 1975, and other reviews are scheduled to occur in 1995 and every ten years thereafter. Approximately 98% of all records have now been made publicly available. The remaining 2% constitutes approximately 3,000 pages of security classified and privacy protected documents. The 1995 review has been now scheduled to take place in 1992, and the National Archives expects the number of withheld materials to be reduced to 500 pages.⁴ In addition to the Warren Commission records, the National Archives maintains Secret Service files with 12-15 boxes, mostly paper documents, a copy of the Zapruder film, and radio tapes of reports of the assassination. The Archives also has certain records of the Department of Justice Criminal Division case file which is predominantly mail and letters received by the Department along with constituent letters referred to the Department by Members of Congress. Lastly, the Ford Presidential Library has documents from the Military District of Columbia with regard to funeral arrangements for President Kennedy.

² Report of the Select Committee on Assassinations, U.S. House of Representatives, 95th Congress, 2d Session, March 29, 1979, p. 18, n.4.

³ Inventory of the Records of the President's Commission on the Assassination of President Kennedy, Record Group 272. Compiled by Marion M. Johnson. The National Archives, Washington, 1973, p. 3.

⁴ "Investigative reports submitted by the Federal Bureau of Investigation, the Secret Service, and the Central Intelligence Agency; various kinds of documents such as income tax returns, passport files, military and selective service records, and school records relating to Lee Harvey Oswald and Jack Ruby; transcripts of testimony, deposition, and affidavits of witnesses; correspondence; manuals of procedures of federal agencies; administrative memorandums; records relating to personnel; fiscal records; agenda, proceedings, and minutes of Commission meetings and minutes of staff meetings; exhibits; tape recordings, newspapers and press clippings and films; indexes; drafts and printer's proofs of the Report and Hearings of the Commission; a chronology of events in the lives of Oswald, Ruby, and others, 1959-1963; records relating to the interrogation and trial of Jack Ruby; and other records . . . They include all records of the Commission except an undetermined quantity of fiscal records and personnel folders in the custody of the General Services Administration (presumably transferred to the Archives following independence in 1985) . . . Related material is also in Record Group 280, National Archives Gift Collection (Columbia Broadcasting System news films of programs relating to the Report of the Commission broadcast in 1965 and 1967, including scripts for the 1967, and X-rays and photographs relating to the autopsy of President Kennedy)."

⁵ Statement by Mary Roman, National Archives and Records Administration, April 8, 1992, in discussions with Committee staff.

THE ROCKEFELLER COMMISSION

Summary

Creation and Appointment of Members: President Gerald R. Ford.

Purpose: To Investigate Allegations of Illegal Domestic CIA Activity.

Date of Creation: January 5, 1975.

Date of Termination: By July 6, 1975.

Date of Report: June 6, 1975.

Release of Records: Unreleased. Approximately 4,000 pages of materials, including Commission materials and classified agency records reviewed by the Commission, are held by the Gerald R. Ford Presidential Library. Additional material may be held by agencies whose records were reviewed by the Commission including the CIA, FBI, and the Department of State. Relevance to Kennedy Assassination: President Gerald R. Ford created the Rockefeller Commission to investigate CIA activities in the United States. President Ford's Executive Order creating the Commission did not address the Kennedy assassination, but the Commission devoted a small part of its work to the subject. The Commission attempted to answer two questions related to connections between the CIA and possible participants in the assassination (E. Howard Hunt, Frank Sturgis, Lee Harvey Oswald, and Jack Ruby). The Commission attempted to answer one question unrelated to the CIA: Whether the President was killed by a bullet shot from a front trajectory. The Commission conclusion for each concern was in the negative.

Cost of Commission: Not available.

On January 5, 1975, President Gerald R. Ford (himself a member of the Warren Commission) issued Executive Order 11828, creating a Commission on CIA Activities Within the United States. The Commission was established several days after President Ford received a report which he had requested from the Director of Central Intelligence (DCI) on allegations of a number of serious allegations that the Central Intelligence Agency conducted illegal activities within the United States violating the rights of private citizens. The mandate of the Commission was to determine whether any CIA domestic activities exceeded the agency's statutory authority and to make appropriate recommendations. President Ford appointed the Commission Chairman, Vice President Nelson Rockefeller, the Commission members, and the Executive Director.⁵

Although President Ford did not address the assassination of President Kennedy in his executive order creating the Rockefeller Commission, either directly or by reference, the Commission's in-

⁵ Nelson Rockefeller, Vice President of the United States, Chairman; John T. Connor, Chairman of the Board, Chief Executive Officer, Allied Chemical Corporation, and former Secretary of Commerce under President Lyndon B. Johnson; C. Douglas Dillon, Managing Director of Dillon, Reed, & Co. Inc., an investment banking firm, and former Secretary of the Treasury under Presidents Kennedy and Johnson, former Ambassador to France, and Under Secretary of State under President Dwight D. Eisenhower; Erwin N. Griswold, attorney, former Solicitor General under Presidents Johnson and Nixon, former Dean of the Harvard Law School; Lane Kirkland, Secretary-Treasurer of the AFL-CIO; Lyman L. Lemnitzer, General USA Retired, and former Chairman of the Joint Chiefs of Staff; Ronald Reagan, political commentator, former President of the Screen Actors Guild, and former Governor of California; Edgar F. Shannon, Jr., Commonwealth Professor of English, and former President of the University of Virginia. David W. Belin, Executive Director.

investigation pursued three primary lines of inquiry related to the assassination. These included: (1) Whether "E. Howard Hunt and Frank Sturgis, on behalf of the CIA, personally participated in the assassination." (2) Whether "the CIA had connections with Lee Harvey Oswald or Jack Ruby, or both of them, and that those connections somehow led to the assassination." (3) Whether President Kennedy was struck in the head by a bullet from his right front, rather than from his rear as believed by the Warren Commission. The Commission's conclusion in each of these inquiries was in the negative.⁶

The Commission held weekly hearings during its six month existence, however, the Commission chose not to open its sessions to the public for reasons of the sensitivity of the CIA's intelligence and counterintelligence activities, and national security. The Commission's Report does not address the disposition of its records, whether the CIA records reviewed were ever transferred outside the agency for purposes of review, the review of records from other agencies, or the whereabouts of Commission records such as interviews with CIA personnel and other sources. The former Executive Director of the Commission, stated that he had no knowledge of where the Commission's records were sent, and that his own Freedom of Information Act request made in 1975 to disclose the Commission's records was denied.⁷

The existence and scope of relevant records is not fully known by the Committee. Archivists at the Ford Presidential Library state that President Ford donated Rockefeller Commission records to the Library as part of his personal papers. Approximately 4,000 pages of this material pertains to the investigation of the Kennedy assassination. Such material has been identified through existing finding aids, file marking, and efforts by Ford Library archivists to trace subjects and names discussed in these materials to other source material used and developed by the Commission. These materials can be divided between records related to the work of the Commission on the assassination specifically, and the work of the Commission and other agencies with regard to Cuba and Fidel Castro. The Commission records ranges from administrative files to the Zapruder film, and includes depositions, official and unofficial transcripts of interviews and testimony, and other materials. The agency records include a variety of classified documents, including

⁶ Report to the President by the Commission on CIA Activities Within the United States, June 1975, pp. 251, 269. Chapter 19 of the Report "Allegations Concerning the Assassination of President Kennedy" appears on page 251 through 269. The Commission's conclusion in Chapter 19 states: "Numerous allegations have been made that the CIA participated in the assassination of President John F. Kennedy. The Commission staff investigated these allegations. On the basis of the staff's investigation, the Commission concluded there was no credible evidence of any CIA involvement" (page 269). With regard to the investigation of whether President Kennedy may have been shot from the front direction, the Commission hired four medical specialists to examine the autopsy photographs, x-rays, the President's personal effects, as well as available films of the assassination. Earlier in Chapter 19, the Commission states with regard to trajectory of a bullet which struck the President: "On the basis of the investigation conducted by its staff, the Commission believes that there is no evidence to support the claim that President Kennedy was struck by a bullet fired from either the grassy knoll or any other position to his front, right front or right side, and that the motions of the President's head and body, following the shot that struck him in the head, are fully consistent with that shot having come from a point to his rear, above him and slightly to his right." (p. 264).

⁷ Ibid at Preface, p. XI. Rockefeller Commission Executive Director David Belin made these statements when contacted by telephone on April 23, 1992, by Ms. Suzanne Cavanaugh, Congressional Research Service, Library of Congress.

interagency materials, and records of specific agencies. The Ford Library is attempting to make the Commission records available to the public at the Library in June 1992. The Ford Library is not planning to seek declassification and release of the agency material, but will follow its established procedures of offering researchers at list of such records, and then seeking agency declassification at the researchers' request.

THE CHURCH COMMITTEE

Summary

Creation and Appointment of Members: United States Senate.

Purpose: To Investigate Unethical Activities of U.S. Intelligence Community.

Date of Creation: January 27, 1975.

Date of Termination: May 31, 1976.

Date of Report: Senate Report No. 94-775. 94th Cong., 2d Session, 1976.

Release of Records: Records in custody of Senate Select Committee on Intelligence. No records released. No disclosure date set. Records not subject to Senate rules governing access to non-current Senate records. Records of the Church Committee include those pertaining to its investigation of performance of intelligence agencies in investigating the assassination and assisting the Warren Commission: Interviews and depositions of witnesses, documentary evidence from agencies acquired by the Committee, and documentary evidence reviewed at agencies. Relevance to Kennedy Assassination: The Church Committee investigated "the performance of the intelligence agencies in conducting their investigation of the assassination and their relationships to the Warren Commission."

Cost of Inquiry: Not Available.

On January 27, 1975, the Senate established by S. Res. 21, the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities. The Select Committee was chaired by Senator Frank Church (D-IDAHO), and was created to conduct an investigation into the extent, if any, of improper, or unethical activities engaged in by agencies charged with carrying out intelligence or surveillance to gain intelligence for the Federal Government. In carrying out its mandate, the Church Committee assessed the performance of the intelligence agencies in investigating the assassination of President Kennedy and in assisting the Warren Commission in its investigation. The Committee did not review the Warren Commission, its findings, conclusions, or physical evidence. The Committee concluded that "both the CIA and the FBI failed in, or avoided carrying out, certain of their responsibilities in this matter." The Committee went on to say, however, that this finding "does not lead to the conclusion that there was a conspiracy to assassinate President Kennedy."⁶

⁶ "The Investigation Of The Assassination Of President John F. Kennedy: Performance Of The Intelligence Agencies." Book V. Final Report of the Select Committee To Study Governmental Operations With Respect To Intelligence Activities. United States Senate. 94th Congress, 2d Session. S. Rpt. No. 94-755. April 23, 1976. pp. 1.2.

The Church Committee, which went out of existence on May 31, 1976, forwarded all of its files pertaining to its investigation to the Senate Select Committee on Intelligence. The Senate Intelligence Committee has never administratively transferred these records to the National Archives through the office of the Secretary of the Senate. They remain under the custody of the Senate Intelligence Committee, with the majority, and perhaps the entirety, of the records maintained in a secure storage area at the National Archives. Until they are transferred administratively to the Archives, they are not subject to S. Res. 474 that clarifies procedures for access to non-current Senate records at the National Archives. The existence of records relevant to the assassination of President Kennedy is reflected in a statement by the Select Committee in its Report: "In the course of this investigation, more than 50 witnesses were either interviewed or deposed. Literally tens of thousands of pages of documentary evidence were reviewed at the agencies and more than 5,000 pages were acquired. In addition, the Committee relied on a great deal of testimony taken during the course of its investigation of alleged plots to assassinate foreign leaders, especially testimony of knowledge relating to these plots."⁹

THE HOUSE ASSASSINATIONS COMMITTEE

Summary

Date of Creation: September 17, 1976.

Date of Termination: December 31, 1977.

Date of Report: March 29, 1979. House Report No. 95-1828. Additional 12 volumes of testimony, documents, and exhibits re: JFK assassination also published by the Committee.

Release of Records: Scheduled for release in 2029.

Relevance to Kennedy Assassination: The Committee investigated two assassinations: President John F. Kennedy and Martin Luther King, Jr. A subcommittee was created to investigate the assassination of President Kennedy.

Cost of Inquiry: \$5.5 million.

On September 17, 1976, the House of Representatives established, by H. Res. 1540, the House Select Committee on Assassinations (HSCA). The Committee was extended until March 31, 1977 by H. Res. 222, and was further extended for the duration of the 95th Congress by H. Res. 433, adopted on March 30, 1977.¹⁰ During the

⁹ The Select Committee voted to release this section of its report on May 26, 1976. Senators Frank Church (D-ID), Philip A. Hart (D-MI), Walter F. Mondale (D-MN), Walter D. Huddleston (D-KY), Robert Morgan (D-NC), Gary Hart (D-CO), Howard H. Baker, Jr. (R-TN), Charles McC. Mathias (R-MD), and Richard Schweiker (R-PA) voted to approve its release. Vice Chairman, Senator John G. Tower (R-TX) and Senator Barry Goldwater (R-AZ) voted against its release. The report was reviewed and declassified by the appropriate executive agencies.

¹⁰ *Id.* at p. 1.

¹⁰ Louis Stokes (D-OH), Chairman, Richardson Preyer (D-NC), Walter E. Fauntroy (D-DC), Yvonne Brathwaite Burke (D-CA), Christopher J. Dodd (D-CT), Harold Ford (D-TN), Floyd J. Fithian (D-IN), Robert W. Edgar (D-PA), Samuel L. Devins (R-OH), Stewart B. McKinney (R-CT), Charles Thone (R-NE), Harold S. Sawyer (R-MI). Subcommittee on the Assassination of John F. Kennedy chaired by Richardson Preyer.

30 months between the creation of the Committee in 1976 and the release of its report in 1979, its cost exceeded \$5.5 million, and it used the services of over 250 people.¹¹

The House Assassinations Committee was directed "to conduct a full and complete investigation and study of the circumstances surrounding the assassination and death of President John F. Kennedy" and "to determine whether there was full disclosure and sharing of information and evidence among agencies and departments of the U.S. Government during the course of all prior investigations into those deaths." The House Assassinations Committee reviewed the finding of the Warren Commission, evaluating the evidence presented to that Commission by official bodies, including the FBI and the intelligence community. The Kennedy phase of the investigation addressed charges related to the pro- and anti-Castro Cuban connections, the "single-bullet theory," the involvement of organized crime, the alleged complicity of the CIA, the FBI, and the Secret Service. The Committee criticized these agencies for the manner in which they assisted the Warren Commission. The House Assassinations Committee agreed in some respects with the Warren Commission, but departed from its conclusions in its finding that " * * * on the basis of the evidence available to it, that President John F. Kennedy was probably assassinated as a result of a conspiracy."¹² The Committee went out of existence with the expiration of the 95th Congress (1977).¹³ The Committee's report was published on March 29, 1979, a year and one-half after the Committee completed its investigation. Along with the report, the Committee published 12 volumes of testimony and exhibits, totaling over 7300 pages of material, specifically related to its investigation of the assassination of President Kennedy.

Custody of its files passed to the House Permanent Select Committee on Intelligence. Its files were deposited at the National Archives, where, in accordance with prevailing rules of the House of Representatives, they are sealed for fifty years, until the year 2029. A resolution to provide for the accelerated release of the House Assassination Committee's files, H. Res. 160, was introduced on April 13, 1983, by former HSCA member, the late Representative Stewart McKinney, and cosponsored by four former members of the Committee. However, the bill was never reported to the House floor for

¹¹ Report of the Select Committee on Assassinations, U.S. House of Representatives, 95th Congress, 2d Session, March 29, 1979, p. 18, n.4.

¹² The Committee criticized the performance of those three agencies, saying that "the Secret Service was deficient in the performance of its duties; the FBI performed with varying degrees of competency in the fulfillment of its duties; and the CIA was deficient in its collection and sharing of information both prior to and subsequent to the assassination." House Report No. 95-1823, pp. 1, 2.

¹³ The two year investigation entailed a cost of \$5.5 million dollars. See, "The Assassination of President John F. Kennedy: Conspiracy Theorists," No. 92-270 GOV. Congressional Research Service, Library of Congress, March 10, 1992, p. 8.

a vote.¹⁴ In addition to the legislation presently before this Committee, additional House legislation has been introduced in the 102d Congress with regard to release of the records of the House Assassination Committee.¹⁵

¹⁴ The resolution was co-sponsored by four other former members of the HSCA: Representatives Robert Edgar, Harold S. Sawyer, Walter Fauntroy, and Harold Ford.

¹⁵ H. Res. 325. January 22, 1992. Representative Gonzalez. To provide for the release for public use of records of the former Select Committee on Assassinations.

H. Res. 326. January 24, 1992. Representative DeFazio. Requiring that the records of the Select Committee on Assassinations of the 94th and 95th Congresses be made available for public use.

H.R. 4090. January 3, 1992. Representative Traficant. To require the Government-held information pertaining to the assassination of John F. Kennedy be made available to the general public.

H.R. 4108. January 24, 1992. Representative DeFazio. To direct the Archivist of the United States to make available for public use the records of the Warren Commission. [Note: See above section summarizing Warren Commission records. The vast majority of all Warren Commission records have been available to the public at the National Archives for 27 years.]



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
WASHINGTON, D.C. 20301-1600

FILE:
JFK
ASSAS.

Honorable John Glenn
Chairman, Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510-6250

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Defense, and your request to various agencies of the Department, on S.J. Res. 282, a joint resolution to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy. S.J. Res. 282 creates a five member Assassination Material Review Board (Review Board), assisted by an Executive Director and staff, that would be required within two years of its first meeting to ensure the release of as many assassination materials concerning President John F. Kennedy's assassination as possible.

The Department of Defense supports the concept of making documents available to the public in a manner that preserves confidentiality interests. As to making documents public regarding the assassination of a former President, the Department of Defense defers to other agencies more concerned. With regard to S.J. Res. 282, however, there are several provisions that cause some concern.

our para
② ✓

First, S.J. Res. 282 makes no provision to ensure that access to classified information by the Executive Director, the staff supporting the Executive Director, and the members of the Review Board is made contingent on their having current security clearances at the appropriate level. We recommend adding a provision to the legislation to ensure that members of the Review Board, the personnel selected to support it, and the Executive Director be required to obtain appropriate security clearances before they obtain access to documents containing classified information. We also recommend that a provision be added to require that classified information be properly handled and stored.

our para
① ✓

Section 6 provides that disclosure of assassination materials would be postponed only if the threat posed by disclosure substantially outweighs the public's interest; i.e. access to the material. Section 7 provides that the Executive Director of the Review Board shall require disclosure absent "clear and convincing evidence" that material fall within the exemptions set forth in Section 6. When applied to classified assassination materials, these provisions would permit more liberal disclosure of such information than would be permitted under Executive Order 12866, 8 C.F.R. 165 (1988), reprinted in 60 U.S.C. 401 note. We are concerned that these provisions will cause inconsistent treatment of national security information

and, worse, could prompt disclosure of information that should remain undisclosed in the interest of the national security.

Second, the Senate resolution at section 5(e)(3) provides that upon the direction of the Executive Director, and without reimbursement, executive agencies and other information originating bodies within the Executive Branch shall detail to the Review Board such personnel as may be necessary to carry out the purposes of this resolution. We are of the view that such details should be made only with the approval of the director of the agency or other organization that employs those individuals.

all
para ✓
④

Third, section 8(j) of the Senate resolution requires that the Review Board publish a notice of each of its decisions to postpone opening assassination materials to the public. Each such notice is to describe the volume and nature of materials affected by the postponement. We recommend that the Senate resolution be amended to ensure that the published notices do not inadvertently disclose classified information. The Justice proposed substitute should also be amended to include this change.

all
para ✓
⑤

The resolution speaks to "records" or "material" rather than information. The organization that originated a particular "record" may not be the "originator" of sensitive information contained within it. The resolution language, therefore, risks the anomalous situation that the entity whose interests are actually at stake with respect to a dissemination determination has no knowledge of or involvement in that determination. This is particularly troublesome when records contain information that is being protected against disclosure pursuant to the specific request of a foreign government.

all
para ✓
③

The broad definition of "assassination material," the Review Board's broad powers to request additional information from Executive agencies, and the fact that the Board determines what is assassination material, taken together, raise the specter that the Review Board can seek access to materials with a questionable connection to the assassination. There should be a provision to ensure Executive agency review of requests for additional materials that stray into sensitive areas unrelated to the assassination.

⑥ ✓

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the presentation of the foregoing views for the consideration of the Congress.

all
para
⑦

Sincerely,

Chester Paul Beach, Jr.
Acting General Counsel

Draft 5/8/92
2:00 p.m.

STATEMENT OF ROBERT M. GATES
DIRECTOR OF CENTRAL INTELLIGENCE
BEFORE THE
COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

12 MAY 1992



NATIONAL INTELLIGENCE AGENCY
OFFICE OF CONGRESSIONAL AFFAIRS
AND
COMPUTER CENTER
WASHINGTON, D.C. 20505

FACSIMILE TRANSMISSION OF

SHEET

CONTROL NO. 1-0707

TRANSMISSION DATE: 8 MAY 1992

PAGES: 10

TRANSMITTED TO:

FAX NO: 301-122-1546

NAME:

Rhea Siers ✓

ORGANIZATION:

NSA ✓

ROOM:

Rm 2B8134

TELE/EXT:

96-33121

SUBJECT:

Draft DCI Testimony - 12 MAY 1992

TRANSMITTED FROM:

FAX NO: 703-52-5541

NAME:

Wicki Peppera

ROOM, ROOM:

7B-14 CHB

TELE/EXT:

(703) 482-6126

NOTE:

THIS COPIER IS DESIGNATED AS "UNATTENDED" AND WILL RECEIVE PAYMENT FROM 0700-1900. YOU MUST LET THE RECEIVING PARTY KNOW YOU ARE SEND A FAX.

Fre

OFFICE OF GENERAL COUNSEL NSA

Futz-

This is DCI Testimony
for Senate Hearing on
Tues. ~~THB~~ - I got
this directly from CIA.

CMB sent out copies
to DOD, etc at 1400
this afternoon, but of
course LRS version
hasn't arrived yet.

The 1st part discusses
mostly CIA holdings
(Conyers is more interested
in a more detailed
accounting of IC holdings)
The 2nd deals w/
"technical problems"

of the Legislation
(see p. 5). Concurrence
is due to OMB by 1200
Monday - but I've been
warned by CIA that most
of these are the DCI's
words - so it better
be important or don't
change it. (bottom of
page 7 doesn't thrill
me).

By the way, CIA
never got draft EO to
review - I faxed them
a copy & they didn't
know it was coming
either. ^{But apparently DoJ wanted}
^{Pres to sign it Monday morning}
^{which is unlikely}
Finally, attached
is letter to CIA

OFFICE OF GENERAL COUNSEL NSA

re: our holdings. I'm
still waiting for Classifi-
cation call.

So as you can see,
it was another boring
Fri evening.

See you 730 am
Monday

Phen

JOHN GLENN, OHIO, CHAIRMAN

SAM NUNN, GEORGIA
CARL LEVIN, MICHIGAN
JIM SASSER, TENNESSEE
DAVID PRYOR, ARKANSAS
HERBERT KOHL, WISCONSIN
JOSEPH I. LIEBERMAN, CONNECTICUT
DANIEL K. AKAKA, HAWAII

WILLIAM V. ROTH, JR., DELAWARE
TED STEVENS, ALASKA
WILLIAM S. COHEN, MAINE
WARREN B. RUDMAN, NEW HAMPSHIRE
JOHN SEYMOUR, CALIFORNIA

United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

LEONARD WEISS, STAFF DIRECTOR
FRANKLIN C. POLK, MINORITY STAFF DIRECTOR AND CHIEF COUNSEL

April 7, 1992

Vice Admiral William O. Studeman
Director
National Security Agency
Ft. Meade, Maryland 20755

Dear Admiral Studeman:

I am writing to request your views on S. J. Res. 282, "The Assassination Materials Disclosure Act of 1992." This legislation was recently referred to the Committee on Governmental Affairs. It proposes to create an independent review board to govern the review and release of government records relevant to the assassination of President John F. Kennedy.

The bill will be the subject of hearings held by the Committee within the next thirty days. Your written response before the Committee holds its hearings would be greatly appreciated.

I have enclosed a copy of the legislation. In the event that you have any questions, please do not hesitate to call Dr. Leonard Weiss, Staff Director, or Steven Katz, Counsel, at 202-224-4751.

Thank you for your assistance.

Sincerely,


John Glenn
Chairman

JHG/as
Enclosure



Washington, D.C. 20535

30 April 1992

Mr. Bernard H. Martin
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Martin:

This is in response to your request for the views of the Central Intelligence Agency on the substitute resolution proposed by the Department of Justice (DoJ) concerning the Assassination Materials Disclosure Act of 1992. Please find enclosed our proposed changes to DoJ's draft resolution. As reflected in these changes, our primary concern is that originating agencies, rather than the Review Board's Executive Director, should make the initial determination about whether assassination materials may be released to the public.

Sincerely,



Stanley M. Moskowitz
Director of Congressional Affairs

Enclosure

cc: Greg Jones, DoJ

CIA's Proposed Amendments to DoJ's Draft
JFK Resolution

Add at the end of section 5:

"(m) SECURITY PROCEDURES.-- The Review Board shall make appropriate provisions for access to, handling, and storage of classified or other sensitive information by the Board and its staff. Such procedures shall be developed with due regard for the protection of intelligence sources and methods from unauthorized disclosure."

Replace section 7 with the following:

"SEC. 7 INITIAL REVIEW OF ASSASSINATION MATERIALS

"(a) TRANSFER TO AND REVIEW BY ORIGINATING AGENCY.-- Each Executive agency, including the National Archives, shall transfer to the originating body, within () days after enactment of this Joint Resolution, any assassination material in its possession or control for which it is not the originating body. Each originating body shall conduct an initial review of the assassination materials it originated. Where information within a record was provided by an agency other than the originating body of that record, this initial review shall include consultation with such other agency.

"(b) INITIAL DISCLOSURE DETERMINATION.-- Within () days after enactment of this Joint Resolution, each originating body shall complete its initial review of assassination materials (as described in paragraph (a) above) and shall make an initial determination for each material whether it may be released in its entirety pursuant to the standards established by this Joint Resolution. If the originating body determines that an assassination material may be released, then it shall transmit the material to the Archivist, and the Archivist shall make the material available to the public as provided in section 4. If the originating body determines that an assassination material, or particular information within an assassination material, qualifies for postponement of disclosure under section 6, then it shall transmit the material, together with a statement of the reasons for postponement, to the Review Board for review under section 8.

"(c) PRESUMPTION FOR RELEASE.-- In the absence of persuasive evidence that an assassination material or particular information within an assassination material falls within the exemptions established in section 6, the

originating body shall release the material to the public as described in paragraph (b) above."

Amend section 8(a) to read as follows:

"(a) APPEALS AND REFERRALS.-- The Review Board shall review and apply the standards for release set forth in this Joint Resolution to all records referred to the Review Board by originating bodies under section 7(b)."

~~CONFIDENTIAL~~
Assistant Director for Legislative Reference
Executive Office of the President
Office Of Management and Budget
Washington, DC 20503

Dear Mr. ~~_____~~

I am writing to express the views of the Department of Defense on the Department of Justice's proposed substitute for Senate Joint Resolution 282, a joint resolution to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy. Senate Joint Resolution 282 creates a five member Assassination Material Review Board (Review Board), assisted by an Executive Director and staff, that would be required within two years of its first meeting to ensure the release of as many assassination materials concerning President John F. Kennedy's assassination materials as possible.

The Department of Defense strongly supports the concept of making documents available to the public in a manner that preserves confidentiality interests. Subject to the following changes in its proposed substitute, we defer to the Department of Justice to state the Administration's position on this legislation.

First, Senate Joint Resolution 282 makes no provision to ensure that access to classified information by the Executive Director, the staff supporting the Executive Director, and the members of the Review Board is made contingent on their having current security clearances at the appropriate level. In our comments on Senate Joint Resolution 282, we recommended adding a provision to the legislation to ensure that members of the Review Board, the personnel selected to support it, and the Executive Director be required to obtain appropriate security clearances before they obtain access to documents containing classified information. We also recommended that a provision be added to require that classified information be properly handled and stored. Accordingly, we recommend that the Justice proposed substitute be amended to include these provisions.

