

[identifying groups of records]

D. CIA's Lee Harvey Oswald "201" file

CIA opens a 201 file on when there is some sort of operational interest in an individual. The Agency opened Lee Harvey Oswald's 201 file on December 9, 1960 in response to a request from the Department of State on defectors. But the Oswald 201 file is not a typical 201 file. After the Assassination of President Kennedy, it served as a depository for records gathered and created in CIA's wide-ranging investigation of the assassination. Thus, the file is the most complete record of CIA's inquiry in the months and years immediately following the assassination rather than an operational file on Lee Harvey Oswald.

E. CIA's Sequestered Collection.

During the investigation conducted by the House Select Committee on Assassinations, HSCA investigators gained access to CIA files. Upon completion of the HSCA's work, the CIA files that had been made available to the HSCA were segregated and retained as a group, known as the Sequestered Collection. The Collection is divided into two parts: hard copy records and microfilm. The hard copy records, which can be found in the first 63 boxes of the collection, were available to the HSCA staffers during their investigation. Box 64 contains 72 reels of microfilm which were copied from the complete files of the records to which the HSCA had gained access. In many cases the microfilmed files contain material well beyond the scope of the HSCA investigation, for example, covering an agent's entire career when only a small portion of it intersected with the assassination story.

B. Intelligence Agents

Text of Section 6(1)(A)

. . .clear and convincing evidence that 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 record 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

1. CIA Officers

a. *Review Board Guidelines.* Names of CIA Officers who are still active or who retired under cover in potentially risky circumstances were generally protected. Names of officers who were deceased or whose connection to the CIA was public knowledge were generally released throughout the collection.

“CIA Employee” was used as substitute language, though when available, useful, and appropriate an alias or pseudonym was substituted.

b. *Commentary.* Review Board members confronted CIA employee names in the first CIA document they reviewed but did not close the issue until two years later. The drawn out review of CIA employee names points to some of the challenges that existed in the process and to the seriousness with which those involved, both on the Review Board and at the Agency, approached the task at hand.

CIA began by defending the protection of employee names as a matter of policy. First, since many employees are “under cover,” CIA argued that the maintenance of that cover is critical to gathering intelligence. CIA contended that the identification of a name can identify the cover provider and jeopardize operations. Second, although the majority of names are of retired CIA employees, CIA is bound by a confidentiality agreement to protect the relationship. Many of these former employees objected to release of their former Agency affiliation, complaining that it violates this agreement and suggesting that such release might jeopardize business relationships or threaten personal safety. Initially, CIA wished to argue these as general principles for the protection of all employee names. But the Review Board determined that the merits of these arguments could only be determined on a case-by-case basis. Gradually the CIA began to provide supporting evidence of the postponement of individual names.

CIA’s initial refusal to provide evidence on individual names was met, not with the wholesale release of names by the Board, but with a firm but patient insistence that the Agency meet the requirements of the Act. Names of a few individuals who were of central importance to the JFK story were released early in the process, but for others the Board gave the Agency a number of additional opportunities to provide specific evidence. For example, December 1995 was the first name day, a Board meeting at which the Agency was to provide evidence for names encountered in records during the previous six to seven months. But CIA offered a generalized blanket response. Realizing that the personal safety of individuals could be at issue, Board members gave CIA more time to provide evidence. Other name days were set in May 1996 and May 1997. As deadlines for submission of evidence approached, CIA agreed to release some of the names, but in most cases, continued to offer less than satisfactory evidence on those they wished to protect. By May of 1996 the position of the Board on names of CIA employees was as follows: There is a presumption that the true name of a CIA employee should be opened. However, the presumption shifts to protect, if the individual retired under cover or abroad or if the individual objects to the release of his or her name when contacted. (CIA agreed to attempt to contact former employees.) . The name may also be postponed if the Agency is able to identify an ongoing operation in which the individual has been involved or if it can be demonstrated that the person is

still active for the Agency. In instances when the individual was important to the Assassination story further evidence was required to sustain a postponement. The Board gave the Agency until May 1997 to provide evidence on the remaining names. Over the year, the list of pending names grew as review expanded from the Oswald 201 file to the Sequestered Collection.

