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

Lee Harvey Oswald 1966 - 1975
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 intelligence (1961 - 1965). 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 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 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 message concerning the assassination of Antonio Veciana. This message was to

4. One 1966 message concerning a

5. Information in an FBI document relating to a

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

Incl:
a/s
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

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 a former U.S. Air Force Security Service member, to a former colleague of who passed it on to the Air Force Security Service. Also enclosed is a cover letter to Mr. James Leer of this Agency. Finally, since the photocopy of a 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 NWCCO, 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 a letter that the Air Force Security Service was intercepting communications at Kirkmawton, Scotland during 1353 is correct, as is the assertion that that station monitored communications links.

Daniel B. Silver
General Counsel

3 Encls:
a/s
Dir RSA/HS (Mr. Lear)
FE George G. Heade, 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 [___] 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 [______], the OSI agent at OSI District 14, that the doctor to contact at the VA hospital in Cheyenne, WY is at [______], commercial telephone number 778-7550, extension 273.

Warm regards

Chief, Security Police
Well after 13 1/2 years I finally found out your whereabouts. I'm sure it's been a long time since the last letter I received. I had to get your address from the postman in Town, not sure if you know his name. Are you still at the same place and in the same address? Have you been doing?

I had a meeting with John and we're planning a trip to NY. My leg still hurts but I'm managing.

Please don't write to me, I will come.
mined in another branch
of operations at the time
and it was his belief, if I will
record for future proof of
him, that he was the 203 rey
and I should be getting a service
connected in the daily for
my various Throngs.

I will quote, I will
myself and this point, depending
the dates that I know, that this
series of news after completed
at least 100 telegrams.

By sending it as a practice regu-
larly, it will drive me to
the usual, especially when

was just like the 361 is near he
was sundials since the 361 was

This is yourself, then strongly did not

CIPETAL

8 I T T E VIA: COMINT CHANNELS
What in the hell are you doing in Italy any how?
Be sure to put emphasis on my name going to hell and not going in spite what my wife after the interruption of the message.

Yr. Carson

rushed heavily from
the 10th floor

unclassified
Well after 13 1/2 years I finally found out your whereabouts, Dam, it's 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? 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? 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 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 fucking 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 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 feeling 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 ITX & B's. Later proved them wrong didn't I. That was another first for us as I recall. 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. them good enough to help me. I know it cost me a divorce and every thing from my wife. Christ, you remember Marlene, don't you? That good looking little 1/2 Indian girl from N. Dak. 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 and address. I guess old retired. Wonder what gehro, he is living in, Ha!

Classified by ORMSA/CHCOS (MSA/C26) 322-2
Prevent from CDS, EC 11052, Cat.
Privacy Upon Notification by the Originator
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 Berkeley Bar.
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.

[Signature]

EUGENE F. YEATES
Chief
Legislative Affairs

Encl:

a/s
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
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.

GB09 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.
The undersigned have examined all the material relating to the Lee Harvey Oswald case furnished to us by the Warren Commission and have found no indication that any of the items we saw used for cryptographic purposes or for secrecy, involved secrecy, interaction.

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 open code.

c. Performances which suggested the use of a grille system appeared on the pages of the Russian novel, "Kolokol" by Ekaterina Obolenskaya, "Questioning Eyes." However, the manner of performing only a few letters was not consistent 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. It is believed, 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 data" on page 44 of Lee Harvey's address book aroused our suspicions, particularly in that it was associated with the address of the photographic film where he was once employed. There was nothing to indicate to us that these data were actually used and we have had to assure that appropriate technical tests were made by the FBI or CIA.
a. Oswald's Soviet-made portable radio receiver and
the associated power supply were examined and tested by
HST with negative results. For the purposes of the
tests, the power supply (as considered an integral part)
confirmed closely to the examined by the British in 1968.
A copy of HST's findings is attached.

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

c. In addition to the information on the addresses
developed in the personality check, a separate study of
HST 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
MEMORANDUM FOR DR. FORDELLA

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 references to "micro dots" (paragraph d) and the COMINT reference in paragraph j.

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 records 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 R. ROWLETT
Special Assistant to the Director
The material relating to the Lee Harvey Oswald case provided by the
Harrer Commission has been received and there has been indication that any of
the items were used for a cryptographic purpose or for passing secret
information.
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 151 and 152 of the Russian novel, GLAZA KOTOBE SPASHIVAYTY, "Questioning Eyes." Eight letters had apparently been cut from page 152 as follows:

| Line 10 | X |
| Line 11 | Y |
| Line 12 | Z |
| Line 13 | |
| Line 16 | E |
| Line 24 | G |
| Line 25 | K |
| Line 27 | B |

One letter had been removed from page 151; however no significance is attributed to the removal of this letter since it corresponds in exact...
position to end of the letter removed from page 131. It was con-
cluded that this letter had been accidentally removed by the cutting
process applied to page 131 and that its removal resulted from the
application of excessive pressure on the cutting tool when the letter
on page 132 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 Loc's and Marine'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 notified. However, it is considered most unlikely that any-
thing beyond what is reported above will be discovered.

Sincerely,

GORDON A. BLAKE
Lieutenant General, USAF
Director
MEMORANDUM FOR THE RECORD

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 (for the period 1961-1965).

2. Mr. Moore had previously seen a single message involving 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 . He volunteered that there was a Cuban 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 was to travel to Mexico - under extreme care. Mr. Moore indicated that he would probably like to review any Cuban 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
Legislative Affairs

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

02 January 1979

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 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. 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 lists and logs from USASA intercept sites along the German/Czechoslovakia border (USM-42 sites). The intercept was identified as communications dated 1961.

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

   b. A few personnel currently at NSA had experience during 1963 with intercept policies and procedures at Kirknewton and at NSA. Several of them were questioned, and recalled that an mission did exist at Kirknewton in the 1963 time-frame, that all traffic was forwarded to NSA, and that all reporting of 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 intercept, and there are none whose contents are not identified.

4. As noted earlier the product from 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 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 06 JAN 2009!
5. At this point, G8 feels we have done all reasonable things to locate the reported intercept with negative results.

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

On 9 November 1978 N33 received a call from GS concerning retrieval of information from Stored Records. In the discussion with Chief G809, it was learned that he was preparing a response to Legislative Affairs (D1), concerning information given to the House Assassinations Committee. According to the committee was reviewing a claim by a former Air Force sergeant that traffic from emanating out of 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 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) (B109) was requested to, and did provide the BI Stored Records Listing (BI listings were to be searched because that organization is the predecessor of GS, and traffic from USA-55 would have been received by BI during 1963. This procedure takes into consideration the possibility that files stored under the BI 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
- Chief, N33, Agency Records Officer
- N33 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) BI 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 COMMUNITY CHANNELS ONLY

47-28
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 B1 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.

cc: [redacted] [redacted]

N33, 5818s, 13 Dec 78, paw
CUBAN STATEMENT ON VISA FOR OSWALD

25 Nov 63

I am reproducing below the note given to the press by

With relation to the information published today 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 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.
It is evident that these sectors planned beforehand to involve Cuba and the Soviet Union in the 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 [5G] of a prison, demonstrates in a scandalous and indiscutable 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.

HS  ON  TI  -2-

TOP SECRET INDIA
CASTRO SPEAKS ON PRESIDENT KENNEDY'S ASSASSINATION AND CUBAN ECONOMY

28 Nov 63

FIDEL stated, "Events are demonstrating the sinister plot behind the assassination of KENNEDY. Contrivances 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 he instigated 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 DECLASSIFICATION
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 prunes will reappear as the result of the development of foreign trade."
GHANAIAN PRESS EMPHASIZING CUBAN COMMENTARIES ON DEATH OF PRESIDENTIAL ASSASSIN

30 Nov 63

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.
HAVANA VERIFIED REQUEST FOR TRANSIT VISA FOR USA

26 Nov 63

reported yesterday that the information in the newspaper Excelsior 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 Mexico, is true. This visa was requested 27 September from said consulate, which stated that it could not grant the visa without permission of ( ), and unless permission had been granted previously by the country of destination. OSWALD gave up supplying 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 DOWGRADING AND DECLASSIFICATION
beforehand to involve Cuba and the USSR in the atrocity. 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 measures 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 alleged that the Dallas District Attorney is closing the case of the death of the President scarcely 48 hours after the deed.
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/CR 12-62 dated May 1&6, 1962, consisting of two pages. That document is referenced in FBI File #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
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
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.

EUGENE F. YEATES

Encl:
a/s
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 Polichaeso.

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
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**REMARKS**

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

**EXECUTIVE REGISTRY**

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg. Phone No.

OPTIMAL FORM 41 (Rev. 7-76)

Prepared by: OSA

PPWR (41 CFR) 101-11.206

2371
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
Chief
Legislative Affairs

Incl:

a/s

Copy Furnished:
DoD General Counsel
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
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, DDC, Mr. John Monroe

Approved by: D/DIR

E. F. Yeates, CH LAO, 3747k, 22 Aug 78, 11r
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.: ___________________
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

Suspended: August 21, 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 agreement, the FBI has withheld NSA Document Number 2X/074/JR70-57 from review by House Select Committee 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 #54-330-210-5024, page 6.

Thank you for your prompt attention to this request.

Sincerely,

G. Robert Blakey  
Chief Counsel

GRB:ijr
Legislative Affairs Office
National Security Agency
Section D-1, Room 9A119
Fort George Meade, Maryland 20755
14 July 1978

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 F. YEATES
Chief
Legislative Affairs
NSA
Memorandum

TO: DDO
FROM: LAO

DATE: 14 July 1978
LAO, 3747s

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.

EUGENE F. YEATES

Incl:
  a/s

Copy Furnished:
  G
  V
  Exec, DDO
  GC
  T12

SECRET

HANDLE WITH SOUTHERN CHANNING ATTACH

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
Ltr answering request of info on investigation being conducted by the Select Committee (no IncIs)

Original and CF's hand carried by Mr. Yeates on 14 July.
Memorandum

TO:   DIRECTOR
THRU:  DDO, V
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

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
Chief, G

HANDLE VIA COMINT CHANNELS ONLY

TOP SECRET

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.

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 (DCI) inevitably increased its reliance on illegal/clandestine agents. By the time of the Cuban "missile crisis" in October 1962, Cuba was known to be

By the end of 1964, Cuba enjoyed formal relations in the hemisphere with only Canada, Mexico, Jamaica, and the United Nations in New York.
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.
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.
"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."
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 photo-
copies 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 crypt-
analysts, 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 DIR/NSA/CNSA (MRL/CSM 123-R)
Exempt from CS7, F7, 111, C7, 01
Declassify Upon Notification by the Originator

APPENDED DOCUMENTS CONTAIN
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.
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
M/R: Inclosures 2 through 4 are product reports numbered 2/0/R66-63, 2/0/R196-63 and 2/0/R58-63.

Frank Foster/O/ESS/316ls/25 Jan 76/kjb
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 792, 794 and 798. 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 BNYMAH 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.
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.

[Handwritten note on the right side of the page]
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,

[Signature]

Alton R. Quanbeck

cc: Frank Foster
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.

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

Incl:
a/s

This section may be declassified upon completion of similar and physical removal of the covert notation.
cc: DIR    (Less Incl)
     D/DIR
     ESS
     ESS/R
     ESS, Mr. Lowman
     G
     D6
     NCRDEF
     L221

M/R: Inclosure provided by [Name] 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 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 database 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 messages cited above were disseminated to CIA, DIA, STATE and elements of the Army, Navy and Air Force.
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: No.
AVILES, LUPERCIO; SUA, INES; ORTEGA, CARMELO; BAZ, ROMIAS; TERESA; BRAVO, HECTOR: The Ministry of Education informed the Embassy that the scholarship holders (one nontransferable portion remaining with his sponsor, and three graduates transferred) were leaving on 13 June aboard flight SU-407.

GARDEL, VICENTE; SALCEDO, HENRY: The Foreign Ministry informed the Embassy that the luggage of CARBONELL should be sent to La Victoria in Nueva Gerona on the L. de Pinos. The Ministry of Education was informed that he would be traveling on a TU-114 flight on 27 April and that Conveyor Guerra who was ill, would travel on the same day aboard the Cubana flight.

CARRILHO, ANELLA: The Embassy informed the Ministry of Education that this scholarship holder was leaving on 29 June aboard SU-047 and told them to mail her as a doctor and a student.

CABRERA, EUGENIO: The Foreign Ministry informed the Embassy that the scholarship holder was leaving on 29 June aboard SU-047.
CIARA, MERIDA; RODOLFO, SILVA REED, ALFREDO; The embassy was informed that these two ideology scholars were to take a special three-year course under Professor MINHAY. They did not know Russian and because they did not know English they would like to take the course in English while studying Russian at the same time; (15 May 67).

SANCHEZ, MARGARITA; The embassy informed the Ministry that this graduate left on 23 May aboard Flight SU-047; (26 May 67).

CORONA, ENRIQUE and sons; MAJAS, ARTURO; NORMAN, ALFREDO; LUGO, HILLARY; 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 SU Flight SU-647 on 4 July and that probably four more would also leave; (6 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; RANET FACH; ENRIQUE; the embassy informed the Ministry of Education that these graduates were leaving on 24 June aboard Flight SU-047; (24 Jun 67).

GUIRAL, HECTOR; CAMPAÑONI, PAU; ACUÑA, JORGE; GUARDADO, MONTOJO; RAMOS, JORGE; VARGAS, ANAYEL; ALVAREZ, MARTINEZ; GARCIA, ERNESTO; MIRELLA; GONZALEZ, MARGARITA; GARCIA; The embassy informed the Ministry of Education that these scholarship holders left on 15 July aboard the SU Flight; (15 Jul 67).

ESTENOS MARIANO, FERGUS; BIZA; MARGARITA; ALVAREZ, MARIA DEL CARMEN; PARDO, SOFIA; the embassy informed the Ministry of Education that these graduates were leaving on 28 May aboard Flight SU-047; ALVAREZ; (28 May 67).

BERAZA, LUIS; The Ministry asked the embassy that they could not provide the scholarship holders with apprenticeships; (14 Aug 67).
SECRET

22/6/70

FERNÁNDEZ COFFÍN, PEDRO: The Foreign Ministry informed the embassy that the application for this apprenticeship was rejected: (23 May 67).

GARCÍA MARÍA CARIDAD: MORALES CESAR, ALVARADO, EUGENIO: The embassy informed the Ministry of Education that these graduates left on 3 March aboard TU-114 because their apprenticeships were canceled: (8 Mar 67).

GARCÍA FIDALGO, ARMANDO: A UJC Committee member in Moscow and LAZARO MORENO, in charge of Foreign Relations for UJC, told the 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 this operation has been provided, but funds were needed for two visas: (30 Apr 67).

GARCÍA HERNÁNDEZ, FRANCISCO: The embassy asked the Ministry of Education to inform MARÍA PÉREZ of the Energy Department of LIGA on the Electrical Engineering School that because of curriculum problems the student who wanted to specialize in mechanics or in manufacturing as an engineer could not obtain the decision within 2 years, and it was suggested that because no undergraduate studies in manufacturing engineering had been changed from the new curriculum, an engineering apprenticeship (17 May 67, 28 May 67).

GERIQUE HASEG, EMILIO ALBERTO PICHÁN, JACOBINO A.: The embassy informed the Ministry of Education that these graduates were leaving Moscow on 12 May and were to arrive in Havana on 12 May: (4 Jun 67).

GODÍNEZ, LUIS: Left Havana for Leningrad: (19 Jun 67).

GONZALEZ, JUAN: The embassy issued the following letter for these Academy students going to Cuba: (12 Jun 67).
GENERAL CARDOSO: The embassy informed the Ministry of Education that one of the scholarship holders was ill, was forced to return to Brazil in flight SU-037, (6 Jun 67).

LORENZO GUILLERMO: The embassy informed the Ministry of Education that a passage was booked for LORENZO GUILLERMO and that the Academy of Sciences issued a passage for GONZALEZ for Moscow–Prague–Havana.

The Foreign Ministry confirmed that the tickets had been purchased. LORENZO would use the passage booked for GONZALEZ from Prague to Havana; (17 Jun 67, 27 Jun 67).

ANDRES DE GUEVARA: The Foreign Ministry asked the embassy and the certification and grades obtained by Andres in preparatory by the former scholarship holder; (29 Jul 67).

LARA, ESPERANZA: The embassy asked the Ministry of Education to notify this scholarship holder's family in Camagüey that she was well and would be leaving on 2 May aboard the TU flight; (26 Apr 67, 29 Apr 67).

LORENZO GUEVARA, WANDA: The embassy reported to the Ministry of Education that this graduate left on 27 July aboard the ship KRASNOGRAD from the port in Leningrad; (30 Jul 67).

LORENZO PESÍN, JUNIOR: The Central Planning Board of the USSR Pushkin, in consultation with the Ministry of Education, requested via the embassy to issue a number of visas for the fourteenth anniversary of the death of the partisan Kurtz; (29 Jul 67).

LORENZO VÁZQUEZ, Telephone 315...
MARIN, JOSÉ; BALLESTÍ, MANUEL; The embassy informed the Ministry of Education that these graduates were leaving on 27 June aboard flight RU-047 (27 Jun 67).

MARTÍNEZ SOLER, FRANCISCO; MARTÍNEZ SOLER, ALFREDO; ALVAREZ, LEOPOLDO; QUESADA SÁNCHEZ, MANUEL; The embassy informed the Ministry of Education that these scholarship holders would leave 16 June from the port in Leningrad on the ship NARYNA for their vacations (16 Jun 67).

MARTÍNEZ VARGAS, ALINA; The Ministry of Education informed the embassy that this scholarship holder should arrive in Havana on 15 June and asked to be notified if she would be finished before her vacation (3 Jun 67).