Second, the Senate resolution at section 5(e)(3) provides that upon the direction of the Executive Director, and without reimbursement, executive agencies and other information originating bodies within the Executive Branch shall detail to the Review Board such personnel as may be necessary to carry out the purposes of this resolution. We are of the view that such details should be made only with the approval of the director of the agency or other organization that employs those individuals. Therefore, we also recommend that Justice include this language in its draft.

Third, section 8(j) of the Senate resolution requires that the Review Board publish a notice of each of its decisions to postpone opening assassination materials to the public. Each such notice is to describe the volume and nature of materials affected by the postponement. We recommend that the Senate resolution be amended to ensure that the published notices do not inadvertently disclose classified information. The Justice proposed substitute should also be amended to include this change.

Subject to these changes the Department of Defense has no objection to The Department of Justice proposed substitute for Senate Joint Resolution 282.

Sincerely,

Chester Paul Beach, Jr.
Acting General Counsel

(7)

MEMORANDUM FOR THE CHIEF OF STAFF
SUBJECT: [Illegible]

ONE HUNDRED SECOND CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT OPERATIONS

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-8143

April 29, 1992

FOR THE RECORD
[Illegible text]

SENATE STAFF
[Illegible text]

HOUSE STAFF
[Illegible text]

The Honorable Robert M. Gates
Director
Central Intelligence Agency
Washington, D. C. 20505

Dear Director Gates:


On Friday, May 15, 1992, at 10:00 a.m., in Room 2154 of the Rayburn House Office Building, the Legislation and National Security Subcommittee of the Committee on Government Operations will convene a legislative hearing on House Joint Resolution 454, a bill to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy.

I request that you testify at this hearing on the intelligence community's position regarding this resolution. You should also be prepared to discuss the volume and nature of records in the custody of the intelligence agencies which may be covered by this resolution, the volume and nature of relevant records held by other agencies or entities, and the process and status of public release of such records under existing statutes.

The Committee's Rules require all witnesses to submit written statement 24 hours prior to the hearing. Therefore, please deliver 1 copies of your prepared statement to the Committee offices by 10:00 a.m. Thursday, May 14, 1992.

I am enclosing a copy of the resolution for your convenience. I look forward to your testimony. If you have any questions concerning this letter, please call me, or have your staff call Dan Goldberg or James C. Turner of the Committee staff at 225-5051.

Sincerely,


John C. Baynes, Jr.
Chairman

ion. This race-based classification cannot be supported as an exercise of the constitutional authority granted to the Congress to benefit Native Americans as members of tribes. In addition, the terms "Native American Pacific Islanders" and "Indian organizations in urban or rural nonreservation areas" are not defined with sufficient clarity to determine whether they are based on racial classifications. Therefore, I direct the affected Cabinet Secretaries to consult with the Attorney General in order to resolve these issues in a constitutional manner.

George Bush

The White House,
October 26, 1992.

Note: This statement follows the text as released by the Office of the Press Secretary at the White House on October 27.

Statement on Signing Legislation
Establishing the Brown v. Board of
Education National Historic Site
October 26, 1992

Today I am signing into law S. 2890, a bill to establish the *Brown v. Board of Education* National Historic Site in Topeka, Kansas, redesignate the Fort Jefferson National Monument as the Dry Tortugas National Park, and provide for studies of the New River in West Virginia and Boston Harbor Islands in Massachusetts.

Although I have signed S. 2890, I will withhold my approval of H.R. 5021, the "New River Wild and Scenic Study Act of 1992," and H.R. 5061, a bill concerning the "Dry Tortugas National Park," because S. 2890 contains the identical provisions of both H.R. 5021 and H.R. 5061.

George Bush

The White House,
October 26, 1992.

Note: This statement follows the text as released by the Office of the Press Secretary at the White House on October 27.

Statement on Signing the President
John F. Kennedy Assassination
Records Collection Act of 1992
October 26, 1992

Today I am signing into law S. 3006, the "President John F. Kennedy Assassination Records Collection Act of 1992." This legislation provides for the review and, wherever possible, the release of records about the assassination of President Kennedy that have not yet been made public. I fully support the goals of this legislation.

In the minds of many Americans, questions about President Kennedy's assassination remain unresolved. Although the Government already has released many thousands of documents, the existence of additional, undisclosed documents has led to speculation that these materials might shed important new light on the assassination. Because of legitimate historical interest in this tragic event, all documents about the assassination should now be disclosed, except where the strongest possible reasons counsel otherwise.

While I am pleased that this legislation avoids the chief constitutional problems raised by earlier versions of the bill considered by the Congress, it still raises several constitutional questions. First, S. 3006 sets forth the grounds on which the release of documents may be postponed, but this list does not contemplate nondisclosure of executive branch deliberations or law enforcement information of the executive branch (including the entities listed in sections 3(2) (G) through (K)), and it provides only a narrow basis for nondisclosure of national security information. My authority to protect these categories of information comes from the Constitution and cannot be limited by statute. Although only the most extraordinary circumstances would require postponement of the disclosure of documents for reasons other than those recognized in the bill, I cannot abdicate my constitutional responsibility to take such action when necessary. The same applies to the provision purporting to give certain congressional committees "access to any records held or created by the Review Board." This provision will be interpreted consistently with my authority under

resident
ion
992

S. 3006, the
Assassination
This legisla-
id, wherever
about the as-
dy that have
support the

icans, ques-
's assassina-
gh the Gov-
many thou-
nce of addi-
has led to
might shed
sination. Be-
terest in this
ut the assas-
sed, except
sons counsel

is legislation
al problems
a bill consid-
raises several
S. 3006 sets
ie release of
but this list
sure of exec-
law enforce-
utive branch
sections 3(2)
s only a nar-
ational secu-
y to protect
comes from
e limited by
extraordinary
ostponement
s for reasons
he bill, I can-
responsibility
cessary. The
purporting to
mittees "ac-
eated by the
will be inter-
hority under

the Constitution to protect confidential execu-
tive branch materials and to supervise and
guide executive branch officials.

Second, S. 3006 requires the Board to re-
port to the President and the Congress. If
the bill were interpreted to require simulta-
neous reports, S. 3006 would intrude upon
the President's authority to supervise subor-
dinate officials in the executive branch. I will
construe the provisions to require that the
Board report to the President before it re-
ports to the Congress.

Third, the bill purports to set the qualifica-
tions for Board members, to require the
President to review lists supplied by specified
organizations, and to direct the timing of
nominations. These provisions conflict with
the constitutional division of responsibility
between the President and the Congress.
The President has the sole power of nomina-
tion; the Senate has the sole power of con-
sent.

I note also that S. 3006 provides that, upon
request of the Board, courts may enforce
subpoenas that the Attorney General has is-
sued at the Board's urging. I sign this bill
on the understanding that this provision does
not encroach upon the Attorney General's
usual, plenary authority to represent the
agencies of the United States, including the
Board, whenever they appear in court.

S. 3006 will help put to rest the doubts
and suspicions about the assassination of
President Kennedy. I sign the bill in the hope
that it will assist in healing the wounds in-
flicted on our Nation almost 3 decades ago.

George Bush

The White House,
October 26, 1992.

*Note: This statement follows the text as re-
leased by the Office of the Press Secretary
at the White House on October 27.*

Remarks and a Question-and-Answer
Session in Des Moines, Iowa
October 27, 1992

The President. Thank you all. Thank you
very, very much. Please be seated. Let's get

right about our business. But first, I certainly
want to thank our great Governor, Terry
Branstad, for being at my side for that warm
welcome. And of course, I needn't tell
Iowans how important Chuck Grassley's re-
election is, I'll tell you. And for Jim Ross
Lightfoot and for Jim Leach, two stalwart
friends, if we had more like them in the Con-
gress, you wouldn't hear everybody yelling
everyplace I go "Clean House!" We need
more like him, so send us more like him,
and let's get this country moving. I'm de-
lighted to see former Governor Ray here, and
I also want to thank "Major Dad," Gerald
McRaney, who is—you talk about telling it
like it is—he does a great job.

Terry mentioned the ag economy, and I
do think that when people get down to the
wire in the heartland of America they ought
to look at the record. I am very proud that
ethanol is up and that we made a tough call.
I took on some of the extremes in the envi-
ronmental movement. I've got a good record
on the environment. We took on some of the
extremes and said, "Look, ethanol is a tre-
mendous fuel of the future." Ethanol sales
are up. The waiver we gave the other day
is appropriate. It is sound conservation, and
it is darn good for the American economy,
and we're going to keep on.

Similarly, the use of the export program,
the Export Enhancement, the EEP, is impor-
tant. We extended it to pork, and it was the
right thing to do. I think that will help. We
will continue to fight for opening up our mar-
kets. We've got the best producers of agricul-
tural goods in the world. Exports have saved
us through tough times, agricultural exports
leading the way. And my opponent, Clinton,
comes along, Governor Clinton, and says,
"Well, I'm for the NAFTA agreement." But
he goes to the auto workers and has a very
different tale. And my view is, the free trade
agreement is good for American jobs, and
it's good for American agriculture.

I believe we will keep working for a suc-
cessful conclusion of the GATT round. And
I was very disturbed the other day to read
in the Daily Telegraph, the London paper,
and again, a report in one of the papers here
that some Clinton minion had gone to try
to get the EC to postpone consideration of
this important agreement. We cannot put

"(i) applies to the Secretary in writing, for the award;

"(ii) permits a rigorous evaluation in accordance with subparagraphs (B) and (C) of the success of the institution's curriculum for total quality management and process manufacturing engineering; and

"(iii) meets such requirements and specifications as the Secretary, after receiving recommendations from the board of overseers, determines to be appropriate to achieve the purposes of this section.

"(B) In carrying out the provisions of clause (ii) of subparagraph (A), the Secretary shall develop evaluation criteria and procedures.

"(C) In applying the provisions of clause (iii) of subparagraph (A) with respect to any institution of higher education, the Secretary shall rely upon intensive evaluation by the board of overseers which shall—

"(1) review the information submitted by the institution of higher education, and through a site visit verify the achievements of—

"(I) the total quality management curriculum and process manufacturing engineering programs of such institution; and

"(II) such institution in practicing total quality management;

"(ii) encompass all aspects of the institution of higher education's total quality management and process manufacturing engineering program, as well as such institution's future goals for its total quality management and process manufacturing engineering curriculum; and

"(iii) include an analysis of whether the institution of higher education is practicing or applying total quality management to its relationships with industry and in its day-to-day administration of the institution.

"(2) CONTRACTUAL ARRANGEMENTS.—The Secretary may, under appropriate contractual arrangements, carry out the Secretary's responsibilities under subparagraphs (A) and (B) of paragraph (1) through one or more broadbased nonprofit entities which are leaders in the field of quality improvement programs and which have a history of service to society.

"(3) RESPONSIBILITIES OF THE BOARD OF OVERSEERS.—The board of overseers shall meet annually to review the work of the Secretary or the contractor and make such suggestions for the improvement of the award process as such board deems necessary. The board of overseers shall report the results of the award activities to the Secretary each fiscal year, along with its recommendations for improvement of the award process.

"(f) INFORMATION AND EVALUATION.—The Secretary shall ensure that each applicant for an award under this section receives the complete results of the evaluation of such institution conducted pursuant to subsection (e)(1)(ii) as well as detailed explanations of all suggestions for improvements. The Secretary shall also provide information about the awards and successful total quality management and process manufacturing engineering curriculum of the award-winning institutions of higher education to each applicant for an award under this section and other appropriate groups.

"(g) FUNDING.—The Secretary is authorized to seek and accept gifts and donations of property or services from public and private sources to carry out the award program assisted under this section.

"(h) REPORT.—The Secretary shall prepare and submit to the President and the Congress, within 3 years after the date of the enactment of this section, a report on the progress, findings, and conclusions of activities conducted pursuant to this section along with a recommendation for possible modifications thereof.

"(i) DEFINITIONS.—For the purpose of this section—

"(1) the term 'board of overseers' means the board of overseers established pursuant to section 17(d)(2)(B) of this Act for the year in which the determination is made;

"(2) the term 'manufacturing process technology' means engineering training which specializes in understanding and implementing a manufacturing process under which a high quality product is produced in a timely fashion, including simulative engineering and the skills necessary for rapid representative prototyping;

"(3) the term 'Secretary' means the Secretary of Commerce; and

"(4) the term 'total quality management' means a management approach which includes—

"(A) systems thinking; and

"(B) statistical process control, theories of human behavior, leadership, and planning that is quality-driven, customer-oriented, and committed to teamwork.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal year to carry out this section."

COLLEGES AND UNIVERSITIES COMMITMENT TO QUALITY AWARD ACT

"To live well, a nation must produce well. In recent years many observers have charged that American industry is not producing as well as it ought to produce, or as well as it used to produce, or as well as the industries of some other nations have learned to produce," according to a recent MIT study, *Made in America. Regaining the Productive Edge*.

In response to this quality crisis, Congress enacted the Malcolm Baldrige National Quality Improvement Act which encourages American business to practice total quality management.

Firms that have implemented total quality management and have applied for the Baldrige award have become stronger competitors and more profitable.

Since the business leaders of tomorrow are being trained today, it is imperative that institutions of higher education offer a comprehensive curriculum on total quality management. In addition, it is important that universities encourage its best and brightest to pursue careers in process manufacturing.

The award to colleges and universities envisioned in this legislation is modeled after this prestigious, and highly motivational Malcolm Baldrige National Quality Improvement Award.

The legislation provides three annual awards to selected universities and colleges that excel in (1) teaching total quality management and process manufacturing engineering to its business and engineering students and (2) which practice TQM in their internal management and (3) which employ TQM in their business relationships with industry.

First place award is \$3 million; second place is \$2 million; third place is \$1 million.

Provides for specialized awards of up to \$500,000 to colleges and universities' engineering or business schools.

Proceeds of the award must be used to further enhance the total quality management or process manufacturing engineering curriculum at the institution of higher education.

Total quality management recognizes that every business, every function, every individual has an important role to play in satisfying customers and making defect-free products.

This colleges and universities award emphasizes the value that some businesses al-

ready have recognized of the importance of total quality management as a means to becoming stronger international competitors.

Total quality management is a system developed by Dr. W. Edwards Deming, an American statistician who was brought to Japan by General MacArthur in 1950.

Process manufacturing engineering is the field specializing in efficient, error free, product design and production. It deals with the process of manufacturing and focuses on the production line.

Procter & Gamble, Motorola, Xerox, IBM, American Express, and other companies with a dedication to total quality sponsor annual conferences that brings together the presidents, deans, and faculties of leading business and engineering schools. They meet with the best practitioners of quality management and customer satisfaction in American business.

By Mr. GRASSLEY:

S.J. Res. 281. Joint resolution designating the week of September 14 through September 20, 1992, as "National Small Independent Telephone Company Week"; to the Committee on the Judiciary.

NATIONAL SMALL INDEPENDENT TELEPHONE COMPANY WEEK

Mr. GRASSLEY, Mr. President, I am introducing today, along with my colleague from Iowa, Congressman FRED GRANDY, a commemorative resolution honoring America's small independent telephone companies by designating the week of September 14 through September 20, 1992, as "National Small Independent Telephone Company Week."

I invite all my Senate colleagues to cosponsor this resolution which provides well-deserved recognition and praise to the more than 1,300 small independent telephone companies providing basic local telephone service to nearly 10 million subscribers in 46 States.

Mr. President, for over 100 years, small independent telephone companies have been serving Americans. Most of these independents are either family owned businesses or subscriber-owned cooperatives. As such, they have proven to be a vital link in the progress and economic growth of small communities and rural areas throughout our Nation.

This may surprise some of my colleagues, but there are over 150 telephone companies in my State of Iowa. I know first hand through my close work with the people who own and operate these telephone companies just how critical their role has been, and I must add, will be, as we face the challenges of the future.

Technological advances in telecommunications have come at breakneck speed. Rural Americans have faced the dilemma of either getting on board, or being left in the dust. The people behind Iowa's independent telephone companies care about their communities and the future of their children. They have faced the many challenges of advancing technology, in addition to the unique obstacles of difficult terrain and sparse population, to provide

rural subscribers state-of-the-art telecommunications service.

Last year, the Office of Technology Assessment (OTA), upon whose congressional board I serve, completed a study which I requested entitled "Rural America at the Crossroads: Networking for the Future." OTA made several suggestions to help policymakers assure that rural economic development is encouraged, not discouraged, by advances in telecommunications.

One portion of the OTA study made me very proud of the Iowans behind our independent telephone companies. OTA showcased the successful effort of 128 of Iowa's independent telephone companies to create what we call the Iowa Network Services as an example for other telephone companies to follow. By joining forces, the Iowa Network Services has been able to provide an independent fiber optic network as well as signaling system seven (SS7) which allows telephone company computers to communicate directly with each other.

In fact, the Iowa Networks Services initiative served as an example of one of OTA's primary recommendations, and that is for local telecommunications providers to band together in a Rural Area Network to leverage market power to gain access to advanced telecommunications services and technology.

The OTA study made us fully appreciate the tremendous foresight and leadership of the people behind Iowa's independent telephone companies.

Mr. President, my colleagues know that we have leaders throughout the Nation equally dedicated to bringing the best in telecommunications and rural economic development to their communities. As Senators, we need to recognize the efforts of these local leaders, and we need to make certain that our actions in Washington assist, and not deter, the hard work of these community leaders.

But we should also take time out to provide special recognition and offer a special thanks to the accomplishments and community contributions of the leaders of America's small independent telephone companies. That is why I am introducing, and inviting my colleagues to cosponsor, this resolution establishing "National Small Independent Telephone Company Week" and authorizing and requesting the President to issue a proclamation calling upon the people of the United States to observe the week of September 14, 1992, with appropriate programs and activities.

Mr. President, I want to take a moment to extend my thanks as well, to the leadership of the Organization for the Protection and Advancement of Small Telephone Companies (OPASTCO), for its efforts in behalf of this resolution as well as for its broader efforts to increase the Nation's awareness of the vital importance of small independent telephone

companies. I want to also express a special thanks for the hard work of OPASTCO's president, Robert Halford of Iowa's Clear Lake Independent Telephone Co. His efforts and those of OPASTCO make our jobs of representing the grassroot communities in Congress a lot easier.

By Mr. BOREN (for himself, Mr. MITCHELL, Mr. SPECTER, Mr. MURKOWSKI, Mr. BRADLEY, Mr. DeCONCINI, Mr. GLENK, Mr. METZENBAUM, Mr. WOFFORD, and Mr. COHEN):

S.J. Res. 282. Joint resolution to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy; to the Committee on Governmental Affairs.

DISCLOSURE OF JOHN F. KENNEDY ASSASSINATION RECORDS

Mr. BOREN. Mr. President, today I introduce a Senate joint resolution entitled the "Assassination Materials Disclosure Act of 1992." The purpose of this legislation is to provide for a comprehensive process ultimately leading to the release of all materials held by the U.S. Government regarding the assassination of President John F. Kennedy. Congressman LOUIS STOKES, the distinguished former chairman of the House Assassinations Committee, is today introducing identical legislation in the House of Representatives.

We have, of course, had at least three substantial investigations into the Kennedy assassination: the first conducted by the Warren Commission appointed by President Johnson in the mid-1960's; the second, by the Church Committee in 1975 as part of its investigation of CIA assassination plots against foreign leaders; and finally, the third was the extensive investigation of the House Assassinations Committee in the late 1970's.

Each of these investigations, particularly the Warren Commission and House Assassinations Committee investigation, produced long, detailed public reports concerning the Kennedy assassination. Literally hundreds of books and articles have been written on the subject.

Yet still, almost 30 years later, the questions remain.

The recent release of the controversial film "JFK" has raised them anew, suggesting that answers may well lie in the assassination records and other materials that remain sealed by our Government. Even prior to the release of "JFK," in fact, there were diligent efforts made by researchers as well as concerned legislators to open these files for public review.

Mr. President, I do not know what all of these files contain. Specifically, I do not know whether they contain information that would change the findings of the previous investigations or not.

But it seems to me the time has come to open these files to the public and let them speak for themselves. Let

historians and journalists and the people read them, and draw the appropriate conclusions. As a general principle, the intelligence community should make available its records after the passage of a reasonable amount of time when current sources and methods would no longer be compromised. The American people have a right to assure themselves to the greatest degree possible of the accuracy of the historical record of our Government. The timely release of all documents of historic value and importance helps to assure that even the most secret programs of our government will be operated in accordance with basic American values. Current intelligence operations will be even more carefully conducted when it is recognized that they will be scrutinized by the public during the lifetime of many of those who administered the programs.

This is not to say, however, that these files can prudently be released without careful review. There are important governmental interests to take account of, as well as individual private interests at stake.

What this resolution proposes is a comprehensive, government-wide review of the Kennedy assassination records conducted under the auspices of an impartial, independent board.

It may be useful to state precisely what these records consist of. First, they would encompass all of the records of the FBI, the CIA, Secret Service, military intelligence, and other executive branch agencies which may pertain to the Kennedy assassination. They include the records of the Warren Commission and the Church committee. Finally, they would include records of the House Select Committee on Assassinations. Many of these records are now stored under seal at the National Archives, while many others remain in agency files.

While much material has previously been released by the Archives and as a result of Freedom of Information Act litigation, a great deal remains shielded from public view. Approximately 30 boxes of the internal files generated by the Warren Commission are still sealed. Experts estimate that a much greater volume of FBI and CIA files remain sealed. Many pages of documents that have been released have been so extensively redacted that their informational value is minimal. The extensive files of the House Assassinations Committee, some 848 boxes of materials on both Kennedy and King assassinations, currently are sealed until the year 2029.

To date, these records have been withheld from the public due to a variety of concerns: the fear of damaging foreign relations, the concern for disclosing the identities of confidential sources of informants, and the desire to protect the privacy of individuals. While these concerns may yet retain some validity in a very few isolated cases, it seems to me that with the

passage of time, there should remain very few objections to full disclosure. I believe it is time to review these records, not in terms of the old assumptions, but rather in light of the need for openness and to encourage confidence in the Government. We need to ensure ourselves of the facts, that there is not information lurking somewhere in the Government that would shed new light on what remains perhaps the most heinous and enigmatic crime of this century.

The joint resolution would make it much harder to justify the continued shielding of a document from public view. It would also create a process by which many records could be promptly released. Any arguments made for withholding any document or portions of it must be weighed against the strong public interest in disclosure. The resolution establishes this kind of balancing test with a strong presumption in favor of disclosure.

In addition, to address the problem of heavily redacted and therefore meaningless documents, the joint resolution borrows a page from the Classified Information Procedures Act, the law that covers the handling of secret information in criminal trials. Under that law, judges have discretion to permit introduction in evidence of summaries or substitutes in place of classified information. The joint resolution provides for creation of such summaries or substitutes, so that the public can learn essential facts about the Kennedy assassination from a document even where references to private matters or crucial national security secrets would render the document itself mostly unreleaseable.

In all cases, the joint resolution requires that the presumption is in favor of release. All records will be released unless there is clear and convincing evidence that postponing release is essential to a vital interest.

Now let me briefly explain the process established by the joint resolution for applying these disclosure standards.

The joint resolution creates a five-member panel called the Assassination Material Review Board. The members of this Review Board would be distinguished private citizens outside of government who have had no prior involvement with previous inquiries into the Kennedy assassination. This Review Board, aided by an executive director and staff, would play the central role in the release of the assassination materials. The Board would be required to complete its work within 2 years of its first meeting, although it is certainly expected that it could be completed much more quickly. The point is to proceed expeditiously, while still doing a careful job.

We faced a difficult choice in deciding who should appoint the Review Board. Given the unique circumstances involved, allowing the President or Congress to appoint the Board did not seem appropriate. We settled

instead on the special three-judge Federal court division that appoints independent counsels for criminal investigations. Some may contend that this choice raises constitutional problems, despite the decision of the Supreme Court in *Morrison v. Olson*, 487 U.S. 654 (1988), which upheld the power of that division to appoint independent counsels. Some may feel that a judicial panel is ill-suited to make appointments for this task. The judges themselves, who have small staffs and other concerns, might well prefer to avoid this assignment. Still, we have found no better solution.

Under the joint resolution, the first step would be to make available to the Executive Director appointed by the Review Board all Government assassination materials. Where the Executive Director suspects that the agencies have failed to submit some of the relevant records, he or she has authority to question the agencies and to use the subpoena power of the Review Board to obtain these records.

The Executive Director, assisted by employees of Review Board and, if deemed necessary, detailed from elsewhere in the Government, would undertake the initial screening of these records. If the Executive Director concluded that a particular record was appropriate for release, the record would automatically be released, unless the record implicated personal privacy or the executive agency or congressional committee with responsibility for that record filed an appeal with the Review Board.

If the Executive Director determined that a particular record was not appropriate for release under present circumstances or that the record implicated personal privacy concerns, he or she would automatically be required to refer that decision to the Review Board.

The Executive Director would also be permitted to refer particularly difficult decisions, or decisions requiring further investigation, to the Review Board.

In deciding on appeals and referrals from the Executive Director, the Review Board would have authority to conduct hearings and subpoena records and witnesses.

The Review Board would have final say as to the release or nonrelease of all materials, except that in the case of executive branch materials, the President would have the authority to supersede the board's determination and postpone release. But each time the President did so, he would be required to explain his reasons, both in a notice to the public and to the Congress. Decisions by the Review Board itself to postpone release of records would also have to be explained to the public and Congress.

Finally, under the joint resolution, no item would remain permanently sealed. The Review Board, before finishing its work, would designate to every item still withheld, a specified

time or a specified occurrence, following which the item could be released. The files would then be transferred to the archives, where the Archivist would have a continuing duty to reconsider them for release under the standards set by the joint resolution.

Materials released by the Archivist or the Review Board would be available in the Archives for public review and copying.

Our joint resolution also makes clear that an executive branch agency or congressional committee retains its existing powers under the law to release a particular record even if the joint resolution does not require it to do so, and that the members of the public can continue to use the Freedom of Information Act to request from the agencies documents related to the assassination.

Mr. President, this resolution may appear complicated, but the matter of disclosure is itself complicated. It cannot be accomplished arbitrarily or summarily. The process established by the resolution, in my view, is logical and takes account of all the interests and equities in the disclosure of these documents. In the end, I think it will result in all of the pertinent information pertaining to the assassination of President Kennedy being made public in an orderly way, and, in doing so, will help restore confidence among the public in our Government.

I know of no reason why this should not be done, and done now. I have talked with a variety of people both inside and outside the Government about this resolution, and I have yet to hear anyone object to such a review. Judge William Webster, the only person to have served as both Director of the FBI and Director of Central Intelligence, has publicly stated that he knows of no national security reason for keeping the JFK assassination materials secret. Robert Gates, the present Director of Central Intelligence, has pledged his cooperation with any such review that may be undertaken. The Dallas City Council recently made public the assassination materials gathered by the Dallas Police Department. The files of the Federal Government must be opened as well to complete the picture.

It is my hope that the Senate and House will expeditiously consider this resolution, and send it to the President. The work of the Review Board must begin. We have waited long enough. The time is ripe.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 28^o

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Joint Resolution may be cited as the "Assassination Materials Disclosure Act of 1992".

SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSE.

(a) FINDINGS AND DECLARATIONS.—The Congress finds and declares that—

(1) the legitimacy of any government in a free society depends on the consent of the people;

(2) the ability of a government in a free society to obtain the consent of the people is undermined to the degree that the people do not trust their government;

(3) the disclosure of records in the possession of the Government relevant to the assassination of President John F. Kennedy will contribute to the trust of the people in their government;

(4) the disclosure of records in the possession of the Government relevant to the assassination of President John F. Kennedy should proceed as expeditiously as practicable; and

(5) all records in the possession of the Government relevant to the assassination of President John F. Kennedy should be released to the public at the earliest opportunity, except where clear and convincing justification exists for postponing the disclosure of such records to a specified time or following a specified occurrence in the future.

