

AIUO

ACTIONS

ROLL

15 October 1998

HRP Actions During FY 1999 Required under the MOU Regarding
Continuing Obligations under the JFK ACT.

October 1998

To NARA by 30 October (3a of MOU):

- Late ARRB Determinations from Sequestered Collection - Approximately 2,000 documents (~8,000 to 10,000 pages). Each document requires redaction, copying, quality check, entering of codes, marking out of classification, stamping, updating of database, sending to DO, retrieving from DO, making of 3 copies and packaging. This is on track and should be completed prior to 30 October.
- Completion of processing of "Release in Full" documents from Sequestered Collection. An estimated 10,000 documents (~35,000 pages). These are previously identified and marked documents which must be retrieved, indexed, declassified and stamped, copied and packaged. This is behind schedule and will require continued use of overtimers.

October-December 1998

To NARA by 31 December 1998:

- Russ Holmes' Working files (3c of MOU)- 19 Record Center boxes; approximately 30,000 pages. Much in the Holmes files is duplicative of material early in the JFK project and, based upon changed standards by the Board, all of the documents must be reviewed to assure comparability with later Board Determinations. This will be initiated after the earlier (30 October) tasks are completed. (Postponed information to the Protected Collection).
- DCI area working files (3e of MOU)- ~3,000 pages. Mostly duplicates. Must be processed in way similar to Russ Holmes working files. This will be initiated after the earlier (30 October) tasks are completed.
- Document # 104-10061-10115 (3f of MOU) Contains extensive list of names and cryptonyms created by HSCA staff; A time consuming document with many deletions. This will be initiated after the earlier (30 October) tasks are completed.

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January - April 1999

Review Referrals no later than 30 April 1999 (4 of MOU):

- Church Committee Records identified by ARRB -- ~ 1,000 pages.
- Robert Kennedy records from JFK Pres. Library -- ~1,500 pages.
- Rockefeller Commission records at Library of Congress -- TBD
- Misc. referrals--Army, Treas., Sec. Ser., etc. -- ~ 750 pages.
- FBI Referrals -- TBD (FBI is still reviewing its HSCA sequestered material.)

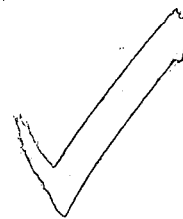
We will not begin review of referrals until the completion of the Russ Holmes files. Referrals which can not be completed by 30 April will be addressed after the completion of the duplicate review of the sequestered collection.

January - September 1999

To NARA by 30 September 1999:

- The Sequestered Collection Duplicates (3b of MOU). The request from the JFK Board not to send duplicates for Board action came after the review of the Oswald 201 and about 20-25% of the hardcopy sequestered material had been reviewed. This, plus the inexact nature of the JFK data base, means that many duplicates have been acted on by the Board. Many of these duplicates will have to be reconciled with current JFK standards. We will not know the amount of "duplicate material" to be processed until the completion of the "release in full" project and indexing of the microfilm (30 October).
- DO review of 168 audio tapes from Mexico City (3d of MOU). Tapes and any transcriptions or summaries to be prepared on a rolling bases. (Postponed information to the Protected collection)
- CIA records regarding compliance with JFK Act. (3g of MOU). Select, review, declassify, index and copy documents in the HRP files, previously identified cables, and the directorate certifications. Pages TBD. (Postponed information to the Protected Collection).

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9/30/98

MEMORANDUM OF UNDERSTANDING REGARDING CONTINUING OBLIGATIONS OF THE CIA UNDER THE JFK ACT

WHEREAS the operations of the Assassination Records Review Board ("Review Board") cease on September 30, 1998 in accordance with the President John F. Kennedy Assassination Records Collection Act of 1992, as amended, 44 U.S.C. § 2107 ("JFK Act");

WHEREAS the JFK Act provides that "the provisions of this Act [other than those pertaining to the appointment and operation of the Review Board] 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 [the] Act" (JFK Act § 12); and

WHEREAS the Central Intelligence Agency ("CIA"), the Review Board, and the National Archives and Records Administration ("NARA") seek to ensure that the CIA completes its continuing obligations under the JFK Act in a timely fashion;

IT IS HEREBY AGREED by the CIA (including any successor intelligence agency), the Review Board, and NARA that:

1. For purposes of this Memorandum of Understanding ("MOU"), the JFK Assassination Records Collection ("JFK Collection") refers to the collection of processed and declassified assassination records at NARA in College Park, Maryland. The "Protected Collection" at NARA refers to the collection of assassination records that have been postponed for release under Section 6 of the JFK Act.
2. All CIA records identified as assassination records under the JFK Act will be placed in the JFK Collection at NARA by September 30, 1998 unless otherwise noted in this MOU. In addition, the CIA may retain reference copies of any records that it sends to the JFK Collection or the Protected Collection.
3. The CIA will transmit the following assassination records to the JFK Collection after September 30, 1998:
 - a. Certain documents from the CIA-House Select Committee on Assassinations (CIA-HSCA) Sequestered Collection (both hardcopy and microfilm sets), most of which were voted on by the Board in September 1998 and which must still be processed for transmission to the JFK Collection. The CIA will ensure that, by October 30, 1998, the balance of non-duplicate documents from the CIA-HSCA Sequestered Collection

-2-

(both hardcopy and microfilm sets) will be placed in the JFK Collection.

b. Duplicate documents within the CIA-HSCA Sequestered Collection (both hardcopy and microfilm sets).¹ The CIA will ensure that, by September 30, 1999, duplicate copies of documents from the CIA-HSCA Sequestered Collection (both hardcopy and microfilm sets) will be placed in the JFK Collection.

c. Duplicate documents within the working files of former CIA officer Russ Holmes. The CIA will ensure that, by December 31, 1998, duplicate copies of documents from the Russ Holmes working files will be placed in the JFK Collection.

d. The audio tapes, and any transcriptions or summaries made by the CIA, from surveillance of certain Soviet and Cuban diplomatic facilities in Mexico City for the period November 22, 1963 to January 1964. These tapes (approximately 185), and any transcriptions or summaries, shall be placed in the JFK Collection by September 30, 1999. The CIA will submit these tapes to the JFK Collection on a rolling basis, as the CIA completes review of individual tapes. Any postponements shall be identified to NARA and postponed information forwarded to the Protected Collection in accordance with Section 5(e)(2) of the JFK Act.

e. Working files from the DCI area, mostly from the DCI's Executive Registry, that had been compiled in anticipation of passage of the JFK Act. These working materials, which consist mostly of duplicate documents, will be placed in the JFK Collection by December 31, 1998.

f. A document containing a list of names and cryptonyms created by the HSCA staff. Given the detailed nature of information in this document (RIF No. 104-10061-10115), the Board agrees that this can be processed by December 31, 1998.

g. CIA's records regarding the JFK Act, as follows: certain CIA records reflecting, or relating to, its work under the JFK Act from the official Historical Review Group (or Historical Review Program) files on the JFK Act and from the working files of HRP's JFK Act Project Chief, Barry Harrelson; previously identified cables from the CIA to the field

¹ "Duplicate documents" are exact copies of documents that are already publicly available in the JFK Collection as part of other CIA files or records.

-3-

regarding requests under the JFK Act; and the completed certifications of compliance executed by each of the directorates and the DCI office. These records will be transmitted to the JFK Collection by September 30, 1999. Microfilmed copies of any postponed documents will be provided to the Protected Collection by September 30, 1999.

h. Any other non-duplicate assassination-related records created or discovered by the CIA after September 30, 1998. If any information contained in such records is deemed to require postponement under the terms of the JFK Act, then it will be placed in the Protected Collection.

4. The CIA will review its equities in records that have been referred to it, and the CIA will cooperate with NARA and other Federal agencies to ensure that such records are released under the standards of the JFK Act and placed into the JFK Collection, or are postponed in accordance with the Act and placed in the Protected Collection. The CIA will review the following major categories of records:

- a. Church Committee records identified by the Review Board in August 1998 as being assassination-related.

- b. Records from the files of Robert F. Kennedy, maintained at the JFK Library, identified by the Library and/or Review Board as either assassination records or as records that would enhance the historical understanding of the assassination.

- c. Records of the Rockefeller Commission, maintained by the Manuscript Division at the Library of Congress, to the extent that the Library of Congress identifies assassination records that are not available as part of the Ford Library set of Rockefeller Commission documents in the JFK Collection.