MARTÍN HERNÁNDEZ, ILMA; PEREZ FERMIN, MARIA; PEREZ; ARAMBURU and his wife, INNA BIELOBAROVA; The embassy reported to the Ministry of Education that the graduates MARTÍN, PEREZ and ARAMBURU and his wife, the wife of the other graduate were travelling by airplane flight SU-047 (27 Jun 67).

MARTÍNEZ, MARÍA; The embassy reported to the Ministry of Education that this graduate, the scholarship holder, was leaving for Cuba on the ship KRASNOYARSKA YOMA from Odessa (26 May 67).

MARTÍNEZ, 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 KRASNOYARSKA YOMA from Odessa on 28 April (26 Apr 67).

MONTEZ, ROMUALD BATISTA SLYN, JOSE LUIS; The embassy informed the Ministry of Education that these scholarship holders were at the University of Leningrad had served their apprenticeships and were leaving the port North port aboard the ship RABINTSOVA on 23 May for Cuba (26 May 67).

MÚÑEZ, ORLANDO; CASTELLANO, ROSE; ALVAREZ SORIANA, MIGUEL ANDRES; The Foreign Ministry informed the embassy that the two engineering post-graduates from the Cuban Institute of Meteorology, who were specialists in hydrology at the Academy of Sciences of Cuba, were going to take a course in climate science at the Institute of Public Health, were leaving on 23 Apr (23 Apr 67).
The Cuban Institute of Art and Industry (ICAC) told the embassy that an ICAC member had been called by the Ministry of Industry (MININC) to discuss his return date (17 Jun 67).

The Embassy informed the Ministry of Education that PAZ IGLESIAS, who graduated, was going on vacation to see his sick wife, would be leaving on flight SU-047 on 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 his son on 21 Jun aboard flight SU-047. The Ministry was asked to provide the family at phone No. 30-4395. The embassy also reported that the ICAC graduate VINA would be leaving on the same flight (15 Jun 67, 22 Jun 67).

FERNANDO, AUGUSTO; 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 would assist him in the apprenticeship program (26 May 67, 3 Jun 67).

FERNANDO, MARIA; The embassy informed the Ministry of Education that this scholarship holder had to wait for the TU flight because of the hold up.

POWIE, OSSO, HACO, KPOP: THE EMBASSY INFORMED THE MINISTRY OF THE CONDITION OF THE SCHOLARSHIP HOLDER IN THE UNIVERSITY WHO LOMBARDI LEAVE FOR CUBA ON 4 MAY (7 TO 11 FLIGHT) (4 MAY 67).

ARRANZ, NERIA: THE FOREIGN MINISTRY INFORMED THE EMBASSY THAT THE ACADemy OF SCIENCES WANTED THE PACKAGE SENT TO THE EMBASSY BY THIS STUDENT TO BE SENT ON THE FIRST FLIGHT, NOT AFTER BECAUSE IT CONTAINED BOOKS THAT WERE NEEDED FOR THE INSTITUTE OF ARCHAEOLOGY (4 JUL 67).

REYES, ROCU: THE EMBASSY ASKED THE MINISTRY OF EDUCATION ABOUT THE SCHOLARSHIP HOLDER'S CONDITION 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 TO 114 WITH TWO SCHOLARSHIP HOLDERS FROM MEXICO. LATER THE EMBASSY REPORTED THAT HE WOULD NOT PASS HIS COURSE BECAUSE HE HAD MISSED CLASSES AND HAD ACADEMIC OFFENSES (26 MAY 67, 10 APR 67, 14 APR 67, 29 APR 67).

REYES SOLE, 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 AVELLA, MANUEL: THE MINISTRY OF EDUCATION REPEATED ITS REQUEST FOR CONTINUATION OF HIS STUDIES (29 MAY 67).

RODRIGUEZ ALVAREZ, MANUEL: THE FOREIGN MINISTRY ASKED THE EMBASSY TO FIND OUT MORE ABOUT THE SCHOLARSHIP HOLDER IN KIEV BECAUSE HE COULDN'T GET A LETTER FROM HIM IN NOVEMBER AND WANTED TO WRITE HER (15 AUG 67).
The embassy reported to the Ministry of Education that the student, who was in no condition to travel because she had just given birth to a baby (27 Apr 67), had informed the Ministry of Education that her baby was due on 27 April. The Ministry of Education informed the embassy that the scholarship holder had been informed that the baby had left the country on a Soviet ship with the baby and was unable to reach the Ministry of Education. (27 May 67).

On 27 May, the embassy informed the Ministry of Education that the scholarship holder was leaving on 23 May 67 and had been released from the hospital because of a nervous disorder. (22 Jun 67).

Mrs. Marenzita, the wife of the scholarship holder, wrote to the Ministry of Education to ask whether her daughter and her daughter's child were still traveling. They left on 22 June at 6:30 a.m. by flight SU-047; (23 Jun 67).

C. SANTOS, NAZARIO: The embassy asked the Ministry of Education whether the scholarship holder should travel by air. On 29 June, the Ministry of Education informed the embassy that the scholarship holder was on the airplane traveling to Cuba on flight SU-047; (10 Jun 67; 14 Jul 67).

The Ministry of Education informed the embassy that the scholarship holder and her daughter were traveling on 27 April aboard the SS "Kliss"; (27 Apr 67).

SANCHEZ, EVELIA: The embassy asked for news about this engineer from the Institution of Laval Technical Institute; (27 May 67).

SOTO, PEDRO; DELGADO, OLGA; ALVAREZ, TERESA; RIVERA, LUZ; Other; The embassy informed the Ministry of Education that five of these graduate scholarship holders were going to...

END OF PAGE 3
DATE: 30 January 1981

REPLY TO: 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.

   FOIA Coordinator

2 Encs

Ltr of Request

DD 2086

TO: Q324

FM: D1/LAO

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) JEROME S. MASS, Chief D1

Other correspondence is from this Agency but not addressed to the Committee and therefore does not fall under this request, however, the M/R on those Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Pieces of correspondence document communications between the Committee and this Agency.
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**For FOI Office Use Only**

- SEARCH FEES PAID
- COPY FEES PAID
- TOTAL PAID
- TOTAL COLLECTABLE COSTS
- TOTAL PROCESSING COSTS
- TOTAL CHARGED
- FEES WAIVED/REDUCED

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

Thank you.
MEMORANDUM FOR THE HONORABLE DEANNE SIENER, 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 Siener

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.
3. Regarding these three specific requests, enclosed 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.
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)
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. He understood 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.

On 14 September 1977, Mr. Glennon requested by secure telephone that NSA brief him on information NSA may have.
Although the Senate Select Committee on Intelligence has been conducting a similar investigation since January 1977, they have focused primarily on
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. Siemer 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
MEMORANDUM FOR THE PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE (INTELLIGENCE)

SUBJECT: Senate Select Committee Queries to NSA Concerning the Watergate 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 (underline - 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 these reports on which we had worked merely as record copies of our efforts on behalf of the Commission. It was felt that 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.
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
cc: DIR (Less Incls)
    D/DIR
    ESS
    ESS/R
    ESS, Mr. Lowman
    G,
    NCR/DEF
    A, Miss Caracristi (Less Incls)
    L221

M/R: Inclosures 2 through 4 are product reports numbered

Frank Foster/O/ESS/3161S/26 Jan 76/kjb
Director
Federal Bureau of Investigation
Attn: FOIA Unit, Room 5278
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 DIAUNT 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. 798, 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 hand written
5. (U) Recommend these exemptions be applied.

Sincerely,

Original Signed by

NORMAN BOARDMAN
Information Officer

Incl:
a/s

cc: ESS/R (Less Incl)
    L22
    D4 RF
    D4 SF
    D6 (Less Incl)

Concur: D6 SC/DIR has seen

D4, 3033, 6 Oct 76, 1f
CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

TO: FOIA/PA Office
Q43
National Security Agency
Fort George G. Meade, Maryland 20755-6000

FROM: Information and Privacy Coordinator, Central Intelligence Agency

SUBJECT: FOIA/PA Request of Mark A. Allen (FOIA LITIGATION)
CIA FOIA/PA No. F81-0351 - CA81-2543

21 DEC 1987

In connection with review of CIA files responsive to the above request, the following material was surfaced.

A. FOR YOUR DIRECT RESPONSE TO THE REQUESTER:

[ ] _____ document(s) which originated with your agency and is/are being referred to you for direct response to the requester (enclosure __). We will advise the requester of this referral.

  a. Document(s) numbered ______________________ We have identified the CIA-originated information in the document(s), and have no objection in its release.

  b. Document(s) numbered ______________________ We have been unable to identify any information as having originated with this Agency. If, as a result of your review of the source documents, information is identified which originated with this Agency, you are requested to coordinate this information with us prior to any release to the requester.

  c. Document(s) numbered ______________________ Deletions have been made in each enclosed copy which consist of non-substantive internal markings, such as filing instructions. Since these markings will not appear on your file copy, no deletion or exemption for deletion should be necessary. If, however, you are unable to locate your file copy and must use the enclosed copy for your response, the requester should be advised that non-substantive deletions have been made by this Agency under [ ] FOIA exemption (b)(3)/[ ] PA exemption (k)(1).

  d. Document(s) numbered ______________________ Substantive information has been deleted from this material as marked. The requester should be informed of this denial and of the FOIA/PA exemption(s) claimed. Please see additional information given under Comments.

[ ] _____ Additional information about this/these document(s) is given under Comments.

B. FOR YOUR REVIEW AND RESPONSE BACK TO THIS AGENCY:

[ ] _____ CIA document(s) containing information provided by your Agency (enclosure B). Please review your information (bracketed in red) and return the document(s) to us, marking any deletions you deem appropriate, citing FOIA/PA exemptions claimed, and stating the current and proper level of any classified information. In your response, please cite the date of this memo, the name of the requester, and the CIA case number. FOIA exemptions (b)(1)/ (b)(2) have been claimed by our Agency.

[ ] _____ Additional information about this/these document(s) is given under Comments.

A copy of the requester’s initial letter and any other significant correspondence are enclosed for your records (enclosure A). If you have any questions, please contact Deborah A. Kitcher on 351-2561.

COMMENTS: Last page of the attached is for your review only. Additional pages are for reference only. Classification markings left on attachment pending NSA review.
John Drew Pittman
Four FS (US) documents (travel)
dated

(1) 1\textsuperscript{st} April 1970
(2) 11\textsuperscript{th} March 1970
(3) 1\textsuperscript{st} May 1970
(4) 3\textsuperscript{rd} June 1969
Central Intelligence Agency  
Mr. Lee S. Strickland  
Chief, Information Review Staff  
1107 Ames Building  
Washington, DC 20505

ATTN: Deborah A. Kircher

21 December 1987

2. YOUR MEMORANDUM(S) forwarded for review:
   3. APPROPRIATE DELETIONS HAVE BEEN MADE PURSUANT TO THE EXEMPTIONS CHECKED BELOW. THE REMAINING NSA/CSS INFORMATION MAY BE RELEASED TO THE REQUESTER.
   4. THE INFORMATION IS PROTECTED FROM DISCLOSURE PURSUANT TO THE EXEMPTIONS CHECKED BELOW.
   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 12334.
   6. 5 U.S.C. 552 (b) (3) - THE SPECIFIC STATUTE(S) IS/ARE LISTED BELOW.
      50 U.S.C. 402 NOTE (Public Law 86-36, Section 8)  50 U.S.C. 403 (d) (3)  18 U.S.C. 798
   7. 5 U.S.C. 552 (b) (5)  3 U.S.C. 582(b)(6)
   8. 5 U.S.C. 552 (b) (7) (C)  5 U.S.C. 582 (b) (7) (D)

9. THE DISCLOSURE THAT THE INFORMATION CONTAINED IN YOUR RECORD(S) IS THE RESULT OF SENSITIVE COMPARTMENTED INFORMATION DOES NOT REQUIRE 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, THE RECORD(S) AND ALL OTHER SUCH INDICATIVE RECORDS IS/ARE AFFORDED THE APPROPRIATE PROTECTION.

10. WE DO NOT WISH TO BE PUBLICLY REVEALED AS THE ORIGINATOR OF THE INFORMATION CONTAINED IN THE RECORD(S) AS THIS IDENTIFICATION IN ITSSELF MAY BE A DISCLOSURE OF CLASSIFIED INFORMATION. IN ADDITION, WE DO NOT WISH TO PUBLICLY ASSERT OUR EXEMPTION(S) 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.

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

Bona Lerner

Downgrade to CONFIDENTIAL upon removal of enclosures.

Sincerely,

Carol A. Haikut

JULIA B. WETZEL
Director of Policy

A7933A.4-84 NSN: 7540-FM-001-1554

DECLASSIFICATION IN ACCORDANCE WITH INSTRUCTIONS ON ORIGINATING AGENCY'S DECLASSIFICATION REQUIREMENTS.
Serial: J9001

The information highlighted in yellow should be protected pursuant to the exemptions cited in blocks 5 and 5. 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).
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. Lerner, Q43, 963-5825, 26 Jan 88
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 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 [redacted], in view of the frequently inadequate sourcing and of the fact that disseminations have already been made.
John
Margaret

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

19 Aug 60

PITTMAN
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.

Encl: a/s

cc: D/DIR
ADPL
GC

EUGENE F. YEATES
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
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
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/CUDB/R 12-62 dated May 15, 1962, consisting of two pages. That document is referenced in FBI File #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

15 Nov  
Requested doc from John Horne
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

By GRB:dm
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

___ NSA

Legislative Affairs Office

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

cc: DIR
    D/DIR
    GC
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
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
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
*** BEGIN MESSAGE ***

SERIAL=MOSCOW273-92  UDN=VO(1850)
CLASS=CONFIDENTIAL

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  H-01  IHRE-00  IMR-01  L-03
   AD-00  HOFM-01  KOF-03  N-01  MPR-01  NRBC-01  NSAE-00
   NSCE-00  OKB-01  PA-01  PK-01  PRS-01  P-01  SCT-03
   SDEL-01  SNF-01  SP-01  SSO-00  SS-01  TRSE-00  T-01
   USIE-00  /041W

O 032051Z JAN 92
FK AMBASSAD MOSCOW
TO SECSTATE WASHDC IMMEDIATE 5866

--- MOSCOW 000273 ---
SERIAL: MOSCOW00273-92
FOR P, C/E, H, EUR/SOV AND EAP/VLC
E.O. 12356: DECL: OADR
TAGS: PREL, PINR, KOPS, 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 NECHIPORENSKO, 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
   NECHIPORENSKO TO URGE HIM TO GO PUBLIC WITH HIS
   INFORMATION AND TO SPEAK WITH EMBASSY OFFICERS ABOUT
   THE MATTER. ACCORDING TO KALUGIN, NECHIPORENSKO SAID
   THAT HE WILL MAKE HIS FINAL DECISION ON WHETHER OR
   NOT TO GO PUBLIC AFTER THE RUSSIAN CHRISTMAS
   HOLIDAYS (AFTER JANUARY 7). NECHIPORENSKO 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,
   NECHIPORENSKO WILL GO PUBLIC AND PROBABLY VERY SOON.
   KALUGIN SAID THAT NECHIPORENSKO 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 ---
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 EBOFF THAT, ACCORDING TO THE ITINERARY CWH 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 EBOFF NECHIPORENKO’S TELEPHONE NUMBER AT THIS TIME.
O C308232 JAN 92
FM AMBASSAD MOSCOW
TO SECSTATE WASHDC IMMEDIATE 5686
BT
C041W

OSKOW00072-92
FOR P, C/E, H, EUR/sov and EAP/VLC
E.O. 12356: DECL: OADR
TAGS: PREL, PINR, KOPS, UR
SUBJECT: EX-KGB GENERAL KALUGIN ON AMERICAN POW
INTERROGATIONS IN VIETNAM
REF: STATE 871

1. CONFIDENTIAL -- ENTIRE TEXT.
2. EMMOFF 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
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 EMMOFF 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 EMMOFF, 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
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 NOTED 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 ET
UNCLASSIFIED

** BEGIN MESSAGE **

SERIAL=MOSCOW1592-93  UDK=WOO(22874)
CLASS=UNCLASSIFIED

PAGE 01  MOSCOW 01592  210945Z

UNCLASSIFIED NSA0651

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  ES-01
OIGO-01  FBO-01  HA-09  H-01  INNC-01  INRE-00  INR-01
IO-15  LAB-04  L-03  KCO-01  ADS-00  HOFH-04  HOF-03
H-01  NPI-01  NRC-00  NSA-00  NSCE-00  OCS-06  OIC-02
CMO-01  OPR-01  PA-02  PH-02  PRS-01  P-01  SCT-03
SDEL-00  SIL-00  SNF-00  SP-00  SR-00  SSO-00  SS-00
STR-17  TRSE-00  T-01  USIE-00  USSS-00  SK-01  ASDS-01
RPE-00  / /095W

---------------------928C04  210947Z /38

R 210938Z JAN 93
FH AMBASSAD MOSCOW
TO SECSTATE WASHDC 1907
INFO AMBASSAD MINSK

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

TAGS: PREL, PHUK, 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, KNO CORNHY EXHIBITION
DEPDIR SHIRKOV REMINDED ENBOFF JANUARY 16 OF THE
GOR'S REQUEST FOR THE TEXT OF SECTION 10 OF THE ACT
AND THE ADDITIONAL DETAILS OF CONGRESSIONAL ADOPTION