(b) PURPOSE.—The purpose of this Joint Resolution is to secure the expeditious disclosure of records relevant to the assassination of President John F. Kennedy as soon as practicable consistent with the public interest.

SEC. 3. DEFINITIONS.

In This Joint Resolution:

(1) "Archivist" means the Archivist of the United States.

(2) "Assassination material" means a record that relates in any manner or degree to the assassination of President John F. Kennedy, that was created or obtained by the House Committee, the Senate Committee, the Warren Commission, or an executive agency or any other entity within the Executive branch of the Government, and that is in the custody of the House of Representatives, the Senate, the National Archives, or any other Executive agency, but does not include (A) material to the extent that it pertains to personnel matters or other administrative affairs of a congressional committee, the Warren Commission, or any entity within the Executive branch of the Government; or (B) the autopsy materials donated by the Kennedy family to the National Archives pursuant to a deed of gift regulating access to those materials, which are addressed in subsection 10(b) of this Joint Resolution.

(3) "Committee" means the House Committee or Senate Committee.

(4) "Executive agency" means an Executive agency as defined in subsection 552(f) of title 5, United States Code.

(5) "House Committee" means the Select Committee on Assassinations of the House of Representatives and the Permanent Select Committee on Intelligence of the House of Representatives acting under this Joint Resolution with respect to assassination materials in the custody of the House of Representatives.

(6) "National Archives" means the National Archives and Records Administration.

(7) "Originating body" means the Executive agency, commission, or congressional committee that created the particular record or obtained the particular record from a source other than another entity of the Government, or the custodian of records of that agency, commission, or com-

mittee for purposes of this Joint Resolution. For purposes of this Joint Resolution, (A) the custodian of records of the Select Committee on Assassinations of the House of Representatives is the Permanent Select Committee on Intelligence of the House of Representatives; (B) the custodian of records of the Select Committee to Study Governmental Operations With Respect to Intelligence of the Senate is the Select Committee on Intelligence of the Senate; and (C) the custodian of records of the Warren Commission is the Archivist of the United States.

(8) "Record" includes a book, paper, map, photograph, 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.

(9) "Review Board" means the Assassination material Review Board established under section 5.

(10) "Senate Committee" means the Select Committee to Study Governmental Operations With Respect to Intelligence of the Senate and the Select Committee on Intelligence of the Senate acting under this Joint Resolution with respect to assassination materials in the custody of the Senate.

(11) "Warren Commission" means the President's Commission on the Assassination of President John F. Kennedy.

SEC. 4. PUBLIC DISCLOSURE OF MATERIALS BY CONGRESS AND THE EXECUTIVE BRANCH.

(a) IN GENERAL.—Except for assassination material or particular information in assassination material the disclosure of which is postponed under section 3, all assassination materials shall be transferred to the National Archives and made available for inspection and copying by the general public as soon as practicable.

(b) FEES FOR COPYING.—The Archivist shall charge fees for copying and grant waivers of such fees pursuant to the standards established by section 552 of Title 5, United States Code.

(c) PRINTING AND DISSEMINATION OF ASSASSINATION MATERIALS.—(1) The Archivist may provide copies of assassination materials of broad public interest to the Government Printing Office, which shall print copies for sale to the public.

(2) Assassination materials printed by the Government Printing Office pursuant to this subsection shall be placed in libraries throughout the United States that are Government depositories in accordance with the provisions of Chapter 19 of Title 44, United States Code.

SEC. 5. ASSASSINATION MATERIALS REVIEW BOARD.

(a) ESTABLISHMENT.—There is established as an independent agency a board to be known as the Assassination Materials Review Board.

(b) APPOINTMENT.—(1) The division of the United States Court of Appeals for the District of Columbia Circuit established under section 49 of title 28, United States Code, shall, within 90 calendar days of the date of enactment of this Joint Resolution, appoint, without regard to political affiliation, 5 distinguished and impartial private citizens, none of whom are presently employees of any branch of the Government and none of whom shall have had any previous involvement with any investigation or inquiry relating to the assassination of President John F. Kennedy, to serve as members of the Review Board.

(2) A vacancy on the Review Board shall be filled in the same manner as the original appointment was made under paragraph (1).

(3) The members of the Review Board shall be deemed to be inferior officers of the United States within the meaning of section 2 of article II of the Constitution.

(c) CHAIR.—The members of the Review Board shall elect 1 of its members as chair at its initial meeting.

(d) 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 authorized 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.

(e) STAFF.—(1) The Review Board may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as are necessary to enable the Review Board to perform its duties. The individual appointed Executive Director shall be a person of integrity and impartiality who is not a present employee of any branch of the Government and has had no previous involvement with any investigation or inquiry relating to the assassination of President John F. Kennedy.

(2) The Review Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, 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.

(3) At the request of the Executive Director, Executive agencies, including the National Archives and other originating bodies within the Executive Branch, shall detail to the Review Board such employees as may be necessary and appropriate to carry out the review required by this Joint Resolution. Any employee detailed to the Review Board for this purpose shall be without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) The Review Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) INAPPLICABILITY OF CERTAIN LAWS.—The following laws shall not apply to the Review Board:

(1) Subchapter II of chapter 5 of title 5, United States Code.

(2) Chapter 7 of title 5, United States Code.

(3) Section 3105 and 3344 of title 5, United States Code.

(g) DUTIES.—The Review Board shall consider and render decisions on referrals by the Executive Director and appeals as provided in section 7 for a determination—

(1) whether a record constitutes assassination material subject to this Joint Resolution; and

(2) whether a record or particular information in a record qualifies for postpone-

ment of disclosure under this Joint Resolution.

(h) **REMOVAL.**—(1) A member of the Review Board may be removed from office, other than by impeachment and conviction, only by the action of the President or the Attorney General acting on behalf of the President, and only 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, the Attorney General shall promptly submit to the division of the court that appointed the members of the Review Board, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report specifying the facts found and the ultimate grounds for the removal.

(B) The division of the court, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives shall make available to the public a report submitted under subparagraph (A), except that the division of the court or either judiciary committee 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.

(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) A member of the division of the court that appointed the members of the Review Board may not hear or determine a civil action or an appeal of a decision in a civil action brought under subparagraph (A).

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

(i) **OVERSIGHT.**—(1) The appropriate committee of the House of Representatives and the Select Committee on Intelligence of the Senate shall have continuing oversight jurisdiction with respect to the official conduct of the Review Board, to include access to any records held or created by the Review Board, and the Review Board shall have the duty to cooperate with the exercise of such oversight jurisdiction.

(2) The Review Board shall submit to the Congress such statements or reports on the activities of the Review Board as the Review Board considers to be appropriate in addition to the notifications required by subsection 8(g).

(j) **SUPPORT SERVICES.**—The Administrator of the General Services Administration shall provide administrative services for the Review Board on a reimbursable basis. The Archivist shall provide support services for the Review Board to include, as necessary, office space, clerical support, and personnel support, on a reimbursable basis.

(k) **INTERPRETIVE REGULATIONS.**—The Review Board may issue interpretive regulations.

(l) **TERMINATION.**—(1) The Review Board and the terms of its members shall terminate within two years of the date upon which the Board is formally constituted pursuant to this Joint Resolution and begins operations. Provided that, if the Review Board has not completed its work pursuant to this Joint Resolution within such two-year period, it may, by majority vote, extend its term for an additional one-year period for such purpose. Any additional extension of the Review Board and the terms of its members shall be authorized by the Congress.

(2) At least 30 calendar days prior to the completion of its work, the Review Board shall provide written notice to the President and the Congress of its intention to terminate its operations at a specified date.

SEC. 6. GROUNDS FOR POSTPONEMENT OF DISCLOSURE.

Disclosure to the general public of assassination material or particular information in assassination material may be postponed if its release would—

- (1) reveal—
 - (A) an intelligence agent;
 - (B) an intelligence source or method which is currently utilized, or reasonably expected to be utilized, by the United States Government; or
 - (C) any other matter currently relating to the military defense, intelligence operations or conduct of foreign relations of the United States;

and the threat to the military defense, intelligence operations or conduct of foreign relations of the United States posed by its disclosure is of such gravity that it outweighs any public interest in its disclosure.

(2) constitute an invasion of privacy of a living person, whether that person is identified in the material or not, and that invasion of privacy is so substantial that it outweighs any public interest in its disclosure;

(3) constitute a substantial and unjustified violation of an understanding of confidentiality between a Government agent and a witness or a foreign government; or

(4) disclose a security or protective procedure currently utilized, or reasonably expected to be utilized, by the Secret Service or other Government agency responsible for protecting Government officials, and that disclosure is so harmful that it outweighs any public interest in its disclosure.

SEC. 7. REVIEW OF MATERIALS BY THE EXECUTIVE DIRECTOR.

(a) **RELEASE OF ALL ASSASSINATION MATERIALS TO THE EXECUTIVE DIRECTOR.**—Each Executive agency, including the National Archives, shall make available to the Executive Director all assassination materials, as defined in section 3, in its possession, including but not limited to, in the case of the National Archives, the records of the Warren Commission, the House Committee, and the Senate Committee. Where the agency is uncertain if a record is assassination material, it shall make that record available to the Executive Director. The Executive Director shall have the authority and responsibility, where circumstances warrant, to inquire of any Executive agency as to the existence of further records that may be assassination materials beyond those made available by that agency, to obtain access to such records, and to recommend that the Review Board subpoena such records in the event of denial of such access.

(b) **EXECUTIVE DIRECTOR RESPONSIBILITY.**—The Executive Director shall have responsibility for reviewing all records that are made available by Executive agencies, including the National Archives, pursuant to subsection 7(a).

(c) **CONSULTATION BY EXECUTIVE DIRECTOR.**—The Executive Director may consult with the originating body for advice and information in reaching a decision with respect to the disclosure or nondisclosure of assassination materials.

(d) **PRESUMPTION FOR RELEASE.**—In the absence of clear and convincing evidence that an assassination material or particular information within an assassination material falls within the exemptions established in section 6 of this Joint Resolution, the Executive Director shall direct that the assassination material or particular information be released pursuant to subsection 7(e)(1).

(e) **EXECUTIVE DIRECTOR DECISION.**—After review of each record, the Executive Director shall, as soon as practicable after the date of enactment of this Joint Resolution, either—

(1) notify the originating body or bodies that the record is assassination material that is appropriate for release in its entirety pursuant to the standards established in this Joint Resolution. In such event, the Executive Director shall transmit the record to the Archivist and the Archivist shall make the record available for inspection and appropriate copying by the public, unless within 30 calendar days of notification an originating body files a notice of appeal with the Review Board: *Provided*, That any record that, in the judgment of the Executive Director, arguably falls within subsection 6(2), shall automatically be referred to the Review Board pursuant to subsection 7(e)(2)(D); or

(2) refer the record to the Review Board, accompanied by a written determination, indicating one of the following:

(A) that, in the Executive Director's judgment, the record is not assassination material;

(B) that, in the Executive Director's judgment, the record is assassination material that qualifies for postponement of disclosure under Section 6 or contains particular information that qualifies for postponement of disclosure under Section 6;

(C) that full Review Board investigation and/or review Board judgment appears appropriate for a determination as to whether the record or particular information in the record qualifies for postponement of disclosure under Sec. 6 and thus that this determination shall be vested in the Review Board rather than the Executive Director; or

(D) that, in the Executive Director's judgment, the record arguably falls within subsection 6(2) and thus that the determination as to whether the record qualifies for postponement of disclosure shall be vested in the Review Board rather than the Executive Director.

SEC. 8. DETERMINATIONS BY THE REVIEW BOARD.

(a) **APPEAL AND REFERRALS.**—The Review Board shall review and apply the standards for release set forth in this Joint Resolution to—

(1) all records that are the subject of appeals pursuant to Sec. 7(e)(1); and

(2) all records referred to the Review Board by the Executive Director pursuant to Sec. 7(e)(2).

(b) **PRESUMPTION FOR RELEASE.**—In the absence of clear and convincing evidence that an assassination material or particular information within an assassination material falls within the exemptions established in section 6 of this Joint Resolution, the Board shall direct that the assassination material or particular information be released pursuant to subsection 8(h).

(c) **POWERS.**—The Review Board shall have authority to hold hearings, administer oaths, and subpoena witnesses and documents, and its subpoenas may be enforced in any appropriate Federal court by the Department of Justice acting pursuant to a lawful request of the Review Board.

(d) **ADDITIONAL MATERIALS.**—The Review Board shall have the authority and responsibility, where circumstances warrant, to inquire of any Executive agency as to the existence of further records that may be assassination materials beyond those made available by that agency, to obtain access to such records, and to use its subpoena power in sport of this authority.

(e) **WITNESS IMMUNITY.**—The Review Board shall be considered an agency of the

United States for purposes of section 6001 of title 18, United States Code.

(f) **REVIEW BOARD DETERMINATION.**—After review of each record, the Review Board shall determine whether such record is assassination material, and, if so, whether such assassination material, or particular information in the assassination material, qualifies for postponement of disclosure pursuant to section 6. Any reasonably segregable particular information in an assassination material shall be considered for release after deletion of information in that assassination material that qualifies for postponement of disclosure. Where an entire assassination material qualifies for postponement of disclosure pursuant to section 6, the Board may, after consultation with the originating body and if consistent with and to the extent consistent with section 6, create and prepare for release a summary of the assassination material in order to provide for the fullest disclosure feasible. Where particular information in an assassination material qualifies for postponement of disclosure pursuant to section 6, the Board may, after consultation with the originating body and if consistent with and to the extent consistent with section 6, create and prepare for release appropriate substitutions for that information in order to provide for the fullest disclosure feasible.

(g) **DECISIONS TO POSTPONE.**—Where the Board determines that a record is not assassination material, or that a record, or particular information in the record, qualifies for postponement of disclosure pursuant to section 6, the Board shall transmit to the originating body written notice of such determination, together with a copy of the record at issue, and, if the originating body is an Executive agency, a copy of such notice and of the record shall be transmitted to the appropriate committee of the House of Representatives and the Select Committee on Intelligence of the Senate. Such notice shall contain a statement of the reason or reasons for the Board's decision. Any decision of the Board that a record is not assassination material, or that disclosure of a record or particular information in a record should be postponed pursuant to section 6, shall not be subject to judicial review.

(h) **DECISIONS TO RELEASE—**

(1) **NON-EXECUTIVE AGENCY MATERIAL.**—In the case of records for which the originating body is the Warren Commission, the House Committee, or the Senate Committee, where the Review Board determines that a record is assassination material, and that a record, particular information in a record, a summary of a record, or a substitution for particular information in a record is appropriate for release pursuant to this Joint Resolution, the Review Board shall transmit the record, particular information, summary, or substitution to the Archivist, and the Archivist shall make such record, particular information, summary, or substitution available for inspection and copying by the public. The Review Board's decision to release shall not be subject to review by the President or any other entity of the Government and shall not be subject to judicial review.

(2) **EXECUTIVE AGENCY MATERIAL.**—In the case of records for which the originating body is an Executive agency, excluding the Warren Commission, where the Review Board determines that a record, particular information in a record, a summary of a record, or a substitution for particular information in a record is appropriate for release pursuant to this Joint Resolution, the Review Board shall transmit to the originating body written notice of its determination. In such event, the Review Board shall trans-

mit the record, particular information, summary, or substitute to the Archivist, and the Archivist shall make such material available for inspection and appropriate copying by the public, unless, within 60 calendar days of the date on which the Board has notified the originating body, the President has certified to the Review Board and the Archivist that the material qualifies for postponement of disclosure pursuant to section 6, in which case release of the material shall be postponed, and this decision shall not be subject to judicial review. The President shall not delegate this authority to any other official or entity.

(i) **PRESIDENTIAL NOTICE TO CONGRESSIONAL COMMITTEES.**—Whenever the President makes a certification pursuant to subsection 8(h)(2), the President shall submit to the appropriate committee of the House of Representatives and the Select Committee on Intelligence of the Senate a written statement setting forth the reason or reasons for superseding the Board's determination and a complete copy of the material at issue.

(j) **BOARD NOTICE TO PUBLIC.**—Every 60 calendar days, beginning 60 calendar days after the date on which the Review Board first postpones release of any assassination material pursuant to section 8(g), the Board shall make available for public inspection and copying a notice of all such postponements determined over the 60-day period, including a description of the size and nature of each assassination material concerned and the ground or grounds for postponement.

(k) **PRESIDENTIAL NOTICE TO PUBLIC.**—In any case in which a determination of the Board to release assassination material is superseded by the President pursuant to this subsection, the President shall within 10 calendar days publish in the Federal Register notice of such action, including a description of the size and nature of the assassination material concerned and the ground or grounds for postponement.

(l) **IMMUNITY FROM SUIT.**—No person shall have a cause of action against members, employees or detailees of the Review Board arising out of any action or failure to act with regard to assassination material under this Joint Resolution.

(m) **RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.**—That portion of subsection 8(h)(1) that permits the Review Board to release materials for which the originating body is the House Committee or the Senate Committee without the concurrence or approval of any congressional body is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

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

SEC. 9.—MARKING AND REVIEW OF MATERIALS THE DISCLOSURE OF WHICH IS POSTPONED.—

(a) **MARKING.**—With respect to each assassination material or particular information in assassination material the disclosure of which is postponed pursuant to section 6, or for which only substitutions or summaries have been released to the public pursuant to subsection 8(h), the Review Board shall append to the material (1) all records of proceedings conducted pursuant to this Joint Resolution and relating to the material and (2) a statement of the Review Board designating, based on a review of the pro-

ceedings and in conformity with the decisions reflected therein, a specified time at which or a specified occurrence following which the material may appropriately be reconsidered for release pursuant to the standards established in this Joint Resolution. The Review Board shall then transfer the material and appendices to the Archivist for placement in the Archives under seal.

(b) **REVIEW.**—The sealed assassination materials transferred by the Review Board pursuant to this section shall remain subject to the standards for release established by this Joint Resolution. It shall be the continuing duty of the Archivist to review the sealed assassination materials and the documents appended thereto pursuant to this section and to resubmit assassination materials to the Review Board, if it is still in existence, or to the originating body, if the Review Board has been abolished, whenever it appears to the Archivist that review may be appropriate.

SEC. 10.—DISCLOSURE OF OTHER MATERIALS AND ADDITIONAL STUDY.

(a) **MATERIALS UNDER SEAL OF COURT.**—(1) The Review Board may request the Department of Justice to petition, or through its own counsel 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, or through its own counsel 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 Joint Resolution shall be deemed to constitute a showing of particularized need under Rule 6 of the Federal Rules of Criminal Procedure.

(b) **AUTOPSY MATERIALS.**—The Review Board shall, pursuant to the terms of the applicable deed of gift, seek access to the autopsy photographs and x-rays donated to the National Archives by the Kennedy family under the deed of gift. The Review Board shall, as soon as practicable, submit to the appropriate committee of the House and the Select Committee on Intelligence of the Senate a report on the status of these materials and on access to these materials by individuals consistent with the deed of gift.

(c) **SENSE OF CONGRESS.**—It is the sense of 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.

SEC. 11. RULES OF CONSTRUCTION.

(a) **PRECEDENCE OVER OTHER LAW.**—(1) Where this Joint Resolution requires release of a record, it shall take precedence over any other law, judicial decision construing such law, or common law doctrine that would otherwise prohibit such release.

(b) **FREEDOM OF INFORMATION ACT.**—Nothing in this Joint Resolution shall be construed to eliminate or limit any right to file requests with any Executive agency other than the Review Board or seek judicial review of the decisions of such agencies pursuant to section 552 of title 5, United States Code.

(c) **EXISTING AUTHORITY.**—Nothing in this Joint Resolution 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 release records in its possession.

SEC. 12. TERMINATION OF EFFECT OF JOINT RESOLUTION.

The provisions of this Joint Resolution which 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 subsection 5(1). The remaining provisions of this Joint Resolution shall continue in effect until such time as the Archivist certifies to the President and the Congress that all assassination materials have been made available to the public in accordance with this Joint Resolution.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated such sums as are necessary to carry out this Joint Resolution, 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 Joint Resolution.

SEC. 14. SEVERABILITY.

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

Mr. SPECTER. Mr. President, this joint resolution, which has been prepared in collaboration with Congressman Louis STOKES, who served as chairman of the House Select Committee on Assassinations, and Senator DAVID L. BOREN, chairman of the Senate Intelligence Committee, will serve to expedite disclosure of materials relevant to the assassination of President John F. Kennedy.

The Warren Commission published an extensive report of 838 pages on the assassination together with 26 volumes, containing 17,816 pages of testimony, evidence, and exhibits. At one point in the Commission's work, there was a question as to whether to publish the 26 volumes because of the expense involved and the decision was made to publish all of them.

To the best of my knowledge, all of the relevant materials on the work which I did as Assistant Counsel covering the trajectory of the bullets and wounds of President Kennedy and Governor Connally have been made public with the exception of the pho-

tographs and x rays of President Kennedy.

While the work of the Commission was in progress, I urged that the photographs and x rays be examined by the Commission, but they were not made available to the Commission and staff because of concern they would become public.

This resolution will facilitate the maximum appropriate disclosure of any additional materials which may have been withheld by the FBI, CIA, Secret Service, or any other Federal agency.

The House committee decided to withhold certain materials for 50 years following the publication of its report in 1979, or until the year 2029. This will facilitate the maximum appropriate disclosure of any of these materials which may have been withheld by the House committee.

There probably never has been an event in history which has been more thoroughly investigated or more extensively written about than the assassination of President Kennedy in the intervening 28 years. When I have been asked about the assassination of President Kennedy, I have found relatively few people have read the Warren Commission's report which documents the solid evidentiary basis for the single bullet theory. Many independent studies, including the House committee, have confirmed the single bullet theory. The House committee reached a different conclusion on the conspiracy issue which was based on acoustical studies which I believe were flawed.

In my judgment, Lee Harvey Oswald acted alone. It is, of course, impossible to prove a negative—that there was no conspiracy. The Warren Commission examined all the available data and found no evidence of a conspiracy. In my opinion, no credible evidence has since been found to support a finding of a conspiracy. Had there been such evidence, it would have come to light long ago considering the scrutiny given to the assassination and the impossibility/improbability of keeping such information secret.

When Chief Justice Warren first addressed the staff of the Commission, he emphasized that the truth was our only client. When the Commission's report was released in 1964, I believed that the Commission had done a good job and had reached sound conclusions and I adhere to that view today. If there is any evidence which contradicts those conclusions, I am confident that all the men and women who were associated with the Commission would want those facts disclosed. This resolution should bolster public confidence on our efforts to achieve full or at least maximum disclosure to let the chips fall where they may.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. CRANSTON, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 21, a bill to provide for the protection of the public lands in the California desert.

S. 267

At the request of Mr. REID, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 267, a bill to prohibit a State from imposing an income tax on the pension or retirement income of individuals who are not residents or domiciliaries of that State.

S. 972

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 972, a bill to amend the Social Security Act to add a new title under such Act to provide assistance to States in providing services to support informal caregivers of individuals with functional limitations.

S. 1156

At the request of Mr. PACKWOOD, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1156, a bill to provide for the protection and management of certain areas on public domain lands managed by the Bureau of Land Management and lands withdrawn from the public domain managed by the Forest Service in the States of California, Oregon, and Washington; to ensure proper conservation of the natural resources of such lands, including enhancement of habitat; to provide assistance to communities and individuals affected by management decisions on such lands; to facilitate the implementation of land management plans for such public domain lands and Federal lands elsewhere; and for other purposes.

S. 1257

At the request of Mr. BOREN, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 1522

At the request of Mr. BOREN, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1522, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment by cooperatives of gains or losses from sale of certain assets.

S. 1874

At the request of Mr. KOHL, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1874, a bill to establish a Federal Facilities Energy Efficiency Bank to improve energy efficiency in federally owned and leased facilities, and for other purposes.

S. 1902

At the request of Mr. ADAMS, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 1902, a bill to amend title IV of the Public Health Service Act to require certain review and recommendations concerning applications for assistance to perform research and to permit certain research concerning the transplantation of human fetal tissue for therapeutic purposes, and for other purposes.

S. 2064

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2064, a bill to impose a 1-year moratorium on the performance of nuclear weapons tests by the United States unless the Soviet Union conducts a nuclear weapons test during that period.

S. 2201

At the request of Mr. BROWN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 2201, a bill to authorize the admission to the United States of certain scientists of the Commonwealth of Independent States as employment-based immigrants under the Immigration and Nationality Act, and for other purposes.

S. 2204

At the request of Mr. DURENBERGER, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 2204, a bill to amend title 23, United States Code, to repeal the provisions relating to penalties with respect to grants to States for safety belt and motorcycle helmet traffic safety programs.

S. 2348

At the request of Mr. MACK, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 2348, a bill to reduce the growing costs imposed on State and local governments by unfunded Federal mandates.

S. 2349

At the request of Mr. MACK, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 2349, a bill to amend the Congressional Budget Act of 1974 to minimize the impact on State and local governments of unexpected provisions of legislation proposing the imposition of large unfunded costs on such governments.

S. 2372

At the request of Mr. CRANSTON, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2372, a bill to amend 1718 of title 38, United States Code, to provide that the compensation of veterans under certain rehabilitative services programs in State homes not be considered to be compensation for the purposes of calculating the pensions of such veterans.

S. 2384

At the request of Mr. COATS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 2384, a bill to amend the Solid Waste Disposal Act to require the owner or operator of a solid waste disposal facility to obtain authorization from the affected local government, before accepting waste generated outside of the State, and for other purposes.

S. 2387

At the request of Mr. LEAHY, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 2387, a bill to make appropriations to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children [WIC] and of Head Start programs, to expand the Job Corps program, and for other purposes.

SENATE JOINT RESOLUTION 35

At the request of Mr. HOLLINGS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Joint Resolution 35, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect Congressional and Presidential elections.

SENATE JOINT RESOLUTION 168

At the request of Mr. DOLE, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 168, a joint resolution designating the week of October 8 through 12, 1991, as "National Customer Service Week."

SENATE JOINT RESOLUTION 231

At the request of Mr. THURMOND, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Joint Resolution 231, a joint resolution to designate the month of May 1992, as "National Foster Care Month."

SENATE JOINT RESOLUTION 248

At the request of Mr. CONRAD, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 248, a joint resolution designating August 7, 1992, as "Battle of Guadalcanal Remembrance Day."

SENATE JOINT RESOLUTION 252

At the request of Mr. DIXON, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Nevada [Mr. BRYAN], the Senator from Michigan [Mr. LEVIN], the Senator from North Dakota [Mr. BURDICK], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 19-25, 1992, as "National Credit Education Week."

SENATE JOINT RESOLUTION 262

At the request of Mr. KASTEN, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 262, a

joint resolution designating July 4, 1992, as "Buy American Day."

SENATE JOINT RESOLUTION 265

At the request of Mr. THURMOND, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Virginia [Mr. WARNER], the Senator from Kansas [Mr. DOLE], the Senator from Wyoming [Mr. SIMPSON], the Senator from Utah [Mr. HATCH], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 265, a joint resolution designating the week of April 26-May 2, 1992, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 279

At the request of Mr. BIDEN, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. BURDICK], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 279, a joint resolution designating April 14, 1992, as "Education and Sharing Day, U.S.A."

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. BOREN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Concurrent Resolution 57, a concurrent resolution to establish a Joint Committee on the Organization of Congress.

At the request of Mr. ROTH, his name was added as a cosponsor of Senate Concurrent Resolution 57, supra.

SENATE RESOLUTION 166

At the request of Mr. COATS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Resolution 166, a resolution expressing the sense of the Senate that, in light of current economic conditions, the Federal excise taxes on gasoline and diesel fuel should not be increased.

SENATE RESOLUTION 270

At the request of Mr. DeCONCINI, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of Senate Resolution 270, a resolution concerning the conflict of Nagorno-Karabakh in the territory of Azerbaijan.

AMENDMENTS SUBMITTED

RESOLUTION TRUST CORPORATION FUNDING ACT OF 1992

KERRY (AND GRAHAM)
AMENDMENT NO. 1742

Mr. KERRY (for himself and Mr. GRAHAM) proposed an amendment to the bill (S. 2382) to provide funding for the Resolution Trust Corporation, and for other purposes, as follows:

House Finally Passes JFK Bill, But Obstacles Remain

JFK the movie is out on videotape; JFK the bill — designed to quiet conspiracy theorists — is stalled in Congress.