- d. The Army's Investigative Records Repository file on Alfredo Mirabal Diaz.

The CIA will complete its review and recommendations for release of the major record categories listed above no later than April 30, 1999. To the extent there may be other agency documents requiring CIA review under the JFK Act, the CIA will continue to undertake such review.

5. The CIA will transmit to the Protected Collection, in accordance with Section 5(e)(2) of the JFK Act, the following original or postponed records by the dates

indicated:

- a. by September 30, 1998, the originals of all postponed records from Lee Harvey Oswald's 201 file, Office of Security file, and "A" file;
 - b. by September 30, 1998, the hardcopy original of Marina Oswald's 201 file;
 - c. by September 30, 1998, all original microfilm reels for the CIA-HSCA Sequestered Collection (The CIA and NARA will work out mutually agreeable arrangements for the secure storage of this microfilm at NARA, including provisions for holding this material in a safe with limited access. The CIA will retain the paper copies.);
 - d. by October 30, 1998, all other records with postponed information to the extent not otherwise specifically addressed in this MOU (The CIA will have the option to provide postponed information in microfilm form and to have the same security arrangements apply as in paragraph 5.c. for the CIA-HSCA Sequestered Collection microfilm reels.);
 - e. by October 30, 1998, the entire Oswald 201 file as printed from the CIA-HSCA Sequestered Collection microfilm; and
 - f. by December 31, 1998, the originals of all postponed records from the Russ Holmes working files.
6. The Review Board and the CIA have determined that certain materials reviewed under the JFK Act are not believed to be relevant to the Kennedy assassination (designated "NBR"), but nonetheless should ultimately be placed in the JFK Collection. These NBR materials are: certain files contained within the CIA-HSCA Sequestered Collection; certain CIA work files relating to Yuri Nosenko (but not related to the assassination);² certain materials within the Russ Holmes Collection; and the complete version of certain records, portions of which were designated as assassination-related by the Review Board in connection with its requests for additional records and information. These hard copy materials will be physically retained by the CIA and then forwarded to the JFK Collection for public release by October 26, 2017. The CIA will ensure the appropriate preservation of the Nosenko audio tapes in accordance with applicable NARA

² The Nosenko materials related to the assassination have been placed in the JFK Collection.

standards for audio-visual records, including those standards set forth in 36 C.F.R. Part 1232. By November 30, 1998, the CIA will provide to NARA, in writing, a list of the hardcopy files being retained until 2017 and confirm the arrangements for securing this material. NARA will have the right to inspect and inventory this material for archival and administrative purposes before 2017, and these materials shall be made available for inspection by NARA upon its request.

7. The CIA will cooperate and coordinate with NARA in carrying out the provisions of the JFK Act, including Section 5(g) of the JFK Act, which provides for the "periodic review" of postponed assassination records. Such review "shall address the public disclosure of additional assassination records in the Collection under the standards of the Act" (§ 5(g)(2) (A)) and "shall serve to downgrade and declassify security classified information" (§ 5(g)(2)(C)). As provided by Section 5(g)(2)(B) of the Act, "all postponed assassination records determined to require continued postponement shall require an unclassified written description of the reason for such continued postponement, which shall be provided to the Archivist and published in the Federal Register upon determination."
8. The CIA recognizes that, by October 26, 2017, "[e]ach assassination record shall be publicly disclosed in full" unless the President makes the certifications described in section 5(g)(2)(D) of the Act. To the extent that records are postponed but are to be released on a date prior to October 26, 2017, NARA will release the records on the date the Review Board set for release. If the CIA seeks continued postponement of any record due to be released by October 26, 2017 (or on an earlier scheduled release date), it will be incumbent upon the CIA to obtain from the President certification that continued postponement is necessary. Within one to six months prior to the scheduled release date, the CIA will be responsible for notifying NARA of any specific records, including records within the microfilm reels for the CIA-HSCA Sequestered Collection, for which it will seek Presidential certification of continued postponement.

With respect to the NBR material identified in paragraph 6 of the present MOU, these NBR materials will be physically transferred to NARA by October 26, 2017 for release. In the event the CIA seeks further postponement of any NBR material, it will identify that material to NARA and seek Presidential certification that the material needs to be postponed.