BT

UNCLASSIFIED

UNCLASSIFIED
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 KAZARBAYEV 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
NUCLEAR WEAPONS. AFTER EXTENSIVE DISCUSSIONS WITH OTHER FORMER SOVIET REPUBLICS AND THE U.S., KAZAKHSTAN DECIDED TO GIVE UP NUCLEAR WEAPONS. NAZARBAEV 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. 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 HUANGPENG, 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 NAME 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 EOSWELL, THE TWO PATHOLOGISTS WHO PERFORMED THE AUTOPSY ON THE PRESIDENT, BROKE A 20-YEAR-LONG BT..."
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

UNCLASSIFIED
CONFIDENTIAL

*** BEGIN MESSAGE ***

SERIAL=KINSK526-52 UDN=VC3(25323)
CLASS=CONFIDENTIAL

PAGE 01 HINSK 00526 131516Z

ACTION EUR-01 INFO LOG-00 CIAE-00 INRE-00 INR-01 ADS-00 NSA-00 /0C2W

R 131444Z JUL 92 FK AMBASSADY HINSK TO SECSTATE WASHDC 0119 BT


1. C - ENTIRE TEXT.
2. DURING MEETING JULY 13 BELARUSIAN SUPREME SOVIET CHAIRMAN STANISLAV SHUSHKEVICH SURPRISED 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 1951 AND OSWALD HAD BEEN ASSIGNED TO WORK AT THE KINSK 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

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*** BEGIN MESSAGE 5 ***

SERIAL=KINSK00703-92 UDN=VC3(58021)
CLASS=UNCLASSIFIED

PAGE 01
PAGE 01
KINSK 00703 01 OF 04 101436Z

UNCLASSIFIED NSA5027

INFO EUR-01
LOG-00 AID-01 AKAD-01 SJK-01 C-01 CISA-02 DS-00
CIA-09 INRE-05 INR-01 L-03 ADS-00
MOB-01 MOB-03 N-01 WRG-01 ZSVE-00 KSCE-00 OMB-01
FA-02 PK-01 PRS-01 P-01 RP-10 SCT-03 SDEL-01
SNP-01 SP-01 SS-01 TRSE-00 T-01 USIE-00 /052W

101436Z AUG 92
FK AMBASSASSY MINSK
TO SECSTATE WASHDC 0311
INFO AMBASSASSY MOSCOW
DIA WASHDC
AMBASSASSY KIEV
AMBASSASSY VILNIUS
CIA WASHDC
BT
UNCLAS SECTION 01 OF 04 KINSK 000703
SERIAL: KINSK 00703-92
E.O. 12356: M/A
TAGS: PINT, PINR, PGOV, ASER, BO
SUBJECT: BELARUSIAN KGB -- "A KINDER, GENTLER
SECURITY APPARATUS"

1. BEGIN SUMMARY: IN AN AUGUST 4 PRESS
CONFERENCE AT KGB HEADQUARTERS, BELARUS' KGB
CHIEF EUDAR 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
SHOULDN'T BE SUBORDINATED TO THE SUPREME SOVIET,
RATHER THAN THE COUNCIL OF MINISTERS.
SHERKOVSKIY SAID THE BELARUS KGB HAD SIX
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, BE

UNCLASSIFIED

KVN
SERIAL=KINISK703-92  UDN=VO3(58022)
CLASS=UNCLASSIFIED

UNCLASSIFIED NSA5026

PAGE 01  MINSK 00703 02 OF 04 101436Z
ACTION EUR-01
INFO LOG-00  AID-01  AHAD-01  SJK-01  C-01  CISA-02  DS-00
OIGC-01  HA-09  H-01  INRE-00  INR-01  L-03  ADS-00
MOPH-01  NOK-03  K-01  NRRC-01  NSA-00  NSC-00  CSK-01
PA-02  PK-01  PRS-01  P-01  RP-10  SCT-03  SDEL-01
SNP-01  SP-01  SS-01  TSE-00  T-01  USE-00  /052W

R 101416Z AUG 92
FM AKEMBASSY MINSK
TO SECSTATE WASHDC 0312
INFO AKEMBASSY MOSCOW
DIA WASHDC
AKEMBASSY KIEV
AKEMBASSY VILNIUS
CIA WASHDC
ST
UNCLASSIFIED SECTION 02 OF 04 MINSK 000703
SERIAL: KINISK 00703-92
E.O.12356: N/A
TAGS: PINT, PINR, PGOV, ASECO, 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
CORRUPTION

10. SHERKOVSKII 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. SHERKOVSKII REPEATED 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 THE UNITED STATES.
WHAT WAS IMPORTANT NOW WAS STABILITY.

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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 FORKER-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"

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SERIAL=MINSK703-92 UDN=VC3(58024)
CLASS=UNCLASSIFIED

PAGE 01 MINSK 00703 04 OF 04 101437Z

INFO
LOG-OC AID-01 AMIR-01 SQX-01 C-O1 CISA-02 DS-00
OIGO-01 HA-09 E-01 INRE-00 INR-01 L-O3 ADS-00
HOPE-01 M-01 RR-01 NSAE-00 NSCE-00 OME-01
PA-02 PM-01 PRS-01 P-O1 RP-10 SCT-03 SD-01
SNP-01 SP-01 SS-01 TRSE-00 T-O1 USIE-00 /052W

R 101416Z AUG 92
FM AMBASSCY MINSK
TO SECRSTATE WASHDC 0314
INFO AMBASSCY MOSCOW
DIA WASHDC
AMBASSCY KIEV
AMBASSCY VILNIUS
CIA WASHDC
BT

UNCLASSIFIED
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* *** BEGIN MESSAGE  6 *** *

SERIAL=STATE353053-92  UDK=VC4(77423)
CLASS=LIMITED OFFICIAL-UCG

PAGE 01  STATE 353053  290706Z

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IHR-00  IHR-01  JUSE-00  L-03  ADS-00  NSA-S-00  /00Z

DRAFTED BY: EUR/ISCA:PMTIKER:PM
APPROVED BY: EUR/ISCA:LCMAPPERS

EUR/ISCA:JSCHUMAKER  EUR/ISCA/WST:DHESS
IRK:JJOHNSON  EUR/PA:MPEARSON

FBI:KNEU

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P 290657Z OCT 92
FM SECSTATE WASHDC
TO AMEBASSY MINSK PRIORITY
BT

LIMITED OFFICIAL-UCG STATE 353053

SERIAL: STATE353053-92
E.O. 12356: N/A
TAGS: PNIR, 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 GOB FILES ON LEE HARVEY

OSWALD WHICH MIGHT INDICATE A CONSPIRACY TO KILL PRESIDENT
KENNEDY.

2. EMBASSY MAY DRAW ON THE FOLLOWING TALKING POINTS 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 SIGNIFICANT
EVIDENCE WHICH ANSWERS ANY QUESTIONS WHICH MAY REMAIN IN
THE AFTERMATH.

INVESTIGATION WERE INTERESTED TO HEAR THAT THE GOVERNMENT
OF BELARUS HAS IN ITS POSSESSION SIX VOLUMES OF FILES ON
LEE HARVEY OSWALD.

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-- 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 CSWALD 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
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
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VISIT SHOULD BE HANDLED QUIETLY. END

SUMMARY.

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

NARKEVICH. REFERRING TO SHIRKOVSKYI'S AUGUST
4 PRESS CONFERENCE (REF 3), IN WHICH
SHIRKOVSKYI 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

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5. SHIRKOVSKYI 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. SHIRKOVSKYI SAID HE HAD RECEIVED MANY
REQUESTS FOR ACCESS TO THE FILES -- FROM THE
LIKES OF MOVIE PRODUCERS AND THE WRITER
NORMAN KAIZER. ON A PREVIOUS VISIT TO MINSK,
KAIZER HAD BEEN INTRODUCED TO CERTAIN PEOPLE,
NOW RETIRED, WHO KNEW OSWALD. MOREOVER,
KAIZER 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 SHIRKOVSKYI, WAS THAT
THE DOCUMENTS AS A WHOLE -- WHICH SHIRKOVSKYI
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. SHIRKOVSKYI COULD NOT SIMPLY
HAND OVER THE FILES TO THE FBI OR CIA (HE
ADDED THE LATTER ACROYX). 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

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S. SHIRKOVSKYI KEVEVERTHELESS SAID THE KGB WOULD BE WILLING "TO MAKE THINGS MORE BT

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

PAGE 01 KINSK 01220 02 OF 02 041530Z
ACTION EUR-01
INFO LOG-00 CIAE-00 C-01 ANER-01 CISA-02 DS-00 FBIE-00
INRE-00 JUSE-00 L-03 ADS-00 KSAE-00 KSCE-00
PK-02 P-01 SP-00 SSO-00 SE-00 ASDS-01 /013W

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FM AMBASSARY MINSK
TO SECSTATE WASHDC IMMEDIATE 0986
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C O N T E N T S A T I O N 02 OF 02 KINSK 001220

SERIAL: MINSK 01220-92
DEPT FOR EUR/ISCA
E.O. 12356: DECL: OADR
TAGS: PRIN, 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. SHIRKOVSKYI 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 MALER ACCESS TO THE FILES.
SHIRKOVSKYI REITERATED THAT MALER 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. SHIRKOVSKYI SAID THE KGB HAD ORIGINALLY THOUGHT OSWALD WAS A CIA PLANT, BUT HAD

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REACHED THE CONCLUSION THAT THIS WAS NOT POSSIBLE. AT THE SAME TIME, THE KGB REALIZED OWSALD WAS OF NO USE TO IT AND THANKED ITS LUCKY STARS WHEN HE FINALLY LEFT THE USSR. SHIRKOVSKII EXPRESSED THE PERSONAL VIEW THAT OWSALD COULD NOT HAVE ACTED ALONE WHEN HE SHOT PRESIDENT KENNEDY; HE WAS SIMPLY INCAPABLE OF THIS, BEING UNSTABLE IN THE EXTREME. HE REFERRED TO OWSALD'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, SHIRKOVSKII SUGGESTED THAT THE FBI PUT TOGETHER A LIST OF DETAILED, FOCUSED QUESTIONS, WHICH KGB EXPERTS ON OWSALD WOULD SEEK TO RESEARCH AND ANSWER. THEN PERHAPS, U.S. EXPERTS COULD QUIETLY COME TO MINSK TO MEET WITH KGB EXPERTS. SHIRKOVSKII 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. SHIRKOVSKII SAID THAT WHEN AND IF THE EMBASSY RECEIVED A LIST OF FOCUSED QUESTIONS THEY SHOULD BE PASSED TO HIM OR TO GENNADIY NARKEVICH, WHOM HE INTRODUCED AS THE PREEMINENT EXPERT ON OWSALD IN BELARUS. NARKEVICH PROMISED TO BE IN TOUCH WITH THE EMBASSY TO PROVIDE A NUMBER AT WHICH HE COULD BE REACHED.

SWARTZ
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BEGIN MESSAGE 59

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

PAGE 01
STATE 378834 210139Z
ORIGIN EUR-01
INFO LOG-00 AMAD-01 CIAE-00 DODE-00 CISA-02 OIGO-01 FBI-00
INRE-00 INR-01 L-03 ADS-00 NSA-00 /009R
DRAFTED BY: EUR/ISCA: PNTIMMER: PNT
APPROVED BY: EUR/ISCA: JFSCUMAKER
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INR/IC: JOHNSON
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P 210137Z NOV 92
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TO AMEFOREIGN MISSION PRIORITY
BT
LIMITED OFFICIAL USE STATE 378834
SERIAL: STATE378834-92
E.O. 12356: N/A
TAGS: PINR, 80
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, EMBAFFY MAY CONVEY THE FOLLOWING INFORMATION TO APPROPRIATE OFFICIALS IN THE GOB:

-- THE FEI 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 FEI'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?

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2. IN RESPONSE TO OTHER POINTS MADE IN 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.

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PAGE 01

SERIAL=STATE03120-93
CLASS=UNCLASSIFIED

STATE 003120 061002Z
ORIGIN EUR-01
INFO LOG-00 KID-01 AKAD-01 CIAE-00 C-01 OASY-00 DOBE-00
CISA-02 DS-00 EB-01 OIGO-01 HA-09 H-01 INRE-00
INR-01 IO-19 LAB-04 L-03 KCO-01 ADS-00 M-01
NPI-01 NSAQ-00 NSCE-00 OIC-02 OMB-01 FA-02 FK-02
PRS-01 P-01 SCT-03 SIL-0C SNP-00 SP-00 SR-CC
SSO-00 SS-00 STR-17 TRSE-00 T-01 USIE-00 RFZ-00
/C78R

DRAFTED BY: EUR/ISCA:KBEYZA:MJB
APPROVED BY: EUR:RKAUZLARICH

EUR/ISCA:LNAPPER EUR/ISCA:DHESS
P:EKALLOY K:DCURRAK
L/EUR:TBUCHWALD D:JWARLICK
S/S-O: HWITT S/S: RLWILSON

R 061003Z JAN 93
FM SECSTATE WASHDC
TO AKEMBASSY MOSCOW
BT
UNCLAS STATE 003120
SERIAL: STATE03120-93
E.G. 12356: N/A
TAGS: PREL, PHUK, RS, US
SUBJECT: DEHARCE 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 THE
ASSASSINATION OF PRESIDENT JOHN F. KENNEDY.

- IN RESPONSE TO THIS CONGRESSIONAL INITIATIVE, WE REQUEST
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

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SERIAL: LD1806214991
PASS: ATTN USIS MOSCOW
ATTN TV CENTER
COPY TO MOD (2), LIAISON (2)
COUNTRY: USSR
SUBJ: TELEVISION PROGRAM SUMMARY 182000: KRT 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; NAZARBAEV 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-NAZARBAEV 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 GORKOH FOR HOLDING A PLENUM DURING WORKING TIME.

5. (0410) ERKOAI SHVILI VIDEO REPORT FROM SVERDLOVSK ON IMPLEMENTATION OF YELTSIN'S DEPARTIZATION DECREE, INTERVIEWING Z. VOYTETSKII, 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 SERVICE MEN WORKING IN FOREST, CAMERA GROUPS TAKING SHOTS OF SPADES, FOLLOWING INSTRUCTIONS FROM COMMANDER THAT JOURNALISTS WERE NOT ALLOWED TO WATCH THE EXUMATIONS.

7. (0540) H. PONOMAREV VIDEO REPORT ON INVESTIGATION CURRENTLY UNDER WAY INTO BLAST AT DEMOCRATIC RUSSIA HEADQUARTERS 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 NOVOROSSIYSK WHERE REQUEST FOR FURTHER INVESTIGATION INTO ADMIRAL MAKHIHOV 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.
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 BOMB FIRED AT THE PENTAGON 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. VYURAKOV. VIDEO REPORT. (LD26112235891)
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) GUKOV LEAVES 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. (CIV LD2611201491)
26. (1825) THE DEFENSE MINISTRY REFUTED A REPORT ON AFGHAN GROUPING BREAKING THROUGH INTO THE USSR. (CIV 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; INCOKES AND A REFERENDUM ARE UNDER DISCUSSION. VIDEO REPORT.
30. (1945) CORRESPONDENT OVTICHNIKOV REPORTS FROM KHURHANSK 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 INTERTORGPRODKASH IN MOSCOW. VIDEO REPORT.
33. (2215) CORRESPONDENT GURATSKY REPORTS ON KAAS OPENING HER TCUR IN MOSCOW. VIDEO REPORT.
34. (2407) THE SOCIETY OF NATURISTS HAS BEEN REFUSED REGISTRATION BY MOSCOW JUDICIAL BOARD.
35. (2433) A WOAH IN KHEVSK CELEBRATES HER 105TH BIRTHDAY.
36. (2500) WEATHER.
TEXT:

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

1. (0026) EXPLOSION ON BOARD SHIP ENTERING BAKU PORT, INTERFAK
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 KUFTI REMOVED.

7. (0222) SEVRASTOPOL MEETING AGAINST UKRANIAN 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
ARYN.

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
WITH ISRAEL; BUSH LEFT JAPAN.

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 KENNEDY'S
ASSASSINATION. (COV TASS)

17. (0657) REPORT OVER VIDEO: LUSHKOV MOSCOW GOVERNMENT
RESIGNED. (COV)
18. (0709) Siguia 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) Siguia 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 AURH 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) Video report: conditions of production at expense of others.

30. (1240) Letter received by Vesti on aid being received in his workplace from Gerhawy 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 Buddhist opened in Moscow today. (COV TASS)

Robinson SRE20901.008/HC 10/0032Z JAN BT

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BYELARUS: KGB CHIEF OPPOSES RELEASE OF LEE HARVEY OSWALD FILES

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 MARKSHAN.

