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STATEMENT OF ROBERT M. GATES
DIRECTOR OF CENTRAL INTELLIGENCE
BEFORE THE
COMMITTEE ON GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

*Senate
File*

12 MAY 1992

Views on Senate Joint Resolution 282

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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months ago, I announced the establishment of a new unit within CIA that will be responsible for declassifying as many historical documents as possible consistent with the protection of intelligence sources and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 with quite minimal deletions and is being transferred to the National Archives for release to the public. This is, I acknowledge, a small fraction of what we have, but it is an earnest of my commitment to begin review for declassification immediately of this material. And, indeed, as I 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 consists 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, is uncatalogued, and is 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 110 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 quite minimal deletions, and we are providing 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, I assume that there still will be information that cannot be released to the public for a variety of reasons, including privacy concerns or the exposure of intelligence sources and methods. Let me take a moment to give examples of this type of material. During the investigation by the House Select Committee on Assassinations, I understand that security and personnel files were requested on a number of Agency employees. These files contain fitness reports (performance evaluations), medical evaluations and credit checks on individual CIA officers. Although irrelevant to the question of who killed President Kennedy, these and other personal

documents ultimately ended up in the sequestered collection of documents. I do not believe that the benefit to the public of disclosure of this information outweighs the clear privacy interest of the individuals in keeping this information confidential. Similar privacy concerns exist with documents containing derogatory information on particular individuals where the information is based on gossip or rumor. Our files also contain names of individuals who provided us intelligence information on a promise of confidentiality. We would not disclose their names in breach of such a promise. Where we cannot disclose such information to the public, the Agency will make redactions and summarize the information in order to ensure that the maximum amount of information is released while still protecting the identity of an agent or the privacy of an individual.

If legislation is not passed by Congress and signed by the President regarding the JFK papers, to enhance public confidence and provide reassurance that CIA has not held back any information relevant to the assassination, I will appoint a panel of distinguished Americans from outside of government to examine whatever documents we have redacted or kept classified. They would then issue an unclassified public report on their findings.

The effort required to declassify the documents related 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 JFK documents and other documents of historical interest.

I believe these actions attest to the seriousness of our intent to get these papers declassified and released, and to open what remains classified to outside, non-governmental review. It is 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 in an outside body the determination as to whether CIA materials related to the assassination can be released to the public 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.