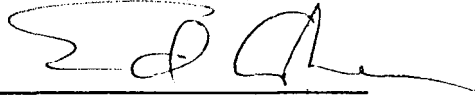
9. With respect to the review of other agency documents referred to the CIA, the review of any new assassination records, or the periodic review of postponed assassination records, the CIA will, in good faith, continue to apply the

-6-

postponement criteria of the JFK Act as previously interpreted by decisions of the Review Board.

10. This Memorandum of Understanding is intended to clarify the CIA's obligations under the JFK Act in view of the expiration of the Review Board's term on September 30, 1998. This Memorandum of Understanding will not be interpreted to limit the CIA's obligations and rights under the JFK Act.

Date: 9/30/98

Signed: 

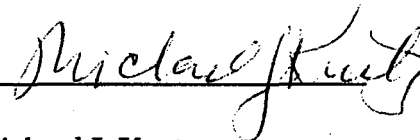
Edmund Cohen
Director of Information Management
Central Intelligence Agency

Date: 29 SEP 1998

Signed: 

Laura A. Denk
Executive Director
Assassination Records Review Board

Date: 9-30-98

Signed: 

Michael J. Kurtz
Assistant Archivist for Records Services,
Washington, D.C.
National Archives and Records Administration
of the United States

CIA SPECIAL COLLECTIONS
RELEASE IN FULL
2000

9/30/98

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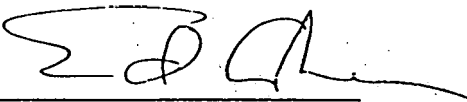
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Date: 9/30/98

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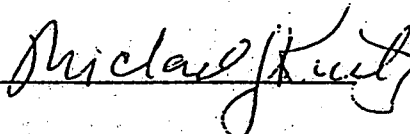
Edmund Cohen
Director of Information Management
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Date: 29 SEP 1998

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Laura A. Denk
Executive Director
Assassination Records Review Board

Date: 9-30-98

Signed: 

Michael J. Kurtz
Assistant Archivist for Records Services,
Washington, D.C.
National Archives and Records Administration
of the United States

CIA SPECIAL COLLECTIONS
RELEASE IN FULL
2000

9/98

Status of Negotiation with the Board

The JFK Act calls for the transfer of ALL JFK assassination materials (making no distinction between classified and unclassified) to the possession of NARA when the Board's term expires. Lawyers at both the Board and CIA believe that the Act supersedes the National Security Act's provisions related to the DCI's authorities to protect Sources and methods.

While the Board Staff appears to have some sympathy for the sensitive nature of the still classified CIA material, they are also sensitive to the prospect of criticisms which could arise if CIA were not required to turn over the still classified material to NARA for "safe-keeping." They originally proposed that all classified material be turned over to NARA, at least by October 1999, and that NARA keep it until the year 2017, when the material is to be automatically released (subject to appeal to the President at that time).

CIA Staff have argued that the classified sequestered collection has been protected at the Agency Archives and Records Center since 1978, and there is no reason to believe that it would not be adequately protected. We have not debated ownership, but have argued that the material is still highly sensitive and we would prefer to retain physical control over the material, with a caveat that appropriately cleared NARA individuals could be given access as needed. Further, the large volumes of the material (requiring significant shelf space in protected areas) would make it difficult to protect and assure that no inappropriate access had been given.

Recently, informal discussions with the Board Staff suggest that the Board might be satisfied with physical transfer of only the Microfilm versions of the sequestered collection (Box 64, which contains the equivalent of 72 paper boxes of material). They also might be willing to consider other caveats as well, such as retention of the microfilm in a safe at NARA and some limitations on access and notification to CIA prior to access. We will need to review the full nature of any such proposal.