04 AUG 1641Z KC
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*** BEGIN MESSAGE ***

SERIAL=WAO408200092
CLASS=UNCLAS
FBIS 086AUG04
UNCLAS
WIRE LOG 04 AUG 1600 - 04 AUG 2000 GMT
WAO408200092
GENERAL
048 WIRE LOG 04 AUG 1200 - 04 AUG 1600 GMT

CHINA
076 PRC: VICE FOREIGN MINISTER MEETS KHIU SAMPHAN IN BANGKOK

EAST EUROPE
051 B-H: SERBIAN JETS REPORTEDLY DROP CLUSTER BOMBS ON IGMAN
056 BULGARIA: YELETSIN 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: ADIRAL WARNS UKRAINE OFFICERS ON UNDERMINING DAGOHY'S 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)
053 TAJIKISTAN: NATIONAL SECURITY CHIEF DISMISSED
066 RUSSIA: YELETSIN 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: YELETSIN RETURNS FROM TRIP TO BULGARIA
075 RUSSIA: FOREIGN MINISTRY CRITICAL OF JAPANESE STATEMENTS
078 RUSSIA: YELETSIN ACTIVITIES IN SOFIA NOTED, NEWS CONFERENCE HELD
079 MOLDOVA: MINISTER ANNONCES WITHDRAWAL FROM DIYESTER COMPLETE
080 MOLDOVA: PREZ MINISTER SUMMARIZES GOALS OF NEW GOVERNMENT
082 ARMENIAN ENCLAVE ENCIRCLED, SITUATION 'CRITICAL'
083 RUSSIA WELCOMES FRANCE JOINING NON-PROLIFERATION TREATY

EAST ASIA

NORTH KOREA
057 AFGHANISTAN: DOZENS OF ROCKETS HIT KABUL, ENDING CEASEFIRE
059 HIZBALLAH-PALESTINE CLAIMS ATTACK ON JORDAN-ISRAEL BORDER
067 IRAQ: SPEAKER SAYS COMING UK 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 SEEKS 'LIMITED INTERVENTION' IN BOSNIA
064 UK: AIRLIFT TO SARAJEVO 'TEMPORARILY CALLED OFF'
065 UK: KUWAITI MINISTER, HURT SHARE VIEWS ON IRAQ
072 UNITED KINGDOM: AGREEMENT REPORTEDLY REACHED ON CONTINUING EFA
091 EUROPEAN NATIONS OPT FOR 'CHEAPER' FIGHTER AIRCRAFT PROJECT
SERIAL=LD1006145792  UDN=VO2(49790)
CLASS=UNCLAS 3D/PHu/SU 291 797
ZCZCZC0040
RTTUZYR RUDKXKA5141 1621519-UUUU--RUETIAY.
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FX FBIS LONDON UK
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RUEBFGA/VOA WASH DC
RUEBHA/STORAGE CENTER FBIS RESTO VA
RUEHC/SECSTATE WASHINGTON DC//IHR/SEE/SI//
RUEKJCS/DEFINTAGNCY WASH DC
RUEOACC/CDR PSYOPPG FT BRAgg NC//ASOF-POG-SB//
RUESD/FBIS OKINAWA JA
RUESBV/FBIS VIENNA AU
RUETIAY/KPC FT GEO G MEADE ND
RUFHFT/ANKCONSUL FRANKFURT//FRCIC//
ACCT FBLD-EWDK
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UNCLAS 3D/PHu/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 SERGEI SOSHOVSKII))

((TEXT)) BORN JUNE 10 TASS -- KGB TOOK NO PART WHATSOEVER IN THE
ORGANISATION OF THE ASSASSINATION OF PRESIDENT JOHN KENNEDY", EX-
CHIEF OF THE KGB VLADIMIR SEMICHASTHYI SAID IN AN INTERVIEW WITH THE
GERMAN MAGAZINE DER SPIEGEL.
SEMICHASTHYI HEADED THE KGB WHEN THE TRAGIC EVENTS UNFURLED IN
DALLAS, TEXAS.
ASKED WHEN THE KGB FIRST CAME ACROSS LEE HARVEY OSWALD,
SEMICHASTHYI 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 SPIRESS AND
PICNICS WITH A GIRL-FRIEND".
ACCORDING TO SEMICHASTHYI, OSWALD COULD NOT BE THE CENTRAL FIGURE
IN THE ASSASSINATION OF KENNEDY. "HE IS A STOoge, A SORT OF
LIGHTNING ROD IN A MUCH MORE SERIOUS OPERATION", WHICH "WAS
BRILLIANTLY ARRANGED", SEMICHASTHYI SAID.

(ENDALL) 101311 LEVICK PLE21006.034/MB 10/1517Z JUN
UNCLAS 3D/PHu/SU 291 797
AT A MOSCOW NEWS CONFERENCE, RETIRED KGB COLONEL CLEG NECHEPORENKO HAS DESCRIBED HIS CONVERSATION IN HANOI WITH AN AMERICAN PRISONER OF WAR IN 1974, AND TWO MEETINGS WITH LEE HARVEY OSWALD, WHO SHOT PRESIDENT JOHN KENNEDY SINGLEHANDED, ACCORDING TO WASHINGTON'S OFFICIAL VERSION.


((BEGIN NECHEPORENKO RECORDING IN RUSSIAN FADING TO SUPERIMPOSED TRANSLATION TO ENGLISH))

THERE WAS AN UNDERSTANDING THAT TOGETHER WITH KY VIETNAMESE COLLEAGUES, I WOULD MEET AN AMERICAN TAKEN PRISONER SEVERAL YEARS EARLIER DURING THE (DA NAM) 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 NAM), 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, NOR 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 DN140910.022/KC 10/0032Z JAN
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IF ANYONE DOUBTS THAT WE ARE BECOMING MORE CIVILIZED, THEY SHOULD HAVE BEEN PRESENT AT THE PRESS CONFERENCE GIVEN BY RETIRED KGB COLONEL OLEG NICHIPORENKO 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.


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. NICHIPORENKO REPLIRED 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
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.


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 OBLVIOUSLY 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 ADHIRED. 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

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UNCLAS 3A/PHU/SU 291

** BEGIN MESSAGE 29 **

SERIAL=LD2007122992  UDX=V03(22651)
CLASS=UNCLAS 3A/PHU/SU 291
UNCLASS 3A/PHU/SU 291
SERIAL: LD2007122992
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.

50-YEAR OLD GOLOVACHEV, WHOM OSWALD USED TO CALL HIS "BEST FRIEND", STAYED IN 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 KARINA FRUSIKOVA. 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 KARINA 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 KARINA. 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, AFTERTHAVING 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

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UNCLAS 3A/PHU/SU 291
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 MOVIE SUGGESTED THAT BEHIND OSWALD, THERE WAS A CONSPIRACY MASTERMINDED BY THE CIA AND THE MILITARY ESTABLISHMENT, BECAUSE THEY WERE SERIOUSLY ALARME WHEN KENNEDY SIGNALED 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 XY 28/03422 JUL BT #5023 NNNN

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UNCLAS 1B
UNCLAS 3G/PMU/SU 797

BEGIN MESSAGE

SERIAL=LOD406222392  UDN=VOC (19527)
CLASS=UNCLAS 3G/PMU/SU 797
UNCLAS 3G/PMU/SU 797
SERIAL: LOO406222392
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 BELINFORK 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 BYELARUSIAN 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 SHIRKOVSKII, 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 SHIRKOVSKII 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 KARKSMAN AND IT IS HARD TO IMAGINE THAT HE COULD KILL THE PRESIDENT."

(ENDALL) 041730 WALL JWE70406.031/JA 04/2240Z AUG BT
#5577
NNNN
NNN

UNCLAS 3G/PMU/SU 797
UNCLAS 3G/LD PMU

*** BEGIN MESSAGE 33 ***

SERIAL=OW0406163592   UDN=V03(29324)
CLASS=UNCLAS 3G/LD PMU
UNCLAS 3G/LD PMU
SERIAL:  OW0406163592
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 BELLAKAH KB990508.015 ME 04/15362 AUG
BT
#05C3
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NNN

UNCLAS 3G/LD PMU
UNCLAS 3G/FAx

**BEGIN MESSAGE**

SERIAL=PM2909114992  UDN=U04(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 KRASNYA ZVEZDA IN RUSSIAN 24 SEP 92 P 4
TEXT:

"((KRASNYA ZVEZDA CORRESPONDENT PAVEL CHERENKO 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 CHERENKO:

"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 EYEWITNESSSES 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
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UNCLAS 3G/FAx
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.

[Classification marker: For official use only]
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,

Alton H. Quanbeck

cc: Frank Foster
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. Turkel'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, 132

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

Sincerely,

J. Lee Rankin
General Counsel
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
USER'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 FRESSE, 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
PRESIDENT WALDHEIM. THEIR CONVERSATION FOCUSED ON THE DIFFICULT SITUATION IN THE MIDDLE EAST. AFTER THE FUNERAL, ARAFAT TALKED TO AUSTRIAN CHANCELLOR VRANKITZKY FOR ABOUT HALF AN HOUR. VRANKITZKY 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 CONVINCING IRAQ OF THESE PRINCIPLES. (DIE PRESSE, P.2; ORF DAILY EVENING NEWS ROUND-UP, AUGUST 7)


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

SERIAL=VIENNA8961-90  UDN=TO3(39886)  CLASS=UNCLASSIFIED
UNCLASSIFIED NSA4881
PAGE 01    VIENNA 08961 02 OF 02 081419Z
ACTION EUR-01
UNCLASSIFIED
0 061418Z AUG 90
FX AMEBASSY VIENNA
TO AMEBASSY BOMH IMMEDIATE
USIA WASHDC IMMEDIATE 1543
SECSTATE WASHDC IMMEDIATE 4631
IMFO USDOC WASHDC IMMEDIATE
USMISSION USVIENNA IMMEDIATE
BT
UNCLAS SECTION 02 OF 02 VIENNA 06961
SERIAL: VIENNA 0961-90
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
15. Section III/2—American Counsel General Hong Kong Comments On Peking Reaction To President Kennedy's Death

Comment: There is a distinctive defensive note underlining Chinese Communist commentary, which the US Counsel believes can be attributed to Peking's realization that except for Communist China and a scattering of adherents, the whole world (including the USSR) has joined together in mourning the loss of President Kennedy and in wishing President Johnson well. As so often in the case when Peking feels itself isolated and on the defensive, eg, regarding Soviet charges that the Chinese Communists advocate war as a new world revolution, Peking in this instance feels obliged to vitally its chosen enemies immediately in order to justify its extreme stand. Insofar as local Chinese reaction is concerned in Hong Kong, the London contacts think this line will have the adverse effect even among Communist adherents. What effect such treatment will have on China mainland remains to be seen. Meanwhile, we surmise that Peking 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 it to President as the personification of all that it hates in us.

(American Consul, Hong Kong 29.11.52)(LOD)

16. Section II/7—Khrushchev Supports Indonesia Against Malaysia:

Khrushchev has expressed full support for Indonesia's confrontation moves against Malaysia, the Government-controlled Antara news agency reported on 26 Nov. Khrushchev said the support was given by Khrushchev at a luncheon for Indonesian Foreign Minister and chief of the armed forces General Nasution during a recent visit to Moscow. 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. (R76, 26 Nov)(Unc)

17. Section III/2—Chifats Needs For Helicopters For Mainland Invasion:

Date of Info: mid Nov '57—Evaluation?

According to reliable official of the Kawasaki aircraft company, the Chifats are negotiating with the Kawasaki aircraft company for the purchase of 10 new Vertol 107 helicopters. These aircraft are reportedly to be used in secret invasion of the China mainland being planned for the end of 56. The helicopters will be amphibious and able to transport 40 fully armed troops. Combat radius with full load is 125 miles and with larger fuel tanks the radius can be increased to 500 miles. Cost of Japan has been denied, negotiations are under way. Contract expected to be concluded in late December 1953 or early January 1954. Chifats requested delivery of 3 sets by Jan-Feb '54 to facilitate necessary training of main and operation personnel. Delivery of remaining 7 sets to be made in 2 sets before end of '54. Chifats have insisted on secrecy of negotiations and plans from US advisory personnel.

(Sec 3rd Sp 3p Japan, 2306402)(S)
MEMORANDUM FOR OFFICE OF CONGRESSIONAL AFFAIRS, CENTRAL INTELLIGENCE AGENCY


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
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. Sieca
RHEA D. SIERS, CL&RC, 963-3121, 3 May 1992, mvk

CONCUR:

LAO /s/ Date May 8
O43 /s/ Date May 8
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 Central Intelligence Agency will make redactions and summarize the informatic 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 the President regarding the JFK papers, to enhance public confidence and provide reassurance that the CIA has not held back any information relevant to the assassination, I will appoint a distinguished panel of Americans to examine whatever documents are redacted or kept classified. They would then issue an unclassified public report on their findings.

The effort required to declassify the documents relates 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 diminishing 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 commitment to get these papers declassified and released, and to open what remains classified to outside, non-governmental review.
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.
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.

Incl:
Ltr dtd 30 Dec 76

cc: EXEC/DDO
GC
V
G
ADLL

JOHN C. WOBENSMITH
Legislative Affairs
5 January

Jerry,

We have sent copies to EXEC/DDO, GC, V and G. Suggest that it should also go to DIP & D/DIR.

John
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
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
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Subcommittee on the Assassination of Martin Luther King, Jr.

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C. ROBERT BLAGST, Chief Counsel and Director

(11)

H.R. 1825
LETTER OF SUBMITTAL

U.S. HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON ASSASSINATIONS,

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 232 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.
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REPORT OF ACTIVITIES—SELECT COMMITTEE ON ASSASSINATIONS

JANUARY 2, 1873.—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
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.

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(3)
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 423½ 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 423½ 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

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 extraterritorial reach,

(f) The presumption 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. Ensuring that its response takes full advantage of inter-agency and intra-agency task forces and the strike force approach to investigations and prosecutions.

B. Ensuring 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. Ensuring 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 subpoena 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.
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"?
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. Boxt, 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: 08 March 1900; South Shields, UK

32. Gontar, Peter
    DPOB: ca 1903; USA

33. Gursalski, Jack
    DPOB: 08 August 1914; Winsted, Connecticut

34. Gursalsky, Jacob
    DPOB: 03 July 1908; New York, New York

35. Gursalsky, 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, Lebanon

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. Sgro, Thomas  
   DPOB: 07 October 1916; Buffalo, New York

91. Silverstein, Clara  
   DPOB: 28 December 1890; Odessa, USSR

92. Sobey, Stefan  
   DPOB: 22 April 1897; Harput, Turkey

93. Soukiasian, Haig  
   DPOB: 26 September 1926; Lawrence, Massachusetts

94. Soukiasian, Siragan  
   DPOB: 04 September 1897; Harput, 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; Tallin, 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
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

---

OCT 4 1 1978

Suspense
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

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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,

/\/

John G. Kester
The Special Assistant
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
Acting Chief
Legislative Affairs

Incl:

a/s

Copy Furnished:
DoD General Counsel
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.

S. Raskin/LAO/3747s/3 Aug 78/mpt

SECRET
HANDLE VIA CORRECT CHANNELS ONLY
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
Select Committee on Assassinations

U.S. House of Representatives

201 House Office Building, Annex

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 Blakely, 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.
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,

LOUIS STOKES
Chairman

LS:dm

cc: John Kester
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
NOTE FOR THE DIRECTOR
LAC

For your information, if you have not yet seen.

[Signature]

DANIEL B. SILVER
General Counsel
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.

[Signature]
DANIEL B. SILVER
General Counsel

Encl:...

a/s

Copy Furnished:
The Special Assistant to the Secretary
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.
Vice Admiral B. R. Inman
Director
National Security Agency
Fort George G. Meade, Maryland 20755

Dear Mr. Director:

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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
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 Doane 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. Siecer

cc: Judy Miller
MEMORANDUM FOR RECORD

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 phone call, 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
TO: DIR

SUBJECT: House Assassinations Committee Request

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.

FRANK T. FOSTER

CC: D/DIR
ADPL
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
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.
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,

Alton H. Quanbeck

cc: Frank Foster
Lieutenant General Gordon A. Blake, U. S. A. R.
Director, National Security Agency
Fort George G. Meade, Maryland

Dear General Blake:

In regard to Mr. 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 4-2, 4-6
(7) P. B. I. items 137, 152

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

Sincerely,

J. Lee Rankin
General Counsel

cc: Mr. Rankin
Mr. Willens
Mr. Mosk
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 COMM CHANNELS

TOP SECRET
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
Let's Reform The Military Reformers

Washington Critics Can't Talk
Left From a Latrine Fan

By Fred Nye

WANT 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 main 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 sophistry, veritable nonsense—yet Washington takes it seriously. This is an inauspicious approach to the management of a heavily armed world.

A few examples of the work of these people, who invariably call themselves military reformers:

One Razor, apprehension of the M1-tanks, head of the Project on Military Procurement, and an frequently-on-take-shows as to some 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 based, anything derogatory to the military must be true.

In 1984 he published a book, a stink which few reformers should take, in the book (The Pentagon Underground), he tells of going with a congressional delegation to Fort Hood, Texas, in 1981 to see the M1. She talks of getting into the driver's seat, few in the front of the vehicle, and discovering—"The Army has designed this tank for landing! There isn't enough room for people of normal size. For example, her head bumped against the turret. Why, she writes, one of the boys might be knocked out.

"I asked one of our officers for another manifestation of the tank's excessive weight. She is only 2'6" tall, she writes, yet "I later had a crew member close the hatch while I was in the driver's seat. In order to flip..."
Out of Control in 1962?

Wasn't Calling All the Shots in the Cuban Missile Crisis

which became known only when the United States broke a Soviet code in 1960. It shows that it was a Soviet decision to shoot down the face-to-face missile in the crisis, and senior White House officials did not consider the possibility that Cubans were more independent of Moscow in this. It had been a Cuban decision to shoot down the
possible, in particular, it suggests that Soviet Premier Mikhail S. Gorbachev may not have had complete control of the SAM battery that shot down the U-2, if he, 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 U-2 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 battalion in Cuba, and had ordered the shootdown, perhaps to deliberately escalate the Cuban missile crisis. It was the first known use of a Soviet sur-

Reagan’s Last Hope: Ortega

ANY Washingtonians woke up last Tuesday to the sound of a fighter plane. Elliott Abrams, assistant secretary of state for inter-American affairs, was on National Public Radio saying that the United States was delivering a message to the Sandinistas that has been petted by the Sandinista government since 1979. What we are facing is nothing less than the establishment of a "Soviet base in the hemisphere." It" was as if the little plane had never been in the air.

Abrams has been absent from Capitol Hill since the Iran-contra hearings, when he selective to bring to Congress what his part in getting the Ensign to the press. Sec. 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 silhouette of a man who knows on the guardianship of the Sandinistas in power.

Presumed Hill people think that Carlucci was possibly speaking in:

MARY McCLORY

Panama’s Noriega? ...