Hours before recessing for August, the House approved a bill to release the government's secret records on President John F. Kennedy's 1963 assassination. But it retained controversial provisions that the Senate had skirted.

Even so, House passage was a long-awaited moment. When supporters introduced the legislation five months ago amid the publicity generated by Oliver Stone's movie "JFK," they had hoped to put it on the fast track. It didn't happen that way.

"Little did I expect that this issue would draw so much interest, elicit so much controversy and demand such a tremendous amount of time from so many different committees, offices and federal agencies," said Louis Stokes, D-Ohio, during floor debate Aug. 11. The bill (H J Res 454) was passed by voice vote the next day.



Stokes

Stokes, chairman of a special panel that reopened the investigation in the 1970s, sponsored the legislation with Sen. David L. Boren, D-Okla.

The holdup is a crucial difference between the House measure and the version passed by the Senate (S 3006) on July 27. (*Weekly Report*, p. 2250)

The dispute: who will appoint the independent board that will decide which records to disclose. Both measures call for filtering the millions of pages of closed congressional and executive-branch documents through the panel. The board would withhold any material that jeopardized national security or intruded greatly on someone's privacy.

The original legislation would give the power to appoint the board members to a special court division — the same division that names independent counsels. The Justice Department objected strongly, saying the board was

an executive-branch agency and should be named by the president.

The Senate compromised and passed a bill that would let the president choose the members with Senate confirmation. The House Government Operations Committee made a similar change in its version.

But House Judiciary, which shared jurisdiction, held fast. The dispute played into a larger battle over the constitutionality of the court's appointment of independent counsels. And Judiciary Chairman Jack Brooks, D-Texas, reportedly believed compromising in the JFK bill would set a bad precedent.

In floor debate Aug. 11, Brooks rose to say the court division should name the board members to avoid "any appearance of conflict of interest." And, he noted, the Supreme Court upheld the selection procedure as recently as 1988.

Brooks got his way in the final

House measure: The judicial branch won the right, putting the House bill at odds with the Senate version.

The House bill changed two other controversial provisions Judiciary had added: a disclosure exemption for records given the government under a deed of gift and a waiver of restrictions on how much the National Archives could charge for copies of the documents.

Opponents said the gift limit would leave the seal on all the secret documents in the presidential libraries; the provision was cut back considerably in the floor version. The fee waiver was dropped, meaning the National Archives will have to abide by Freedom of Information Act limits on the cost of copies to the public.

The measure would release a huge collection of materials, including books, papers, maps and tapes collected by the FBI and CIA, and boxes of research by the many panels created to look into the assassination, including the Warren, Rockefeller and Church commissions.

Supporters hope the chambers can resolve their differences quickly when they return, or else the end-of-session rush and election pressures will overwhelm the movement. □

ETHICS

Task Force Formed On Post Office

The House ethics committee Aug. 11 appointed a task force to investigate whether the panel should open a full inquiry into possible wrongdoing at the House Post Office. The task force held its first meeting, behind closed doors, Aug. 12.

A House Administration Committee task force spent five months investigating the post office before its three Republicans and three Democrats issued separate findings July 22. The House voted the same day to turn over the reports and the task force's secret files to the ethics panel, officially the Committee on Standards of Official Conduct. The reports said that the post office was mismanaged and plagued by a flawed patronage system and that it doled out questionable perks to members that, in the view of Republicans, may have been illegal.

(*Weekly Report*, p. 2147)

The reports did not resolve the most serious allegation from the post office scandal — that members' campaign or office funds were converted to cash through transactions disguised as stamp purchases. The Justice Department is investigating that matter.

In its statement, the ethics committee stressed that it had not initiated an official preliminary inquiry — the first step of a full-blown investigation — and that no individual member was under scrutiny.

The ethics task force will be headed by Matthew F. McHugh, D-N.Y., who ran the committee's investigation of members' overdrafts at the House bank and has announced his retirement. Also on the task force will be Democrats George "Buddy" Darden, Ga., and Benjamin L. Cardin, Md., and Republicans Jim Bunning, Ky., Jon Kyl, Ariz., and David L. Hobson, Ohio.

Meanwhile, Kweisi Mfume, D-Md., was added to the full ethics committee on Aug. 11 to replace Gary L. Ackerman, D-N.Y., who resigned the panel July 28 amid allegations that he leaked information about its House bank probe. (*Ackerman, Weekly Report*, p. 2248) □

By Virginia Cope

By Phil Kuntz

Dale - JFK

Public Law 102-526
102d Congress

An Act

To provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy.

Oct. 26, 1992
(S. 3006)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

President John
F. Kennedy
Assassination
Records
Collection Act of
1992.
44 USC 2107
note.
44 USC 2107
note.

SECTION 1. SHORT TITLE.

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

SEC. 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 assassination 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.

44 USC 2107
note.

SEC. 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.

SEC. 4. PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION AT THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.

44 USC 2107
note.

(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.

Printing.

(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.

Historic
preservation.

(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.

44 USC 2107
note.

SEC. 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 information 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

Public
information.

Federal
Register,
publication.

(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.

SEC. 6. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF RECORDS.

44 USC 2107
note.

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.

SEC. 7. ESTABLISHMENT AND POWERS OF THE ASSASSINATION RECORDS REVIEW BOARD.

44 USC 2107
note.

(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

President.

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.

Reports.

(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.

Federal
Register,
publication.
President.
Reports.

(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

Reports.

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.

SEC. 8. ASSASSINATION RECORDS REVIEW BOARD PERSONNEL.

44 USC 2107
note.

(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.).

44 USC 2107
note.

SEC. 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

Federal
Register,
publication.

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.

Federal
Register,
publication.

(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.

Federal
Register,
publication.

(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

Federal
Register,
publication.

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.

44 USC 2107
note.

SEC. 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.

SEC. 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.

SEC. 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).

44 USC 2107
note.

44 USC 2107
note.

(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.

44 USC 2107
note.

SEC. 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.

44 USC 2107
note.

SEC. 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.

Approved October 26, 1992.

LEGISLATIVE HISTORY—S. 3006 (H.J. Res. 454):

HOUSE REPORTS: No. 102-625, Pt. 1 (Comm. on Government Operations) and Pt. 2 (Comm. on the Judiciary) both accompanying H.J. Res. 454.

SENATE REPORTS: No. 102-328 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 138 (1992):

July 27, considered and passed Senate.

Aug. 11, 12, H.J. Res. 454 considered and passed House.

Sept. 30, S. 3006 considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):

Oct. 26, Presidential statement.

○

102D CONGRESS
2D SESSION

H. J. RES. 454

To provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 1992

Mr. STOKES (for himself, Mr. CONYERS, Mr. BROOKS, Mr. ROSE, Mr. HAMILTON, Mr. MOAKLEY, Mr. FAZIO, Mr. HORTON, Mr. TRAFICANT, Mr. WELDON, Mr. CLAY, Mr. CAMPBELL of Colorado, Mr. ROHRBACHER, Mr. AU COIN, Mr. PICKETT, Mr. LEACH, Mr. MILLER of California, Mr. JACOBS, Mr. CLEMENT, Mr. WYLIE, Mrs. SCHROEDER, Mr. SERRANO, Mr. MCNULTY, Mr. MARTINEZ, Mr. SANTORUM, Mr. LEWIS of Florida, Mr. SHARP, Mr. DREIER of California, Mr. KOPETSKI, Mr. BEREUTER, Mr. EMERSON, Mr. WAXMAN, Mr. HEFLEY, Mr. PETERSON of Florida, Mr. GILMAN, Mr. BACCHUS, Mr. SKAGGS, Ms. SLAUGHTER, Mr. SLATTERY, Mr. ABERCROMBIE, and Mr. MINETA) introduced the following joint resolution; which was referred jointly to the Committees on House Administration, Government Operations, Rules, and the Judiciary

JOINT RESOLUTION

To provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

1 SECTION 1. SHORT TITLE.

2 This Joint Resolution may be cited as the "Assas-
3 sination Materials Disclosure Act of 1992".

4 SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSE.

5 (a) FINDINGS AND DECLARATIONS.—The Congress
6 finds and declares that—

7 (1) the legitimacy of any government in a free
8 society depends on the consent of the people;

9 (2) the ability of a government in a free society
10 to obtain the consent of the people is undermined to
11 the degree that the people do not trust their govern-
12 ment;

13 (3) the disclosure of records in the possession
14 of the Government relevant to the assassination of
15 President John F. Kennedy will contribute to the
16 trust of the people in their government;

17 (4) the disclosure of records in the possession
18 of the Government relevant to the assassination of
19 President John F. Kennedy should proceed as expe-
20 ditiously as practicable; and

21 (5) all records in the possession of the Govern-
22 ment relevant to the assassination of President John
23 F. Kennedy should be released to the public at the
24 earliest opportunity, except where clear and convinc-
25 ing justification exists for postponing the disclosure

1 of such records to a specified time or following a
2 specified occurrence in the future.

3 (b) PURPOSE.—The purpose of this Joint Resolution
4 is to secure the expeditious disclosure of records relevant
5 to the assassination of President John F. Kennedy as soon
6 as practicable consistent with the public interest.

7 SEC. 3. DEFINITIONS.

8 In this Joint Resolution:

9 (1) "Archivist" means the Archivist of the
10 United States.

11 (2) "Assassination material" means a record
12 that relates in any manner or degree to the assas-
13 sination of President John F. Kennedy, that was
14 created or obtained by the House Committee, the
15 Senate Committee, the Warren Commission, or an
16 Executive agency or any other entity within the Ex-
17 ecutive branch of the Government, and that is in the
18 custody of the House of Representatives, the Senate,
19 the National Archives, or any other Executive agen-
20 cy, but does not include (A) material to the extent
21 that it pertains to personnel matters or other admin-
22 istrative affairs of a congressional committee, the
23 Warren Commission, or any entity within the Execu-
24 tive branch of the Government; or (B) the autopsy
25 materials donated by the Kennedy family to the Na-

1 tional Archives pursuant to a deed of gift regulating
2 access to those materials, which are addressed in
3 subsection 10(b) of this Joint Resolution.

4 (3) "Committee" means the House Committee
5 or Senate Committee.

6 (4) "Executive agency" means an Executive
7 agency as defined in subsection 552(f) of title 5,
8 United States Code.

9 (5) "House Committee" means the Select Com-
10 mittee on Assassinations of the House of Rep-
11 resentatives and the Permanent Select Committee on
12 Intelligence of the House of Representatives acting
13 under this Joint Resolution with respect to assas-
14 sination materials in the custody of the House of
15 Representatives.

16 (6) "National Archives" means the National
17 Archives and Records Administration.

18 (7) "Originating body" means the Executive
19 agency, commission, or congressional committee that
20 created the particular record or obtained the par-
21 ticular record from a source other than another en-
22 tity of the Government, or the custodian of records
23 of that agency, commission, or committee for pur-
24 poses of this Joint Resolution. For purposes of this
25 Joint Resolution, (A) the custodian of records of the

1 Select Committee on Assassinations of the House of
2 Representatives is the Permanent Select Committee
3 on Intelligence of the House of Representatives; (B)
4 the custodian of records of the Select Committee to
5 Study Governmental Operations With Respect to In-
6 telligence of the Senate is the Select Committee on
7 Intelligence of the Senate; and (C) the custodian of
8 records of the Warren Commission is the Archivist
9 of the United States.

10 (8) "Record" includes a book, paper, map, pho-
11 tograph, machine readable material, computerized,
12 digitized, or electronic information, regardless of the
13 medium on which it is stored, or other documentary
14 material, regardless of its physical form or charac-
15 teristics.

16 (9) "Review Board" means the Assassination
17 Material Review Board established under section 5.

18 (10) "Senate Committee" means the Select
19 Committee to Study Governmental Operations With
20 Respect to Intelligence of the Senate and the Select
21 Committee on Intelligence of the Senate acting
22 under this Joint Resolution with respect to assas-
23 sination materials in the custody of the Senate.

1 (11) "Warren Commission" means the Presi-
2 dent's Commission on the Assassination of President
3 John F. Kennedy.

4 SEC. 4. PUBLIC DISCLOSURE OF MATERIALS BY CONGRESS
5 AND THE EXECUTIVE BRANCH.

6 (a) IN GENERAL.—Except for assassination material
7 or particular information in assassination material the dis-
8 closure of which is postponed under section 8, all assas-
9 sination materials shall be transferred to the National Ar-
10 chives and made available for inspection and copying by
11 the general public as soon as practicable.

12 (b) FEES FOR COPYING.—The Archivist shall charge
13 fees for copying and grant waivers of such fees pursuant
14 to the standards established by section 552 of title 5,
15 United States Code.

16 (c) PRINTING AND DISSEMINATION OF ASSASSINA-
17 TION MATERIALS.—(1) The Archivist may provide copies
18 of assassination materials of broad public interest to the
19 Government Printing Office, which shall print copies for
20 sale to the public.

21 (2) Assassination materials printed by the Govern-
22 ment Printing Office pursuant to this subsection shall be
23 placed in libraries throughout the United States that are
24 Government depositories in accordance with the provisions
25 of chapter 19 of title 44, United States Code.

1 SEC. 5. ASSASSINATION MATERIALS REVIEW BOARD.

2 (a) ESTABLISHMENT.—There is established as an
3 independent agency a board to be known as the Assassina-
4 tion Materials Review Board.

5 (b) APPOINTMENT.—(1) The division of the United
6 States Court of Appeals for the District of Columbia Cir-
7 cuit established under section 49 of title 28, United States
8 Code, shall, within ninety calendar days of the date of en-
9 actment of this Joint Resolution, appoint, without regard
10 to political affiliation, five distinguished and impartial pri-
11 vate citizens, none of whom are presently employees of any
12 branch of the Government and none of whom shall have
13 had any previous involvement with any investigation or in-
14 quiry relating to the assassination of President John F.
15 Kennedy, to serve as members of the Review Board.

16 (2) A vacancy on the Review Board shall be filled
17 in the same manner as the original appointment was made
18 under paragraph (1).

19 (3) The members of the Review Board shall be
20 deemed to be inferior officers of the United States within
21 the meaning of section 2 of article II of the Constitution.

22 (c) CHAIR.—The members of the Review Board shall
23 elect 1 of its members as chair at its initial meeting.

24 (d) COMPENSATION OF MEMBERS.—(1) A member of
25 the Review Board shall be compensated at a rate equal
26 to the daily equivalent of the annual rate of basic pay pre-

1 scribed for level IV of the Executive Schedule under sec-
2 tion 5315 of title 5, United States Code, for each day (in-
3 cluding travel time) during which the member is engaged
4 in the performance of the duties of the Review Board.

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

12 (e) STAFF.—(1) The Review Board may, without re-
13 gard to the civil service laws and regulations, appoint and
14 terminate an Executive Director and such other additional
15 personnel as are necessary to enable the Review Board to
16 perform its duties. The individual appointed Executive Di-
17 rector shall be a person of integrity and impartiality who
18 is not a present employee of any branch of the Govern-
19 ment and has had no previous involvement with any inves-
20 tigation or inquiry relating to the assassination of Presi-
21 dent John F. Kennedy.

22 (2) The Review Board may fix the compensation of
23 the executive director and other personnel without regard
24 to the provisions of chapter 51 and subchapter III of chap-
25 ter 53 of title 5, United States Code, relating to classifica-

1 tion of positions and General Schedule pay rates, except
2 that the rate of pay for the executive director and other
3 personnel may not exceed the rate payable for level V of
4 the Executive Schedule under section 5316 of that title.

5 (3) At the request of the Executive Director, Execu-
6 tive agencies, including the National Archives and other
7 originating bodies within the Executive branch, shall detail
8 to the Review Board such employees as may be necessary
9 and appropriate to carry out the review required by this
10 Joint Resolution. Any employee detailed to the Review
11 Board for this purpose shall be detailed without reim-
12 bursement, and such detail shall be without interruption
13 or loss of civil service status or privilege.

14 (4) The Review Board may procure temporary and
15 intermittent services under section 3109(b) of title 5,
16 United States Code, at rates for individuals that do not
17 exceed the daily equivalent of the annual rate of basic pay
18 prescribed for level V of the Executive Schedule under sec-
19 tion 5316 of that title.

20 (f) INAPPLICABILITY OF CERTAIN LAWS.—The fol-
21 lowing laws shall not apply to the Review Board:

22 (1) Subchapter II of chapter 5 of title 5, United
23 States Code.

24 (2) Chapter 7 of title 5, United States Code.

1 (3) Section 3105 and 3344 of title 5, United
2 States Code.

3 (g) DUTIES.—The Review Board shall consider and
4 render decisions on referrals by the Executive Director
5 and appeals as provided in section 7 for a determination—

6 (1) whether a record constitutes assassination
7 material subject to this Joint Resolution; and

8 (2) whether a record or particular information
9 in a record qualifies for postponement of disclosure
10 under this Joint Resolution.

11 (h) REMOVAL.—(1) A member of the Review Board
12 may be removed from office, other than by impeachment
13 and conviction, only by the action of the President or the
14 Attorney General acting on behalf of the President, and
15 only for inefficiency, neglect of duty, malfeasance in office,
16 physical disability, mental incapacity, or any other condi-
17 tion that substantially impairs the performance of the
18 member's duties.

19 (2)(A) If a member of the Review Board is removed
20 from office, the Attorney General shall promptly submit
21 to the division of the court that appointed the members
22 of the Review Board, the Committee on the Judiciary of
23 the Senate, and the Committee on the Judiciary of the
24 House of Representatives a report specifying the facts
25 found and the ultimate grounds for the removal.

1 (B) The division of the court, the Committee on the
2 Judiciary of the Senate, and the Committee on the Judici-
3 ary of the House of Representatives shall make available
4 to the public a report submitted under subparagraph (A),
5 except that the division of the court or either judiciary
6 committee may, if necessary to protect the rights of a per-
7 son named in the report or to prevent undue interference
8 with any pending prosecution, postpone or refrain from
9 publishing any or all of the report.

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

14 (B) A member of the division of the court that ap-
15 pointed the members of the Review Board may not hear
16 or determine a civil action or an appeal of a decision in
17 a civil action brought under subparagraph (A).

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

20 (i) OVERSIGHT.—(1) The appropriate committee of
21 the House of Representatives and the Select Committee
22 on Intelligence of the Senate shall have continuing over-
23 sight jurisdiction with respect to the official conduct of
24 the Review Board, to include access to any records held
25 or created by the Review Board, and the Review Board

1 shall have the duty to cooperate with the exercise of such
2 oversight jurisdiction.

3 (2) The Review Board shall submit to the Congress
4 such statements or reports on the activities of the Review
5 Board as the Review Board considers to be appropriate
6 in addition to the notifications required by subsection
7 8(g).

8 (j) SUPPORT SERVICES.—The Administrator of the
9 General Services Administration shall provide administra-
10 tive services for the Review Board on a reimbursable basis.
11 The Archivist shall provide support services for the Review
12 Board to include, as necessary, office space, clerical sup-
13 port, and personnel support, on a reimbursable basis.

14 (k) INTERPRETIVE REGULATIONS.—The Review
15 Board may issue interpretive regulations.

16 (l) TERMINATION.—(1) The Review Board and the
17 terms of its members shall terminate within two years of
18 the date upon which the Board is formally constituted pur-
19 suant to this Joint Resolution and begins operations: *Pro-*
20 *vided*, That, if the Review Board has not completed its
21 work pursuant to this Joint Resolution within such two-
22 year period, it may, by majority vote, extend its term for
23 an additional one-year period for such purpose. Any addi-
24 tional extension of the Review Board and the terms of its
25 members shall be authorized by the Congress.

1 (2) At least thirty calendar days prior to the comple-
2 tion of its work, the Review Board shall provide written
3 notice to the President and the Congress of its intention
4 to terminate its operations at a specified date.

5 SEC. 6. GROUNDS FOR POSTPONEMENT OF DISCLOSURE.

6 Disclosure to the general public of assassination ma-
7 terial or particular information in assassination material
8 may be postponed if its release would—

9 (1) reveal—

10 (A) an intelligence agent;

11 (B) an intelligence source or method which
12 is currently utilized, or reasonably expected to
13 be utilized, by the United States Government;
14 or

15 (C) any other matter currently relating to
16 the military defense, intelligence operations or
17 conduct of foreign relations of the United
18 States;

19 and the threat to the military defense, intelligence
20 operations or conduct of foreign relations of the
21 United States posed by its disclosure is of such grav-
22 ity that it outweighs any public interest in its disclo-
23 sure.

24 (2) constitute an invasion of privacy of a living
25 person, whether that person is identified in the ma-

1 terial or not, and that invasion of privacy is so sub-
2 stantial that it outweighs any public interest in its
3 disclosure;

4 (3) constitute a substantial and unjustified vio-
5 lation of an understanding of confidentiality between
6 a Government agent and a witness or a foreign gov-
7 ernment; or

8 (4) disclose a security or protective procedure
9 currently utilized, or reasonably expected to be uti-
10 lized, by the Secret Service or other Government
11 agency responsible for protecting Government offi-
12 cials, and that disclosure is so harmful that it out-
13 weighs any public interest in its disclosure.

14 SEC. 7. REVIEW OF MATERIALS BY THE EXECUTIVE DIREC-
15 TOR.

16 (a) RELEASE OF ALL ASSASSINATION MATERIALS TO
17 THE EXECUTIVE DIRECTOR.—Each Executive agency, in-
18 cluding the National Archives, shall make available to the
19 Executive Director all assassination materials, as defined
20 in section 3, in its possession, including but not limited
21 to, in the case of the National Archives, the records of
22 the Warren Commission, the House Committee, and the
23 Senate Committee. Where the agency is uncertain if a
24 record is assassination material, it shall make that record
25 available to the Executive Director. The Executive Direc-

1 tor shall have the authority and responsibility, where cir-
2 cumstances warrant, to inquire of any Executive agency
3 as to the existence of further records that may be assas-
4 sination materials beyond those made available by that
5 agency, to obtain access to such records, and to rec-
6 ommend that the Review Board subpoena such records in
7 the event of denial of such access.

8 (b) EXECUTIVE DIRECTOR RESPONSIBILITY.—The
9 Executive Director shall have responsibility for reviewing
10 all records that are made available by Executive agencies,
11 including the National Archives, pursuant to subsection
12 7(a).

13 (c) CONSULTATION BY EXECUTIVE DIRECTOR.—The
14 Executive Director may consult with the originating body
15 for advice and information in reaching a decision with re-
16 spect to the disclosure or nondisclosure of assassination
17 materials.

18 (d) PRESUMPTION FOR RELEASE.—In the absence of
19 clear and convincing evidence that an assassination mate-
20 rial or particular information within an assassination ma-
21 terial falls within the exemptions established in section 6
22 of this Joint Resolution, the Executive Director shall di-
23 rect that the assassination material or particular informa-
24 tion be released pursuant to subsection 7(e)(1).

1 (e) EXECUTIVE DIRECTOR DECISION.—After review
2 of each record, the Executive Director shall, as soon as
3 practicable after the date of enactment of this Joint Reso-
4 lution, either—

5 (1) notify the originating body or bodies that
6 the record is assassination material that is appro-
7 priate for release in its entirety pursuant to the
8 standards established in this Joint Resolution. In
9 such event, the Executive Director shall transmit the
10 record to the Archivist and the Archivist shall make
11 the record available for inspection and appropriate
12 copying by the public, unless within thirty calendar
13 days of notification an originating body files a notice
14 of appeal with the Review Board: *Provided*, That
15 any record that, in the judgment of the Executive
16 Director, arguably falls within subsection 6(2), shall
17 automatically be referred to the Review Board pur-
18 suant to subsection 7(e)(2)(D); or

19 (2) refer the record to the Review Board, ac-
20 companied by a written determination, indicating
21 one of the following:

22 (A) that, in the Executive Director's judg-
23 ment, the record is not assassination material;

24 (B) that, in the Executive Director's judg-
25 ment, the record is assassination material that

1 qualifies for postponement of disclosure under
2 section 6 or contains particular information
3 that qualifies for postponement of disclosure
4 under section 6;

5 (C) that full Review Board investigation
6 and/or Review Board judgment appears appro-
7 priate for a determination as to whether the
8 record or particular information in the record
9 qualifies for postponement of disclosure under
10 section 6 and thus that this determination shall
11 be vested in the Review Board rather than the
12 Executive Director; or

13 (D) that, in the Executive Director's judg-
14 ment, the record arguably falls within sub-
15 section 6(2) and thus that the determination as
16 to whether the record qualifies for postpone-
17 ment of disclosure shall be vested in the Review
18 Board rather than the Executive Director.

19 SEC. 8. DETERMINATIONS BY THE REVIEW BOARD.

20 (a) APPEALS AND REFERRALS.—The Review Board
21 shall review and apply the standards for release set forth
22 in this Joint Resolution to—

23 (1) all records that are the subject of appeals
24 pursuant to section 7(e)(1); and

1 (2) all records referred to the Review Board by
2 the Executive Director pursuant to section 7(e)(2).

3 (b) PRESUMPTION FOR RELEASE.—In the absence of
4 clear and convincing evidence that an assassination mate-
5 rial or particular information within an assassination ma-
6 terial falls within the exemptions established in section 6
7 of this Joint Resolution, the Board shall direct that the
8 assassination material or particular information be re-
9 leased pursuant to subsection 8(h).

10 (c) POWERS.—The Review Board shall have author-
11 ity to hold hearings, administer oaths, and subpoena wit-
12 nesses and documents, and its subpoenas may be enforced
13 in any appropriate Federal court by the Department of
14 Justice acting pursuant to a lawful request of the Review
15 Board.

16 (d) ADDITIONAL MATERIALS.—The Review Board
17 shall have the authority and responsibility, where cir-
18 cumstances warrant, to inquire of any Executive agency
19 as to the existence of further records that may be assas-
20 sination materials beyond those made available by that
21 agency, to obtain access to such records, and to use its
22 subpoena power in support of this authority.

23 (e) WITNESS IMMUNITY.—The Review Board shall be
24 considered an agency of the United States for purposes
25 of section 6001 of title 18, United States Code.

1 (f) REVIEW BOARD DETERMINATIONS.—After review
2 of each record, the Review Board shall determine whether
3 such record is assassination material, and, if so, whether
4 such assassination material, or particular information in
5 the assassination material, qualifies for postponement of
6 disclosure pursuant to section 6. Any reasonably seg-
7 regable particular information in an assassination mate-
8 rial shall be considered for release after deletion of infor-
9 mation in that assassination material that qualifies for
10 postponement of disclosure. Where an entire assassination
11 material qualifies for postponement of disclosure pursuant
12 to section 6, the Board may, after consultation with the
13 originating body and if consistent with and to the extent
14 consistent with section 6, create and prepare for release
15 a summary of the assassination material in order to pro-
16 vide for the fullest disclosure feasible. Where particular
17 information in an assassination material qualifies for post-
18 ponement of disclosure pursuant to section 6, the Board
19 may, after consultation with the originating body and if
20 consistent with and to the extent consistent with section
21 6, create and prepare for release appropriate substitutions
22 for that information in order to provide for the fullest dis-
23 closure feasible.

24 (g) DECISIONS TO POSTPONE.—Where the Board de-
25 termines that a record is not assassination material, or

1 that a record, or particular information in the record,
2 qualifies for postponement of disclosure pursuant to sec-
3 tion 6, the Board shall transmit to the originating body
4 written notice of such determination, together with a copy
5 of the record at issue, and, if the originating body is an
6 Executive agency, a copy of such notice and of the record
7 shall be transmitted to the appropriate committee of the
8 House of Representatives and the Select Committee on In-
9 telligence of the Senate. Such notice shall contain a state-
10 ment of the reason or reasons for the Board's decision.
11 Any decision of the Board that a record is not assassina-
12 tion material, or that disclosure of a record or particular
13 information in a record should be postponed pursuant to
14 section 6, shall not be subject to judicial review.