ADMINISTRATIVE - INTERNAL USE ONLY

17 September 1998

MEMORANDUM FOR: James R. Oliver @ DA

FROM: J. Barry Harrelson
JFK Project Officer

OFFICE: OIM/HRP

SUBJECT: MOU

REFERENCE:

Original Text of Fredrick C. Wickham
Original Text of Fredrick C. Wickham

NOTE FOR: J. Barry Harrelson

NOTE FOR: J. Barry Harrelson
FROM: Fredrick C. Wickham @ DO
OFFICE: IMS/ESG
DATE: 09/17/98 05:15:35 PM
SUBJECT: MOU

The 3 big issues were the ones mentioned on the phone. First, I'm not confident at this point that everything expected to be delivered to NARA by 30 Sept 1997 can be done. Is there some flexibility in that date such that a couple of weeks late for some is acceptable? Second, Is the definition of "Protected" and if that can mean that there is a safe at NARA for which we control the combination, we can probably agree to the micro film storage. That creates a true joint custody arrangement and requires both parties working together to gain access. Third, is the location of the deferred information not on the existing micro film. Since this information contains material of a more current and highly sensitive nature, I do not want the hard copy to be stored at NARA. We might find it acceptable to make micro film copies that could be stored similar to the other material ie in a lock safe at NARA that we control the combination and we keep the hard copy. This allows someone at a future date to compare the collections to ensure they haven't been tampered with. One other small point is NARA access to what we hold has to be caveated with "according to classification and compartmentation requirements". I wouldn't want to leave it to appear that any NARA person at any time can come and view the material.

CC: Karen L. Sheffield @ DO, William H. McNair @ DO, Gloria M. Boyd @ DO, Eileen M. Wukitch @ DO
Sent on 17 September 1998 at 05:15:35 PM

CC:
Sent on 17 September 1998 at 06:07:45 PM

ADMINISTRATIVE - INTERNAL USE ONLY

CONFIDENTIAL

CL BY: 0523270

CL REASON: Section 1.5 C

DECL ON: X1

DRV FRM: COV 1-82

Barry

TO: Ramona G. Dunn-C @ DCI
 FROM: Edmund Cohen
 OFFICE: OIM
 DATE: 09/29/98 10:07:32 PM
 SUBJECT: Re: MOU--Continuing Obligations

*RBB → Ham
 records in Barry file reflected out releases
 Barry in copy not
 gray - not used
 here & will be used*

We can, of course, refuse to provide the underlying declarations. But, in addition to the negative publicity we would likely receive for non-cooperation, I am told that the Board would refuse to sign the MOU.

I believe that the MOU is a good deal for the Agency.

First, It allows us greater time for processing the remaining documents we have to turn over. In the absence of an MOU we would have to immediately turn over to NARA all of the remaining documents.

Second, the MOU provides us better protection for our information than would otherwise be the case. This is because we are permitted by the terms of the MOU to maintain certain postponed documents at the Agency until 2017, rather than having to turn them over to NARA.

The problem arose well after the deal we cut with Judge Tunheim when the FBI agreed to give up ALL of its voluminous administrative records. The Board then asked CIA to do the same. When we vehemently opposed, this became a key issue. In an effort to defuse the problem we tried to come up with some substitute to providing all of CIA's administrative records and we got the Board to accept instead the 57 cables, appropriately redacted, the Barry files (only substantive information concerning HRP's work with the Board, again appropriately redacted (and not including e-mail or administrative), and the 5 underlying declarations which record the extent to which the Agency has, in fact, worked hard to comply with the JFK act (again appropriately redacted).

Original Text of Ramona G. Dunn-C
 Original Text of Ramona G. Dunn-C

The EXDIR adamantly refuses to release the five underlying certifications. He says the Board reneged on its promise to us and he wants the sentence pertaining to the certifications excised from the MOU.

Dawn, he wants you to go over the MOU with a fine-tooth comb and report back on whether the MOU as it is currently written is acceptable. FYI: He also had some problems with releasing Barry's working files and the 57 cables, but he won't fight it if it is blessed by OGC and the DO.

