

# MEMORANDUM

December 1, 1995

To:           Jeremy Gunn  
              David Marwell  
cc            Mary McAuliffe  
              Manuel Legaspi

From:         Joe Freeman

Subject:      CIA/HSCA Security Classified Folders: First Report

## Introduction

The purpose of this memorandum is to provide you with feedback on Manuel's and my 11/30/95 visit to Barry Harrelson's CIA office in Rosslyn. This visit was a follow-up to your phone call to him of earlier this week (11/28). The subject of both the call and the visit was the folders apparently withdrawn from the HSCA's Security Classified Files record series by the CIA at or near the end of the HSCA's existence.

Our understanding of the genesis of the Security Classified Files record series within the HSCA collection is drawn from both the NARA X-Format description of the record series, as well as conversations with NARA personnel, and is as follows: toward the end of the Committee's life, HSCA staffers culled from the Committee's Numbered Files (which still form the vast majority of the HSCA collection) various documents which were regarded as particularly sensitive. This subset of the HSCA's records was placed in a new, separate collection designated "Security Classified Files." The documents removed from the Numbered Files to this new group of records were organized in folders which were given new identification numbers, 01-JFK through 191-JFK (a folder might contain one or more documents).

When NARA personnel subsequently reviewed and processed these Security Classified Files they noted that the folders in this series were organized in ascending order but were not sequential: that is, there were numerical gaps in the series. NARA staff organized the folders into six Security Classified Files Hollinger boxes. (These are the boxes which have until recently been stored with the rest of the HSCA collection in the Legislative Vault at the National Archives, and which are now in the physical custody of the ARRB.)

During the course of their review of the Security Classified Files, NARA staff apparently sought an explanation for the non-sequential nature of the numbered folders. There is a handwritten "Note to

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File" by a NARA staffer, dated 2/12/92 , which reads in part:

Per telecon w/Jerry Haines (CIA History Office), the CIA's finding aids indicate they have in off-site storage, 3 FRC boxes of HSCA files that were returned per the HSCA protocol & CIA memo of agreement.

Box 1	01-JFK thru 045-JFK
Box 2	049-JFK thru 115-JFK
Box 3	116-JFK thru 191-JFK

All have some gaps, which are at least in part filled in the Boxes 412-420 in our HSCA holdings. [copy of this memo attached]

NARA's subsequent "X-Format" summary of the Security Classified Files reiterates this explanation for the non-sequential folders: "Many of the numbered documents missing from this series were returned to the CIA in accordance with the access agreement made with that agency. According to the CIA History Office, approximately 9 feet of records, numbered 01-JFK through 191-JFK (with gaps), are in that agency's possession." (Copy attached.) In processing what it had of the Security Classified Files series, NARA transferred cassette tapes and other physical artifacts to other parts of the JFK Collection, which may account for the fact that the Security Classified Files series (NARA's portion) now consists of six boxes (numbered 1 through 6), rather than the nine boxes (412-420) referenced in the first NARA memo quoted above.

Because the NARA memos reference the "Memorandum of Understanding Between the Director of Central Intelligence and the Select Committee on Assassinations" as the justification for the removal of folders from the Security Classified Files by the CIA, I have attached a copy for your review (as well as a subsequent letter from Chairman Stokes to DCI Turner which appears to amend the original Memorandum).

### **Meeting with Barry Harrelson**

In your phone call with Barry on 11/28, you read him the above-referenced paragraph from the NARA X-Format summary for the Security Classified Files. At that time, Barry indicated that the numbering system (01-JFK through 191-JFK) struck him as vaguely familiar and that he would try and run it down. He believed he might have seen folders with these kinds of numbers on them during the CIA review of the so-called Segregated Collection of HSCA documents. In a subsequent

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call with you later that same day, Barry told you that he believed he may have located the folders in question. At Manuel's and my meeting with him, Barry confirmed that three boxes of the Segregated Collection (Boxes 19, 20 and 21) contained folders designated in this manner. Barry pulled them for us and Manuel and I examined them at length. They did in fact contain folders numbered like the ones in the six Security Classified Files boxes in our possession. And, as the NARA memos had indicated, there are gaps in the numbered folders in the three CIA boxes which correspond, for the most part, with the folders in the NARA-processed boxes. Thus it would appear that the NARA-processed Security Classified Files boxes and the folders in Boxes 19-21 from the CIA Segregated Collection are two components of what was once a single HSCA Security Classified collection. (There were approximately 105 of these folders in the boxes at CIA, and there are 77 folders in the six Security Classified Files boxes in our possession, thus yielding an approximate total of 183 folders -- 8 short of the theoretical series total of 191).