15 (h) DECISIONS TO RELEASE.—

16 (1) NON-EXECUTIVE AGENCY MATERIAL.—In
17 the case of records for which the originating body is
18 the Warren Commission, the House Committee, or
19 the Senate Committee, where the Review Board de-
20 termines that a record is assassination material, and
21 that a record, particular information in a record, a
22 summary of a record, or a substitution for particular
23 information in a record is appropriate for release
24 pursuant to this Joint Resolution, the Review Board
25 shall transmit the record, particular information,

1 summary, or substitution to the Archivist, and the
2 Archivist shall make such record, particular informa-
3 tion, summary, or substitution available for inspec-
4 tion and copying by the public. The Review Board's
5 decision to release shall not be subject to review by
6 the President or any other entity of the Government
7 and shall not be subject to judicial review.

8 (2) EXECUTIVE AGENCY MATERIAL.—In the
9 case of records for which the originating body is an
10 Executive agency, excluding the Warren Commis-
11 sion, where the Review Board determines that a
12 record, particular information in a record, a sum-
13 mary of a record, or a substitution for particular in-
14 formation in a record is appropriate for release pur-
15 suant to this Joint Resolution, the Review Board
16 shall transmit to the originating body written notice
17 of its determination. In such event, the Review
18 Board shall transmit the record, particular informa-
19 tion, summary, or substitute to the Archivist, and
20 the Archivist shall make such material available for
21 inspection and appropriate copying by the public,
22 unless, within sixty calendar days of the date on
23 which the Board has notified the originating body,
24 the President has certified to the Review Board and
25 the Archivist that the material qualifies for post-

1 ponement of disclosure pursuant to section 6, in
2 which case release of the material shall be post-
3 poned, and this decision shall not be subject to judi-
4 cial review. The President shall not delegate this au-
5 thority to any other official or entity.

6 (i) **PRESIDENTIAL NOTICE TO CONGRESSIONAL COM-**
7 **MITTEES.**—Whenever the President makes a certification
8 pursuant to subsection 8(h)(2), the President shall submit
9 to the appropriate committee of the House of Rep-
10 resentatives and the Select Committee on Intelligence of
11 the Senate a written statement setting forth the reason
12 or reasons for superseding the Board's determination and
13 a complete copy of the material at issue.

14 (j) **BOARD NOTICE TO PUBLIC.**—Every sixty cal-
15 endar days, beginning sixty calendar days after the date
16 on which the Review Board first postpones release of any
17 assassination material pursuant to section 8(g), the Board
18 shall make available for public inspection and copying a
19 notice of all such postponements determined over the
20 sixty-day period, including a description of the size and
21 nature of each assassination material concerned and the
22 ground or grounds for postponement.

23 (k) **PRESIDENTIAL NOTICE TO PUBLIC.**—In any case
24 in which a determination of the Board to release assas-
25 sination material is superseded by the President pursuant

1 to this subsection, the President shall within ten calendar
2 days publish in the Federal Register notice of such action,
3 including a description of the size and nature of the assas-
4 sination material concerned and the ground or grounds for
5 postponement.

6 (1) IMMUNITY FROM SUIT.—No person shall have a
7 cause of action against members, employees or detailees
8 of the Review Board arising out of any action or failure
9 to act with regard to assassination material under this
10 Joint Resolution.

11 (m) RULES OF THE HOUSE OF REPRESENTATIVES
12 AND SENATE.—That portion of subsection 8(h)(1) that
13 permits the Review Board to release materials for which
14 the originating body is the House Committee or the Sen-
15 ate Committee without the concurrence or approval of any
16 congressional body is enacted by the Congress—

17 (1) as an exercise of the rulemaking power of
18 the House of Representatives and the Senate, re-
19 spectively, and as such is deemed a part of the rules
20 of each House, respectively, and such procedures su-
21 persede other rules only to the extent that they are
22 inconsistent with such other rules; and

23 (2) with the full recognition of the con-
24 stitutional right of either House to change the rules
25 (so far as relating to the procedures of that House)

1 at any time, in the same manner, and to the same
2 extent as any other rule of that House.

3 SEC. 9. MARKING AND REVIEW OF MATERIALS THE DISCLO-
4 SURE OF WHICH IS POSTPONED.

5 (A) MARKING.—With respect to each assassination
6 material or particular information in assassination mate-
7 rial the disclosure of which is postponed pursuant to sec-
8 tion 8, or for which only substitutions or summaries have
9 been released to the public pursuant to subsection 8(h),
10 the Review Board shall append to the material (1) all
11 records of proceedings conducted pursuant to this Joint
12 Resolution and relating to the material and (2) a state-
13 ment of the Review Board designating, based on a review
14 of the proceedings and in conformity with the decisions
15 reflected therein, a specified time at which or a specified
16 occurrence following which the material may appropriately
17 be reconsidered for release pursuant to the standards es-
18 tablished in this Joint Resolution. The Review Board shall
19 then transfer the material and appendices to the Archivist
20 for placement in the Archives under seal.

21 (b) REVIEW.—The sealed assassination materials
22 transferred by the Review Board pursuant to this section
23 shall remain subject to the standards for release estab-
24 lished by this Joint Resolution. It shall be the continuing
25 duty of the Archivist to review the sealed assassination

1 materials and the documents appended thereto pursuant
2 to this section and to resubmit assassination materials to
3 the Review Board, if it is still in existence, or to the origi-
4 nating body, if the Review Board has been abolished,
5 whenever it appears to the Archivist that review may be
6 appropriate.

7 SEC. 10. DISCLOSURE OF OTHER MATERIALS AND ADDI-
8 TIONAL STUDY.

9 (a) MATERIALS UNDER SEAL OF COURT.—(1) The
10 Review Board may request the Department of Justice to
11 petition, or through its own counsel petition, any court in
12 the United States or abroad to release any information
13 relevant to the assassination of President John F. Ken-
14 nedy that is held under seal of the court.

15 (2)(A) The Review Board may request the Attorney
16 General to petition, or through its own counsel petition,
17 any court in the United States to release any information
18 relevant to the assassination of President John F. Ken-
19 nedy that is held under the injunction of secrecy of a
20 grand jury.

21 (B) A request for disclosure of assassination mate-
22 rials under this Joint Resolution shall be deemed to con-
23 stitute a showing of particularized need under Rule-6 of
24 the Federal Rules of Criminal Procedure.

1 (b) AUTOPSY MATERIALS.—The Review Board shall,
2 pursuant to the terms of the applicable deed of gift, seek
3 access to the autopsy photographs and x-rays donated to
4 the National Archives by the Kennedy family under the
5 deed of gift. The Review Board shall, as soon as prac-
6 ticable, submit to the appropriate committee of the House
7 and the Select Committee on Intelligence of the Senate
8 a report on the status of these materials and on access
9 to these materials by individuals consistent with the deed
10 of gift.

11 (c) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that—

13 (1) the Attorney General should assist the Re-
14 view Board in good faith to unseal any records that
15 the Review Board determines to be relevant and held
16 under seal by a court or under the injunction of se-
17 crecy of a grand jury;

18 (2) the Secretary of State should contact the
19 Government of the Republic of Russia and seek the
20 disclosure of all records of the government of the
21 former Soviet Union, including the records of the
22 Komitet Gosudarstvennoy Bezopasnosti (KGB) and
23 the Glavnoye Razvedyvatelnoye Upravleniye (GRU);
24 relevant to the assassination of President Kennedy,
25 and contact any other foreign government that may

1 hold information relevant to the assassination of
2 President Kennedy and seek disclosure of such infor-
3 mation; and

4 (3) all Executive agencies should cooperate in
5 full with the Review Board to seek the disclosure of
6 all information relevant to the assassination of
7 President John F. Kennedy consistent with the pub-
8 lic interest.

9 SEC. 11. RULES OF CONSTRUCTION.

10 (a) PRECEDENCE OVER OTHER LAW.—(1) Where
11 this Joint Resolution requires release of a record, it shall
12 take precedence over any other law, judicial decision con-
13 struing such law, or common law doctrine that would oth-
14 erwise prohibit such release.

15 (b) FREEDOM OF INFORMATION ACT.—Nothing in
16 this Joint Resolution shall be construed to eliminate or
17 limit any right to file requests with any Executive agency
18 other than the Review Board or seek judicial review of
19 the decisions of such agencies pursuant to section 552 of
20 title 5, United States Code.

21 (c) EXISTING AUTHORITY.—Nothing in this Joint
22 Resolution revokes or limits the existing authority of the
23 President, any Executive agency, the Senate, or the House
24 of Representatives, or any other entity of the Government
25 to release records in its possession.

1 SEC. 12. TERMINATION OF EFFECT OF JOINT RESOLUTION.

2 The provisions of this Joint Resolution which pertain
3 to the appointment and operation of the Review Board
4 shall cease to be effective when the Review Board and the
5 terms of its members have terminated pursuant to sub-
6 section 5(1). The remaining provisions of this Joint Reso-
7 lution shall continue in effect until such time as the Archi-
8 vist certifies to the President and the Congress that all
9 assassination materials have been made available to the
10 public in accordance with this Joint Resolution.

11 SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

12 (a) IN GENERAL.—There are authorized to be appro-
13 priated such sums as are necessary to carry out this Joint
14 Resolution, to remain available until expended.

15 (b) INTERIM FUNDING.—Until such time as funds
16 are appropriated pursuant to subsection (a), the President
17 may use such sums as are available for discretionary use
18 to carry out this Joint Resolution.

19 SEC. 14. SEVERABILITY.

20 If any provision of this Joint Resolution or the appli-
21 cation thereof to any person or circumstance is held in-
22 valid, the remainder of this Joint Resolution and the appli-
23 cation of that provision to other persons not similarly situ-
24 ated or to other circumstances shall not be affected by
25 the invalidation.



Calendar No. 552

102D CONGRESS
2D SESSION

S. 3006

[Report No. 102-323]

To provide for the expeditious disclosure of records relevant to the
assassination of President John F. Kennedy.

IN THE SENATE OF THE UNITED STATES

JULY 22 (legislative day, JULY 20), 1992

Mr. GLENN, from the Committee on Governmental Affairs, reported the
following original bill; which was read twice and placed on the calendar

A BILL

To provide for the expeditious disclosure of records relevant
to the assassination of President John F. Kennedy.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "President John F.
5 Kennedy Assassination Records Collection Act of 1992".

6 SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSES.

7 (a) FINDINGS AND DECLARATIONS.—The Congress
8 finds and declares that—

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

4 (2) all government records concerning the as-
5 sassinatio of President John F. Kennedy should
6 carry a presumption of immediate disclosure, and all
7 records should be eventually disclosed to enable the
8 public to become fully informed about the history
9 surrounding the assassination;

10 (3) legislation is necessary to create an enforce-
11 able, independent, and accountable process for the
12 public disclosure of such records;

13 (4) legislation is necessary because congres-
14 sional records related to the assassination of Presi-
15 dent John F. Kennedy would not otherwise be sub-
16 ject to public disclosure until at least the year 2029;

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

22 (6) legislation is necessary because Executive
23 Order No. 12356, entitled "National Security Infor-
24 mation" has eliminated the declassification and
25 downgrading schedules relating to classified informa-

1 tion across government and has prevented the timely
2 public disclosure of records relating to the assassina-
3 tion of President John F. Kennedy; and

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

9 (b) PURPOSES.—The purposes of this Act are—

10 (1) to provide for the creation of the President
11 John F. Kennedy Assassination Records Collection
12 at the National Archives and Records Administra-
13 tion; and

14 (2) to require the expeditious public trans-
15 mission to the Archivist and public disclosure of
16 such records.

17 SEC. 3. DEFINITIONS.

18 In this Act:

19 "Archivist" means the Archivist of the United
20 States.

21 "Assassination record" means a record that is
22 related to the assassination of President John F.
23 Kennedy, that was created or made available for use
24 by, obtained by, or otherwise came into the posses-
25 sion of—

1 (A) the Commission to Investigate the As-
2 sassination of President John F. Kennedy (the
3 "Warren Commission");

4 (B) the Commission on Central Intel-
5 ligence Agency Activities Within the United
6 States (the "Rockefeller Commission");

7 (C) the Senate Select Committee to Study
8 Governmental Operations with Respect to Intel-
9 ligence Activities (the "Church Committee");

10 (D) the Select Committee on Intelligence
11 (the "Pike Committee") of the House of Rep-
12 resentatives;

13 (E) the Select Committee on Assassina-
14 tions (the "House Assassinations Committee")
15 of the House of Representatives;

16 (F) the Library of Congress;

17 (G) the National Archives and Records Ad-
18 ministration;

19 (H) any Presidential library;

20 (I) any Executive agency;

21 (J) any independent agency;

22 (K) any other office of the Federal Govern-
23 ment; and

24 (L) any State or local law enforcement of-
25 fice that provided support or assistance or per-

1 formed work in connection with a Federal in-
2 quiry into the assassination of President John
3 F. Kennedy,

4 but does not include the autopsy records donated by
5 the Kennedy family to the National Archives pursu-
6 ant to a deed of gift regulating access to those
7 records, or copies and reproductions made from such
8 records.

9 “Collection” means the President John F. Ken-
10 nedy Assassination Records Collection established
11 under section 4.

12 “Executive agency” means an Executive agency
13 as defined in subsection 552(f) of title 5, United
14 States Code, and includes any Executive depart-
15 ment, military department, Government corporation,
16 Government controlled corporation, or other estab-
17 lishment in the executive branch of the Government,
18 including the Executive Office of the President, or
19 any independent regulatory agency.

20 “Government office” means any office of the
21 Federal Government that has possession or control
22 of assassination records, including—

23 (A) the House Committee on Administra-
24 tion with regard to the Select Committee on As-

1 assassinations of the records of the House of Rep-
2 resentatives;

3 (B) the Select Committee on Intelligence
4 of the Senate with regard to records of the Sen-
5 ate Select Committee to Study Governmental
6 Operations with Respect to Intelligence Activi-
7 ties and other assassination records;

8 (C) the Library of Congress;

9 (D) the National Archives as custodian of
10 assassination records that it has obtained or
11 possesses, including the Commission to Inves-
12 tigate the Assassination of President John F.
13 Kennedy and the Commission on Central Intel-
14 ligence Agency Activities in the United States;
15 and

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

18 "Identification aid" means the written descrip-
19 tion prepared for each record as required in section
20 4.

21 "National Archives" means the National Ar-
22 chives and Records Administration and all compo-
23 nents thereof, including Presidential archival deposi-
24 tories established under section 2112 of title 44,
25 United States Code.

1 “Official investigation” means the reviews of
2 the assassination of President John F. Kennedy con-
3 ducted by any Presidential commission, any author-
4 ized congressional committee, and any Government
5 agency either independently, at the request of any
6 Presidential commission or congressional committee,
7 or at the request of any Government official.

8 “Originating body” means the Executive agen-
9 cy, government commission, congressional commit-
10 tee, or other governmental entity that created a
11 record or particular information within a record.

12 “Public interest” means the compelling interest
13 in the prompt public disclosure of assassination
14 records for historical and governmental purposes
15 and for the purpose of fully informing the American
16 people about the history surrounding the assassina-
17 tion of President John F. Kennedy.

18 “Record” includes a book, paper, map, photo-
19 graph, sound or video recording, machine readable
20 material, computerized, digitized, or electronic infor-
21 mation, regardless of the medium on which it is
22 stored, or other documentary material, regardless of
23 its physical form or characteristics.

24 “Review Board” means the Assassination
25 Records Review Board established by section 7.

1 “Third agency” means a Government agency
2 that originated an assassination record that is in the
3 possession of another agency.

4 SEC. 4. PRESIDENT JOHN F. KENNEDY ASSASSINATION
5 RECORDS COLLECTION AT THE NATIONAL
6 ARCHIVES AND RECORDS ADMINISTRATION.

7 (a) IN GENERAL.—(1) Not later than 60 days after
8 the date of enactment of this Act, the National Archives
9 and Records Administration shall commence establish-
10 ment of a collection of records to be known as the Presi-
11 dent John F. Kennedy Assassination Records Collection.
12 In so doing, the Archivist shall ensure the physical integ-
13 rity and original provenance of all records. The Collection
14 shall consist of record copies of all Government records
15 relating to the assassination of President John F. Ken-
16 nedy, which shall be transmitted to the National Archives
17 in accordance with section 2107 of title 44, United States
18 Code. The Archivist shall prepare and publish a subject
19 guidebook and index to the collection.

20 (2) The Collection shall include—

21 (A) all assassination records—

22 (i) that have been transmitted to the Na-
23 tional Archives or disclosed to the public in an
24 unredacted form prior to the date of enactment
25 of this Act;

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

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

5 (B) a central directory comprised of identifica-
6 tion aids created for each record transmitted to the
7 Archivist the under section 5; and

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

10 (b) DISCLOSURE OF RECORDS.—All assassination
11 records transmitted to the National Archives for disclosure
12 to the public shall be included in the Collection and shall
13 be available to the public for inspection and copying at
14 the National Archives within 30 days after their trans-
15 mission to the National Archives.

16 (c) FEES FOR COPYING.—The Archivist shall—

17 (1) charge fees for copying assassination
18 records; and

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

22 (d) ADDITIONAL REQUIREMENTS.—(1) The Collec-
23 tion shall be preserved, protected, archived, and made
24 available to the public at the National Archives using ap-

1 appropriations authorized, specified, and restricted for use
2 under the terms of this Act.

3 (2) The National Archives, in consultation with the
4 Information Security Oversight Office, shall ensure the se-
5 curity of the postponed assassination records in the Collec-
6 tion.

7 (e) OVERSIGHT.—The Committee on Government
8 Operations of the House of Representatives and the Com-
9 mittee on Governmental Affairs of the Senate shall have
10 continuing oversight jurisdiction with respect to the Col-
11 lection.

12 SEC. 5. REVIEW, IDENTIFICATION, TRANSMISSION TO THE
13 NATIONAL ARCHIVES, AND PUBLIC DISCLO-
14 SURE OF ASSASSINATION RECORDS BY GOV-
15 ERNMENT OFFICES.

16 (a) IN GENERAL.—(1) As soon as practicable after
17 the date of enactment of this Act, each Government office
18 shall identify and organize its records relating to the as-
19 sassination of President John F. Kennedy and prepare
20 them for transmission to the Archivist for inclusion in the
21 Collection.

22 (2) No assassination record shall be destroyed, al-
23 tered, or mutilated in any way.

24 (3) No assassination record made available or dis-
25 closed to the public prior to the date of enactment of this

1 Act may be withheld, redacted, postponed for public dis-
2 closure, or reclassified.

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

8 (b) CUSTODY OF ASSASSINATION RECORDS PENDING
9 REVIEW.—During the review by Government offices and
10 pending review activity by the Review Board, each Govern-
11 ment office shall retain custody of its assassination
12 records for purposes of preservation, security, and effi-
13 ciency, unless—

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

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

19 (3) it is a third agency record described in sub-
20 section (c)(2)(C).

21 (c) REVIEW.—(1) Not later than 300 days after the
22 date of enactment of this Act, each Government office
23 shall review, identify and organize each assassination
24 record in its custody or possession for disclosure to the

1 public, review by the Review Board, and transmission to
2 the Archivist.

3 (2) In carrying out paragraph (1), a Government of-
4 fice shall—

5 (A) determine which of its records are assas-
6 sination records;

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

10 (C)(i) determine which of its assassination
11 records, or particular information contained in such
12 a record, was created by a third agency or by an-
13 other Government office; and

14 (ii) transmit to a third agency or other govern-
15 ment office those records, or particular information
16 contained in those records, or complete and accurate
17 copies thereof;

18 (D)(i) determine whether its assassination
19 records or particular information in assassination
20 records are covered by the standards for postpone-
21 ment of public disclosure under this Act; and

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

1 (E) organize and make available to the Review
2 Board all assassination records identified under sub-
3 paragraph (D) the public disclosure of which in
4 whole or in part may be postponed under this Act;

5 (F) organize and make available to the Review
6 Board any record concerning which the office has
7 any uncertainty as to whether the record is an as-
8 sassination record governed by this Act;

9 (G) give priority to the identification, review,
10 and transmission, under the standards for postpone-
11 ment set forth in this Act, of assassination records
12 that on the date of enactment of this Act are the
13 subject of litigation under section 552 of title 5,
14 United States Code; and

15 (H) make available to the Review Board any
16 additional information and records that the Review
17 Board has reason to believe it requires for conduct-
18 ing a review under this Act.

19 (3) The Director of each archival depository estab-
20 lished under section 2112 of title 44, United States Code,
21 shall have as a priority the expedited review for public dis-
22 closure of assassination records in the possession and cus-
23 tody of the depository, and shall make such records avail-
24 able to the Review Board as required by this Act.

1 (d) IDENTIFICATION AIDS.—(1)(A) Not later than 45
2 days after the date of enactment of this Act, the Archivist,
3 in consultation with the appropriate Government offices,
4 shall prepare and make available to all Government offices
5 a standard form of identification or finding aid for use
6 with each assassination record subject to review under this
7 Act.

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

13 (2) Upon completion of an identification aid, a Gov-
14 ernment office shall—

15 (A) attach a printed copy to the record it de-
16 scribes;

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

19 (C) attach a printed copy to each assassination
20 record it describes when it is transmitted to the Ar-
21 chivist.

22 (3) Assassination records which are in the possession
23 of the National Archives on the date of enactment of this
24 Act, and which have been publicly available in their en-
25 tirety without redaction, shall be made available in the

1 Collection without any additional review by the Review
2 Board or another authorized office under this Act, and
3 shall not be required to have such an identification aid
4 unless required by the Archivist.

5 (e) TRANSMISSION TO THE NATIONAL ARCHIVES.—
6 Each Government office shall—

7 (1) transmit to the Archivist, and make avail-
8 able to the public not later than 300 days after the
9 date of enactment of this Act, all assassination
10 records that can be publicly disclosed, including
11 those that are publicly available on the date of en-
12 actment of this Act, without any redaction, adjust-
13 ment, or withholding under the standards of this
14 Act; and

15 (2) transmit to the Archivist upon approval for
16 postponement by the Review Board or upon comple-
17 tion of other action authorized by this Act, all assas-
18 sination records the public disclosure of which has
19 been postponed, in whole or in part, under the
20 standards of this Act, to become part of the pro-
21 tected Collection.

22 (f) CUSTODY OF POSTPONED ASSASSINATION
23 RECORDS.—An assassination record the public disclosure
24 of which has been postponed shall, pending transmission
25 to the Archivist, be held for reasons of security and preser-

1 vation by the originating body until such time as the infor-
2 mation security program has been established at the Na-
3 tional Archives as required in section 4(e)(2).

4 (g) PERIODIC REVIEW OF POSTPONED ASSASSINA-
5 TION RECORDS.—(1) All postponed or redacted records
6 shall be reviewed periodically by the originating agency
7 and the Archivist consistent with the recommendations of
8 the Review Board under section 9(c)(3)(B).

9 (2)(A) A periodic review shall address the public dis-
10 closure of additional assassination records in the Collec-
11 tion under the standards of this Act.

12 (B) All postponed assassination records determined
13 to require continued postponement shall require an unclas-
14 sified written description of the reason for such continued
15 postponement. Such description shall be provided to the
16 Archivist and published in the Federal Register upon de-
17 termination.

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

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

1 (i) continued postponement is made necessary
2 by an identifiable harm to the military defense, intel-
3 ligence operations, or conduct of foreign relations;
4 and

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

7 (h) FEES FOR COPYING.—Executive branch agencies
8 shall—

9 (1) charge fees for copying assassination
10 records; and

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

14 SEC. 6. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLO-
15 SURE OF RECORDS.

16 Disclosure of assassination records or particular in-
17 formation in assassination records to the public may be
18 postponed subject to the limitations of this Act if there
19 is clear and convincing evidence that—

20 (1) the threat to the military defense, intel-
21 ligence operations, or conduct of foreign relations of
22 the United States posed by the public disclosure of
23 the assassination is of such gravity that it outweighs
24 the public interest, and such public disclosure would
25 reveal—

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

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

9 (C) any other matter currently relating to
10 the military defense, intelligence operations or
11 conduct of foreign relations of the United
12 States, the disclosure of which would demon-
13 strably impair the national security of the Unit-
14 ed States;

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

20 (3) the public disclosure of the assassination
21 record could reasonably be expected to constitute an
22 unwarranted invasion of personal privacy, and that
23 invasion of privacy is so substantial that it out-
24 weighs the public interest;

1 (4) the public disclosure of the assassination
2 record would compromise the existence of an under-
3 standing of confidentiality currently requiring pro-
4 tection between a Government agent and a cooperat-
5 ing individual or a foreign government, and public
6 disclosure would be so harmful that it outweighs the
7 public interest; or

8 (5) the public disclosure of the assassination
9 record would reveal a security or protective proce-
10 dure currently utilized, or reasonably expected to be
11 utilized, by the Secret Service or another Govern-
12 ment agency responsible for protecting Government
13 officials, and public disclosure would be so harmful
14 that it outweighs the public interest.

15 SEC. 7. ESTABLISHMENT AND POWERS OF THE ASSASSINA-
16 TION RECORDS REVIEW BOARD.

17 (a) ESTABLISHMENT.—There is established as an
18 independent agency a board to be known as the Assassina-
19 tions Records Review Board.

20 (b) APPOINTMENT.—(1) The President, by and with
21 the advice and consent of the Senate, shall appoint, with-
22 out regard to political affiliation, 5 citizens to serve as
23 members of the Review Board to ensure and facilitate the
24 review, transmission to the Archivist, and public disclosure

1 of government records related to the assassination of
2 President John F. Kennedy.

3 (2) The President shall make nominations to the Re-
4 view Board not later than 90 calendar days after the date
5 of enactment of this Act.

6 (3) If the Senate votes not to confirm a nomination
7 to the Review Board, the President shall make an addi-
8 tional nomination not later than 30 days thereafter.

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

14 (B) If an organization described in subparagraph (A)
15 does not recommend at least 2 nominees meeting the
16 qualifications stated in paragraph (5) by the date that is
17 45 days after the date of enactment of this Act, the Presi-
18 dent shall consider for nomination the persons rec-
19 ommended by the other organizations described in sub-
20 paragraph (A).

21 (C) The President may request an organization de-
22 scribed in subparagraph (A) to submit additional nomina-
23 tions.

24 (5) Persons nominated to the Review Board—

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

8 (B) shall be distinguished persons of high na-
9 tional professional reputation in their respective
10 fields who are capable of exercising the independent
11 and objective judgment necessary to the fulfillment
12 of their role in ensuring and facilitating the review,
13 transmission to the public, and public disclosure of
14 records related to the assassination of President
15 John F. Kennedy and who possess an appreciation
16 of the value of such material to the public, scholars,
17 and government; and

18 (C) shall include at least 1 professional histo-
19 rian and 1 attorney.

20 (c) SECURITY CLEARANCES.—(1) All Review Board
21 nominees shall be granted the necessary security clear-
22 ances in an accelerated manner subject to the standard
23 procedures for granting such clearances.

1 (2) All nominees shall qualify for the necessary secu- 1
2 rity clearance prior to being considered for confirmation 2
3 by the Committee on Governmental Affairs of the Senate. 3

4 (d) CONFIRMATION HEARINGS.—(1) The Committee 4
5 on Governmental Affairs of the Senate shall hold con- 5
6 firmation hearings within 30 days in which the Senate is 6
7 in session after the nomination of 3 Review Board mem- 7
8 bers. 8

9 (2) The Committee on Governmental Affairs shall 9
10 vote on the nominations within 14 days in which the Sen- 10
11 ate is in session after the confirmation hearings, and shall 11
12 report its results to the full Senate immediately. 11

13 (3) The Senate shall vote on each nominee to confirm 13
14 or reject within 14 days in which the Senate is in session 14
15 after receiving the report from the Committee on Govern- 15
16 mental Affairs. 16

17 (e) VACANCY.—A vacancy on the Review Board shall 17
18 be filled in the same manner as specified for original ap- 18
19 pointment within 30 days of the occurrence of the vacancy. 19

20 (f) CHAIRPERSON.—The Members of the Review 20
21 Board shall elect one of its members as chairperson at 21
22 its initial meeting. 22

23 (g) REMOVAL OF REVIEW BOARD MEMBER.—(1) No 23
24 member of the Review Board shall be removed from office, 24
25 other than— 25

1 (A) by impeachment and conviction; or

2 (B) by the action of the President for ineffi-
3 ciency, neglect of duty, malfeasance in office, phys-
4 ical disability, mental incapacity, or any other condi-
5 tion that substantially impairs the performance of
6 the member's duties.