...The [U.S.] policy is to promote democracy. The [U.S.] policy is to promote democracy. The [U.S.] policy is to promote democracy.

"Why is Noriega doing this thing? They picture it very nicely and say you’re a hero, but, when they don’t need you anymore, they forget you."

The U.S. defense of Noriega’s regime is, in fact, a direct challenge to the United States. He claims that when the United States should not be an American invasion force took off, for Grenada would be run by an
almost impossible driving positions.

I had the same problem until I studied the seat.

At 911°f, fillet comfortably into the tank. Not only
didn't sticks know about the adjustable seat, she appar-
ently wasn't interested. The book was published in
1939, and the trip made in 1931, allowing people time
to make a telephone call. Her whole book is full of such
tales. "Do we influence policy in Washington?"
"If they move, we move." "The Senator from Wisconsin
among Reformers." "When I first became a military col-

c

Freud said another, "Nefertiti," is an ancient Egyptian

The Second World War in Black
How Hollywood Lost the Battle for Racial Progress

By Clayton R. Koppe and Gregory D. Black

In 1942, the United States found itself not only fighting a war on two fronts, but also trying to unify the population at home behind the war effort. One group—black Americans—presented a particular problem. Blacks still suffered under the laws of Jim Crow that hindered the progress of the country, especially the South as well as the nation as a whole. In the war, they were effectively denied the right to vote in the South, and in the North they were confined to menial jobs and living in overcrowded black neighborhoods.

Pills taken by the government showed that blacks comprised the Germans, not surprising because of the Nazis' racial policies. At the same time, however, blacks showed a more ambivalent attitude toward the Japanese, who were needed to identify with as fellow people of color.

With racial tensions increasing, the government was forced to consider that including black individuals in entertainment and the government, through its Office of War Information, had high hopes of getting Hollywood to help them. In black and white, blacks in a more favorable light than the film industry and even before.

There was a clear room for improvement. As Dolofo Toms twelve, the movies make, "Tara of the Middle Ages," are half of the story of the Negro's struggle, and they are the story of their creator, a man who absorbed the music and songs of his people and lived in it. "We are the servants of the people, not the masters of them," he says. "We are the people, not the masters of them."

Why Is Elliott Abrams Picking on Cubans?

By Lolly Wymouth

"We are going to make a list of those who are
U.S. puppet[s]," says the Pennsylvania

gen. ""The list of these, Mr. Alvarez, is the next
target of the United States.

"You can never stop." "Our" says, "But there are another two, three guys behind me. Ten years ago, I wasn't here."

"We are going to make a list of those who are U.S. puppet[s]," says the Pennsylvania

This article is adapted from "Hollywood Goes to War: How Propaganda Shaped World War II Movies."

See HOLLYWOOD, 26, Oct. 1.

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See HOLLYWOOD, 26, Oct. 1.
The military control of the U2, although... to the time... in the television station about the first... simultaneous interception. In source of leaks and... missile crisis have raised... of Khrushchev... activities that had been on the two... flying U2 American reconnaissance planes on... morning of the 27th.

In Khrushchev's view, Khrushchev understood... what Kennedy did not—just that his plane would be intercepted... Khrushchev... because a new generation of American reconnaissance aircraft, Khrushchev's comment... is that the Soviet had... on the U2 at least since the 27th, even if a Soviet officer... and mainly in charge.

The second telephone message to Khrushchev came from George Blake, the undersecretary of state, who reported on November 5, 1 on a conversation he had with the White House military aide, John F. Kennedy. Blake described a conversation with President Kennedy in which the Cuban problem was discussed, as reported by Blake, as saying that... Khrushchev... was no longer in charge of the U2. But the senior officials could not see the difference... because everyone in the government assumed that the airplane had been shot down by a Soviet SA-2 missile. Blake was on the ground—and that by Khrushchev.

Khrushchev himself has since provided varying accounts of who was in charge, telling the Washington Post reporter during an interview in 1966, that the Soviet leaders had been monitoring the SA-2 missiles when the U2 was shot down, did not have the honor of... the story, "I think the strongest admissions... was to... also was blackeshas throughout the... intelligence community, according to American... intelligence officials, in interviews in recent weeks, acknowledged that the United States government had no hard information as of November 2, 1962, as to how McAuliffe's aircraft had been destroyed.

George Blake, in a telephone interview from his office in Princeton, N.J., confirmed that he had held a conversation with Khrushchev. Told of the... intelligence suggesting that Kennedy... controlled the U2 on November 2, Blake said that at the time of the 1964 intercepts but acknowledged that he was "not surprised."... the crisis, he said, the Soviets were... making assumptions about Soviet... "We were making guesses... and we were just plain wrong—"and that was tapping... that was the best possible intelligence."
The transcript begins with a discussion of the intelligence community's concerns about the U-2 spy missions, which were seen as a major threat to the national security. The discussion then shifts to the U.S. government's response to these threats, including the development of the SR-71 Blackbird, which was designed to outpace the U-2's reconnaissance capabilities.

The text also mentions the roles of key figures in the intelligence community, such as John McCone, the director of the Central Intelligence Agency, and Richard Helms, the director of the Central Intelligence Agency. The transcript concludes with a discussion of the implications of the SR-71's capabilities for the future of national security.
Was Cuba Out of Control?

That Saturday, Oct. 27, was described by scholar professor-Grinnell T. Allison in his book "The Cuban Missile Crisis," as "the blackest and most frightening day of the Cold War." The details are emerging now, 25th anniversary conference at Harvard University reveals a previously classified transcript of the Oct. 27 meetings of President Kennedy's Cuban 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 advisors to consider over withdrawal of American missiles from Turkey than previ- ously 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 advisors considered ridiculous. The minutes also show that ExComm members, in their discussions that day, all assumed that Khrushchev had authorized the 30 shuttleограм as a show of force designed to increase his bargaining strategy—or had been aagin he chargfes the "time's side men." But in the event the crowds took to the waving while the Noriegas aicr was Businessmen who I política joining the so-called "Civil Guard" and most in Panama since 1956. 20 years ago. Sticking at the battle in the battle to naked men in military facility. rings cocaine and heroin create the peace reestablishment, he cha- llenges the answer, the arrest in cars in Panama have been arrested. The San Francisco inter- ests Interests did not lend until then became one of his main s. And the same very severe in Panan, which i resonet mae to 1964 had

N obregia made his name as the head of the Panamanian military intelligence service. In this capacity, he established close intelligence links with the Is- raelis. "The right hand man of a partner, a former Mossad agent named Hillel Harel, and one of which he made it clear that israel called in, he reveals. Noriegas also developed a close relationship with the Cuba- nas.

A neutralist character, Noriegas managed to stay out of trouble until he was caught in Panama. If he gave communists a free hand in his government and once Noriegas a real-reality reenactment 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.

For nearly a year, everything changed, when Cui, Roberto Díaz Herrera broke the seal of silence that the Panamanian police forces had always maintained about Noriegas and himselfs. Herrera alleged publicly, what had happened to Noriegas. In 1964, the Noriegas had ordered the murder of his political opponent, Hugo Spinola, back in 1956, that he had participated in a plot to kill Noriegas and that the election of 1964 had
clear in regard to Panama as it is in Nicaragua. The administration would exert liberal influence there.

But there is another reason for the Administration's readiness to get rid of Noriega. Looking toward the year 2000, when the United States would turn over the canal to Panama, American officials wish to plan for a stable government, friendly to U.S. interests. Black Hawk's decision to stay in Panama Canal treaty U.S. prestige planners, had not, coincided with a Sandinista presence in Nicaragua. As instability has increased in the region during the last few years, the Department and the NCS staff have concluded that anything would be better in Panama than Noriega. The Pentagon and CIA were against the campaign against the Panamanian leader, partly be-

The best solution to the present crisis is probably negotiations between Noriega and the opposition. Noriega claims he is willing to negotiate without preconditions, but members of the Congress have already announced that they will negotiate with him only if he announces a re- signation.

Noriega's one concession last time in the interview, speaking about the opposition: "We have to give our trust that they can have a fair chance in competing for the government. As for the next election, which is scheduled for 1989, I am sure he would agree to a fair process and to a repre- sentation of all the people and to a fair tribunal—which is not now the case. We were willing to negotiate with Noriega still at the helm as far as the Sandinista revolutionary forces are concerned. But after all, many believe he will flee the results of the last elections and will either kick out the appointed winner, Ricky Martin. Asked whether he would be willing to accept a political compromise, the Sandinista leader said: "Noriega's regime, however, has not yet provided a convincing picture that allows us to move toward a political settlement. And in the end, if the United States continues to insist on maintaining Noriega's regime, it should do so tenaciously and decisively... to find a viable alternative and backing all the way.

...president of a constitutional, dead, people who are not even aware that they have had a say in this whole process. They do not understand how to present themselves as a government, as a country."

He did not dis- cover the damage of that ignorance until he was interviewed by the high school students in Cuba. He made public his discov- eries of Richard's&'s government, of an under ground attack on Cuba, with a force of 12,000. But that was the only thing that he was aware of. When Richard's government was turned over to the United Nations and the United States, they did not know what to do with it. They appointed a new government, the United Front, which was made up of some of the old leaders. But that was not enough. They had to find a way to control the situation. And in the end, if the United States continues to insist on maintaining Noriega's regime, it should do so tenaciously and decisively... to find a viable alternative and backing all the way.

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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 798. 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 interests 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
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 13, 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.
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
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

Attachment
dollars over the years in locks and dams and dredging operations and the Congressional Budget Office reported that—
Federal subsidies are equal to about 19% of all barge revenues, compared with 1.5% for railroads and 32% for pipelines, and there is no subsidy at all for pipelines.

Under present law enacted by the 91st Congress, this subsidy for commercial users of our inland waterways will be reduced to about $36 million in 1986. Under the proposed amendment, Federal subsidies could be reduced even further, to approximately $31 percent of barge revenues. As can be seen, barge subsidies would still be 3.5 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 share of the cost of government services, they will have a strong incentive to act as "watchdogs" to prevent waste, since they will be forced to pay for a percentage of that waste. The percentage paid will depend upon the support of users, which is needed 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 enterprises, which benefit from its use. My proposal 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 Reference Act 235, 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 mandate, and the remaining difference—tax paid and revenue collected under the schedule—would be the difference between the amount of tax paid and the annual percentage required by the schedule.

The underlying purpose of this proposal is to bring 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 Wyoming (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 111th anniversary of the original Proclamation of the Independence of the Ukraine and the continued struggle of the Ukrainian people against their Russian masters.

It was on January 22, 1861, after 213 centuries of Colonial 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 marks the beginning of the dreams of the sons of the 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 deliberate policy for national absorption and attempted cultural domination by the Soviet Union which yields this political repression in the name of ideological unity. However, as a Ukrainian, I want to pay tribute to a very special and personal way to the people of the Ukraine who live under this Soviet rule but 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 warm, and the people were more friendly, more outgoing, and obviously this was the manifestation of their spirit of freedom and independence, reflected in our regard for the United States and for the American people.

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 patriotism, I am sure that the day is closer now than it was a year—or even 35 years ago when the Ukraine and its people have 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 to include extraneous matter.

Summary of Findings and Recommendations

(Final report of the Select Committee on Assimilations, U.S. House of Representatives, 91st Congress, 2d session, December 30, 1970)


Hon. Edmund L. Hruska, Jr., Clerk of the House.

U.S. Capitol.

Washington, D.C.

Dear Mr. Hruska: On behalf of the Select Committee on Assimilations, pursuant to the mandate of House Resolution 292 and 483, I am filing for presentation to the Speaker of the House the enclosed Summary of Findings and Recommendations of the Select Committee on Assimilations.

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 in its Appendices I, II, and III, the Findings and Recommendations of the Select Committee with an analysis of the evidence concerning each finding and recommendation. These volumes will contain the Committee's hearings, scientific reports, and other material that supports the recommendations. These volumes will be presented to the House as soon as they can be suitably prepared for publication. I anticipate that the entire Final Report will be published by March 30, 1978.

Sincerely,

LUCIUS STOKES, Chairman.

Summary of the Select Committee on Assimilations on the Assimilation of President John F. Kennedy in Dallas.

Texas November 22, 1963

Lee Harvey Oswald fired three shots at President John F. Kennedy. The second and third shots he fired struck the President. The third shot fired killed the President. The second shot hit him in the neck. The first shot was fired from behind the car. The shot that struck President Kennedy was fired from the sixth floor window of the southeast corner of the Texas School Book Depository building.

Lee Harvey Oswald, shortly before the assassination, had access to official and nonofficial sources on the sixth floor of the Texas School Book Depository building.

Lee Harvey Oswald's other actions tend...
to support the conclusion that a assassi-
nated President John F. Kennedy in 1963.
Nongovernmental scientific evidence estab-
lishes a high probability that two gunman fired at President Kennedy from behind.
Other evidence does not preclude the pos-
tibility of two gunmen firing at the Presi-
 dent. Scientific evidence substantiates the
specificity of the two gunman.

C. The Committee believes, on the basis of
the available evidence, that the Cuban assassina-
tion of President Kennedy was probably assassinated
as a result of a conspiracy. The Committee
is unable to identify the other gunman or gun-
men. The absence of evidence does not preclude the
possibility of two gunmen firing at the Presi-
dent.

2. The Committee believes, on the basis of
the available evidence, that the Cuban assassina-
tion of President Kennedy was probably assassinated
as a result of a conspiracy. The Committee
is unable to identify the other gunman or gun-
men. The absence of evidence does not preclude the
possibility of two gunmen firing at the Presi-
dent.

3. The Committee believes, on the basis of
the available evidence, that the Cuban assassina-
tion of the Castro Cuban government was not involved
in the assassination of President Kennedy.

4. The Committee believes, on the basis of
the available evidence, that the Cuban assassina-
tion of President Kennedy was not involved
in the assassination of President Kennedy.

5. The Committee believes, on the basis of
the available evidence, that the Cuban assassina-
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13. The Committee believes, on the basis of
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14. The Committee believes, on the basis of
the available evidence, that the Cuban assassina-
tion of President Kennedy was not involved
in the assassination of President Kennedy.
January 26, 1979

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the request for any special orders hereof entered, was granted to:

The following Members, at the request of Mr. Anthony, to revise and extend their remarks and include extraneous material:

Mr. Anthony, for 5 minutes, today.

Mr. Conyers, for 5 minutes, today.

Mr. Alexander, for 5 minutes, today.

Mr. Rostenkowski, for 10 minutes, today.

Mr. Binkley, for 5 minutes, today.

Mr. Wolfr, for 30 minutes, on January 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks were granted to:

The following Members, at the request of Mr. Gillan, and to include extraneous material:

Mr. Lott.

Mr. Derwinski.

Mr. Young of Florida, in five instances.

Mr. Kildee.

Mr. Forsythe.

Mr. Kucinich.

Mr. Dornan.

The following Members, at the request of Mr. Anthony and to include extraneous matter:

Mr. Roberts.

Mr. Goss.

Mr. Gold in two instances.

Mr. Amerson of California in three instances.

Mr. Gonzalez in three instances.

Mr. Gordon in 10 instances.

Mr. Brown of Tennessee in 10 instances.

Mr. Bonner of Arkansas in 10 instances.

Mr. Greene.

Mr. Harken.

Mr. Hamilton.

Mr. Spellman.

Mr. Benning.

Mr. Brown of Washington.

Mr. Buerger.

ADJOURNMENT

Mr. Anthony, Mr. Speaker, I move that the House do now adjourn.
EXECUTIVE COMMUNICATIONS, ETC.,

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred to as follows:

46. A communication from the President of the United States, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of military equipment to the Netherlands, dated March 26, 1979, pursuant to section 8 of the Arms Export Control Act, which was read by the Chairman, was referred to the Committee on Appropriations.

47. A letter from the Director, National Security Agency, transmitting a report on the impact on U.S. readiness of the Navy's proposed sale of military equipment to the Netherlands, dated March 26, 1979, pursuant to section 8 of the Arms Export Control Act, which was read by the Chairman, was referred to the Committee on Appropriations.

48. A letter from the Director, National Security Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of military equipment to the Netherlands, dated March 26, 1979, pursuant to section 8 of the Arms Export Control Act, which was read by the Chairman, was referred to the Committee on Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXIV, public bills and resolutions were introduced and severally referred as follows:

By Mr. AKAKA (for himself and Mr. WELCH):
H.R. 1319. A bill to extend the period for duty-free entry of a 3.50 meter telescope and associated equipment for the use of the Canada-France-Hawaii Telescope Project at Keck's, 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. BROOKFIELD:
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 cause not actively sought, other than an alien who is a member of an armed military service, to the Committee on the Judiciary.

H.R. 1322. A bill to provide property loss relief to farmers 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 an elderly custodian on behalf of a student at an institution of post-secondary education, and for other purposes, to the Committee on Ways and Means.

By Mr. JOSEPH J. BURSTINE:
H.R. 1354. A bill to amend title IV of the Social Security Act of 1965 to establish a system of student tuition advances to be repaid as an income tax liability imposed by the Federal Employment Tax Act of 1964, and for other incidental purposes, jointly, to the Committee on Education and Labor, and the Ways and Means Committee.

H.R. 1355. A bill to authorize the disposal of shares from the national stockpiles; to the Committee on Armed Services.

H.R. 1356. A bill to prohibit discriminatory employment practices with respect to physically handicapped persons; to the Committee on Education and Labor.

H.R. 1357. 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. 1358. A bill to amend the National Commission on Libraries Act to direct the National Commission on Libraries and Information Science to conduct studies of the library and information science needs of the United States; to the Committee on Education and Labor.

H.R. 1359. A bill to amend the Buy American Act, to authorize purchases for the construction of certain public works projects, to the Committee on Appropriations.