It should be noted that this appeared to be as much a revelation for Barry as it had been for us. He indicated that his team had noted but not recognized the unique identification numbers on these folders when they processed these three boxes of the CIA Segregated Collection. Since the NARA memos cited earlier make clear that at least some personnel in both NARA and CIA had made the connection as early as February of 1992, the fact that this connection was subsequently "lost" would seem to confirm Barry's admission that -- rightly or wrongly -- his team made no significant effort to identify or make sense of the unique folder designations in Boxes 19-21 of the Segregated Collection.

Parenthetically, it is also worth noting that Barry and his team might have made the connection sooner had NARA ever referred to the CIA that portion of the Security Classified Files series which had remained with the HSCA to be eventually processed by NARA. Had folders numbered in the same way as Boxes 19-21 of the Segregated Collection been forwarded to CIA, it is possible that Barry and his team might have made the connection for themselves at some earlier point. In any event, since NARA did not process the six Security Classified Files boxes for referral, no bells rang in Barry's head until this week.

The most important revelation to come out of our meeting with Barry and our subsequent review of the folders in question concerns the CIA's handling of HSCA-generated material in the folders.

When Barry's team processed Boxes 19-21 of the Segregated Collection for eventual forwarding to NARA, they found two broad groups of documents in the folders we now recognize as having come from the HSCA Security Classified Files. The first group represented CIA-originated documents which had been provided to the HSCA. The second group represented HSCA-generated documents containing CIA equities. Barry says this latter group included HSCA staffer memos concerning the

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CIA or CIA documents as well as staff notes taken from or concerning CIA-originated documents.

According to Barry, the CIA's reviewers (rightly) regarded HSCA-generated materials in the folders as the property of the HSCA (Congress). Therefore, according to Barry, these materials -- while reviewed for the purpose of recommending postponements to NARA/ARRB -- were returned to NARA and are no longer present in the folders held by CIA. Folders that held only HSCA-generated material are therefore now empty except for either a handwritten "HSCA only" notation (on yellow "stick-ums") or, in some cases, a more formal withdrawal sheet. At the front of each of the three boxes (19-21) is a cover sheet indicating which folders in those boxes contained "HSCA only" material. Thus, Barry is essentially stating that the HSCA-generated material no longer present in the empty folders of Boxes 19-21 has been physically reunited with the HSCA collection in one of the CIA Segregated Collection consignments to NARA. I am presently in touch with NARA officials to ascertain whether this can be verified. (For instance, are the "old" Security Classified Files folder numbers present on the documents' current RIFs?).

Because of the way in which the CIA transferred HSCA-generated material from the Security Classified Files to NARA, it is at present unclear whether the entire *original* HSCA Security Classified Files record series can be reconstructed in its pre-CIA withdrawal form (assuming for the moment that such a reconstruction would be desirable). If data identifying these records as originating from the HSCA Security Classified Files did not survive the CIA's transfer of the documents to NARA, reconstruction would likely be impossible. I am presently intending to visit NARA II early next week to examine NARA's versions of Boxes 19-21 of the CIA Segregated Collection in order get a better sense of the answer to this question.

You had also asked how HSCA-generated material, which had been withdrawn from the Security Classified Files by the CIA, is identified on the RIFs. That is, who is identified as the "agency" (HSCA or CIA) and which number series appears on the forms (180 for HSCA or 104 for CIA)? I do not presently have a clear answer to this question, but it is one that impacts in turn on the question of the ultimate physical disposition of the records within the HSCA Collection: will they eventually be interfiled with the Security Classified Files record series? For that matter, will the Security Classified Files series itself be eventually interfiled with the Numbered Files (from whence they originally came)?

I do know that records transferred in the large shipment of CIA Segregated Collection material which arrived at NARA in August of 1993 have CIA-generated RIFs. They have not been re-RIFed by NARA. At the same time, Barry orally conveyed that the HSCA-only portions of the Security Classified Files folders in CIA's possession were not RIFed by CIA because the records were

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regarded as belonging to the HSCA. I hope to resolve this issue Monday. I also know that a later (and smaller) CIA consignment to NARA from the CIA Segregated Collection (Winter 94/95) was un-RIFed. NARA generated RIFs for these and I am told "HSCA" was entered in the originator field where appropriate. These are in separately numbered boxes at the end of the CIA Segregated Collection out at NARA II, but the RIFs were done in such a way that these boxes could at some future date be interfiled with the August '93 shipment.

I hope to have more definitive information on some of these issues in the near future, but I wanted to get a preliminary summary of mine and Manuel's visit to CIA to you in the meantime.

Freeman e:\wp-docs\113095

File 4.20.5

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