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

14 (B) The President shall publish in the Federal Reg-
15 ister a report submitted under paragraph (2)(A), except
16 that the President may, if necessary to protect the rights
17 of a person named in the report or to prevent undue inter-
18 ference with any pending prosecution, postpone or refrain
19 from publishing any or all of the report until the comple-
20 tion of such pending cases or pursuant to privacy protec-
21 tion requirements in law.

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

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

3 (h) COMPENSATION OF MEMBERS.—(1) A member of
4 the Review Board shall be compensated at a rate equal
5 to the daily equivalent of the annual rate of basic pay pre-
6 scribed for level IV of the Executive Schedule under sec-
7 tion 5315 of title 5, United States Code, for each day (in-
8 cluding travel time) during which the member is engaged
9 in the performance of the duties of the Review Board.

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

17 (i) DUTIES OF THE REVIEW BOARD.—(1) The Re-
18 view Board shall consider and render decisions on a deter-
19 mination by a Government office to seek to postpone the
20 disclosure of assassination records.

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

23 (A) whether a record constitutes an assassina-
24 tion record; and

1 (B) whether an assassination record or particu-
2 lar information in a record qualifies for postpone-
3 ment of disclosure under this Act.

4 (j) POWERS.—(1) The Review Board shall have the
5 authority to act in a manner prescribed under this Act
6 including authority to—

7 (A) direct Government offices to create identi-
8 fication aids and organize assassination records;

9 (B) direct Government offices to transmit to
10 the Archivist assassination records as required under
11 this Act, including segregable portions of assassina-
12 tion records, and substitutes and summaries of as-
13 sassination records that can be publicly disclosed to
14 the fullest extent;

15 (C)(i) obtain access to assassination records
16 that have been identified and organized by a Govern-
17 ment office;

18 (ii) direct a Government office to make avail-
19 able to the Review Board, and if necessary inves-
20 tigate the facts surrounding, additional information,
21 records, or testimony from individuals, which the
22 Review Board has reason to believe is required to
23 fulfill its functions and responsibilities under this
24 Act; and

1 (iii) subpoena private persons to compel testi- 1
2 mony, records, and other information relevant to its 2
3 responsibilities under this Act; 3

4 (D) require any Government office to account 4
5 in writing for the destruction of any records relating 5
6 to the assassination of President John F. Kennedy; 6

7 (E) receive information from the public regard- 7
8 ing the identification and public disclosure of assas- 8
9 sination records; and 9

10 (F) hold hearings, administer oaths, and sub- 10
11 poena witnesses and documents. 11

12 (2) A subpoena issued under paragraph (1)(C)(iii) 12
13 may be enforced by any appropriate Federal court acting 13
14 pursuant to a lawful request of the Review Board. 14

15 (k) WITNESS IMMUNITY.—The Review Board shall 15
16 be considered to be an agency of the United States for 16
17 purposes of section 6001 of title 18, United States Code. 17

18 (l) OVERSIGHT.—(1) The Committee on Government 18
19 Operations of the House of Representatives and the Com- 19
20 mittee on Governmental Affairs of the Senate shall have 20
21 continuing oversight jurisdiction with respect to the offi- 21
22 cial conduct of the Review Board and the disposition of 22
23 postponed records after termination of the Review Board,
24 and shall have access to any records held or created by
25 the Review Board.

1 (2) The Review Board shall have the duty to cooper-
2 ate with the exercise of such oversight jurisdiction.

3 (m) SUPPORT SERVICES.—The Administrator of the
4 General Services Administration shall provide administra-
5 tive services for the Review Board on a reimbursable basis.

6 (n) INTERPRETIVE REGULATIONS.—The Review
7 Board may issue interpretive regulations.

8 (o) TERMINATION AND WINDING UP.—(1) The Re-
9 view Board and the terms of its members shall terminate
10 not later than 2 years after the date of enactment of this
11 Act, except that the Review Board may, by majority vote,
12 extend its term for an additional 1-year period if it has
13 not completed its work within that 2-year period.

14 (2) Upon its termination, the Review Board shall
15 submit reports to the President and the Congress includ-
16 ing a complete and accurate accounting of expenditures
17 during its existence, and shall complete all other reporting
18 requirements under this Act.

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

1 SEC. 8. ASSASSINATION RECORDS REVIEW BOARD PERSON-

2 NEL.

3 (a) EXECUTIVE DIRECTOR.—(1) Not later than 45
4 days after the initial meeting of the Review Board, the
5 Review Board shall appoint one citizen, without regard to
6 political affiliation, to the position of Executive Director.

7 (2) The person appointed as Executive Director shall
8 be a private citizen of integrity and impartiality who is
9 a distinguished professional and who is not a present em-
10 ployee of any branch of the Government and has had no
11 previous involvement with any official investigation or in-
12 quiry relating to the assassination of President John F.
13 Kennedy.

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

18 (B) A candidate shall qualify for the necessary secu-
19 rity clearance prior to being approved by the Review
20 Board.

21 (4) The Executive Director shall—

22 (A) serve as principal liaison to Government of-
23 fices;

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

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

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

7 (5) The Executive Director shall not be removed for
8 reasons other than by a majority vote of the Review Board
9 for cause on the grounds of inefficiency, neglect of duty,
10 malfeasance in office, physical disability, mental incapac-
11 ity, or any other condition that substantially impairs the
12 performance of the responsibilities of the Executive Direc-
13 tor or the staff of the Review Board.

14 (b) STAFF.—(1) The Review Board may, in accord-
15 ance with the civil service laws but without regard to civil
16 service law and regulation for competitive service as de-
17 fined in subchapter 1, chapter 33 of title 5, United States
18 Code, appoint and terminate additional personnel as are
19 necessary to enable the Review Board and its Executive
20 Director to perform its duties.

21 (2) A person appointed to the staff of the Review
22 Board shall be a private citizen of integrity and impartial-
23 ity who is not a present employee of any branch of the
24 Government and who has had no previous involvement

1 with any official investigation or inquiry relating to the
2 assassination of President John F. Kennedy.

3 (3)(A) A candidate for staff shall be granted the nec-
4 essary security clearances in an accelerated manner sub-
5 ject to the standard procedures for granting such clear-
6 ances.

7 (B) A candidate for the staff shall qualify for the nec-
8 essary security clearance prior to being approved by the
9 Review Board.

10 (c) COMPENSATION.—The Review Board shall fix the
11 compensation of the Executive Director and other person-
12 nel in accordance with title 5, United States Code, except
13 that the rate of pay for the Executive Director and other
14 personnel may not exceed the rate payable for level V of
15 the Executive Schedule under section 5316 of that title.

16 (d) ADVISORY COMMITTEES.—(1) The Review Board
17 shall have the authority to create advisory committees to
18 assist in fulfilling the responsibilities of the Review Board
19 under this Act.

20 (2) Any advisory committee created by the Review
21 Board shall be subject to the Federal Advisory Committee
22 Act (5 U.S.C. App.).

1 SEC. 9. REVIEW OF RECORDS BY THE ASSASSINATION
2 RECORDS REVIEW BOARD.

3 (a) CUSTODY OF RECORDS REVIEWED BY BOARD.—

4 Pending the outcome of the Review Board's review activ-
5 ity, a Government office shall retain custody of its assas-
6 sination records for purposes of preservation, security, and
7 efficiency, unless—

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

11 (2) such transfer is necessary for an adminis-
12 trative hearing or other official Review Board func-
13 tion.

14 (b) STARTUP REQUIREMENTS.—The Review Board
15 shall—

16 (1) not later than 90 days after the date of its
17 appointment, publish a schedule for review of all as-
18 sination records in the Federal Register; and

19 (2) not later than 180 days after the date of
20 enactment of this Act, begin its review of assassina-
21 tion records under this Act.

22 (c) DETERMINATIONS OF THE REVIEW BOARD.—(1)

23 The Review Board shall direct that all assassination
24 records be transmitted to the Archivist and disclosed to
25 the public in the Collection in the absence of clear and
26 convincing evidence that—

1 (A) a Government record is not an assassina-
2 tion record; or

3 (B) a Government record or particular informa-
4 tion within an assassination record qualifies for
5 postponement of public disclosure under this Act.

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

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

12 (B) determine, in consultation with the origi-
13 nating body and consistent with the standards for
14 postponement under this Act, which of the following
15 alternative forms of disclosure shall be made by the
16 originating body:

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

19 (ii) A substitute record for that informa-
20 tion which is postponed.

21 (iii) A summary of an assassination record.

22 (3) With respect to each assassination record or par-
23 ticular information in assassination records the public dis-
24 closure of which is postponed pursuant to section 6, or
25 for which only substitutions or summaries have been dis-

1 closed to the public, the Review Board shall create and
2 transmit to the Archivist a report containing—

3 (A) a description of actions by the Review
4 Board, the originating body, the President, or any
5 Government office (including a justification of any
6 such action to postpone disclosure of any record or
7 part of any record) and of any official proceedings
8 conducted by the Review Board with regard to spe-
9 cific assassination records; and

10 (B) a statement, based on a review of the pro-
11 ceedings and in conformity with the decisions re-
12 flected therein, designating a recommended specified
13 time at which or a specified occurrence following
14 which the material may be appropriately disclosed to
15 the public under this Act.

16 (4)(A) Following its review and a determination that
17 an assassination record shall be publicly disclosed in the
18 Collection or postponed for disclosure and held in the pro-
19 tected Collection, the Review Board shall notify the head
20 of the originating body of its determination and publish
21 a copy of the determination in the Federal Register within
22 14 days after the determination is made.

23 (B) Contemporaneous notice shall be made to the
24 President for Review Board determinations regarding ex-
25 ecutive branch assassination records, and to the oversight

1 committees designated in this Act in the case of legislative
2 branch records. Such notice shall contain a written unclas-
3 sified justification for public disclosure or postponement
4 of disclosure, including an explanation of the application
5 of any standards contained in section 6.

6 (d) PRESIDENTIAL AUTHORITY OVER REVIEW
7 BOARD DETERMINATION.—

8 (1) PUBLIC DISCLOSURE OR POSTPONEMENT OF
9 DISCLOSURE.—After the Review Board has made a
10 formal determination concerning the public disclo-
11 sure or postponement of disclosure of an executive
12 branch assassination record or information within
13 such a record, or of any information contained in an
14 assassination record, obtained or developed solely
15 within the executive branch, the President shall have
16 the sole and nondelegable authority to require the
17 disclosure or postponement of such record or infor-
18 mation under the standards set forth in section 6,
19 and the President shall provide the Review Board
20 with an unclassified written certification specifying
21 the President's decision within 30 days after the Re-
22 view Board's determination and notice to the execu-
23 tive branch agency as required under this Act, stat-
24 ing the justification for the President's decision, in-
25 cluding the applicable grounds for postponement

1 under section 6, accompanied by a copy of the iden-
2 tification aid required under section 4.

3 (2) PERIODIC REVIEW.—Any executive branch
4 assassination record postponed by the President
5 shall be subject to the requirements of periodic re-
6 view, downgrading and declassification of classified
7 information, and public disclosure in the collection
8 set forth in section 4.

9 (3) RECORD OF PRESIDENTIAL POSTPONE-
10 MENT.—The Review Board shall, upon its receipt,
11 publish in the Federal Register a copy of any unclas-
12 sified written certification, statement, and other ma-
13 terials transmitted by or on behalf of the President
14 with regard to postponement of assassination
15 records.

16 (e) NOTICE TO PUBLIC.—Every 30 calendar days, be-
17 ginning on the date that is 60 calendar days after the date
18 on which the Review Board first approves the postpone-
19 ment of disclosure of an assassination record, the Review
20 Board shall publish in the Federal Register a notice that
21 summarizes the postponements approved by the Review
22 Board or initiated by the President, the House of Rep-
23 resentatives, or the Senate, including a description of the
24 subject, originating agency, length or other physical de-

1 description, and each ground for postponement that is relied
2 upon.

3 (f) REPORTS BY THE REVIEW BOARD.—(1) The Re-
4 view Board shall report its activities to the leadership of
5 the Congress, the Committee on Government Operations
6 of the House of Representatives, the Committee on Gov-
7 ernmental Affairs of the Senate, the President, the Archi-
8 vist, and the head of any Government office whose records
9 have been the subject of Review Board activity.

10 (2) The first report shall be issued on the date that
11 is 1 year after the date of enactment of this Act, and sub-
12 sequent reports every 12 months thereafter until termi-
13 nation of the Review Board.

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

16 (A) A financial report of the expenses for all of-
17 ficial activities and requirements of the Review
18 Board and its personnel.

19 (B) The progress made on review, transmission
20 to the Archivist, and public disclosure of assassina-
21 tion records.

22 (C) The estimated time and volume of assas-
23 sination records involved in the completion of the
24 Review Board's performance under this Act.

1 (D) Any special problems, including requests
2 and the level of cooperation of government offices,
3 with regard to the ability of the Review Board to op-
4 erate as required by this Act.

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

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

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

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

20 SEC. 10. DISCLOSURE OF OTHER MATERIALS AND ADDI-
21 TIONAL STUDY.

22 (a) MATERIALS UNDER SEAL OF COURT.—

23 (1) The Review Board may request the Attor-
24 ney General to petition any court in the United
25 States or abroad to release any information relevant

1 to the assassination of President John F. Kennedy
2 that is held under seal of the court.

3 (2)(A) The Review Board may request the At-
4 torney General to petition any court in the United
5 States to release any information relevant to the as-
6 sassination of President John F. Kennedy that is
7 held under the injunction of secrecy of a grand jury.

8 (B) A request for disclosure of assassination
9 materials under this Act shall be deemed to con-
10 stitute a showing of particularized need under Rule
11 6 of the Federal Rules of Criminal Procedure.

12 (b) SENSE OF CONGRESS.—It is the sense of the Con-
13 gress that—

14 (1) the Attorney General should assist the Re-
15 view Board in good faith to unseal any records that
16 the Review Board determines to be relevant and held
17 under seal by a court or under the injunction of se-
18 crecy of a grand jury;

19 (2) the Secretary of State should contact the
20 Government of the Republic of Russia and seek the
21 disclosure of all records of the government of the
22 former Soviet Union, including the records of the
23 Komitet Gosudarstvennoy Bezopasnosti (KGB) and
24 the Glavnoye Razvedyvatelnoye Upravleniye (GRU),
25 relevant to the assassination of President Kennedy.

1 and contact any other foreign government that may
2 hold information relevant to the assassination of
3 President Kennedy and seek disclosure of such infor-
4 mation; and

5 (3) all Executive agencies should cooperate in
6 full with the Review Board to seek the disclosure of
7 all information relevant to the assassination of
8 President John F. Kennedy consistent with the pub-
9 lic interest.

10 SEC. 11. RULES OF CONSTRUCTION.

11 (a) PRECEDENCE OVER OTHER LAW.—When this
12 Act requires transmission of a record to the Archivist or
13 public disclosure, it shall take precedence over any other
14 law (except section 6103 of the Internal Revenue Code),
15 judicial decision construing such law, or common law doc-
16 trine that would otherwise prohibit such transmission or
17 disclosure, with the exception of deeds governing access
18 to or transfer or release of gifts and donations of records
19 to the United States Government.

20 (b) FREEDOM OF INFORMATION ACT.—Nothing in
21 this Act shall be construed to eliminate or limit any right
22 to file requests with any Executive agency or seek judicial
23 review of the decisions pursuant to section 552 of title 5,
24 United States Code.

1 (c) JUDICIAL REVIEW.—Nothing in this Act shall be
2 construed to preclude judicial review, under chapter 7 of
3 title 5, United States Code, of final actions taken or re-
4 quired to be taken under this Act.

5 (d) EXISTING AUTHORITY.—Nothing in this Act re-
6 vokes or limits the existing authority of the President, any
7 executive agency, the Senate, or the House of Rep-
8 resentatives, or any other entity of the Government to
9 publicly disclose records in its possession.

10 (e) RULES OF THE SENATE AND HOUSE OF REP-
11 RESENTATIVES.—To the extent that any provision of this
12 Act establishes a procedure to be followed in the Senate
13 or the House of Representatives, such provision is
14 adopted—

15 (1) as an exercise of the rulemaking power of
16 the Senate and House of Representatives, respec-
17 tively, and is deemed to be part of the rules of each
18 House, respectively, but applicable only with respect
19 to the procedure to be followed in that House, and
20 it supersedes other rules only to the extent that it
21 is inconsistent with such rules; and

22 (2) with full recognition of the constitutional
23 right of either House to change the rules (so far as
24 they relate to the procedure of that House) at any

1 time, in the same manner, and to the same extent
2 as in the case of any other rule of that House.

3 SEC. 12. TERMINATION OF EFFECT OF ACT.

4 (a) PROVISIONS PERTAINING TO THE REVIEW
5 BOARD.—The provisions of this Act that pertain to the
6 appointment and operation of the Review Board shall
7 cease to be effective when the Review Board and the terms
8 of its members have terminated pursuant to section 7(o).

9 (b) OTHER PROVISIONS.—The remaining provisions
10 of this Act shall continue in effect until such time as the
11 Archivist certifies to the President and the Congress that
12 all assassination records have been made available to the
13 public in accordance with this Act.

14 SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

15 (a) IN GENERAL.—There are authorized to be appro-
16 priated such sums as are necessary to carry out this Act,
17 to remain available until expended.

18 (b) INTERIM FUNDING.—Until such time as funds
19 are appropriated pursuant to subsection (a), the President
20 may use such sums as are available for discretionary use
21 to carry out this Act.

22 SEC. 14. SEVERABILITY.

23 If any provision of this Act or the application thereof
24 to any person or circumstance is held invalid, the remain-
25 der of this Act and the application of that provision to

- 1 other persons not similarly situated or to other cir-
- 2 cumstances shall not be affected by the invalidation.

Calendar No. 552

102D CONGRESS
2D SESSION

S. 3006

[Report No. 102-328]

A BILL

To provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy.

JULY 22 (legislative day, JULY 20), 1992

Read twice and placed on the calendar



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 7, 1992

MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Robert G. Danus *RGD*
Acting General Counsel

SUBJECT: Proposed Executive Order Entitled "Disclosure of
Materials Concerning the Assassination of
President John F. Kennedy"

Attached is a proposed Executive order entitled "Disclosure
of Materials Concerning the Assassination of President John F.
Kennedy."

It was prepared by the Department of Justice, in accordance
with the provisions of Executive Order No. 11010, as amended.

On behalf of the Director of the Office of Management and
Budget, I would appreciate receiving any comments you may have
concerning this proposal. If you have any comments or
objections, they should be received no later than close of
business Thursday, May 7, 1992. Please be advised that agencies
that do not respond by the May 7, 1992 deadline will be recorded
as not objecting to the proposal.

Comments or inquiries may be submitted by telephone to Mr.
or Ms. Bass Weaver of this office (Phone: 325 5-6000; Fax

Thank you.

Attachments - Distribution List
Proposed Executive Order

cc: Bob Grady
Mike Gibson
Janet Hale
Mike Murr
Frank Rodsoli
Howard
Tom Scully

EXECUTIVE ORDER

- - - - -

DISCLOSURE OF MATERIALS CONCERNING THE ASSASSINATION
OF PRESIDENT JOHN F. KENNEDY

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to ensure that the American people have expeditious access to materials concerning the assassination of President John F. Kennedy, it is hereby ordered as follows:

Section 1. Definitions. For purposes of this order:

(a) "Agency" means an Executive agency as defined in § U.S.C. § 552(f).

(b) "Assassination material" means a record or particular information therein that pertains to the assassination of President John F. Kennedy or to the investigations thereof and that has not been made available to the public prior to the effective date of this order, but such term does not include:

(1) any record or particular information therein that pertains solely to personnel matters or other administrative affairs of the President's Commission on the Assassination of President John F. Kennedy (the Warren Commission) or any other agency;

(2) any materials, including the autopsy materials, donated by the Kennedy family to the National Archives pursuant to a deed of gift regulating access to those materials; or

(J) any record or particular information therein the disclosure of which is prohibited by federal law.

(c) "Record" means a book, paper, map, photograph, machine readable material, or other documentary material, regardless of physical form or characteristics.

(d) "Review Panel" means the Interagency Review Panel on John F. Kennedy Assassination Materials established by section 2(a) of this order.

Sec. 2. Interagency Review Panel on John F. Kennedy Assassination Materials.

(a) There is hereby established an interagency panel to be known as the "Interagency Review Panel on John F. Kennedy Assassination Materials." The Review Panel shall be composed of the following officers or their designees:

- (1) the Attorney General;
- (2) the Secretary of State;
- (3) the Secretary of the Treasury;
- (4) the Secretary of Defense;
- (5) the Director of Central Intelligence;
- (6) the Assistant to the President for National Security Affairs.

(b) The Review Panel shall establish such procedures as are necessary to discharge the duties assigned to it by section 4 of this order.

Sec. 5. Review and Disclosure by Agencies.

(a) Within 90 days of the effective date of this order, each agency shall review all assassination materials in its custody and shall, in accordance with section 6 of this order, disclose such materials unless the agency determines in writing that such disclosure reasonably could be expected to:

(1) threaten the national security, military defense, intelligence or law enforcement operations, or conduct of foreign relations of the United States;

(2) constitute a clearly unwarranted invasion of privacy of a living person who has not agreed to such disclosure; or

(3) endanger the life or physical safety of any person.

(b) If an agency has reasonable cause to believe that any assassination materials in its custody contain information that originated with another agency, it shall, before disclosing such materials, consult with the originating agency. Such materials shall, in accordance with section 6 of this order, be disclosed unless the originating agency objects in writing to such disclosure on the grounds specified in subsection (a) of this section.

(c) All assassination materials not disclosed pursuant to subsections (a) or (b) of this section shall be made available to the Review Panel.

Sec. 4. Review and Disclosure by the Interagency Review Panel.

(a) The Review Panel shall review all assassination materials made available to it pursuant to section 3(e) of this order and shall, in accordance with section 6 of this order, disclose such materials unless it determines that such disclosure would:

(1) threaten the national security, military defense, intelligence or law enforcement operations, or conduct of foreign relations of the United States;

(2) constitute a clearly unwarranted invasion of privacy of a living person who has not agreed to such disclosure; or

(3) endanger the life or physical safety of any person.

(b) Upon completion of its review, the Review Panel shall submit to the President a report concerning its activities.

Sec. 5. Redaction and Partial Disclosure. Sections 3 and 4 of this order shall be construed to require the disclosure of any reasonably segregable portion of any particular assassination material after deleting the portions that would otherwise prevent disclosure of such material.

Sec. 6. Transfer to Archivist. When an agency or the Review Panel determines that certain assassination materials should be disclosed pursuant to section 3 or 4 of this order, it:

shall transfer such materials or legible copies thereof to the Archivist of the United States, who shall, under such procedures as he shall establish by regulation, disclose them to the general public.

Sec. 7. Conflicts with Other Executive Orders. This order shall, with respect to assassination materials as defined in section 1(b) of this order, supersede all other Executive orders concerning the classification and safeguarding of national security information.

Sec. 8. Judicial Review. Nothing in this order shall be construed to create any right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 9. Effective Date. This order shall become effective on _____, 1992.

DISTRIBUTION LIST

Honorable William P. Barr
United States Attorney General

Honorable Nicholas F. Brady
Secretary
Department of the Treasury

Honorable Richard B. Cheney
Secretary
Department of Defense

Honorable James A. Baker
Secretary
Department of State

Honorable Edward J. Derwinski
Secretary
Department of Veterans Affairs

Honorable William H. Webster
Director
Central Intelligence Agency

Mr. Richard G. Austin
Administrator
General Services Administration

Honorable D n W. Wilson
Archivist of the United States
National Archives and Records Administration

Honorable Charles Kolb
Deputy Assistant to the President
for Domestic Policy

Honorable LTG. Brent Scowcroft (Ret.)
Assistant to the President
for National Security Affairs



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
August 31, 1992

JFK
Assass

92 AUG 31 PM 2:06

MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Robert G. Damus (RD)
Acting General Counsel

SUBJECT: Proposed Executive Order Entitled "Disclosure of
Materials Concerning the Assassination of
President John F. Kennedy"

Attached is a revised proposed Executive order entitled
"Disclosure of Materials Concerning the Assassination of
President John F. Kennedy."

It was prepared by the Department of Justice, in accordance
with the provisions of Executive Order No. 11030, as amended.
The order was originally circulated for agency comment on May 7,
1992. The attached revision reflects the changes made as a
result of the May 7th circulation.

On behalf of the Director of the Office of Management and
Budget, I would appreciate receiving any comments you may have
concerning this proposal. If you have any comments or
objections, they should be received no later than close of
business Friday, September 4, 1992. Please be advised that
agencies that do not respond by the September 4, 1992 deadline
will be recorded as not objecting to the proposal.

Comments or inquiries may be submitted by telephone to Mr.
Mac Reed or Ms. Bess Weaver of this office (Phone: 202-395-5601;
Fax: 202-395-7294).

Thank you.

Attachments - Distribution List
Proposed Executive Order

cc: Bob Grady
Kim Gibson
Janet Hale
Jim Huff
Frank Hodsoll
Bob Howard
Jim MacRae
Tom Scully

DISTRIBUTION LIST

Honorable William F. Barr
United States Attorney General

Honorable Nicholas F. Brady
Secretary
Department of the Treasury

Honorable Richard B. Cheney
Secretary
Department of Defense

Honorable James A. Baker
Secretary
Department of State

Honorable Edward J. Derwinski
Secretary
Department of Veterans Affairs

Honorable William H. Webster
Director
Central Intelligence Agency

Mr. Richard G. Austin
Administrator
General Services Administration

Honorable Don W. Wilson
Archivist of the United States
National Archives and Records Administration

Honorable Charles Kolb
Deputy Assistant to the President
for Domestic Policy

Honorable LTG. Brent Scowcroft (Ret.)
Assistant to the President
for National Security Affairs

DRAFT 8/26/92

EXECUTIVE ORDER

- - - - -

DISCLOSURE OF MATERIALS CONCERNING THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to ensure expeditious access to materials concerning the assassination of President John F. Kennedy, it is hereby ordered as follows:

Section 1. Definitions. For purposes of this order:

(a) "Agency" means an Executive agency as defined in 5 U.S.C. § 552(f).

(b) "Assassination material" means a record or particular information therein that pertains to the assassination of President John F. Kennedy or to the investigations thereof and that has not been made available to the public prior to the effective date of this order, but such term does not include:

(1) any record or particular information therein that pertains solely to personnel matters or other administrative affairs of the President's Commission on the Assassination of President John F. Kennedy (the Warren Commission) or any other agency;

(2) any materials, including the Kennedy autopsy materials, donated to the National Archives pursuant to a deed of gift

regulating access to those materials, or copies or reproductions made from such materials; or

(3) any record or particular information therein the disclosure of which is prohibited by federal law.

(c) "Record" means a record as defined in 44 U.S.C. § 3301.

(d) "Review Panel" means the Interagency Review Panel on John F. Kennedy Assassination Materials established by section 2(a) of this order.

Sec. 2. Interagency Review Panel on John F. Kennedy Assassination Materials.

(a) There is hereby established an interagency panel to be known as the "Interagency Review Panel on John F. Kennedy Assassination Materials." The Review Panel shall be composed of the following officers or their designees:

- (1) the Attorney General;
- (2) the Secretary of State;
- (3) the Secretary of the Treasury;
- (4) the Secretary of Defense;
- (5) the Director of Central Intelligence;
- (6) the Assistant to the President for National Security Affairs; and
- (7) the Archivist of the United States.

(b) The Review Panel shall establish such procedures as are necessary to discharge the duties assigned to it by section 4 of this order.

Sec. 2. Review and Disclosure by Agencies.