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CC: Dawn R. Eilenberger @ DCI, Lee S. Strickland @ DA, James R. Oliver @ DA, J. Barry Harrelson @ DCI, Valerie O. Patterson @ DCI, R. Bruce Burke @ DCI

Sent on 29 September 1998 at 10:07:32 PM

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ADMINISTRATIVE - INTERNAL USE ONLY

22 June 1999

MEMORANDUM FOR: Edmund Cohen
Director, OIM

FROM: J. Barry Harrelson
JFK Project Officer
OIM/HRP

SUBJECT: Status of Obligations under Memorandum of Understanding With the
Assassination Records Review Board

REFERENCE: Memorandum of Understanding Regarding Continuing Obligations of the
CIA Under the JFK Act

On September 30, 1998, the Assassination Records Review Board, National Archives (NARA), and the CIA signed a Memorandum of Understanding to clarify the CIA's obligations under the JFK Act in view of the expiration of the Review Board's term on September 30, 1998. The MOU addresses categories of documents and activities that the Review Board had agreed could be postponed beyond September 1998. We have completed, or are on track to complete, most of these obligations by September 1999; however, we have missed deadlines on a few items. We are working closely with NARA in completing the JFK project, and I keep them apprised of our progress; our relationship with NARA remains excellent. Given the massive job that NARA has in processing the JFK collection, our missed deadlines have not been a problem to NARA, nor have they delayed NARA's release of information to the public. The following is a status report for each item listed in the MOU (numbers and letters reflect references in the MOU):

3. This section addresses assassination records in the CIA's JFK collection to be reviewed, processed and transferred to NARA after September 30, 1998.

- a. By October 30, 1998, the balance of non-duplicate documents from the CIA-HSCA Sequestered Collection.

The bulk of these documents were provided within the October/November 1998 timeframe. As part of our duplicate processing, we are finding some "non-duplicate" documents that were missed during the review for the Board or not acted on by the Board. These include a number of "open in full" documents that were originally thought to be duplicates. We are including these documents in our duplicate processing.

- b. By September 30, 1999, the duplicate documents within the CIA-HSCA Sequestered Collection.

We are on track to complete by September 30. We have completed approximately 70% of the collection.

- c. By December 31, 1999, the duplicate documents within the working files of CIA officer Russ Holmes.

We completed the Russ Holmes files in January 1999. NARA recently opened this collection to the public.

- d. By September 30, 1999, 185 audio tapes of CIA surveillance of Soviet and Cuban diplomatic facilities in Mexico City.

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Of the 185 tapes, 98 have been reviewed and transferred to NARA (all released in full); DO has said they will be completed by the deadline, however, we have not received any tapes recently. [Eileen Wukitch] is following-up]

e. By December 31, 1998, DCI area working files.

Completed May 1999.

f. By December 31, 1998, document # 104-10061-10115 (list of names and crypts).

Completed February 1999.

g. By September 30, 1999, CIA's JFK project records (HRG/HRP files, JFK Project working files, DO cables, certifications, etc.).

In progress, the bulk of this work will be done in August/September timeframe. Due to the impact of Nazi project, this is the one item that could miss the September deadline.

h. Non-duplicate assassination-related records created or discovered by the CIA after September 30, 1998.

A small number of additional assassination records have been found in response to a FOIA request and by ADD's 25-year program. Approximately 1 ft hardcopy material plus 44 microfiches related to the HSCA investigation were located in OGC files being retired to Records Center. The new records have been reviewed and incorporated into the collection; the OGC HSCA material is pending a duplicate review.

4. Referrals of assassination records from other Agencies by April 30, 1999.

- a. Church Committee records (10,000 pages). *Completed May 1999.*
- b. JFK Presidential Library's RFK files (2,000 pages). *Completed May 1999*
- c. Rockefeller Commission Records at LC (15 linear ft) *Believed duplicate of Ford Library Collection; no action required.*
- d. Army file on individual (147 pages) *Completed January 1999*

Other referrals: ARRB files at NARA (11,200 pages) *Completed April 1999*

5. This section addresses the JFK Act's requirement that the classified original (or full text copy) of sanitized or postponed documents be transferred to NARA for secure storage until 2017.

a., b. By September 30, 1998, classified originals of Oswald files (Lee and Marina).

Completed September 1998.

c. By September 30, 1998, original microfilm reels for the CIA-HSCA Sequestered Collection.

We "technically" met the deadline in that the reels are at NARA. However, they are stored in a safe in the Agency's 25-year unit's area. A final decision on secure storage until 2017 has to be made.

d. By October 30, 1998, all other assassination records not otherwise addressed in this MOU.