H.R. 1360. 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 Rules and Administration.

H.R. 1361. A bill to repeal the National Trails System Act to authorize feasibility study for the establishment of certain interstate bicycle trails; to the Committee on Interior and Insular Affairs.

H.R. 1362. 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. 1363. A bill to establish a biennial review of the National Park Service; to the Committee on Interior and Insular Affairs.

H.R. 1364. A bill to establish a National Commission on Regulatory Reform, to the Committee on Interstate and Foreign Commerce.

H.R. 1365. A bill to provide for the feasibility of implementing a system of transfer of Federal property to the States for use as a national park, National Wildlife Refuge, or other public purposes, to the Committee on Interior and Insular Affairs.

H.R. 1366. A bill to amend title XV of the Social Security Act, 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. 1367. A bill to enact the National School-Age Children and Child Health Act of 1979, to the Committee on Interstate and Foreign Commerce.

H.R. 1368. A bill to amend title V of the Social Security Act, to extend for 2 fiscal years the program of assistance for socially and educationally deprived children, to the Committee on Interstate and Foreign Commerce.

H.R. 1369. A bill to prohibit any increases in the price of food commodities by any regular or seasonal price is placed on any such commodity by such retailer, and for other purposes, to the Committee on Interstate and Foreign Commerce.

H.R. 1370. A bill to amend the Communications Act of 1934 to establish orderly procedure for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 1371. A bill to enact title XV of the Social Security Act, 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. 1372. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to individuals who own principal residence in any part of the Federal or State property taxes levied on the principal residence; to the Committee on Ways and Means.

H.R. 1373. A bill to amend section 167 of the Internal Revenue Code of 1954 to encourage landlords to maintain and improve the housing conditions of tenants; to the Committee on Ways and Means.

H.R. 1374. A bill to amend the Internal Revenue Code of 1954 to provide for the elimination of the property tax on the principal residence of a non-taxpayer who is a member of a labor association; to the Committee on Ways and Means.

H.R. 1375. A bill to amend the Internal Revenue Code of 1954 to provide income tax relief for veterans pursuing educational programs; to the Committee on Veterans' Affairs.

H.R. 1376. 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. 1377. A bill to amend title II of the Social Security Act so as to provide for the establishment of certain public works projects, and for other purposes, to the Committee on Ways and Means.

H.R. 1378. A bill to amend title XVII of the Social Security Act to provide for periodic advance payments to the extent that the recipient's adjusted Federal income tax net of social security benefits is less than the amount of such Federal income tax which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 1379. A bill to amend title XX of the Social Security Act to provide for the establishment of certain public works projects, and for other purposes, to the Committee on Ways and Means.
**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. 19-19, 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. 297)

"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.

**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 9347RL

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)
L22L
D4 RF
D4 SF
D5 (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, IT ENTS CONTAIN

HANDLE VIA ODIN CHANNELS ONLY

Handle with extreme care. Contents classified upon removal of the
blue tape and physical removal
of the seal as indicated.
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 enclosures, 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. Letter from Kessler dt: 7 Sep 76
2. DoD Documents

Copy Furnished:
Mr. Ronald Kessler (Less Incls)

CC: ESS/R (Less Incls)
L221
D4 PP
D4 SP
D6 (-Less Incls)

Concur: D6

M/R: Referral approved by Lt Col Baker (DoD FOIA Unit) on 7 Oct 76

R. Miller, D4, 3083, 8 Oct 76, 1f
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
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). No hardcopy reports were given to the Warren Commission. Mike Miller in D4 is drafting a reply and will show it to us.

John WOBENSMITH

NOTE: The file is attached.
TO: Congressional Activities

FROM: D4

SUBJECT: Freedom of Information Act Request

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

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

cc: General Allen
Mr. Buffham
Mr. Drake
Mr. Banner
Mr. Foster

Panel Is Named On King, JFK

United Press International

Speaker Carl Albert (O-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 Thome (R-Nebr).

The resolution mentioned specifically the deaths of King and Kennedy, with authority for the group to investigate their deaths.
ASSASSINATION MATERIALS DISCLOSURE ACT OF 1992

REPORT

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
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. 3008]

The Committee on Governmental Affairs, to which was referred the bill (S. 3008) 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.

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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) 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 2023;

(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;
(K) the Select Committee on Assassinations (the "House Assassinations Committee") of the House of Repre-
sentatives;

(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(h) 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 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 identifying consistent with the requirements of section 5) 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 180 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 5;

(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 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:

1. Continued postponement is made necessary by an identifiable harm to the military defense, intelligence operations, or conduct of foreign relations; and
2. 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 pres-ently 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 profes-sional reputation in their respective fields who are capable of exer-cising 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.
(i) 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.

(3) 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 dis-
closed 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 surround-
ing, additional information, records, or testimony from individ-
uals, 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 identi-
fication 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 re-
quest 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.
(1) 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 Serv-
ces Administration shall provide administrative services for the
Review Board on a reimbursable basis.
(n) Interpretive Regulations.—The Review Board may issue in-
terpretive 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 accu-
rate accounting of expenditures during its existence, and shall com-
plete 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 Col-
lection, and no record of the Review Board shall be destroyed.
SEC. 3. 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 5318 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) 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. 16. 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 Upravleniya (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).

(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 Theoharis, Professor, Department of History, Marquette University, and James Less, 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 Act" ("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 it 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 intended 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)(3)(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 Stogall 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 refection 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 5(U.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 wideranging 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 in-
formation.

In applying this postponement standard the Review Board should
consider: Whether there is an express written confidentiality agree-
ment, 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 cur-
cently requires protection; whether a witness or informant or con-
dential 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 un-
derstanding not be made public. In all cases where the Review
Board is considering postponement, it should keep the withheld in-
formation to an absolute minimum, and ensure that the postpone-
ment 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)(d)(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 specifi-
cally 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 "Assassi-
nation Materials Review Board" in the same manner in which in-
dependent counsels are selected. This selection process is contained
in the Ethics in Government Act, where it provides a method of in-
dependently 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 independ-
ent 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 responsibil-
ities under the Independent Counsel law. The Committee was also
concerned that the judicial panel lacked the experience and expert-
ise to select individuals who are nationally recognized profes-
sionals in the fields of history, archiving, and public access to informa-
tion.

With these concerns in mind, the Committee chose an alterna-
tive approach to the appointment process while giving significant
weight to the need for independence, public confidence, and ac-
tountability.

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 in-
dependence of the Review Board will be rightfully judged by the
public at its inception. The President is given the authority to ap-
point the members of the Review Board. Several provisions are in-
tended to provide as much independence and accountability as is
possible within our constitutional framework. These include the re-
quirements 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, archiv-
ing, 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 his-
torical 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
do the records in the Collection; and attorneys because of legal
issues which may arise in the implementation of the Act, and be-
cause 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 in-
terest 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)(iii) 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 relying 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 2023; 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, anti-
tied "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.

8. 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 depositaries 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-
cording 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 "blackened 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 90 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(c)(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 3) 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 (c) 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 records 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 & 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 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 5001 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 expenses 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 trans-
mittted 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 assas-
sination 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 informa-
tion in an assassination record; (2) a substitute record for that in-
formation 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 re-
leased even in a redacted form. While it is intended that govern-
ment offices shall have the ability to issue such substitutes or sum-
maries 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 dis-
trust and undermine public confidence in the government’s respon-
sibility to disclose the assassination records.

With respect to each assassination record or particular informa-
tion in assassination records the public disclosure of which is post-
poned pursuant to section 6, or for which only substitutions or
summaries have been disclosed to the public, the Review Board cre-
ates and transmits to the Archivist a report containing a descrip-
tion 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 state-
ment, based on a review of the proceedings and in conformity with
the decisions reflected therein, designating a recommended speci-
fied 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 an 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 Government 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 3(c)(3) made since the date of the preceding report under this subsection.

At least 90 calendar days before completing its work, 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 provision, the President is authorized to use such sums as are available for discretionary use to carry out the law.

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 23.11b 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. 3005 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 60 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 226-2260.

Sincerely,

ROBERT D. REISCHAUER,
Director.

Congressional Budget Office—cost estimate summary

1. Bill number: S. 3006.
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.
6. Estimated cost to State and local governments: None.
7. Estimate comparison: None.
8. Previous CBO estimate: None.
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

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. 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 B. Ford and Hale Boggs; former Director of Central Intelligence, Allen W. Dulles; and a former Commissioner of the FBI 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 investiga-
tive agencies to carry out its investigations. The “records” of the
Commission therefore are a combination of its own work and ac-
tivities, 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 Kenne-
dy” 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 meet-
ings, agendas, 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 estab-
lish a schedule for future review. At that time 50% of all material
was released. Future review was conducted in 1970, 1975, and other
reviews are scheduled to occur in 1985 and every ten years thereaf-
fter. Approximately 98% of all records have now been made publicly
available. The remaining 2% constitutes approximately 2,000
pages of security classified and privacy protected documents. The
1985 review has been now scheduled to take place in 1992, and the
National Archives has been the number of withheld materials to be
reduced to 100 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 Depart-
ment by Members of Congress. Lastly, the Ford Presidential Li-
brary has documents from the Military District of Columbia with
regard to funeral arrangements for President Kennedy.

1 Report of the Select Committee on Assassinations, U.S. House of Representa-
2 Inventory of the Records of the President’s Commission on the Assassination of President
Kennedy, Record Group 235. Compiled by Marion R. Johnson, The National Archives. Wash-
ington, 1973, p. 3.
3 Investigative reports submitted by the Federal Bureau of Investigation, the Secret Service,
and the Central Intelligence Agency; various kinds of documents such as invoices for reports,
photofiles, military and executive service records, and school records relating to Lee Harvey
Oswald and Jack Ruby; transcripts of testimony, deposition, and affidavits of witnesses; corre-
respondence; manuals of procedures of Federal agencies; administrative memorandums; records
relating to paranauts; fiscal records; agenda, proceedings, and minutes of Commission meet-
ings and minutes of staff meetings; exhibits; tape recordings, newspapers and news clippings
and files index; drafts and printer’s proofs of the Report and Hearings of the Commission; a chron-
ology of events in the lives of Oswald, Ruby, and others, 1960-1968; records relating to the in-
terrogation and trials of Jack Ruby and other events . . . . They include all records of the Com-
mmission except an undetermined quantity of fiscal records and paper files in the custody of
the General Services Administration [presumably transferred to the Archives following inde-
pendence in 1985] . . . . Related material is also in Record Group 235, National Archives Gift
Collection (Columbia Broadcasting System news files of programs relating to the Report of the
Commission broadcast in 1963 and 1979, including scripts for the 1977, and X-rays and pho-
tographs relating to the autopsy of President Kennedy).5
4 Statement by Mary Broom, National Archives and Records Administration, April 8, 1992, in
discussions with Commission staff.

5 Report of the Select Committee on Assassinations, U.S. House of Representa-
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. 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-
vestigation 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.  

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.  

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

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4 Report to the President by the Commission on CIA Activities Within the United States, June 1975, pp. 251, 266. Chapter 19 of the Report "Allegations Concerning the Assassination of President Kennedy" appears on page 251 through 266. 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" (p. 259). 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 position 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 Cavanagh, 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 materi-
al, 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 Commit-
tee 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 agen-
cies in investigating the assassination and assisting the Warren
Commission: Interviews and depositions of witnesses, documentary
evidence from agencies acquired by the Committee, and document-
evidence reviewed at agencies. Relevance to Kennedy Assassina-
tion: 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 un-
ethical 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 investi-
gating 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 physi-
ical evidence. The Committee concluded that "both the CIA and the
FBI failed in, or avoided carrying out, certain of their responsibil-
ities in this matter." The Committee went on to say, however, that
this finding "does not lead to the conclusion that there was a con-
spicacy to assassinate President Kennedy."

"The Investigation Of The Assassination Of President John F. Kennedy: Performance Of
The Intelligence Agencies." Book V. Final Report of the Select Committees To Study Governmen-
tal Operations With Respect To Intelligence Activities. United States Senate. 94th Congress, 2d
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.
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

The Select Committee voted to release this section of its report on May 26, 1978. Senators Frank Church (D-ID), Philip A. Hart (D-MI), Walter F. Mondale (D-MN), Walter J. Huddleston (D-KY), Robert Morgan (D-NH), Gary Hart (D-CO), Howard H. Baker, Jr. (R-TN), Charles McC. Mathias (R-ID), and Richard Schweikert (R-AZ) 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.

9 Id. at p. 1.
10 Louis Stokes (D-OH), Chairman, Richardson Preyer (D-NC), Walter B. Fauszant (D-D), Yoanne Berthwaite Burke (D-CA), Christopher J. Dodd (D-CT), Harold Ford (D-TN), Floyd J. Fithian (D-IN), Robert W. Edgar (D-PA), Samuel L. Devine (D-FL), Stewart B. McKinney (R-CT), Charles Thome (R-NH), Harold B. Sawyer (R-OH). Subcommitte 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.\(^1\)

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 "President John F. Kennedy was probably assassinated as a result of a conspiracy."\(^2\)

The Committee went out of existence with the expiration of the 95th Congress (1977).\(^3\) 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 7,300 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

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\(^2\) 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. 95-1923, p. 1, 2.

a vote. 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.14

14 The resolution was co-sponsored by four other former members of the EPCA: Representatives Robert Edgar, Harold S. Sawyer, Walter Fauntroy, and Harold Ford.
H. Res 329, January 27, 1992, Representative Gonzales. To provide for the release for public use of records of the former Select Committee on Assassinations.
H. Res 326, January 24, 1992, Representative DePietro. Requiring that the records of the Select Committee on Assassinations of the 94th and 95th Congresses be made available for public use.
H.R. 4030, 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. 4106, January 26, 1992, Representative DePietro. 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.)
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.

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.

Section 5 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 falls 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 12335, 8 C.F.R. 166 (1988), reprinted in 50 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.

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.

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.

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.

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.

Sincerely,

Chester Paul Beach, Jr.
Acting General Counsel
STATEMENT OF ROBERT M. GATES
DIRECTOR OF CENTRAL INTELLIGENCE
BEFORE THE
COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

12 MAY 1992
TRANSMISSION DATE: 8 MAY 1992

TRANSMITTED TO: Rhea Siers

TRANSMITTED FROM: Nicki Pepper

NOTE: THIS COPIER IS DESIGNATED AS "INATTENDANT" AND WILL REJECT INHIXTECT FROM 5:00-10:00. YOU MUST LET THE RECEIVING FACILITY KNOW YOU ARE SENDING A FAC.
Fri

OFFICE OF GENERAL COUNSEL NSA

Futz-

This is DCI Testimony

In Senate Hearing on

Tues. 9-5

I got

this directly from CIA

OMB sent out copies

to DoD etc at 1400

This afternoon, but of

course US version

doesn't arrived yet.

The 1st part discusses

mostly CIA holdings

(Congress is more interested

in a more detailed

accounting of IC holdings)

The 2nd deals see /

"technical problems"
By the legislation (see p. 3), Concurrency is due to OMB by 12:00 Monday — but I've been warned by CIA that most of these like the DC1'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 fixed them a copy & they didn't know it was coming.

But apparently DOE granted. Which is okay, it is mostly non-app.

Finally, attached is letter to CIA
Hi, our holdings. I'm still waiting for classified call.

So, as you can see, it was another boring Fri evening.

See you 7:30 am—

Monday.

[Signature]
April 7, 1992

Vice Admiral William O. Studeman
Director
National Security Agency
Pt. 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,

[Signature]
John Glenn
Chairman

JHG/as
Enclosure
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,

[Signature]

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)."
Assistant Director for Legislative Reference
Executive Office of the President
Office of Management and Budget
Washington, DC 20503

Dear Mr. President,

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
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 statements 24 hours prior to the hearing. Therefore, please deliver 2 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 D... Goldberg or James C. Turner of the Committee staff at 325-5051.

Sincerely,

John C.的意见。
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.
Administration of George Bush, 1992 / Oct. 27

the Constitution to protect confidential executive branch materials and to supervise and guide executive branch officials.

Second, S. 3006 requires the Board to report to the President and the Congress. If the bill were interpreted to require simultaneous reports, S. 3006 would intrude upon the President's authority to supervise subordinate officials in the executive branch. I will construe the provisions to require that the Board report to the President before it reports to the Congress.

Third, the bill purports to set the qualifications 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 nomination; the Senate has the sole power of consent.

I note also that S. 3006 provides that, upon request of the Board, courts may enforce subpoenas that the Attorney General has issued 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 inflicted on our Nation almost 3 decades ago.

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.

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 Jim Leach, two stalwart friends, if we had more like them in the Congress, you wouldn't hear everybody yelling everywhere I go "Clean House!" We need more like him, so send us more like him, and let's get this country moving. I'm delighted 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 environmental movement. I've got a good record on the environment. We took on some of the extremes and said, "Look, ethanol is a tremendous 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 important. 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 markets. We've got the best producers of agricultural 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 successful 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 person 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) merits 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 programs;

(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 (A), the Secretary shall develop evaluation criteria and procedures.

(C) In applying the provisions of clause (B) 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:

(1) the total quality management curriculum and process manufacturing engineering programs of such institution; and

(2) such institution in practicing total quality management;

(ii) encompass all aspects of the institution's education of its total quality management and process manufacturing engineering program, as well as such institution's responsibilities under subparagraphs (A) and (B) and (C) of paragraph (1) through one or more board of overseers which are leaders in the field of quality improvement programs and which have a history of service to society.

(D) 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 to such board of overseers as are appropriate. 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.

(E) 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 (f) of this section, 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 outcomes of such award-winning institutions of higher education to each applicant for an award under this section.