When the name issue was finally resolved in July 1997, the names were viewed in two categories: those with high public interest and those with a reduced level of public interest. High public interest names included all those that appeared in the 201 file and those that appear frequently in the collection and/or considered important to understanding the assassination. Progress had already been made. Fifty-eight of the 83 names in the 201 file that had been pending at some point were released by this date. CIA had begun to provide specific and convincing evidence on names. The Board voted to protect a number of names and released a few additional names. Those names with lower public interest outside of the core collection were postponed with a reduced level of scrutiny than those more central to the assassination story.

Thus, the Review Board considered the names of CIA officers on a case-by-case basis when the individuals were seen as having high public interest as part of the story of the Assassination of President Kennedy. High public interest was determined by a substantive connection to the assassination story or by the appearance of the name in CIA's core assassination files, notably Oswald's 201 file. The Board demanded specific evidence of the need to protect the individual. It was presumed that employee names would be released if their identities were important to the assassination story unless the CIA could provide convincing evidence of the need for protection. This evidence included the current status and location of the individual and the nature of the work he or she did for the Agency.

This approach was the most practical given the limited time and resources available to complete review of the files. The Review Board would have preferred to review each name at the same high level of scrutiny. On the other hand, the CIA was compelled to release many more names than they would have desired. Though protracted and selective, Board review of CIA employee names forced the CIA forced to take a careful look at them and weigh the need to postpone each name, and it allowed the Review Board to carefully weigh evidence on names of import.

2. "John Scelso" (Pseudonym)

a. Review Board Guidelines. The true name of the individual known by the pseudonym of John Scelso was protected but will be opened in full on either May 1, 2001 or three months after the decease of the individual, whichever comes first.

b. Commentary. The postponement of the true name of John Scelso was an instance when public interest was very high, but the evidence to support postponement outweighed it. John Scelso was a throw away alias used by the CIA employee who was head of WH3 during the period immediately after the assassination

of President Kennedy. His name appears on hundreds of documents, many of which were the product of the Agency's extensive post-assassination investigation that spanned the globe. The Board was inclined to release Scelso's true name, but the Agency argued strongly against release. As an interim step, "Scelso" was inserted as substitute language. CIA provided evidence on the current status of the individual, shared correspondence sent by him, and even arranged an interview between him and a Review Board staff member. At the May 1996 Board meeting, Board members determined that the evidence was persuasive, but still wanted to insure that his true name would be revealed as soon as was prudent. Their solution was the release in five years or upon his decease.

3. *Information that Identifies CIA Officers*

a. Review Board Guidelines. Identifying information was approached using the same standards applied to true names. If it was determined that the identity of the officer required protection, specific identifying information was protected, but generic information released.

b. Commentary. This postponement was viewed as part of the CIA officer issue. Only that identifying information that was specific enough that it might reveal an identity that merited protection was redacted.

C. *Intelligence sources and methods, and other matters relating to the national security of the United States*

Text of Section 6(1)(B) and ©

. . .clear and convincing evidence that 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 record is of such gravity that it outweighs the public interest, and such public disclosure would reveal --

(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

© 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;

1. CIA Sources

a. Review Board Guidelines. Sources, Assets, Informants and the Identifying information that describes them were reviewed under standards similar to those for CIA officers. Names that carry a high level of public interest were subjected to close scrutiny. The Board protected the identity of foreign nationals unless they are of high public interest in relation to the assassination story, in which case CIA was required to provide specific evidence of the need to postpone. Sources, assets and informants in this country were protected if CIA could demonstrate that ongoing operations could be jeopardized or individual harmed by release of a name. If none of these criteria could be met the name was released. In addition, names of individuals whose connection to the CIA was a matter of public knowledge, especially if previously released in US government records, were released.

b. Commentary. The Board's decision to protect the name of Sources, assets, and informants in cases where the identity of the source is of reduced public interest was based on two factors: the concern that, since CIA sources generally live outside the United States, they risk harm if their identities were revealed. In records where the identity of the source is of possible public interest in relation to the assassination story or is important to understanding information related to the assassination, the CIA was required to provide additional evidence to support the protection of the source's identity. The Board protected the sources for ten years except in cases where it might be inferred that the source was committing treason. In these cases, the name and identifying information for the source was protected until 2017.