(a) Within 180 days of the effective date of this order, each agency shall review all assassination materials in its custody and shall, in accordance with section 6 of this order, disclose such materials unless the agency determines in writing that such disclosure reasonably could be expected to:

(1) cause damage to the national security, law enforcement operations, or conduct of foreign relations of the United States;

(2) constitute a clearly unwarranted invasion of the privacy of a living person who has not agreed to such disclosure; or

(3) endanger the life or physical safety of any person.

(b) If an agency has reasonable cause to believe that any assassination materials in its custody contain information that originated with another agency, it shall, before disclosing such materials, consult with the originating agency. Such materials shall, in accordance with section 6 of this order, be disclosed unless the originating agency objects in writing to such disclosure on the grounds specified in subsection (a) of this section.

(c) All assassination materials not disclosed pursuant to subsections (a) or (b) of this section shall be made available to the Review Panel.

SEC. 4. Review and Disclosure by the Interagency Review

Panel.

(a) The Review Panel shall review all assassination materials made available to it pursuant to section 3(c) of this order and shall, in accordance with section 6 of this order, disclose such materials unless it determines that such disclosure would:

- (1) cause damage to the national security, law enforcement operations, or conduct of foreign relations of the United States;
- (2) constitute a clearly unwarranted invasion of the privacy of a living person who has not agreed to such disclosure; or
- (3) endanger the life or physical safety of any person.

(b) Upon completion of its review, the Review Panel shall submit to the President a report concerning its activities.

SEC. 5. Redaction and Partial Disclosure. Sections 3 and 4 of this order shall be construed to require the disclosure of any reasonably segregable portion of any particular assassination material after deleting the portions that would otherwise prevent disclosure of such material.

SEC. 6. Transfer to Archivist. When an agency or the Review Panel determines that certain assassination materials should be disclosed pursuant to section 3 or 4 of this order, it shall transfer such materials to the Archivist of the United

States, who shall, under such procedures as he shall establish by regulation, disclose them to the general public as expeditiously as practicable.

Sec. 7. Relation to Other Executive Orders. No Executive order concerning the classification and safeguarding of national security information shall constitute a basis for withholding assassination materials that are required to be disclosed pursuant to sections 3 or 4 of this order.

Sec. 8. Cooperation with Congress.

(a) During the period described in section 3(a) of this order, each agency shall, in cooperation with Congress, identify any assassination materials subject to the control of Congress that were originally provided to Congress by that agency. To the extent practicable, such materials shall be reviewed for disclosure pursuant to sections 3 and 4 of this order.

(b) Each agency and the Review Panel shall cooperate fully with any request by Congress to review any other assassination materials subject to the control of Congress.

Sec. 9. Judicial Review. Nothing in this order shall be construed to create any right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

SEN: 01/20/82 10:00 AM

Sec. 10. Effective Date. This order shall be published in the Federal Register and shall be effective upon publication.

- 6 -

LOUIS STOKES, OHIO, CHAIRMAN
RICHARDSON PREYER, N.J.
RALPH G. CAURINOV, D.C.
VICTOR BRATHWAITE BURNS, CALIF.
CHRISTOPHER J. BODD, CONN.
HAROLD E. FORD, TENN.
FLOYD B. THYMAN, IND.
ROBERT W. EGGER, PA.
SAMUEL H. HINE, OHIO
STEWART C. HINNEY, CONN.
CHARLES THOMAS, MICH.
HAROLD S. SAWYER, MICH.

(202) 225-4624

Select Committee on Assassinations

U.S. House of Representatives

3369 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20515

March 26, 1979

The Honorable Griffin B. Bell
Attorney General of the U. S.
Department of Justice
Washington, D. C. 20530

Dear Mr. Attorney General:

As you are aware, H. Res. 222, as passed by the House of Representatives on February 2, 1977, authorized the Select Committee on Assassinations to investigate the deaths of Dr. Martin Luther King, Jr. and President John F. Kennedy. The Committee's work is now drawing to an end. I write this letter to draw to your attention a matter that I recognize will inevitably come up in the future.

A great deal of material has been generated by your Department in response to specific requests or concerns of the Select Committee. In addition, your Department is in physical custody of a variety of materials originating from the Select Committee. It can be anticipated that your Department will receive requests under the Freedom of Information Act for access to these materials. The purpose of this letter is to request specifically that this Congressional material and related information in a form connected to the Committee not be disclosed outside your Department without the written concurrence of the House of Representatives.

Sincerely,


LOUIS STOKES
Chairman

LS:dm

cc: Robert L. Keuch

Office of the Clerk
U.S. House of Representatives
Washington, D.C. 20515

March 2, 1981

Honorable William H. Webster
Federal Bureau of Investigation
J. Edgar Hoover Building
Washington, D.C. 20535

Dear Mr. Webster:

I am writing to you concerning a subject of considerable concern to me as the legislative branch officer charged with maintaining and preserving non-current House documents and records under the rules and precedents of the House of Representatives. Specifically, I call your attention to requests filed with the Bureau under the Freedom of Information Act for correspondence, records or any communications between the Bureau and the former House Select Committee on Assassinations ("HSCA").

By letter dated March 26, 1979 to the Honorable Griffin Bell, former Chairman Stokes specifically identified the problem which would result from requests under the Freedom of Information Act for material generated by the Bureau in response to specific requests by HSCA during its investigation. That letter requested that "this congressional material and related information in a form connected to the Committee not be disclosed outside your Department."

My purpose in writing is to reaffirm the congressional intent expressed by Chairman Stokes at the conclusion of HSCA's work in my capacity as archival and custodial agent for the House of HSCA's records. In this connection, my General Counsel has generally reviewed the congressional materials and has determined that none of the congressional materials can be released consistent with the letter from Chairman Stokes asserting the exemption for Congress under 5 U.S.C. §551(1)(A)(1976). This is our position notwithstanding the recent decision of a panel of the United States

Court of Appeals in Holy Spirit Association For The Unifica-
tion of World Christianity v. Central Intelligence Agency,
Nos. 79-2143, 2202 (D.C. Cir. Dec. 23, 1980), petition for
rehearing filed, (Jan. 21, 1981). We strongly believe that
Chairman Stoke's letter, together with our reaffirmation by
this letter, comes squarely within the standards articulated
in the Holy Spirit case, because they predate both the
request and any litigation which might arise therefrom, two
factors cited by the panel in Holy Spirit as absent.

As constitutional officer of the House charged with
preservation of House records, I cannot overemphasize the
importance of maintaining the strictest confidentiality over
records generated by the Bureau, as well as copies of
congressional materials retained by the Bureau, in connection
with HSCA. While I believe that these letters adequately
serve to support the withholding of any of these documents
under FOIA, I would appreciate being informed of any such
requests. In this regard, please have appropriate personnel
in the processing sections contact my General Counsel concern-
ing requests for HSCA materials.

Sincerely,



EDMUND L. HENSHAW, JR., Clerk
U.S. House of Representatives

*Henshaw
6/13 memo 1981

MEMORANDUM OF UNDERSTANDING
BETWEEN
JOHN G. KESTER,
SPECIAL ASSISTANT TO THE SECRETARY OF DEFENSE
AND
G. ROBERT BLAKEY,
CHIEF COUNSEL AND DIRECTOR TO
THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS

1. This Memorandum of Understanding shall govern the protection of classified information of the Department of Defense relating to the investigation of the House Select Committee on Assassinations (Committee) into the allegations of David F. Christensen of involvement by ~~the Government of Cuba~~ ^{certain individuals} in the assassination of President John F. Kennedy. For such purpose, the Department of Defense will make SGT Nicholas B. Stevenson available for an interview by a designated member of the Committee Staff at a time of mutual convenience but not later than 22 November 1978.

2. The interview will be conducted in secure spaces which are authorized for the discussion of classified signals intelligence information.

3. The interview will be limited in scope to the substantive content of the allegations of Mr. Christensen. Information which deals with intelligence sources and methods will not be used in responding to questions, ^{except as such information may directly relate to the substance of the allegations.}

4. The Committee agrees, for itself and on behalf of the person designated by the Committee to conduct the interview, not to disclose any classified information which is revealed in the

course of the interview without the prior written concurrence of the Department of Defense. A representative of the Department will attend the interview and advise the Committee representative as to information that is classified.

5. The Committee's designee who conducts the interview may make a record of the interview and written notes of the responses of SGT Stevenson to the Committee's questions. The Committee agrees that any such notes may be inspected by the Department's representative prior to removal from the interview room, and any classified information which is contained in the notes shall be deleted prior to their removal. If any classified information is contained in the notes, the original version shall be maintained in the Office of the Special Assistant to the Secretary of Defense, and the Committee may have access to those notes as needed. Any record or transcript of the interview will be left in the possession of the Department of Defense for a review to determine its classification. If the transcript or record contains classified information, it will remain in the Department's possession, and the Committee may have access to it as needed.

6. Nothing in the Committee's undertaking affects the Committee's right to invoke in the future any subpoena power available to it to secure and disclose the information related to Mr. Christensen's allegations provided, however, that the Committee will not disclose the information until any related litigation has been concluded by judicial action that permits disclosure.

JOHN G. KESTER

G. ROBERT BLAKEY

117-30-117

LEON STOKES, OHIO, CHAIRMAN
RICHARDSON PRETTIHEL, N.J.
WALTER S. FAUNTROY, D.C.
YVONNE BRATHWAITE BURKE, CALIF.
CHRISTOPHER J. DODD, CONN.
HAROLD E. FORD, TENN.
FLOYD J. PITHAN, IND.
ROBERT W. ZOGAR, PA.
SAMUEL L. DEVINE, OHIO
STEWART D. MCKINNEY, CONN.
CHARLES THORNE, NEBR.
MARCO S. DAVYDET, MICH.

Select Committee on Assassinations
U.S. House of Representatives
3369 HOUSE OFFICE BUILDING, ANNEX 2
WASHINGTON, D.C. 20515

(202) 225-3624

November 8, 1978

The Honorable Harold Brown
Secretary of Defense
The Pentagon
Washington, D. C. 20301

Attention: Mr. John G. Kester
Special Assistant to the Secretary

Dear Mr. Secretary:

In connection with its investigation into the circumstances surrounding the death of President John F. Kennedy, the Select Committee on Assassinations requests that the Department of Defense state whether any of the following materials are located in either Central Records facilities, Intelligence Records and Reports, or "vault files" at Fort George Meade, Maryland:

- A. Any and all records, files, reports, photographs, and regulations pertaining to Department of Defense advance work, coordination, and actual participation in the protection of the President and the Vice President in the context of public appearances and travel in 1963.
- B. Any and all records, subject files, files on individuals, reports and photographs pertaining to the assassination of President Kennedy, including but not limited to the names of Department of Defense personnel present in Dallas on the day of the assassination, their duties and functions on that day, and the reports they generated.
- C. Any and all records, files, reports, and photographs pertaining to Lee Harvey Oswald

The Honorable Harold Brown
November 8, 1978
Page Two

or A. (Alek) J. Hidell.

Thank you for your prompt attention to this
request.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. Robert Blakey".

G. Robert Blakey
Chief Counsel and Director

GRB:rgg



OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

NOV 14 1978

Distribution List for Requests of
House Select Committee on Assassinations

From: Judith A. Miller
Assistant to The Special Assistant

_____ Eric T. Freyfogle	Office of the General Counsel, Department of the Army
_____ Sara Lister	Associate General Counsel, Department of the Navy
_____ Major Dick Flowers	Office of the Secretary of the Air Force Legislative Liaison
_____ John Brock	General Counsel, Defense Intelligence Agency
_____ Colonel Hartig	Defense Investigative Service
✓ <u>NSA</u>	

Response: 27 Nov 1978

20 Nov 78

GC

- Dan

What do you make of
this - particularly
Query B which seems
to say that we should
turn over even files
relating to DeLoey's
past inquiries??

Gene

memorandum

DATE: 20 October 1978

REPLY TO
ATTN OF: GENERAL COUNSEL

SUBJECT: Request from House Select Committee on Assassinations

TO: DIRECTOR *[Handwritten Signature]*

1. We received from Judith A. Miller, Special Assistant to John Kester, the attached request from Mr. Blakey, Chief Counsel of the House Select Committee on Assassinations. The request seeks certain DoD information on 117 listed individuals. From the context of the request and the list there is a fair basis to suspect that many, if not all, of the listed individuals are United States persons within the definition of E.O. 12036.

2. In my view, there is a serious doubt as to the propriety of engaging in a review of NSA materials to amass information on this list of individuals. In addition, it appears likely that a substantial amount of work would be necessary and that we would have serious security concerns with disclosing the fact that NSA had information on visits to the Soviet Union of specific named persons.

3. I called Ms. Miller this afternoon and explained these concerns to her. We agreed that NSA would take no action on this request for the present.

[Handwritten Signature]
DANIEL B. SILVER
General Counsel

Encl:
a/s

cc: LAO



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

U.S. Government Printing Office: 1978-201-536/3010

OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112



OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

OCT 16 1978

Distribution List for Requests of
House Select Committee on Assassinations

From: Judith A. Miller
Assistant to The Special Assistant

_____ Eric T. Freyfogle	Office of the General Counsel, Department of the Army
_____ Sara Lister	Associate General Counsel, Department of the Navy
_____ Major Dick Flowers	Office of the Secretary of the Air Force Legislative Liaison
_____ John Brock	General Counsel, Defense Intelligence Agency
_____ Colonel Hartig	Defense Investigative Service

NSA

Suppose

OCT 31 1978

LOUIS STORER, 6049, CHAIRMAN
RICHARDSON PREYER, R.C.
WALTER E. FAUNTROY, D.C.
YVES DE BRATHWANTZ BUREL, CALIF.
CHRISTOPHER J. BOSS, TEXAS
MARFOLD E. PEAR, TEXAS
FLOYD J. PITTMAN, MISS.
ROBERT W. EDGAR, PA.
SAMUEL L. BEVING, MISS.
STEWART D. McHERRY, CALIF.
CHARLES TRASK, MISS.
MARCO S. SARTER, MISS.

Select Committee on Assassinations

U.S. House of Representatives

3331 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20515

(202) 225-4824

The Honorable Harold Brown
Secretary of Defense
Washington, D.C. 20301

Attention: Mr. John G. Kester
Special Assistant to the Secretary

Dear Mr. Secretary:

In connection with its investigation into the circumstances surrounding the death of President John F. Kennedy, the Select Committee on Assassinations requests that you provide the following information about the persons listed in Attachment A:

1. For how many of these persons do you have files or file references?
2. How many of these persons visited or lived in the U.S.S.R. or a Soviet bloc country at any time during the period 1958-1963?
3. How many of these persons were considered to be "defectors" to the U.S.S.R. or a Soviet bloc country?
4. a) How many of these persons considered by you to be "defectors" were interviewed or debriefed by the Department of Defense?
b) How many contacts were generally made with such a person?
5. How many of these debriefings revealed that the individual had had contact with the KGB during his stay in the Soviet Union?
6. a) Was it standard operating procedure to interview returning "defectors"?

The Honorable Harold Brown
Page 2.

6. b) How many of those persons not interviewed
by the Department of Defense were interviewed
by another federal agency?

Please consider this a priority request. We would
greatly appreciate compliance by November 1, 1978.

Sincerely,



G. Robert Blakey
Chief Counsel and Director

Attachment

GRB:ewb

ATTACHMENT A.

1. Abrams, Stephan
DPOB: 15 July 1938; Chicago, Illinois
2. Aisenstein, Tamara
3. Amron, Irving
DPOB: 04 December 1917; New York
4. Antaramian, Paul
DPOB: 30 May 1929; Kenosha, Wisconsin
5. Arnautoff, Victor
DPOB: 11 November 1896; Marinpol, USSR
6. Arnold, Mary
DPOB: 21 January 1919; USA
7. Arutyunyan, Pogos, aka Paul Harry
8. Aslanian, Fred
DPOB: 11 September 1908; East St. Louis, Illinois
9. Aslanian, Sonya
DPOB: 28 February 1911; Grand Rapids, Minnesota
10. Beaver, Karen
DPOB: Boston, Massachusetts
11. Block, Mollie
DPOB: 6 November 1912; New York, New York
12. Block, Morris
DPOB: 30 March 1920; New York, New York
13. Bovt, Victoria
DPOB: USA
14. Bridges, James
DPOB: 19 October 1932; Jackson, Mississippi
15. Brisker, Luba
DPOB: 17 June 1898; Gomel, USSR
16. Citrynell, Harold
DPOB: 10 March 1923; New York, New York
17. Coe, Mary
DPOB: 10 March 1940; Washington, D.C.
18. Cort, Joseph
DPOB: 27 December 1927; Boston, Massachusetts

19. Damiano, Leonard
DPOB: 1914; Boston, Massachusetts
20. Dannenberg, James
DPOB: 21 March 1939; White Plains, New York
21. Davis, Bruce
DPOB: 4 May 1936; Rome, New York
22. Dedekian, Armen
DPOB: 4 December 1942; Massachusetts
23. Dedekian, Karekin
DPOB: 11 November 1906; Arabkin, Turkey
24. Drexler, Esther
DPOB: 08 August 1914; Connecticut
25. Dubinsky, Shirley
DPOB: 11 March 1925; New York, New York
26. Feldman, Fred T.
DPOB: U.S.A.
27. Frank, Richard
DPOB: 22 August 1922; Rochester, New York
28. Frank, Susan
DPOB: 18 November 1913; New York, New York
29. Genimatas, George C.
DPOB: 25 October, 1897
30. Gold, Robert
DPOB: 14 March 1928; Massachusetts
31. Gontar, Effie
DPOB: 8 March 1900; South Shields, UK
32. Gontar, Peter
DPOB: ca 1903; USA
33. Guralski, Jack
DPOB: 08 August 1914; Winsted, Connecticut
34. Guralsky, Jacob
DPOB: 03 July 1908; New York, New York
35. Guralsky, Victoria
36. Hachikian, Semon
DPOB: 06 January 1928; Philadelphia, Pennsylvania

37. Halperin, Edith
DPOB: 06 July 1907; Wabash, Indiana
38. Halperin, Maurice H.
DPOB: 03 March 1906; Boston, Massachusetts
39. Hamilton, Victor N.
DPOB: 15 July 1919; Jaffa, Labanon
40. Harootian, Agnes
DPOB: 11 April 1929; Illinois
41. Harrington, Oliver W.
DPOB: 14 February 1912; New York, New York
42. Hoffman, Joseph
DPOB: 28 August 1906; Philadelphia, Pennsylvania
43. Jakob-Sade, James
DPOB: 05 May 1916; Armenia, USSR
44. Jerome, Victor
DPOB: 12 October 1896, Strykow, Poland
45. Joachim, John
DPOB: ca 1933, Germany
46. Johnson, David
DPOB: 1830; U.S.A.
47. Jones, Louis
DPOB: 17 March 1934; Arlington Heights, Ohio
48. Jurtschenko, Anna
DPOB: 22 April 1911; Vienna, Austria
49. Kaczmarczyk, Joseph
DPOB: 11 November 1912; Frampel, Poland
50. Kalinin, Iwan
DPOB: 12 March 1902; Kolasz, USSR
51. Karibian, Arthur
DPOB: 25 March 1900; Sivas City, Turkey
52. Karibian, Michael
DPOB: 09 April 1935; Detroit, Michigan
53. Karibian, Sophie
DPOB: 12 April 1915; Buffalo, New York
54. Ketchian, Philip
DPOB: 29 June 1910; Harpoot, Turkey

55. Kizirian, Ernest
DPOB: 10 August 1932; Troy, New York
56. Koch, Harold
DPOB: 30 June 1932; Chicago, Illinois
57. Lawson, John
DPOB: 25 September, 1904
58. Lawson, Susan
DPOB: 01 September 1895; Waco, Texas
59. Lefian, Harry
DPOB: 06 October 1928; Providence, Rhode Island
60. Lefian, Milton
DPOB: 31 May 1930; Providence, Rhode Island
61. Lewvan, Magda
DPOB: 21 November 1918; Laevatown, USSR
62. Mackler, Mary
DPOB: 25 April 1915; Albany, New York
63. Marshall, Joseph
DPOB: 29 September 1897; Utica, New York
64. Martinkus, Anthony
DPOB: 15 June 1911; Chicago, Illinois
65. Maynazarian, Nazar
DPOB: 15 August 1903; Turkey
66. Melkonian, Alice
DPOB: 15 October 1930; Lowell, Massachusetts
67. Meyer, Karl
DPOB: 30 June 1937; Mountain, Wisconsin
68. Milukas, Alfonso
DPOB: 05 April 1911; Philadelphia, Pennsylvania
69. Mooradian, Tommas
DPOB: 31 July 1928; Detroit, Michigan
70. Morray, Joseph
DPOB: 17 December 1916; Vienna, Illinois
71. Morray, Majorie
DPOB: 19 February 1919; Chicago, Illinois

72. Nekrasov, John
DPOB: 21 December 1921; USSR
73. Neski, Leonard
DPOB: 22 December 1907; Estonia, USSR
74. Niemi, Esteri
DPOB: 05 May 1902; Cakato, Minnesota
75. North, Joseph
DPOB: 25 May 1904; Odessa, USSR
76. Oswald, Lee Harvey
DPOB; 18 October 1939; New Orleans, Louisiana
77. Packler, Allan
DPOB: 07 March 1933; Illinois
78. Pagenhardt, Charles
DPOB: 26 February 1912; Piedmont, West Virginia
79. Palakian, John
DPOB: 23 October 1934; New York, New York
80. Parker, James
DPOB: 21 February 1926; Alameda, California
81. Petinov, Leonid
DPOB: 27 June 1937; USSR
82. Petrulli, Nicholas
DPOB: 13 February 1921; Brooklyn, New York
83. Pittman, John
DPOB: 17 September 1906; Atlanta, Georgia
84. Pittman, Margaret
DPOB: 07 October 1919; Frankfurt, West Germany
85. Licciardelli, Libero
DPOB: 08 June 1917; Needham, Massachusetts
86. Russell, Maud
87. Sade, Annaliese
DPOB: 20 July 1922; Germany
88. Schelegin, Victor
DPOB: 19 April 1924; Polevskie, USSR
89. Seborer, Miriam
DPOB: 09 December 1918; Philadelphia, Pennsylvania

90. Sgovo, Thomas
DPOB: 07 October 1916; Buffalo, New York
91. Silverstein, Clara
DPOB: 28 December 1890; Odessa, USSR
92. Sobey, Stefan
DPOB: 22 April 1897; Harpoot, Turkey
93. Soukiasian, Haig
DPOB: 26 September 1926; Lawrence, Massachusetts
94. Soukiasian, Siragan
DPOB: 04 September 1897; Harpoot, Turkey
95. Steinberg, Benjamin
DPOB: 15 March 1915; Baltimore, Maryland
96. Stiegletsky, Lenny
DPOB: New York, New York
97. Tegnazian, Thelma
DPOB: 08 May 1927; Hackensack, New Jersey
98. Tegnazian, Zaryk
DPOB: 04 January 1926, Hackensack, New Jersey
99. Tobien, Margaret
DPOB: 28 May 1921; Reese, Michigan
100. Tynes, George
DPOB: 12 April 1906; Roanoke, Virginia
101. Veski, Hilda
DPOB: 07 May 1919; Talli, USSR
102. Veski, Hillard
DPOB: 12 June 1947; UK/Wales
103. Veski, Leonard
DPOB: 18 October 1948; Miami, Florida
104. Vogramian, Nigol
DPOB: USSR
105. Voronkov, Eugenio
DPOB: 02 October 1937; Hailar, China
106. Warnick, Philip
DPOB: 07 May 1890; Mozyr, USSR
107. Warnick, Rachama
DPOB: 1913; USA

108. Webster, Robert
DPOB: 23 October 1928; Tiffin, Ohio
109. Welins, Leroy
DPOB: 26 May 1929; Chicago, Illinois
110. Whitmire, Clarence
DPOB: 20 August 1939; Greenville, S.C.
111. Wilson, George
DPOB: 25 October, 1921; Indianapolis, Indiana
112. Winston, Henry
DPOB: 02 April 1911; Hattiesburg, Mississippi
113. Yudin, Sidney
DPOB: 26 May 1916; Lynn, Massachusetts
114. Zarian, Frances
DPOB: 04 January 1901; San Francisco, California
115. Zeitlin, Anna
DPOB: 28 November 1895; USA
116. Maynazarian, Jadwiga
DPOB: 7 October 1912; Buffalo, New York
117. Maynazarian, Mitchell

LOUIS STOKES, OHIO, CHAIRMAN

RICHARDSON PREYER, N.C.
WALTER S. FAUNTROY, D.C.
YVONNE BRATHWAITE BURKE, CALIF.
CHRISTOPHER J. DODD, CONN.
MARCO E. FORD, TENN.
FLOYD J. FITHIAN, IND.
ROBERT W. EDGAR, PA.

SAMUEL L. DEVINE, ILL.
STEWART G. MCHEENE, CONN.
CHARLES THOMAS, MISS.
MAROUD S. SAWYER, MICH.

Select Committee on Assassinations

U.S. House of Representatives

3331 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20515

(202) 223-4624

The Honorable Harold Brown
Secretary of Defense
The Pentagon
Washington, D. C. 20301

Attention: Mr. John G. Kester
Special Assistant to the
Secretary

Dear Mr. Secretary:

In connection with its investigation into the circumstances surrounding the death of President John F. Kennedy, the House Select Committee on Assassinations requests that the Department of Defense provide access to the following:

- A. Any and all records, files, reports, photographs, and regulations pertaining to Department of Defense advance work, coordination, and actual participation in the protection of the President and the Vice President in the context of public appearances and travel in 1963.
- B. Any and all records, subject files, files on individuals, reports and photographs pertaining to the assassination of President Kennedy, including but not limited to the names of Department of Defense personnel present in Dallas on the day of the assassination, their duties and functions on that day, and the reports they generated.

Some of the materials referred to in A and B above may be located in Intelligence Records and Reports at Fort Meade, Maryland, or in "vault files" at the same location.

- C. Detailed written statements explaining the following issues pertaining to Lee Harvey Oswald's service in the Marine Corps. These statements should address both the questions posed and the specific examples given.

1. What was Oswald's level of security clearance?

Oswald's military records indicate that he received a security clearance of "confidential" on May 3, 1957. (See Warren Commission Vol. 19, pp. 665 and 714.) On the other hand, John E. Donovan, who was the officer in command of Oswald's crew in Santa Ana, California, testified before the Warren Commission that Oswald "must have had secret clearance to work in the radar center, because that was a minimum requirement for all of us." (See Warren Commission Vol. 8, p. 298.)

2. During which periods was Oswald separated from his units overseas because of hospitalization?

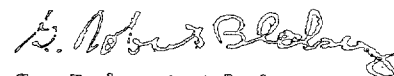
Oswald's health records reflect that he was sent "to mainside for smear" on September 16, 1958. (See Warren Commission Vol 19, p. 603; see also Vol. 8, p. 313.) But other records reveal that Oswald's unit, MAG 11, sailed from Yokosuka, Japan, on September 16, 1958, for the South China Sea area, and did not return to Japan until October 5, 1958. (See Warren Commission Vol. 23, p. 797; see also Warren Report, p. 684.)

3. During which periods was Oswald incarcerated, and for which offenses?

Oswald's military records indicate that he was incarcerated from June 27, 1958 to July 24, 1958. (See Warren Commission Vol. 19, p. 686.) But another record indicates that Oswald received 45 days of time lost from June 27, 1958, to August 13, 1958. (See Warren Commission Vol. 19, p. 661.)

Thank you for your continuing cooperation in handling Select Committee requests.

