

MEMORANDUM

August 20, 1996

To: Jeremy Gunn, Tim Wray
cc - David Marwell

From: Joe Freeman

Subject: NSA records already cleared as DOD consent releases

I thought I should bring to your attention the fact that two records cleared earlier this year as DOD consent releases from the HSCA Security Classified Files are also among NSA records which the latter agency is apparently and currently seeking to postpone. It follows, I presume, that NSA is unaware that: 1) DOD agreed to release these documents earlier this year, and, 2) that these two records are now open at NARA II (whether they've yet been interfiled, I don't know). A third HSCA document, also consent-released by DOD, is part of NSA-forwarded material in our SCIF that NSA is apparently willing to clear for full release itself.

This situation arose as follows: as you'll all recall, NARA never physically referred the records in the HSCA Security Classified Files record series. Thus, we undertook to refer a number of DOD-originated records ourselves. The three records in question were part of this group (none of them referenced NSA) and were referred to Associate Deputy General Counsel Stewart Aly in a letter from David Maxwell dated January 25, 1996 (attached). Mr. Aly, in a letter dated March 6, 1996, cleared all three documents, insofar as DOD equities were concerned (attached).¹ To summarize the three documents and their iterations:

Opened HSCA Record	NSA Record	Subject
180-10110-10085	144-10001-10137	Kester to Blakey, re: DOD "intelligence holdings" (Cuba); the NSA record includes what appears to be two copies of the draft of the final letter which went out to the HSCA; NSA apparently wants

¹ In the case of one of the three records (HSCA record 180-10110-10102, also referred to as Document 6 in Aly's March 6th letter, which corresponds to NSA record 144-10001-10142), Mr. Aly cleared for release all DOD equities but indicated that the record should also be referred to the CIA (why remains unclear). In any event, this record was subsequently shown to Barry Harrelson of the CIA and cleared of any putative CIA equities, as well.

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Opened HSCA Record	NSA Record	Subject
		to withhold these drafts (Tab D, 6/25/96)
180-10110-10099	144-10001-10141	Kester to Blakey, re: Cobo Cleaners; NSA apparently wants to withhold this record as it appears in its own files
180-10110-10102	144-10001-10142	Kester to Blakey, re: Nestor Castellanos; NSA apparently willing to see this record released in full (Tab C, 6/25/96)

Copies of the HSCA Security Classified Files versions of these three documents are attached.

Freeman e:\wp-docs\0820962
File 4.14.7