2. CIA Pseudonyms

a. Review Board's Guidelines. Pseudonyms were released with only a few exceptions. In some instances pseudonyms were used as substitute language for the individual's true name.

b. Commentary. Very early in the review process it was determined that, since pseudonyms were a sort of throw away identity, they could be released. The Agency offered little resistance to this release, a decision that CIA may have regretted in some instances later in the review. However, on the few occasions when CIA was able to demonstrate that release of a pseudonym was particularly sensitive, the Board sustained the postponement.

3. CIA Crypts

a. Review Board Guidelines. Crypts or digraphs are generally releasable within the JFK collection and in related records. All US government crypts are released. "LI" crypts, especially those in the core files, are generally releasable.

“AM” crypts are generally releasable. For all other crypts, the digraph is usually protected and the rest of the crypt is released. A few exceptions to these guidelines exist. For these, CIA was required to present specific evidence of the need to protect.

b. Commentary. Early phases of the review of crypts highlighted the cultural differences between the Agency and the Review Board. For the Agency, crypts were an operational method that required protection despite the fact that CIA had years ago replaced most of the crypts at issue. For the Review Board, crypts, having been conceived as a code to obscure an identity or an operation discussed in a document, could presumptively be released without compromising the identity or the operation. Some push and shove in the early months of Board deliberations brought the two entities to a middle ground where CIA yielded to the release of most crypts and digraphs in the JFK context and the Review Board acknowledged that some sensitive crypts required protection.

Early in the review process the CIA argued for the protection of all crypts, even those such as ODENVY- the crypt for the FBI- which were no longer used and which had been inadvertently released in other records. The Board quickly rejected this postponement. For other crypts, the burden of proof was on the Agency, and CIA began to identify the crypts for the Board. Those that might be sensitive were tabled at the early meetings so that CIA could provide additional information. At one point CIA complained that the research necessary to identify all the crypts was cumbersome. But since the Act requires that agencies provide clear and convincing evidence, CIA continued to reveal the identities to the Board. Next, after the release of a number of LI-crypts -LI was the digraph for Mexico City at the time of the assassination- CIA argued for the postponement of all “LI” series crypts on the grounds that mosaicing would allow researchers to piece together the puzzle and discern the identity being protected by the crypt. The Board rejected this argument, and CIA provided more detailed evidence for crypts they considered more sensitive. When faced with crypts that refer to sensitive operations, the Board opted for a contextual treatment of crypts. Crypts for some sensitive operations were released in many circumstances, but in other contexts when release of the crypt may reveal the sensitive operation, they were postponed.

The crypt-by-crypt review was productive and necessary for core records, but soon it became clear that this approach would not be possible for the entire collection since hundreds or thousands of different crypts appear in the assassination related records of the CIA. The solution was the postponement of the digraph and release of the rest of the crypt for crypts outside of the LI, AM, and OD series. Thus, the majority of crypts in the collection were released in full or released with the digraph protected. Sensitive crypts for which CIA has provided convincing evidence are protected in full; For AM and LI crypts in non-core files, the digraph may have been protected when [a] the crypt appears next to a true name that has been released; [b] when the crypt appears next to specific identifying information; [c] when convincing evidence has been provided of the need to protect.

4. CIA Slugline

a. *Review Board Guidelines.* The slugline is releasable according to the same criteria applied to crypts and digraphs.

b. *Commentary.* The slugline is a routing action indicator, composed of crypts, that appears just a couple of lines above the text in CIA cables. At the very beginning of the review process, the CIA had argued to postpone the slugline even when the crypts in the slugline were released elsewhere. An example can be found in the slugline RYBAT GPFLOOR. RYBAT is a crypt that means secret, and GPFLOOR was the crypt CIA gave to Oswald in the post-assassination investigation. In a number of records CIA was willing to release the RYBAT indicators at the top and bottom of the record and GPFLOOR when it appeared in the text but defended postponement of the slugline RYBAT GPFLOOR. This was a knee jerk reaction by CIA. When asked why it should be postponed the response was a simplistic, CIA cannot reveal the slugline. The Agency had no reason to protect the slugline other than habit, and when the Act forced the CIA to consider this aspect of their culture of secrecy, the only reasonable response was release.