Sincerely,



G. Robert Blakey
Chief Counsel and Director

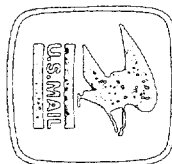
GRB:rgj

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

Mr. Dan Silver
General Counsel
National Security Agency
Fort George G. Meade, Maryland 20755

POSTAGE AND FEES PAID
OFFICE OF THE SECRETARY OF DEFENSE
DOD-352





OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C., 20301

JUN 1 1978

Distribution List for Requests of
House Select Committee on Assassinations

From: Judith A. Miller
Assistant to The Special Assistant

- _____ Eric T. Freyfogle Office of the General Counsel, Department of the Army
- _____ Sara Lister Associate General Counsel, Department of the Navy
- _____ Major Dick Flowers Office of the Secretary of the Air Force
Legislative Liaison
- _____ John Brock General Counsel, Defense Intelligence Agency
- _____ Colonel Hartig Defense Investigative Service
- ✓ *Don Jones* *NSA General Counsel*



OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

The Honorable Louis Stokes
Chairman
Select Committee on Assassinations
U.S. House of Representatives
3331 House Office Building, Annex 2
Washington, D. C. 20515

Dear Mr. Chairman:

Your recent letter to Secretary Brown raises the question of additional access by the Select Committee on Assassinations to sensitive intelligence information. The Department has sought to be responsive to your initial general request by providing a briefing and follow-up letter that would meet the information needs of the Committee while safeguarding operational sources and methods. I have recently been advised that it may be possible to provide more focused assistance to the Committee, however, if the Department is given written questions on specific factual allegations or incidents under staff investigation. DoD intelligence sources could then be checked and a statement could be furnished as to whether DoD intelligence sources hold any information that would support or refute the veracity of the allegation.

I believe that such an approach would assist the Committee in fulfilling its investigative responsibilities while allowing protection of sensitive defense intelligence techniques. I hope you will conclude that this proposal promises a satisfactory accommodation of our respective interests.

Sincerely,

John G. Kester
The Special Assistant

General Counsel

24 July 1978

NOTE FOR THE DIRECTOR

On 21 July 1978 I called Judy Miller and told her that the enclosed letter was all right.


DANIEL B. SILVER
General Counsel

Encl:
a/s

HR

July 19

Memo For

Gen. Silver
General Counsel, NSA

Attached is a draft of a possible response to the recent Assassinations Committee letter. We are leaning towards going this direction; I would like your comments / "fixes" ASAP since the letter from Stokes came in some time ago. Please call me to discuss any issues you find raised by the draft.

TELECOPIER ITEM
DTG: July 1530
FROM: D9.1
DIST: GC
.....
.....

Spady Miller

LEWIS STOKES, OHIO, CHAIRMAN
BENJAMIN PREYER, N.E.
WALTER L. FAUNTROY, D.C.
FRANK BRATTONATI DURKE, CALIF.
CHRISTOPHER J. EDSS, CONN.
CAROL E. FORB, TEXAS
ALVIN J. PITHAN, IND.
ROBERT W. BISSAR, PA.
SAMUEL L. BEVING, CO
STEWART D. MCKINNEY, AR.
CHARLES THOMAS, MISS.
CAROL S. DAWYER, MISS.

(203) 225-4624

Select Committee on Assassinations

U.S. House of Representatives

331 HOUSE OFFICE BUILDING, ANNEX 1

WASHINGTON, D.C. 20515

June 26, 1978

The Honorable Harold Brown
Secretary of Defense
Washington, D. C. 20201

Dear Mr. Secretary:

On December 16, 1977, I wrote to Vice Admiral Inman of the National Security Agency, requesting that certain members of the Committee staff be allowed access to data, if any, relating to the assassination of President Kennedy, but particularly relating to the Cuban Intelligence network of Premier Castro, with emphasis on operations by Cuban Intelligence operatives. A copy of that letter is enclosed for your information.

Subsequent to this request, Professor G. Robert Blakey, Chief Counsel to the Select Committee, had a number of conversations with your Special Assistant John Kester, in an effort to set up a briefing by appropriate staff people from NSA. We had hoped that this briefing could have taken place prior to the end of March when Committee members and staff personnel were to be out of the country on matters relating to this request.

Nevertheless, a briefing was not arranged until May 15, 1978 at 1:00 p.m., over a month ago. The briefing was held, as scheduled, but the content of it had nothing whatsoever to do with our initial request. We have been waiting since that time for another briefing to be set up. What we have received is one short, hardly adequate, letter saying essentially that no information is possessed relative to the President's assassination.

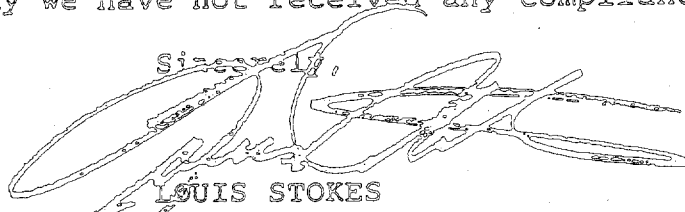
It is the Committee's feeling that to pursue this matter in the future as we have in the past would be a futile effort on our part.

7751

The Honorable Harold Brown
June 22, 1978
Page 2

Consequently, I respectfully request that you look into this matter personally, and advise me of the status of our request and the reason why we have not received any compliance.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Louis Stokes', is written over the typed name and title.

LOUIS STOKES
Chairman

LS:dm

cc: John Kester

General Cour

18 July 1978

NOTE FOR THE DIRECTOR
LAC

For your information, if you have
not yet seen.



DANIEL B. SILVER
General Counsel

EX 200, 18 July 78

1495

OFFICE OF THE SECRETARY OF DEFENSE

Memo For Dan Silver July 10

This is a copy of the letter we
discussed.

Judy Miller

LEWIS STOKES, OHIO, CHAIRMAN	SAMUEL L. DIXON, OHIO
DONALD W. PRYOR, W.C.	STEWART D. DICKINSON, CONN.
WALTER E. FAUNTROY, D.C.	CHARLES TERRY, WYV
WALDO L. GIBSON, CALIF.	MARBLE S. SAWYER, I.
ROBERT J. GIBSON, CONN.	
WALTER G. COPE, ILL.	
W. J. FISHER, IND.	
OT W. NEIDER, PA.	

(202) 225-4924

Select Committee on Assassinations

U.S. House of Representatives
 3311 HOUSE OFFICE BUILDING, ANNEX 2
 WASHINGTON, D.C. 20515

12/16/77

Vice Admiral B. R. Inman
 Director
 National Security Agency
 Fort George G. Meade, Maryland 20755

Dear Mr. Director:

The Select Committee on Assassinations was established by the House of Representatives pursuant to House Resolutions 222 and 433 to investigate the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr. In conjunction with our investigation into the assassination of President Kennedy, it has come to the Committee's attention that the National Security Agency has information which will be of substantial assistance to the Committee's inquiry.

The information to which the Committee staff needs access and which is held by the National Security Agency is all outlines and summaries and biographical data relating to the Cuban Intelligence network of Premier Castro covering the period from 1959 - December 31, 1964 with emphasis on operations by Cuban Intelligence operatives in the United States and other Latin American countries, and any analyses of the direction and evaluation of specific assassination operations.

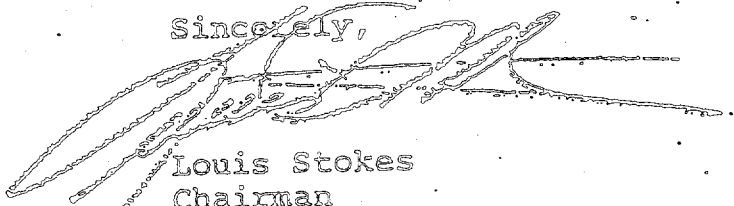
In addition, the Committee requests that it be provided access to any other materials you have relevant to the assassination of President Kennedy or any investigation into the assassination. Access to all materials we will receive from the National Security Agency will be restricted to staff members with a TOP SECRET security clearance.

Vice Admiral B. R. Inman

- 2 -

The Committee requests that it be provided with these materials as soon as possible, and would very much appreciate it if we could receive such access prior to the end of December. Should you have any questions concerning this request, please address them to myself or our Chief Counsel, G. Robert Blakey.

Sincerely,



Louis Stokes
Chairman

LS:jwc

cc: Mr. Frank Foster
Office of Legislative Affairs



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

cc
[Handwritten signature]

Serial: N0853-78
14 July 1978

Mr. G. Robert Blakey
Chief Counsel and Director
Select Committee on Assassinations
U.S. House of Representatives
331 House Office Building, Annex 2
Washington, DC 20515

Dear Mr. Blakey:

We are in receipt of your letter of 10 July 1978 requesting certain information in support of the investigation being conducted by the Select Committee.

I understand that it has been agreed between the Defense Department and the Select Committee that all requests for information from elements of Defense will be directed to the Special Assistant to the Secretary and Deputy Secretary of Defense, Mr. John G. Kester. I am therefore taking the liberty of forwarding your letter to Mr. Kester for appropriate action.


Sincerely,

Eugene F. Yeates

EUGENE F. YEATES
Chief
Legislative Affairs

Copy Furnished:
Special Assistant to the
Secretary and Deputy
Secretary of Defense (w/attach)
DoD General Counsel (w/attach)

Serial:

cc: DIR
D/DIR
ADPL
EX REG
GC 
DDO
G
V
L221

M/R: The above response is consistent with a letter of understanding, dated 5 April 1978, between John G. Kester, and G. Robert Blakey. The letter essentially defines the ground rules under which the House Select Committee on Assassinations will be provided information obtained from intelligence sources; that is, requests for information "...will be stated as specifically as possible with respect to dates and subject matter and will be directed to the Department of Defense rather than any Defense intelligence agency...." Coordinated with GC, Dan Silver; approved by DIR.

E. F. YEATES/LAO/3747s/14 Jul 78/11r

~~CONFIDENTIAL~~
D R A F T

15 June 1978

G. Robert Blakey, Esq.
Chief Counsel and Director
Select Committee on Assassinations
House of Representatives
Washington, DC 20515

Dear Bob:

You have requested more details on the information furnished you orally in response to your request for information relating to Cuban agent activities of relevance to the assassination of President Kennedy. Because I am not certain as to exactly what information was imparted to you during your briefing I would like to summarize the results of the Department of Defense's review in response to your request.

We have reviewed DoD intelligence holdings available for the period 1958 through 31 December 1974 with the following results:

- a. During this period, the Cubans used agents for intelligence and subversion in North, Central and South America, Africa and Asia;
 - b. We have some limited information covering the referenced timeframe describing Cuban Directorate of Intelligence (DGI) activities in recruiting, gathering information and reporting, spreading propaganda, and logistics. The only non-routine information developed during our review involved Cuban intentions for violent action against U.S. property and installations abroad and Cuban plans for the assassination of some Cuban exile representatives.
 - c. Our review has revealed no intelligence material suggesting Cuban involvement in the assassination of President Kennedy.
- ~~CONFIDENTIAL~~

I understand that you have made various additional oral requests for further information. In order to make sure that we give full and adequate consideration to such requests, I would appreciate receiving a written confirmation.

Sincerely,

JOHN G. KESTER
The Special Assistant

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE SECRETARY OF DEFENSE
AND
THE SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
OF THE SENATE COMMITTEE ON FOREIGN RELATIONS

1. This Memorandum of Understanding shall govern the protection of classified information and materials of the Department of Defense relating to the investigation by the Subcommittee on International Operations of the Senate Committee on Foreign Relations ("the Subcommittee") of the operations of foreign intelligence networks in the United States. The Department of Defense will cooperate with the Subcommittee in the Subcommittee's investigation. For such purpose, the Department of Defense, in accordance with this Memorandum of Understanding, will provide information responsive to the letter dated April 6, 1978, from Mr. Glennon to the General Counsel of the Department of Defense, and will respond to similar requests for information related to the Subcommittee's investigation. If in the opinion of the Department of Defense any such request poses security or other problems significantly different from those posed by the above referenced letter of April 6, 1978, the Department of Defense will so inform the Subcommittee and will not consider such request as covered by this Memorandum of Understanding. The Subcommittee will not request, and the Department of Defense will not make available, any information bearing directly upon sensitive intelligence sources and methods. No document or portion of a document in the possession of the Department of Defense (or any of its divisions) shall be withheld without appropriate notice to the Subcommittee of the action and, whenever possible, the reason for it. This paragraph shall not be construed as a recognition by the Subcommittee of the right of the Department of Defense to withhold any information, or as a waiver by the Department of Defense of any such right that may exist.

2. ^{1/2} ~~The Chairman of the Subcommittee~~ has designated Mr. Michael Glennon and Mr. John Ritch of the Subcommittee staff ("the designated members of the Subcommittee staff") to ~~inspect the materials made available by the Department of Defense, or to receive oral briefings thereon.~~ The Department of Defense has accepted this designation.

3. The Department of Defense shall make available to the designated members of the Subcommittee staff materials responsive to the letter dated April 6, 1978, and (subject to paragraph 1) to subsequent written requests received from the Chairman of the Subcommittee, in a manner consistent with the obligations of the Secretary of Defense to protect sensitive intelligence sources, methods and capabilities. The materials may be presented in the form of sanitized intelligence reports, including the excision of such material as, in the judgment of the Department of Defense, might lead to disclosure of intelligence sources and methods, or in the form of oral or written summaries.

4. All documents produced in response to the Subcommittee's requests shall remain at all times in the possession, custody and control of designated personnel of the Department of Defense, including during times of inspections by the designated members of the Subcommittee staff. All oral briefings of the designated members of the Subcommittee staff shall take place at premises designated by the Department of Defense. Whenever possible, the Department of Defense will cooperate in arranging for inspections or briefings to take place in appropriate facilities of the Congress or other facilities convenient to the designated members of the Subcommittee staff.

5. No copies shall be made of any document inspected. Any notes made by the designated members of the Subcommittee staff stating or summarizing the contents of any document shall be subject to review and sanitization by the Department of Defense. Such notes after review may be classified by the Department of Defense in accordance with applicable executive orders and directives thereunder, and the notes and the information contained therein shall at all times be handled accordingly. The notes, as reviewed and sanitized, may be stored in the secure facilities of the Senate Select Committee on Intelligence subject to custodial arrangements under which access to such notes shall be limited to the designated members of the Subcommittee staff and to the Department of Defense.

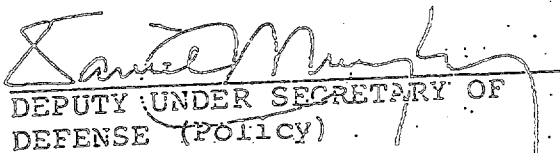
6. The designated members of the Subcommittee staff, in disclosing to any member of the Subcommittee information provided in accordance with this Memorandum of Understanding, shall ensure that such disclosure is made with suitable precautions for the protection of such information from further disclosure. Neither the designated members of the Subcommittee

staff nor any member of the Subcommittee shall make any other disclosure of any information provided in accordance with this Memorandum of Understanding unless such information has been designated explicitly by the Department of Defense as unclassified or there has been prior review and agreement to such disclosure by the Secretary of Defense or his designee. In no event shall any disclosure of information (whether classified or unclassified) pursuant to this Memorandum of Understanding reveal that any specific information was derived from material of the Department of Defense or any component thereof. In the event that the Subcommittee determines that it wishes to make a disclosure of information provided in accordance with this Memorandum of Understanding, the Subcommittee shall give at least fourteen days' prior notice in writing to the Department of Defense (Attention: General Counsel) of its intention to release such information, and the Subcommittee shall not release such information, except as hereinafter provided, if within such fourteen days the Department of Defense files a complaint with a United States court of competent jurisdiction seeking a declaratory judgment, temporary restraining order, preliminary injunction or other appropriate relief to prevent such disclosure. It is further agreed and understood by the parties that neither the Department of Defense nor the Subcommittee shall interpose any objection to the jurisdiction of the court or the existence of a justiciable controversy and that it is the intention of both parties that the court shall finally determine whether the Subcommittee should release such disputed information contrary to the objections of the Department of Defense. It is the intent of the parties that, in such litigation, the position of the Department of Defense that such disclosure cannot be made by the Subcommittee without the approval of the Department of Defense shall not be prejudiced in any manner by the conclusion of this Memorandum of Understanding or the provision of information to the Subcommittee pursuant hereto. It is further the intent of the parties that, in such litigation, the position of the Subcommittee that such disclosure may be made without the approval of the Department of Defense shall not be prejudiced in any manner by the conclusion of this Memorandum of Understanding or the refusal to provide information to the Subcommittee pursuant hereto. In any such action, each party will be free to assert all of its constitutional, statutory, or other legal rights, and the parties hereby agree to be bound by the final outcome of any such action. If such an action is commenced by the Executive Branch but is disposed of without a judicial decision on the merits of the disclosure issue, the Subcommittee agrees that it will not on that basis, or on the basis of its fourteen day notice letter, disclose the information in dispute.

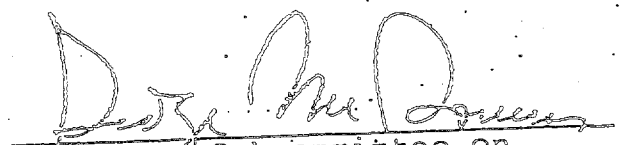
4

This Memorandum is, however, without prejudice to any of the Subcommittee's other rights, privileges and responsibilities concerning the production by legal compulsion and disclosure of information, and the Secretary of Defense's rights, privileges and responsibilities concerning the protection from disclosure of the information.

7. In the event of any unauthorized disclosure of information provided by the Department of Defense under this Memorandum of Understanding, the Subcommittee shall take all appropriate steps to determine the source of such disclosure and to refer the matter to the Senate Select Committee on Ethics.


DEPUTY UNDER SECRETARY OF
DEFENSE (POLICY)

DATE: 27 JUL 1975


Chairman, Subcommittee on
International Operations,
Committee on Foreign Relations
United States Senate

DATE: 31 JUL 1975

memorandum

DATE: 10 April 1978

REPLY TO
ATTN OF: GENERAL COUNSEL

SUBJECT: Agreement with Select Committee on Assassinations

TO: DIRECTOR

1. Reference attached letter dated 5 April 1978 from John Kester to G. Robert Blakey, Esq., and attached memorandum from G to Director dated 5 April 1978.

2. At the time you approved submitting to Mr. Kester the two attachments to the above-referenced memorandum from G Group, I believe you had not yet seen the letter from Kester to Blakey. I have discussed the Kester/Blakey letter with General Counsel, DoD. She told me that the letter does not contemplate, and was not based on an understanding, that Kester would provide the briefing.

3. The agreement contained in the Kester/Blakey letter does not in any way limit the use the Committee could make of the information disclosed at the briefing except that DoD, or a defense agency, could not be revealed as the source. In my view, therefore, it should be assumed that any information given to the Committee will be made public, probably together with the exchange of correspondence between Kester and Blakey.

4. Against this background, I recommend that the attachments to the G Group memorandum not be sent to Kester and that the briefing of the Committee be in much less specific terms than the G Group summaries. The briefing should be done without any notes or documents present. If the briefer uses any documents, it can be anticipated that Blakey will attempt to obtain a copy on the spot, and if he fails may well issue a subpoena. The briefing could be performed either by Kester or (since NSA's role is an open secret) by someone from here such as Julia Wetzel or Mike Smith.

5. Given the chance, I would have asked General Counsel, DoD, to insert in paragraph 1 of the Kester/Blakey letter the language penciled in on the attachment. According to Deanne, she intended for us to have prior review of the letter but forgot to send it to us in time. Nonetheless, I propose that we interpret paragraph 1 as if that language were included and that we do not disclose to the Committee any information from which intelligence sources or methods could be inferred.

6. This memorandum has been reviewed by LAO which concurs in the recommendations contained herein.

2 Encls:

a/s
cc: LAO ←

D. B. Silver
DANIEL B. SILVER
General Counsel

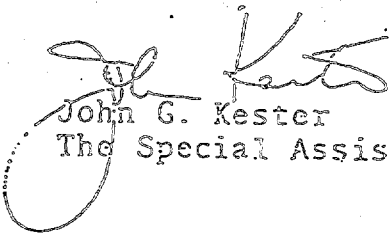
Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

DOWNGRADE TO CONFIDENTIAL UPON REMOVAL OF ENCLOSURE

5. Nothing in the Committee's undertaking affects the Committee's right to invoke in the future any subpoena power available to it to secure and disclose the information, provided, however, that the Committee will not disclose the information until any related litigation has been concluded by judicial action that permits disclosure.

Please confirm your agreement with the foregoing by so noting on the enclosed copy of this letter and returning it to me.

Sincerely,


John G. Kester
The Special Assistant

Enclosure

Agreed:

G. Robert Blakey



d. o. p. l. l. c. d.

April 5, 1978

G. Robert Blakey, Esq.
Chief Counsel and Director
Select Committee on Assassinations
House of Representatives
Washington, D.C. 20515

*Sent without
suggested change*

Dear Bob:

With respect to the points mentioned in your letter of March 28, I believe that the following takes care of your concerns. The oral briefing to be provided by the Department of Defense on information obtained from intelligence sources will be conducted on the following understanding:

1. The briefing will not deal with intelligence sources and methods;
2. The briefing will cover the information from DoD intelligence sources requested in your letter received on December 20, 1977 and addressed to the Director, National Security Agency, and that request is withdrawn;
3. The Committee has outstanding no other requests to the Department of Defense for information from intelligence sources (other than certain files on particular individuals) and, as previously agreed, if such requests are made in the future they will be stated as specifically as possible with respect to dates and subject matter and will be directed to the Department of Defense rather than any Defense intelligence entity;
4. The Committee agrees, for itself and on behalf of those designated by the Committee to attend the briefing, not to reveal the Department of Defense or any Defense agency as a source of any information transmitted in the briefing.

or information that might reveal such sources or methods



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

Serial: N0173
21 February 1978

MEMORANDUM FOR THE SPECIAL ASSISTANT TO THE SECRETARY AND
DEPUTY SECRETARY OF DEFENSE, DEPARTMENT OF DEFENSE

SUBJECT: House Select Committee on Assassinations

1. This replies to your memorandum of February 14, 1978.
2. Our General Counsel (telephone 688-7393) will serve as the point of contact to assist you in responding to inquiries and requests of the Committee.

B. R. INMAN
Vice Admiral, U. S. Navy
Director, NSA/Chief, CSS

THE SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

February 14, 1978

Honorable Louis Stokes
Chairman
Select Committee on Assassinations
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Pursuant to our conversation and Mr. Blakey's request on your behalf, I have designated Mr. John G. Kester, The Special Assistant to the Secretary and Deputy Secretary of Defense, as the point of contact for all requests or inquiries which the Committee may direct to the Department of Defense. I understand that action has been underway to provide Mr. Blakey substantially the information he has requested. I trust that the arrangement described above will assist the Committee in its work.

Sincerely,



SLA



OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

February 14, 1978

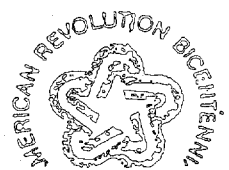
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: House Select Committee on Assassinations

As noted in the enclosure, any inquiries from the subject Committee should be referred to this office for appropriate action. It is requested that the Military Departments, DIA and NSA each designate a point of contact.

General Counsel
John G. Kester
John G. Kester
The Special Assistant

Enclosure



Serial: N0173

cc: DIR
D/DIR
Ex Reg
U2 ←
GC

This completes action on R/S 0770.

R.R. Banner

ROY R. BANNER, GC, 4177s, 16 Feb 78, bj

(202) 225-4024

SAMUEL STEWART, CALIF.
CHARLES W. STEWART, CALIF.
WARREN S. SANDERSON, MICH.
VINE, OHIO
KIMNEY, CONN.
MERRILL, ILL.
MORSE, ILL.

Select Committee on Assassinations

U.S. House of Representatives

3331 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20515

MAR 28 1978

Mr. John G. Kester
Special Assistant to the Secretary
Department of Defense
Washington, D.C. 20301

Dear John:

This will acknowledge your letter of March 23, 1978, confirming our telephone conversation of March 22, 1978. The second paragraph in your letter of the 23rd is satisfactory to me subject to several caveats. First, I have no problem with conditioning the briefing for certain specific information on a commitment on behalf of the Committee (and myself) not to reveal the substance of the briefing or, insofar as they might be disclosed, the sources and methods on which it is predicated. Nevertheless, I would have to, as I am sure the Committee would want me to, explicitly reserve the right for the Committee to pursue such methods of legal compulsion as it might have available to it in the future to secure the information and appropriately disclose it. This is a general caveat that is incorporated in the agreements that the Committee has reached with the Department of Justice and the Central Intelligence Agency. Attached for your information is paragraph #7, for example, of the Committee-CIA agreement. I don't propose that the briefing be conditioned upon anything as formal as paragraph #7, but the substance of subparagraph C has to be added to the substance of your statement of our agreement of March 23, 1978.

As you and your lawyers will obviously note, the substance of paragraph C just reserves to the Committee and the Department whatever rights, duties, and privileges they might have under the Constitution to secure and disclose, or to prevent from turning over and being disclosed, information that might pose irreconcilable conflicts of interest. Obviously, too, note that the Committee agreed in paragraph C to abide by the outcome of any litigation, as opposed to taking action beyond the reach of the Department under the Speech and Debate clause. Any way (almost) that you or your lawyers decide to express the substance of subparagraph C will meet with our approval.

Mr. John G. Kester

- 2 -

A second caveat I would express is a consequence of the second sentence of the second paragraph of your letter. It seemingly requires the absolute withdrawal of all our prior requests to the Department. I believe it is understood by both of us that the conditions expressed for the briefing are only operative as to that specific information with which the briefing will deal, and consequently the briefing in no manner affects the prior requests for information from the Department that are not covered by the briefing.

I would hope that this can go forward without further delay. As you know, we have been waiting since December to get access to the materials that we need that might pose the most sensitive issues of disclosure. We have now already missed one significant point in the investigation where those materials would have been of prime importance. I regret that delay, and hope that it will not prove irremediable. If we can move in this area in the next ten days, that might prove true.

Sincerely,



G. Robert Blakey
Chief Counsel and Director

GRB:jwc
Enclosure

Excerpt from Committee-CIA agreement:

VII. Disclosure of Information

A. The Committee will notify the DCI in writing of its desire to disclose, in any manner, including under the Select Committee on Assassinations Nondisclosure Agreement, any information that is designated for protection from unauthorized disclosure by the DCI. If within five days the Committee does not receive a letter from the DCI objecting to the proposed disclosure and stating the reasons for the objection, the Committee may disclose the information.

B. If the DCI notifies the Committee within five days that he objects to the proposed disclosure and states the reasons for his objections, the Chairman of the Committee and the DCI, or their designated representatives, shall meet to attempt to resolve any differences over the information to be disclosed. If the Chairman of the Committee considers that the negotiations have reached an impasse, he will give the DCI a written notice to that effect, and the Committee will take no steps until at least 14 days thereafter to disclose the information in dispute.

C. Any differences left unresolved by negotiation may become the subject of litigation. In any such action each party will be free to assert all its constitutional, statutory, or other legal rights, and the parties agree to be bound by the final outcome of any such action. If such an action is commenced by the Executive Branch but is disposed of without a judicial decision on the merits of the disclosure issue, the Committee agrees that it will not on that basis, or on the basis of its 14-day notice letter, disclose the information in dispute. This Agreement, however, is without prejudice to any of the Committee's other rights, privileges and responsibilities concerning the production by legal compulsion and disclosure of information, and the DCI's rights, privileges and responsibilities concerning the protection from disclosure of the information.



OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

March 30, 1978

THE SPECIAL ASSISTANT

Handwritten initials and checkmark:
D
GC
DB ✓

MEMORANDUM FOR THE GENERAL COUNSEL

Dear,

Attached is a copy of a letter I received today from G. Robert Blakey, concerning the proper form of an agreement governing the House Select Committee's access to Defense intelligence sources. It replies to my letter of March 23 on that subject, a copy of which you already have. I told him on the phone that I intended to consult with the lawyers here before replying. (His penultimate paragraph is accurate as a clarification.)

I would appreciate your providing a draft reply which will be consistent with the position the Department is taking on other such requests (*or else noting any particular items you would like included*).

John G. Kester

John G. Kester

Attachment

cc: VADM Inman (NSA) *[Handwritten signature]*

... and privileges they might have under the Constitution to secure and disclose, or to prevent from turning over and being disclosed, information that might pose irreconcilable conflicts of interest. Obviously, too, note that the Committee agreed in paragraph C to abide by the outcome of any litigation, as opposed to taking action beyond the reach of the Department under the Speech and Debate clause. Any way (almost) that you or your lawyers decide to

on
ee
ph
s