We have taken no action on this item. The DO has concerns with this requirement and there are a few sensitive documents that it would like to hold at the Agency; we need to work the details of secure storage with NARA and resolve any sensitive document issues. In addition, the process is very labor

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intensive, and I have not had the resources to handle the task. This process requires locating each sanitized document in the collection; making a copy of the document and Iden aid; sending either an original or a copy of document to NARA, or, if a sensitive document, microfiche the document and send the fiche to NARA.

e. By October 30, 1998, the printed version of the Oswald 201 file from the CIA-HSCA sequestered Collection microfilm.

Completed in October 1998.

f. By December 31, 1998, the originals of all postponed records from the Russ Holmes working files.

See "5.d." above.

6. This section addresses the handling of the Not Believed Relevant (NBR) records which remain in the Agency's custody. There are three action items required of the agency:

(1) preservation of the Nosenko audio tapes

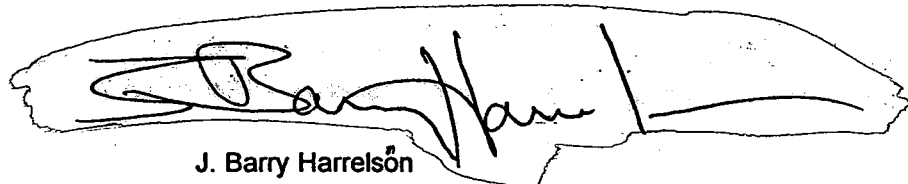
The tapes need to be indexed (low priority); once indexed, we will contact Records Center re proper storage.

(2) by November 30, 1998, provide NARA a list of the hardcopy files being retained until 2017.

No action taken; we plan to use the database to create the listing, however, it may require some programming work on the by SAIC team. We have asked NARA for a delay until September 1999 to complete the updating of the database.

(3) confirm with NARA arrangements for securing this material.

Part of the final decision concerning the disposition of the JFK collection; NARA requires the right of inspection upon request.



J. Barry Harrelson

Attachment: See Reference

CC: Lee Strickland
Jim Oliver

15 July 1999

JFK Activities -- Status and Plan for Close-out**Completed Actions:**

- October/November 1998 completed review, processing and transfer to NARA of the bulk of the non-duplicate documents (due October 1998)
- January 1999 completed Russ Holmes files (due December 1998)
- January 1999 completed Army file referrals. (due April 1999)
- February 1999 completed massive names and crypts document (due December 1998)
- April 1999 completed ARRB files at NARA (due April 1999)
- May 1999 completed the DCI area working files (Due December 31, 1998)
- May 1999 completed Church Committee records at NARA and RFK files from JFK library. (due 30 April 1999)

Pending Actions MOU Tasks (September 1999 deadline):

- Complete the duplicate documents within the Sequestered Collection. (on track)
- Complete the 193 audio tapes of CIA surveillance of Soviet and Cuban diplomatic facilities in Mexico City. (On Track)
- Complete processing of CIA's JFK Project records (HRG/HRP files). (Could miss this deadline).
- Complete processing of OGC's JFK files (on track)
- Provide balance of classified (full text) copies of sanitized records (could miss this deadline)
- Replicate JFK database for NARA (on track)

Post-September Actions

- Review Maxwell Taylor report documents (Bay of Pigs) at the Kennedy Library
- Index Nosenko audio tapes and materials and FBI referrals
- Any additional records found (an on-going process)
- FOIA and other request support (an on-going process)
- Set-up JFK stand-alone system

Anticipated IC (Reviewers) Support Required (FTE)

----- CY 1999 -----					----- CY 2000 -----						
Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
12	12	10	8	8	5	4	3	2	2	2	2

SECRET

CL BY: 0611637

CL REASON: Section 1.5 C

DECL ON: X1

DRV FRM: HUM 4-82

TO: Lee E. Carle-Y@DO
FROM: J. Barry Harrelson
OFFICE: OIM/HRP
DATE: 08/27/99 02:32:04 PM
SUBJECT: Re: Transfer of JFK classified material to NARA under MOU

The following should clarify the status of the requirements under the JFK Act and the CIA/ARRB/NARA MOU to transfer originals or full-text copies of all sanitized or denied in full (DIF) documents in the JFK collection to National Archives for secure storage:

Classified Documents at NARA

- 1) Classified originals of the Lee and Marina Oswald's 201 files held in secure storage.
- 2) Box 64 (72 reels of microfilm) of the sequestered file. Temporarily stored in a safe in CIA occupied secure space (OIM/ADD); Steve Tilley, chief of NARA's Special Access/FOIA Staff has combination to the safe and access to the area.