5. CIA Surveillance Methods

a. *Review Board Guidelines.* CIA surveillance methods, the details of their implementation and the product produced by them are generally releasable in the context of the JFK story, except when convincing evidence has been provided that they are politically or operationally sensitive. When postponed, the language substituted for this type of redaction was "Surveillance Method," "Operational Details," or " Sensitive Operation."

b. *Commentary.* Since surveillance, notably teletaps and photo operations, were a central part of the Oswald Mexico City story, the Review Board addressed them early in process during review of Oswald's 201 file. CIA attempted to defend postponement of surveillance as a current method that requires continued protection. The Board's response was that the fact CIA has used the type of surveillance methods employed in Mexico City is common knowledge and that officially acknowledging the use of these methods in Mexico City in 1963 would reveal nothing about the type, scope or location of CIA operations today. The Board concluded that the public interest far outweighed any possible risk to national security and directed release of the information. However, in records that may have revealed sensitive aspects of an operation, those aspects were postponed if CIA was able to provide specific and convincing evidence.

6. CIA Installations

a. *Review Board Guidelines.* All CIA installations related to the Mexico City story are releasable from 1960 through 1969. All remaining installations are releasable in the context of the Assassination story from the date of the

Assassination to the publication of the Warren Commission Report, with the exception of a few installations for which CIA has provided convincing evidence of sensitivity,. In Oswald's 201 file, again with the exception of a few installations for which CIA has provided convincing evidence of sensitivity, all installations are releasable from 01/01/61 through 10/01/64. Outside of these time frames, CIA installations are protected.

b. Commentary. The Review Board chose substitute language for these postponements that will allow researchers to track individual CIA installations through the JFK collection without revealing the exact location of the installation. To accomplish this, the world was divided into five regions: Western Hemisphere, Western Europe, Northern Europe, East Asia/ Pacific, and Africa/ Near East/ South Asia. Then a number was added to refer to each different location in the region. Thus, substitute language such as "CIA Installation in Western Hemisphere 1" serves as a place holder for a particular installation in all CIA related records in the collection.

From the beginning the Review Board displayed an inclination to release CIA installations. During first phase of review of CIA records, Review Board members examined documents related to the Mexico City story. In this context, they voted to release CIA installations over only minor objections from the Agency. But as the context broadened to the world wide sweep that the CIA made after the assassination, the location issue became more contentious. CIA argued for postponement but produced only a minimal amount of evidence to defend the postponements. Responding to CIA's insufficient evidence, the Board voted for the release of all CIA installations that appeared in records they reviewed at the January 1996 meeting. CIA responded by assembling an appeal package. The suggestion of appeal sharpened the debate. Anticipating an appeal, Board members stressed the importance of communicating to the White House their frustration with the sketchy evidence initially provided. They wanted to make informed responsible decisions but were hampered by incomplete information. And the Board worried that precious time might be squandered on the review of just a few records if they could not obtain complete evidence in a timely manner. Further, since CIA records were among the first reviewed, Board members were concerned that their handling of CIA issues would be scrutinized by other agencies. Ultimately, the Agency provided a complete evidence package that convinced the Board members of the sensitivity of a small number of CIA installations. However the Board believed that public interest related to the assassination story weighed heavily for release of CIA installations during a period of time that has arguable relevance to that story. Board members didn't want to make this an "Oswald issue," so they established a time frame broader than the Oswald story. With the noted exceptions, CIA installations referenced in the 201 file were released from 01/01/61 through 10/01/61 and those that appear in the rest of the collection the were released from the date of the assassination to the end of the Warren Commission.

The installation issue exemplifies two recurring themes in the review process. The first is that layers of evidence that were slowly added by the Agency. The CIA would initially provide only minimal evidence of a postponement. Without clear and

convincing evidence, the Board voted to release the information. The CIA then responded with a more comprehensive evidence packet sometimes accompanied by a threat of appeal to the president. While this pattern was frustrating and slowed the early stages of the review process, the larger issues were sorted out and addressed. CIA's reluctance to share complete information may have been driven by a concern that they were sharing secrets beyond the immediate assassination story or a fear that the Review Board might not act responsibly with the information. But the submission of evidence became more dependable when CIA understood that the Board would use the evidence as mandated by the act and that such evidence must be produced if postponements were to be sustained. The second theme is that appeal to the president loomed large but was something that both the Agency and the Review Board wished to avoid. The Board was willing to review additional evidence even though they had given CIA ample opportunity to present it before they reviewed the records. This was motivated by a desire to accomplish a responsible review, but possibly also by a wish to avoid an appeal to the president. CIA provided the additional evidence, and often released additional information. The release may have been an admission that the information was not as sensitive as they had argued, but it may also have been an attempt to avoid appeal to the president. The check provided by appeal to the president was never utilized in the review of CIA records, but it did influence the review of those records.