(F) Funding. The Secretary is authorized to seek and accept gifts and donations of property or services from public and private sources to carry out this 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 pursuant to this section along with a recommendation for possible modifications thereof.
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 requested entitled "Rural America at the Crossroads: Networking for the Future." OTA made several suggestions to help policymakers assure that rural economic development is possible. One is the encouragement of competition, by advances in telecommunications.

One portion of the OTA study made me very proud, the Iowa's independent telephone companies. OTA documented 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 Network Services initiative served as an example of one of the recommendations of the SITARAM report, 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 benefits of communications and rural economic development to their communities. As Senator, 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 companies.

But we should also take time out to provide special recognition and offer special thanks to the accomplishments and community contributions of the leaders of America's small independent telephone companies. That's why I am introducing, and inviting my colleagues to co-sponsor, 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.

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 Halforth of Iowa's Clear Lake Independent Telephone Co. His efforts and those of OPASTCO make our jobs of representing the grassroots communities in Congress a lot easier.

By Mr. BOREN (for himself, Mr. MITCHELL, Mr. SPECHT, Mr. MUKOSKI, Mr. BALDWIN, Mr. DeCONCIN, Mr. GLENN, Mr. METZGER, Mr. WOFFORD, and Mr. COHEN):

S.J. Res. 282. Joint resolution to provide for the expedited 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 United States government regarding the assassination of President John F. Kennedy. Congressmen 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 Kennedy 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 Church Committee, targeted only areas of official cover-up. The 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 White House, CIA, and other those materials from then 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 have the same right to the Sunlight Act ratio as the rest of us. 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 ensure themselves to the greatest possible extent to what our Government is doing. 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 ensure themselves to the greatest possible extent to what our Government is doing. 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 ensure themselves to the greatest possible extent to what our Government is doing.

What this resolution proposes is a comprehensive, government-wide review of the Kennedy assassination records conducted under the auspices of the National Archives, independent of any political interest.

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, the Secret Service, military intelligence, and other agencies that might have any information or materials that 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, the materials consist of over 20 boxes of the Warren Commission and Church Committee files produced as a result of Freedom of Information Act litigation. A great deal remains shielded from public view. Approximately 20 boxes of the internal files generated by the Warren Commission have been released. 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 846 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 information, the concern for protecting 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 that it is time to redress these wrongs, not in terms of the old assumptions, but rather in light of the need for openness and to encourage confidence in the Government. We now know the facts of the history of the assassination of our President from the archives 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 would provide a right of access to 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 of summaries in evidence of summaries or substitutes in place of classified information. The joint resolution provides for creation of such substitutes or summaries, 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 unreadable.

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 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 surrounding this event, 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, as well as staff 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 those records.

The Executive Director, assisted by the Review Board, would then determine if, and, if deemed necessary, detailed from elsewhere in the Government, would undertake the initial screening of these records. If the Executive Director concludes 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 to postpone release. But even then, the President 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 be explained to the public and Congress.

Finally, under the joint resolution, no item would remain permanently sealed. The Review Board, before fining the 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 of the Government. 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 both judgment 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 reasons for keeping the JFK assassination materials confidential. Former Secretary of Defense 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. If there is no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 29
Resolved by the Senate and House of Representaives 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 confidentiality 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 by the degree that the people do not trust their government;
(3) access to 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 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 justifications demonstrating the importance of such records to a specified time or following a specified occurrence in the future exist.
(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. DEFINITION
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 any 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 such material is national security material subject to the provisions of section 552(a)(4) of title 5, United States Code; or (B) material relating to the deliberations of any committee, subcommittee, or other administrative affairs of a congressional committee, the Warren Commission, or any other entity within the Executive branch of the Government; or (C) 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 (b) of this Joint Resolution.
(3) "Committee" means the House Committee or the 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;
(6) "National Archives" means the National Archives and Records Administration;
(7) "Permanent Select Committee" means the Permanent Select Committee on Intelligence of the House of Representatives; and
(8) "Senate Committee" means the Select Committee on Intelligence of the Senate of the United States.

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 this Joint Resolution, 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 consistent with the public interest.
(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.

SEC. 5. ASSASSINATION MATERIALS REVIEW BOARD
(a) ESTABLISHMENT.—There is established an independent agency a board to be known as the Assassination Materials Review Board.
(b) APPOINTMENT.—(1) The division of the United States Code established under section 49 of title 5, 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 shall be an employee of any branch of the Government, and none of whom shall have had any previous involvement with any investigation or inquiry related to the assassination of President John F. Kennedy, to serve as members of the Review Board.
(2) A vacancy shall be filled in the same manner as the original appointment was made under paragraph (1).

SEC. 6. ABBREVIATIONS
For purposes of this Joint Resolution, all references to the Select Committee on Assassinations of the House of Representatives shall be to the Permanent Select Committee on Intelligence of the House of Representatives; all references to the Select Committee on Intelligence of the Senate shall be to the Select Committee on Intelligence of the Senate; and all references to the Warren Commission is the Archivist of the United States.
NONGRESSIONAL RECORD—SENATE.

At least 30 calendar days prior to the completion of its work, the Review Board shall prepare for the President and the Congress of its intention to terminate its operations at a specified date.

Disclosure to the general public of assassination material or particular information in the possession of the Review Board may be postponed if its release would—

(a) Reveal—

(1) an intelligence agent;

(b) an intelligence source or method which is currently utilized, or reasonably expected to be utilized, by the United States Government;

(c) any other matter 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, or which would endanger any public interest in its disclosure.

2. Constituting an invasion of privacy of a living person, whether that person is identified in the record or not, and that invasion of privacy is so substantial that it outweighs any public interest in its disclosure;

3. Constituting a violation of an understanding of confidentiality between a Government agent and a witness or a foreign government;

4. Constituting a violation of a procedure currently utilized, or reasonably expected to be utilized, by the Secret Service or other Government agency responsible for the protection of the President of the United States and that disclosure is so harmful that it outweighs any public interest in its disclosure.

SEC. 3. REVIEW MATERIALS BY THE EXECUTIVE DIRECTOR.

(a) Release of All Assassination Materials to the Executive Director. Each Executive Director shall have available to the Executive Director, all assassination materials, as defined in section 2, in its possession, including but not limited to the National Archives, the records of the Warren Commission, the House Committee, and the Senate Committee. Where the agency is uncertain whether a record is assassination material, it shall make that record available to the Executive Director. The Executive Director shall have the responsibility to determine 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 (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 Board shall direct that the assassination material or particular information be released pursuant to subsection (a).

(e) Presumption for Nondisclosure. 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 such section 6, the Executive Director shall direct that the assassination material or particular information be released pursuant to subsection (a).

(f) Executive Director Decision. After review of each record, the Executive Director shall make a decision for or against the disclosure 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; or

(2) refer the record to the Review Board, accompanied by a written determination, indicating 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, pursuant to particular information that qualifies for postponement of disclosure under Section 8;

(C) that, in the Executive Director's judgment, the record arguably falls within subsection 6(b) and is required to be withheld until the Security Council or the Review Board orders the publication of that information adverse to national security or to the investigation of an assassination.

(g) Stay of Action. If any record is withheld under subsection (f), it shall remain pending until the Review Board has made a decision, unless a petitioner or an Executive agency in the Review Board has referred the record to the Review Board under subsection (e) and the Review Board has made a decision.

(h) Stay of Action. If any record is withheld under subsection (f), it shall remain pending until the Review Board has made a decision, unless a petitioner or an Executive agency in the Review Board has referred the record to the Review Board under subsection (e) and the Review Board has made a decision.

(i) Stay of Action. If any record is withheld under subsection (f), it shall remain pending until the Review Board has made a decision, unless a petitioner or an Executive agency in the Review Board has referred the record to the Review Board under subsection (e) and the Review Board has made a decision.

(j) Stay of Action. If any record is withheld under subsection (f), it shall remain pending until the Review Board has made a decision, unless a petitioner or an Executive agency in the Review Board has referred the record to the Review Board under subsection (e) and the Review Board has made a decision.

(k) Stay of Action. If any record is withheld under subsection (f), it shall remain pending until the Review Board has made a decision, unless a petitioner or an Executive agency in the Review Board has referred the record to the Review Board under subsection (e) and the Review Board has made a decision.
United States for purposes of section 6001 of title 18, United States Code.

(1) **Review Board Determination.**—After receiving a record, the Review Board shall determine whether such record is assassination material, and, if so, whether such record is assassination material in the assassination material, qualifies for postponement of disclosure pursuant to section 6. Any reasonably segregable assassination material shall be considered for release after deletion of information that is assassination material and the extent 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 to the extent consistent with section 6, create and prepare for release a summary of the assassination material in accordance with section 6. Such summary shall include a statement of the reason or reasons for the Board's decision to postpone disclosure pursuant to section 6, the Board may, after consultation with the originating body and to the extent consistent with section 6, create and prepare for release a summary of the assassination material in accordance with section 6. Such summary shall be submitted 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 reasons or reasons for the Board's decision. Any decision of the Board that a record is 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.

(2) **Executive Agency Material.**—In the case of records for which the originating body is an Executive agency, the Review Board shall, after consultation with the originating body, determine whether such record is assassination material, and that a record, particular information in a record, a summary, or a substitution for particular information in a record is assassination material and that such record, particular information in a record, a summary, or a substitution for particular information in a record shall be considered for release pursuant to section 6. Any reasonably segregable assassination material shall be considered for release after deletion of information that is assassination material.

(3) **Executive Board.**—In the case of records for which the originating body is an Executive agency, the Review Board shall, after consultation with the originating body, determine whether such record is assassination material and that such record, particular information in a record, a summary, or a substitution for particular information in a record is assassination material, and such record, particular information in a record, a summary, or a substitution for particular information in a record shall be considered for release pursuant to section 6. Any reasonably segregable assassination material shall be considered for release after deletion of information that is assassination material.

(4) **Review Board.**—In the case of records for which the originating body is an Executive agency, the Review Board shall, after consultation with the originating body, determine whether such record is assassination material, and such record, particular information in a record, a summary, or a substitution for particular information in a record shall be considered for release pursuant to section 6. Any reasonably segregable assassination material shall be considered for release after deletion of information that is assassination material.

(5) **Review Board.**—In the case of records for which the originating body is an Executive agency, the Review Board shall, after consultation with the originating body, determine whether such record is assassination material, and such record, particular information in a record, a summary, or a substitution for particular information in a record shall be considered for release pursuant to section 6. Any reasonably segregable assassination material shall be considered for release after deletion of information that is assassination material.

(6) **Review Board.**—In the case of records for which the originating body is an Executive agency, the Review Board shall, after consultation with the originating body, determine whether such record is assassination material, and such record, particular information in a record, a summary, or a substitution for particular information in a record shall be considered for release pursuant to section 6. Any reasonably segregable assassination material shall be considered for release after deletion of information that is assassination material.

(7) **Review Board.**—In the case of records for which the originating body is an Executive agency, the Review Board shall, after consultation with the originating body, determine whether such record is assassination material, and such record, particular information in a record, a summary, or a substitution for particular information in a record shall be considered for release pursuant to section 6. Any reasonably segregable assassination material shall be considered for release after deletion of information that is assassination material.

(8) **Review Board.**—In the case of records for which the originating body is an Executive agency, the Review Board shall, after consultation with the originating body, determine whether such record is assassination material, and such record, particular information in a record, a summary, or a substitution for particular information in a record shall be considered for release pursuant to section 6. Any reasonably segregable assassination material shall be considered for release after deletion of information that is assassination material.
Sect. 11. Rules of Construction

(a) Presence Over Other Law.—(1) Where this Joint Resolution requires release of a record, it shall take precedence over any other law, judicial decision construing any other law, or any rule that would otherwise prohibit such release.

(b) Freedom of Information Act.—Nothing in this Joint Resolution shall be construed to limit or abridge the rights of any executive agency under the Freedom of Information Act or under any other federal law.

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 (a). The remaining provisions of this Joint Resolution shall continue in effect until such time as the President, the Congress, or any executive agency, as appropriate, has determined that the assassination of President John F. Kennedy shall not be affected by the invalidation of this Joint Resolution.

Mr. President, this joint resolution, which has been prepared in collaboration with Congressman Lottis Stokes, who was chairman of the House Select Committee on Assassinations, and Senator David Belt, chairman of the Senate Select 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 938 pages on the assassination together with 26 volumes containing 17,816 pages of testimony, evidence, and exhibits. At one point in the Commission's report, 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 photographs 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 that they would become public.

This resolution will facilitate the maximum appropriate disclosure of any assassination 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 those of 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 in our efforts to achieve full or at least maximum disclosure to let the facts fall where they may.

Mr. President, the name of the Senator from Virginia (Mr. Cranston) was added as a cosponsor of S. 267, a bill to provide for the protection of the public lands in the California desert.

Mr. President, the name of the Senator from Tennessee (Mr. East) was added as a cosponsor of S. 267, a bill to provide for the protection of the public lands in the California desert.

Mr. President, the name of the Senator from Missouri (Mr. Brown) was added as a cosponsor of S. 3158, a bill to provide for the protection of the public lands in the California desert.

Mr. President, the name of the Senator from South Carolina (Mr. Ernest) was added as a cosponsor of S. 1158, a bill to provide for the protection of the public lands in the California desert.

Mr. President, the name of the Senator from Wisconsin (Mr. Kohl) 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.

Mr. President, the name of the Senator from Wisconsin (Mr. Kasten) was added as a cosponsor of S. 1253, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of cooperative gains or losses from sale of certain assets.

Mr. President, the name of the Senator from Wisconsin (Mr. Kasten) was added as a cosponsor of S. 1874, a bill to establish a Federal Energy Efficiency Bank to improve energy efficiency in federally owned and leased facilities, and for other purposes.
S. 2903
At the request of Mr. ADAMS, the name of the Senator from New Jersey (Mr. LAURIN) was added as a cosponsor of S. 2903, a bill to amend title IV of the Public Health Service Act to require certain review and reconsideration of safety standards for nuclear power plants by the United States Nuclear Regulatory Commission.

S. 2904
At the request of Mr. COATS, the name of the Senator from New Mexico (Mr. GENTILE) was added as a cosponsor of S. 2904, a resolution expressive of the sense of the Senate that the United States Senate should express its appreciation to the President of the United States for his efforts in obtaining the release from Cuban prisons of several American citizens.

S. 2905
At the request of Mr. Lautenberg, his name was added as a cosponsor of S. 2905, a bill to amend title I of the Public Health Service Act to require the Secretary of Health and Human Services to establish a program to provide assistance to State and local governments for the development of public health information systems.

S. 2906
At the request of Mr. BROWN, the name of the Senator from Indiana (Mr. DURBIN) was added as a cosponsor of S. 2906, a bill to amend title V of the Public Health Service Act to establish a program to provide assistance to State and local governments for the development of public health information systems.

S. 2907
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2907, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2908
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2908, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2909
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2909, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2910
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2910, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2911
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2911, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2912
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2912, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2913
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2913, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2914
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2914, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2915
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2915, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2916
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2916, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2917
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2917, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2918
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2918, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2919
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2919, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2920
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2920, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2921
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2921, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2922
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2922, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2923
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2923, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2924
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2924, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2925
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2925, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2926
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2926, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2927
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2927, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2928
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2928, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2929
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2929, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2930
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2930, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2931
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2931, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2932
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2932, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2933
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2933, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2934
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2934, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2935
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2935, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2936
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2936, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.

S. 2937
At the request of Mr. LEAHY, the name of the Senator from Washington (Mr. MC姓名) was added as a cosponsor of S. 2937, a bill to amend the Solid Waste Disposal Act to require the Secretary of Commerce to issue a report on the use of nuclear wastes generated outside of the State, and for other purposes.
House Finally Passes JFK Bill, But Obstacles Remain

The 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 deal for 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.

(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 "Budd" 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.

By Virginia Copes

By Phil Kunz

Ethics Task Force Formed On Post Office
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.

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) 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. 12358, 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.
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 532(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
(2) 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.

(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;

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

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

(b) DISCLOSURE OF RECORDS.—All assassination records transmitted to the National Archives for disclosure to the public shall be included in the Collection and shall be available to the public for inspection and copying at the National Archives within 30 days after their transmission to the National Archives.

(c) FEES FOR COPYING.—The Archivist shall—

(1) charge fees for copying assassination records; and

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

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

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

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

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(a)(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 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 declassify and declassify security classified information.

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

(i) continued postponement is made necessary by an identifiable harm to the military defense, intelligence operations, law enforcement, or conduct of foreign relations; and
(ii) the identifiable harm is of such gravity that it outweighs the public interest in disclosure.

(b) 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(t)(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 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.

(a) ESTABLISHMENT.—There is established as an independent agency a board to be known as the Assassinations Records Review Board.

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

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

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

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

(B) If an organization described in subparagraph (A) does not recommend at least 2 nominees meeting the qualifications stated in paragraph (5) by the date that is 65 days after the date of enactment of this Act, the President shall consider for nomination the persons recommended by the other organizations described in subparagraph (A).

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

(5) Persons nominated to the Review Board—

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

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

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

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

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

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

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

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

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

(g) REMOVAL OF REVIEW BOARD MEMBER.—(1) No member of the Review Board shall be removed from office, other than—

(A) by impeachment and conviction; or

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

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

(3) 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.

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

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

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

(B) whether an assassination record or particular information in a record qualifies for postponement of disclosure under this Act.
(j) POWERS.—(1) The Review Board shall have the authority to act in a manner prescribed under this Act including authority to—

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

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

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

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

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

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

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

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

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

(k) WITNESS IMMUNITY.—The Review Board shall be considered to be an agency of the United States for purposes of section 6001 of title 18, United States Code.

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

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

(m) SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide administrative services for the Review Board on a reimbursable basis.