The above (existing) arrangement for the microfilm is acceptable to NARA; if acceptable to the DO, it will be considered a permanent arrangement. The safe can also be used for storage of a limited number of other "sensitive" documents.

Pending Transfer to NARA

The classified originals/full text copies of all sanitized or DIF documents from the following collections are pending transfer to NARA and will be stored in NARA's secure storage area:

- (1) Boxes 1-63 of the JFK sequestered collection
- (2) Russ Holmes and LA Div working file,
- (3) The additional documents added to the collection as a result of searches and special requests

Issues

There should not be a problem with hardcopy storage of most of the documents in the sequestered collection and working files; however, the DO has in the past expressed concerns about certain documents being stored at NARA. We need the DO to decide what documents should be stored as microfiche, and if there are any documents that they object to being stored at NARA. The latter will require consultation with OGC given the specific requirements of the Act.

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SECRET

The Process

Unless a document was declared Not Believed Relevant (NBR), the classified full-text is required to be transferred to NARA for storage in NARA's secure area. HRP will make a full text copy of each sanitized or DIF documents to be sent to NARA; if DO has concern about storing a particular document in hardcopy, the DO can microfiche the document and the microfiche will be stored in the safe in the CIA occupied area. A limited number of hardcopy documents can also be stored in the safe. HRP expects to begin the copying of documents in early September.

Actions Required by 30 September

1. Concurrence with current secure storage arrangement at NARA for microfilm. (DO)
2. Copy and transfer full-text/classified documents for NARA (HRP)*
3. Identification of documents to be microfiched for storage in safe. (DO)
4. Identification of documents that should not be stored at NARA (HRP/DO/OGC)

* Completion of this task by 30 September will require significant support resources.

Original Text of Lee E. Carle-Y-

Original Text of Lee E. Carle-Y-

Barry, unfortunately we were unable to connect prior to my going on leave. As I will not be back until 31 Aug I suggest you set up a meeting soonest even if I'm unable to attend. I don't think I could add much substantively to this issue in any case. I would of course, like to attend but I think we should move quickly in getting this issue settled.

CC: Thomas M. Shipley@DO, Bill McNair@DO, Gloria Boyd@DO, Linwood L. JANNI@DO,
Eileen M. Wukitch@DA, Mary V. Amola@DO, Edmund Cohen@DA, James R.
Oliver@DA

Sent on 27 August 1999 at 02:32:04 PM

SECRET

CIA SPECIAL COLLECTIONS
RELEASE IN FULL
2000

9/98

Status of Negotiation with the Board

The JFK Act calls for the transfer of ALL JFK assassination materials (making no distinction between classified and unclassified) to the possession of NARA when the Board's term expires. Lawyers at both the Board and CIA believe that the Act supersedes the National Security Act's provisions related to the DCI's authorities to protect Sources and methods.

While the Board Staff appears to have some sympathy for the sensitive nature of the still classified CIA material, they are also sensitive to the prospect of criticisms which could arise if CIA were not required to turn over the still classified material to NARA for "safe-keeping." They originally proposed that all classified material be turned over to NARA, at least by October 1999, and that NARA keep it until the year 2017, when the material is to be automatically released (subject to appeal to the President at that time).

CIA Staff have argued that the classified sequestered collection has been protected at the Agency Archives and Records Center since 1978, and there is no reason to believe that it would not be adequately protected. We have not debated ownership, but have argued that the material is still highly sensitive and we would prefer to retain physical control over the material, with a caveat that appropriately cleared NARA individuals could be given access as needed. Further, the large volumes of the material (requiring significant shelf space in protected areas) would make it difficult to protect and assure that no inappropriate access had been given.

Recently, informal discussions with the Board Staff suggest that the Board might be satisfied with physical transfer of only the Microfilm versions of the sequestered collection (Box 64, which contains the equivalent of 72 paper boxes of material). They also might be willing to consider other caveats as well, such as retention of the microfilm in a safe at NARA and some limitations on access and notification to CIA prior to access. We will need to review the full nature of any such proposal.