7. CIA Prefixes (*Cable, Dispatch, Field Report*)

a. Review Board Guidelines. Cable Prefixes, Dispatch Prefixes and Field Report Prefixes were released when the installations to which they refer were released and protected when the installation to which they refer were protected. Substitute language for cable prefixes parallels that was applied to CIA installations, for example: "Cable Prefix for CIA Installation in Western Hemisphere 1." Language for the other prefixes was "Dispatch Prefix" and "Field Report Prefix."

b. Commentary. There was little specific debate on cable, dispatch and field report prefixes. They were considered during deliberations on the CIA installations to which they refer.

8. CIA Job Titles

a. Review Board Guidelines. CIA Job titles were released except when their disclosure might reveal the existence of an installation that is protected or the identity of an individual that requires protection.

b. Commentary. CIA job titles were not generally viewed as requiring postponement, but the context in which they appeared did on occasion demand the redaction of the job title to protect other information that was protected.

9. CIA File Numbers

a. *Review Board Guidelines.* All file numbers that refer to Mexico City, except those for which CIA has provided convincing evidence of their sensitivity, are releasable. All remaining country identifiers (the first segment before the hyphen) are protected with the exception of all "15" and "19" files. 201 file numbers are generally releasable in the context of the JFK assassination story.

b. *Commentary.* The release of file numbers, particularly 201 file numbers, was another type of postponement that was released early in the review process with little resistance by the CIA. And as with pseudonyms, there were occasions later in the process when the Agency wished to sustain 201 numbers. On the rare occasion, the Board did sustain this type of postponement when the CIA was able to provide convincing evidence of a need to protect

10. CIA Domestic Facilities

a. *Review Board Guidelines.* References to domestic CIA facilities which are a matter of official public record were released. Domestic facilities not publicly acknowledged were protected if CIA provided evidence of their sensitivity or if they are of peripheral interest to the assassination story.

b. *Commentary.* Very few CIA domestic facilities were at issue in the review of CIA Assassination records. The vast majority are a matter of public record. For those that the Board postponed, they did so grudgingly, only after the CIA supplied strong evidence of a need to protect.

11. CIA Official Cover

a. *Review Board Guidelines.* Official Cover was treated differently in records that were generated by Executive Branch agencies such as the CIA, than it was in documents created by Congressional entities, such as the HSCA. In Congressional documents, cover information was released unless the information might reveal details of the scope of official cover or important details about the mechanisms of official cover that were not generally known to the public. In Congressional records, information was released if the CIA or another agency of the Executive Branch was able to demonstrate that it has taken affirmative official action to prevent the disclosure of such information in the past and that its release in a particular record would cause identifiable damage to national security. In Executive Branch documents and in documents derived from Executive Branch documents, substitute language such as "official cover" or "details of official cover" was used in lieu of the actual cover or the details of official cover. The cover status of certain high-profile individuals was released when disclosure has previously been permitted by affirmative official acts of the Executive Branch of the US government. Cover status of other individuals was disclosed only to the extent that they were important to the assassination story, subject to review on a case-by-case basis.

b. Commentary. When the issue of official cover was first considered by the Review Board, Board members viewed it as an open secret which they were prepared to release in JFK records. The Agency had a much different perspective and was prepared to defend this issue to the President. After a long process of briefings and negotiations, the above solution was reached, a solution which is, frankly, a fig leaf through which anyone who knows the specifics of official cover can see.

12. *Alias Documentation*

a. Review Board Guidelines. The details of alias documentation were protected, but the existence and use of such documents was released. Thus, the specific pieces of identification that the CIA made available to its people and the means of producing that identification were redacted.

b. Commentary. The CIA defended the postponement of alias documentation as a currently utilized intelligence method that is vital to performance of intelligence operations. Further, the Agency argued that release of this information would add little, if anything, to the assassination story. Largely accepting this argument, Review Board members viewed the specifics of alias documentation to be of reduced public interest in terms of the Assassination story and did not insist that the Agency provide specific evidence on each piece of identification. Though releasing the names of a small percentage of the items of alias documentation might be possible without threatening the performance of CIA operations, the Board weighed the resources that would be required to research each item against the low public interest and concluded that such an effort would not be productive.