(n) INTERPRETIVE REGULATIONS.—The Review Board may issue interpretive regulations.

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

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

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

SEC. 2. 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.

(3)(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 I, 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. 3. REVIEW OF RECORDS BY THE ASSASSINATION RECORDS REVIEW BOARD.

(a) CUSTODY OF RECORDS REVIEWED BY BOARD.—Pending the outcome of the Review Board’s review activity, a Government office shall retain custody of its assassination records for purposes of preservation, security, and efficiency, unless—

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

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

(b) STARTUP REQUIREMENTS.—The Review Board shall—

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

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

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

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

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

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

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

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

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

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

(iii) A summary of an assassination record.

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

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

(E) 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.

(3) 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.

(2) 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.

(3) 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 8(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.

(3) 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 Gleynoye Razvedyvatel'noye Upravleniya (GRU), rel-
levant to the assassination of President Kennedy, and contact
any other foreign government that may hold information rel-
levant to the assassination of President Kennedy and seek dis-
closure 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) PREFERENCE 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.

(a) 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 provi-
sions 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.

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. Trafortant, Mr. Weldon, Mr. Clay, Mr. Campbell of Colorado, Mr. Rohrabacher, Mr. AuCoin, 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. Gillman, Mr. Bacchus, Mr. Skaggs, Ms. Slaughter, Mr. Slatery, 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.

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 assas-
sination 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 Ex-
cutive branch of the Government, and that is in the
custody of the House of Representatives, the Senate,
the National Archives, or any other Executive agen-
cy, but does not include (A) material to the extent
that it pertains to personnel matters or other admin-
istrative affairs of a congressional committee, the
Warren Commission, or any entity within the Execu-
tive branch of the Government; or (B) the autopsy
materials donated by the Kennedy family to the Na-
tional 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 committee 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 ninety calendar days of the date of enactment of this Joint Resolution, appoint, without regard to political affiliation, five 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 pre-
scribed 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.
tion 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 detailed without reim-
bursement, 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 sec-
tion 5316 of that title.
(f) INAPPLICABILITY OF CERTAIN LAWS.—The fol-
lowing 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 postponement 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 condi-
tion 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.
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 thirty 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 ma-
terial 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 Direc-
tor shall have the authority and responsibility, where cir-
cumstances warrant, to inquire of any Executive agency
as to the existence of further records that may be assas-
sination materials beyond those made available by that
agency, to obtain access to such records, and to rec-
ommend 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 re-
spect to the disclosure or nondisclosure of assassination
materials.

(d) PRESUMPTION FOR RELEASE.—In the absence of
clear and convincing evidence that an assassination mate-
rial or particular information within an assassination ma-
terial falls within the exemptions established in section 6
of this Joint Resolution, the Executive Director shall di-
rect that the assassination material or particular informa-
tion 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 thirty 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
1. qualifies for postponement of disclosure under section 6 or contains particular information that qualifies for postponement of disclosure under section 6;
2. (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 section 6 and thus that this determination shall be vested in the Review Board rather than the Executive Director; or
3. (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) APPEALS 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 section 7(e)(1); and
(2) all records referred to the Review Board by
the Executive Director pursuant to section 7(e)(2).

(b) PRESUMPTION FOR RELEASE.—In the absence of
clear and convincing evidence that an assassination mate-
rial or particular information within an assassination ma-
terial falls within the exemptions established in section 6
of this Joint Resolution, the Board shall direct that the
assassination material or particular information be re-
leased pursuant to subsection 8(h).

(c) POWERS.—The Review Board shall have author-
ity to hold hearings, administer oaths, and subpoena wit-
nesses 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 cir-
cumstances warrant, to inquire of any Executive agency
as to the existence of further records that may be assass-
ination materials beyond those made available by that
agency, to obtain access to such records, and to use its
subpoena power in support 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 Determinations.—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 informa-
tion, summary, or substitution available for inspec-
tion 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 Commiss-
ion, where the Review Board determines that a
record, particular information in a record, a sum-
mary of a record, or a substitution for particular in-
formation in a record is appropriate for release pur-
suant 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 transmit the record, particular informa-
tion, summary, or substitute to the Archivist, and
the Archivist shall make such material available for
inspection and appropriate copying by the public,
unless, within sixty 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 post-
ponent of disclosure pursuant to section 6, in
which case release of the material shall be post-
poned, and this decision shall not be subject to judi-
cial review. The President shall not delegate this au-
thority to any other official or entity.

(i) PRESIDENTIAL NOTICE TO CONGRESSIONAL COM-
MITTEES.—Whenever the President makes a certification
pursuant to subsection 8(h)(2), the President shall submit
to the appropriate committee of the House of Rep-
resentatives 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 sixty cal-
endar days, beginning sixty 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
sixty-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 assas-
sination material is superseded by the President pursuant
to this subsection, the President shall within ten calendar
days publish in the Federal Register notice of such action,
including a description of the size and nature of the assas-
sination material concerned and the ground or grounds for
postponement.

(1) 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 Sen-
ate 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, re-
spectively, and as such is deemed a part of the rules
of each House, respectively, and such procedures su-
persede other rules only to the extent that they are
inconsistent with such other rules; and

(2) with the full recognition of the con-
stitutional 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. 8. 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 8, 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 proceedings 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 infor-
mation; 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 pub-
llic 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 con-
struing such law, or common law doctrine that would oth-
erwise 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(l). 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.
Calendar No. 552

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 Representatives of the United States of America in Congress assembled,

2. SECTION 1. SHORT TITLE.

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

4. SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSES.

5. (a) FINDINGS AND DECLARATIONS.—The Congress

6. 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 informa-
tion 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. 2. 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 "Fike 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 per-
formed work in connection with a Federal in-
quiry into the assassination of President John
F. Kennedy,
but does not include the autopsy records donated by
the Kennedy family to the National Archives pursu-
ant to a deed of gift regulating access to those
records, or copies and reproductions made from such
records.

"Collection" means the President John F. Ken-
edy 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 depart-
ment, military department, Government corporation,
Government controlled corporation, or other estab-
lishment 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 Administra-
tion with regard to the Select Committee on As-
sassinations of the records of the House of Rep-
resentatives;

(B) the Select Committee on Intelligence
of the Senate with regard to records of the Sen-
ate Select Committee to Study Governmental
Operations with Respect to Intelligence Activi-
ties 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 Inves-
tigate the Assassination of President John F.
Kennedy and the Commission on Central Intel-
ligence Agency Activities in the United States;

and

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

"Identification aid" means the written descrip-
tion prepared for each record as required in section
4.

"National Archives" means the National Ar-
chives and Records Administration and all compo-
nents thereof, including Presidential archival depos-
tories 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 identifica-
tion 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 trans-
mission 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 Collec-
tion shall be preserved, protected, archived, and made
available to the public at the National Archives using ap-
propriations 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 se-
curity of the postponed assassination records in the Collect-
on.

(e) OVERSIGHT.—The Committee on Government
Operations of the House of Representatives and the Com-
mittee on Governmental Affairs of the Senate shall have
continuing oversight jurisdiction with respect to the Col-
lection.

SEC. 5. REVIEW, IDENTIFICATION, TRANSMISSION TO THE
NATIONAL ARCHIVES, AND PUBLIC DISCLOSURE OF ASSASSINATION RECORDS BY GOV-
ERNMENT 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 as-
sassination 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, al-
tered; or mutilated in any way.

(3) No assassination record made available or dis-
closed 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 offi-
cice shall—

(A) determine which of its records are assass-
ination 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 an-
other Government office; and

(ii) transmit to a third agency or other govern-
ment 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 postpone-
ment 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 sub-
paragraph (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 postpone-
ment 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 conduct-
ing a review under this Act.

(3) The Director of each archival depository estab-
lished under section 2112 of title 44, United States Code, shall have as a priority the expedited review for public dis-
closure of assassination records in the possession and cus-
tody of the depository, and shall make such records avail-
able 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 Gov-
ernment office shall—

(A) attach a printed copy to the record it de-
scribes;

(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 Ar-
chivist.

(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 en-
tirety without redaction, shall be made available in the
1 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.

5 (e) TRANSMISSION TO THE NATIONAL ARCHIVES.—

6 Each Government office shall—

7 (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

15 (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.

22 (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 preser-
1. The originating body shall notify the originating body until such time as the information security program has been established at the National Archives as required in section 4(c)(2).

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(e)(3)(B).

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

4. (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.

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

6. (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. 3. 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—

S 3006 PCS——3
(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.

(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 Re-
view 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 addi-
tional 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 Presi-
dent shall consider for nomination the persons rec-
ommended by the other organizations described in sub-
paragraph (A).

(C) The President may request an organization de-
scribed in subparagraph (A) to submit additional nomina-
tions.

(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 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) 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.
(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
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.).
SEC. 3. 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 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
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.

d 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 de-
scription, and each ground for postponement that is relied
upon.

(f) REPORTS BY THE REVIEW BOARD.—(1) The Re-
view Board shall report its activities to the leadership of
the Congress, the Committee on Government Operations
of the House of Representatives, the Committee on Gov-
ernmental Affairs of the Senate, the President, the Archi-
vist, 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 sub-
sequent reports every 12 months thereafter until termi-
nation of the Review Board.

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

(A) A financial report of the expenses for all of-
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 assassina-
tion records.

(C) The estimated time and volume of assassina-
tion 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 op-
erate 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 ADDI-
TIONAL STUDY.

(a) MATERIALS UNDER SEAL OF COURT.—

(1) The Review Board may request the Attor-
ney 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 At-
torney General to petition any court in the United
States to release any information relevant to the as-
sassination 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 con-
stitute a showing of particularized need under Rule

(b) SENSE OF CONGRESS.—It is the sense of the Con-
gress that—

(1) the Attorney General should assist the Re-
view 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 se-
crecy 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 Gosudarstvennoye Razvedyvatel'noye 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 infor-
mation; 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 pub-
lic 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 doc-
trine 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(e).

(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 appro-
priated 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 remain-
der of this Act and the application of that provision to
1 other persons not similarly situated or to other circum-
2 stances shall not be affected by the invalidation.
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
MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

FROM:
Robert G. Dames (RG)
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. 11030, 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.

Inquiries may be submitted by telephone to Mr. or Ms. Bess Weaver of this office (Phone: 225-750). Fax

Thank you.

Attachment - Distribution List
Proposed Executive Order

CC: Tom Crady
Jim Gibson
Janet Hale
Jim Hurst
Mark Hodges
B. Howard
M. Kelly
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 5 U.S.C. § 552(2).

(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 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 requiring access to those materials; or
(b) 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. 3. 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 8 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 or 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;

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 8 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 subsection (a) or (b) of this section shall be made available to the Review Panel.
sec. 6. 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) 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. 7. 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 St

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 N. 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, 1982

MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Robert G. Damus
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, 1982. 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, 1982. Please be advised that agencies that do not respond by the September 4, 1982 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 Halse
Jim Murr
Frank Hodson
Bob Howard
Jim MacRae
Tom Scully
DISTRIBUTION LIST

Honorable William P. Barr
United States Attorney General

Honorable Nicholas F. Brady
Secretary
Department of the Treasury

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Department of Veterans Affairs

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Administrator
General Services Administration

Honorable Don G. Wilson
Archivist of the United States
National Archives and Records Administration

Honorable Charles Kold
Deputy Assistant to the President
for Domestic Policy

Honorable LCDR. Brent Scowcroft (Ret.)
Assistant to the President
for National Security Affairs
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 § 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 personal 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 ma
sec. 1. 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. 2. 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. 3. 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. 4. 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. 10. Effective Date. This order shall be published in the Federal Register and shall be effective upon publication.
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,

[Signature]

LOUIS STOKES  
Chairman

LS:dm

cc: Robert L. Keuch
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 Unification 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 Stokely'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 concerning requests for HSCA materials.

Sincerely,

[Signature]

EDMUND L. HENSHAW, JR., Clerk
U.S. House of Representatives
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 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 directly related 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
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
or A. (Alek) J. Hidell.

Thank you for your prompt attention to this request.

Sincerely,

G. Robert Blakey
Chief Counsel and Director

GRB:rgg
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: 27 Nov 1978
GC
- Dan

What do you make of this - particularly Query B which seems to say that we should draw upon every case file relating to Bishop’s past irregularities?

Gene
DATE: 20 October 1978

REPLY TO: GENERAL COUNSEL

ATTN OF: 

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

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

OCT 31 1978
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"?
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 1930; 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; Maripol, 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 1899; 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
<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>DOB</th>
<th>Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Damiano, Leonard</td>
<td>1914; Boston</td>
<td>Massachusetts</td>
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<tr>
<td>20</td>
<td>Dannenberg, James</td>
<td>21 March 1939; White Plains</td>
<td>New York</td>
</tr>
<tr>
<td>21</td>
<td>Davis, Bruce</td>
<td>4 May 1936; Rome</td>
<td>New York</td>
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<tr>
<td>22</td>
<td>Dedekian, Armen</td>
<td>4 December 1942; Massachusetts</td>
<td></td>
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<tr>
<td>23</td>
<td>Dedekian, Karekin</td>
<td>11 November 1906; Arabkin, Turkey</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>Drexler, Esther</td>
<td>08 August 1914; Connecticut</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>Dubinsky, Shirley</td>
<td>11 March 1925; New York, New York</td>
<td></td>
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<tr>
<td>26</td>
<td>Feldman, Fred T.</td>
<td>U.S.A.</td>
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<tr>
<td>27</td>
<td>Frank, Richard</td>
<td>22 August 1922; Rochester, New York</td>
<td></td>
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<td>28</td>
<td>Frank, Susan</td>
<td>18 November 1913; New York, New York</td>
<td></td>
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<tr>
<td>29</td>
<td>Genimatas, George C.</td>
<td>25 October, 1897</td>
<td></td>
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<tr>
<td>30</td>
<td>Gold, Robert</td>
<td>14 March 1928; Massachusetts</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Gontar, Effie</td>
<td>8 March 1900; South Shields, UK</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>Gontar, Peter</td>
<td>ca 1903; USA</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Guralski, Jack</td>
<td>08 August 1914; Winsted, Connecticut</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Guralsky, Jacob</td>
<td>03 July 1908; New York, New York</td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>Guralsky, Victoria</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>Hachikian, Semon</td>
<td>06 January 1928; Philadelphia, Pennsylvania</td>
<td></td>
</tr>
</tbody>
</table>
37. Halperin, Edith
   DPOB: 06 July 1907; Wabash, Indiana

38. Halperin, Maurice N.
   DPOB: 03 March 1906; Boston, Massachusetts

39. Hamilton, Victor N.
   DPOB: 15 July 1919; Jaffa, Lebanon

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 1895, 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; Frampol, 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. Leifman, Harry  
   DPOB: 06 October 1928; Providence, Rhode Island

60. Leifman, 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. Mikuliks, 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. Liciardielli, 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. Sgrovo, 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
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. 565 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. 588.) 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
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
- [Signature], NSA General Counsel
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. DOJ intelligence sources could then be checked and, a statement could be furnished as to whether DOJ 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 E. Kester
The Special Assistant
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
July 19

Memo For Dan 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 could like your comments/fines ASAP since the letter from Stokes came in some time ago. Please call me to discuss any issues you find raised by the draft.

Judy Miller
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.
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,

LOUIS STOKES
Chairman

cc: John Kester
OFFICE OF THE SECRETARY OF DEFENSE

Memo For  Dan Silver  

July 10

This is a copy of the letter we discussed. 

Quincy Miller
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.
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,

[Signature]

Louis Stokes
Chairman

LS:jwc
cc: Mr. Frank Foster
Office of Legislative Affairs
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
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/ljr
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.
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. 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.
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.

DATE: 27 JUL 1973

DATE: 31 JUL 1973
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 document 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 Netzel 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

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

DOWNGRADE TO CONFIDENTIAL UPON REMOV.
OF ENCLOSURE

Daniel B. Silver
General Counsel

PN: 6-0-110-201-320/3610
OS: 410-112
CS: FMPN.41(CFP)10-12
S. 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,

[Signature]

John G. Kester
The Special Assistant

Enclosure

Agreed:

[Signature]

G. Robert Blakey
April 5, 1978

G. Robert Blakey, Esq.
Chief Counsel and Director
Select Committee on Assassinations
House of Representatives
Washington, D.C. 20515

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.
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.

[Signature]

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

[Signature]
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.

John G. Kester
The Special Assistant

Enclosure
cc: DIR  
    D/DIR  
    Ex Reg  
    U2  
    GC

Serial: M0173

This completes action on R/S 0770.

ROY R. BANNER, GC, 4177s, 16 Feb 78, bj
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.
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,

[Signature]

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.
March 23, 1978

BY HAND

G. Robert Blakey, Esq.
Chief Counsel and Director
Select Committee on Assassinations
House of Representatives
Washington, D.C. 20515

Dear Bob:

To confirm our telephone conversation of yesterday, this Department is prepared to provide an oral briefing on information obtained from Defense intelligence sources. The briefing will not deal with sources or methods.

As you agreed, the briefing is conditioned on your specific commitment on behalf of the Committee not to reveal any DoD agency as a source in any manner, including testimony, staff papers, or the Committee's report. The Committee in turn withdraws any outstanding requests for intelligence information.

I anticipate that we shall be able to arrange the briefing in the very near future. Please confirm your agreement with the foregoing by so noting on the enclosed copy of this letter and returning it to me.

Sincerely,

[Signature]

John G. Kester
The Special Assistant

Enclosure

Agreed:

[Signature]

G. Robert Blakey

Date

bcc: Ms. Siemer
ADN Inman
March 30, 1978

MEMORANDUM FOR THE GENERAL COUNSEL

Dear [Name],

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

Attachment

cc: VADM Inman (NSA)

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