SUBJECT: Mark ALLEN-Case, F81-0351: Status of CIA's Review of Sequestered Material.



A. HISTORICAL SUMMARY - HSCA Committee

1. The House Seclect Committee on Assassinations was established in September 1976 by House Resolution 1540, 94th Congress, 2d Session. The Select Committee on Assassinations created by House Resolution 1540 officially expired as the 94th Congress ended its term on 3 January 1977.

2. On 4 January 1977, a unanimous consent request was introudced to consider House Resolution 9, a resolution to reconstitute the committee. An objection was heard, however, and House Resolution 9 was not brought to and immediate vote on the floor of the House. It was instead referred to the Rules Committee, which began hearings on ot on 25 January 1977. House Resolution 9, as amended, was favorably reported by the Rules Committee as House Reoslution 222 on 1 February 1977.

3. The creation of a congressional committee to investigate assassinations, as well as issues concerning the nature and cost of the proposed investigations, created considerable controversy. House Resolution 222 proposed to constitute the committee for only an additional 2 months, to the end of March 1977, so that these issues could be more closely examined. On 2 February 1977, House Resolution 222 was considered by the House of Representatives as the Committee of the Whole, so that amendments could be offered from the floor and Members given an opportunity to express objections. House Resolution 222 authorized and directed the committee to:

> * * * conduct a full and complete investigation and study of the circumstances surrounding the assassination and death of President John F. Kennedy and the assassination and death of Martin Luther King, Jr., and of any other persons the select committee shall determine might be related to either death in order to ascertain (1) whether the existing laws of the United States, including but not limited to laws relating to the safety and protection of the President of the United States, assassinations of the President of the United States, deprivation of civil rights, and conspiracies

related thereto, as well as the investigatory jurisdiction and capability of agencies and departments of the U.S. Government, are adequate, either in their provisions or in the manner of their enforcement; and (2) whether there was full disclosure and sharing of information and evidence among agencies and departments of the U.S. Government during the course of all prior investigations into those deaths; and whether any evidence or information which was not in the possession of any agency or department of the U.S. Government investigating either death would have been of assistance to that agency or department, and why such information was not provided to or collected by the appropriate agency or department; and shall make recommendations to the House, if the select committee deems it appropriate, for the amendment of existing legislation or the enactment of new legislation.

House Resolution 222 was passed by the House on 2 February 1977. On 8 March 1977, Representative Louis Stokes of Ohio was named chairman of the committee to replace the previous chairman who had resigned. Two subcommittees were created--a subcommittee on the assassination of President Kennedy, with Representative Richardson Preyer of North Carolina as its chairman, and a subcommittee on the assassination of Dr. King, with Walter E. Fauntroy, Delegate of the District of Columbia, as its chairman. The staff was divided into two task forces designated to assist each of the subcommittees.

On 30 March 1977, the House approved House Resolution 433 which constituted the committee until 3 January 1979, the duration of the 95th Congress.

In June 1977, G. Robert Blakey was appointed chief counsel and staff director to replace the former chief counsel who had resigned on 30 March 1977.

The Committee established a program that consisted of three primary activities--the investigation, public presentation of evidence, and preparation of the final report.

The Committee identified four main issures to be investigated to fulfill its mandate set forth in House Resolution 222. First, who was or were the assassin(s) of President John F. Kennedy and Dr. Martin Luther King, Jr.? Second, did the assassin(s) have any aid or assistance either before or after the assassination? Third, did the agencies and departments of the U.S. Government adequately perform their duties and functions in (a) collecting and sharing information prior to the assassination; (b) protecting John F. Kennedy and Martin Luther King, Jr.; and (c) conducting investigations into each assassination and coordinating the results of those investigations? Fourth, given the evidence the committee uncovered, are the amendment of existing legislation or the enactment of new legislation appropriate?

The concentrated phase of the investigation spanned the period from January to July 1978. It was based on a detailed investigative plan that entailed a step-by-step process of factfinding. The plans were designed to address the first three questions the committee identified to fulfill its legislative mandate: Who assassinated President Kennedy and Dr. King? Was there a conspiracy in either case? How well did the natural interrelationships among the three questions.

B. HSCA AND THE AGENCY

1. To obtain the information necessary to fulfilling its mandate, the House Select Committee on Assassinations (HSCA) submitted at least 174 written requests to the Agency. OLC, the predecessor to the Office of Legislative Liaison or OLL, served as the central point through which passed all correspondence between the Agency and the HSCA. Upon receiving an HSCA request, OLC passed copies to each Directorate. The Directorate of Operations received a total of 130 HSCA requests containing an overall total of 1058 individual requests. These individual requests can be further broken down as follows:

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| Total of HSCA written requests | : | 130 |
| Total of individual requests | : | 1058 |
| Total of positive responses[1] | : | 634 |
| Total of negative responses[2] | | 424 |

[NOTES:

1. In order to respond to the HSCA, the DO searched its files for information on personalities, subjects (other than individuals), and projects (or operations). More detailed information will appear under contents of "sequestered material" described below.

2. In those cases where the DO was unable to locate any information, the DO answered "No Record".]

2. In accordance with a tentative agreement (reached between the HSCA and the Agency before the former had completed its investigation and the writing of its report) the Agency would place copies (hard copies and microfilm) in a sequestered area under Agency control. Access to such material was limited to Senators or Congressmen who might be officially reinvestigating the re-vestigation.

Unpon completing its work, the HSCA turned over to the Agency HSCA material pertaining to the Agency, e.g., HSCA requests for information on specific persons and subjects; HSCA requests for the Agency's comments and statements regarding certain points of interest to the HSCA; classified JFK Exhibits cited in the HSCA's Report; notes made by HSCA staff members while reviewing the Agency's classified files made available by the Agency in response to specific requests from the HSCA, etc.

The HSCA material was then incorporated into the Agency's sequestered holdings--xerox copies of documents made available for review or containing Agency comments and statements and microfilm of Agency classified files made available to the Committee. This material is contained in 64 records boxes. One of these 64 boxes contains 72 reels of microfilm. For additional information regarding the contents of this microfilm see below.

3. For record-keeping purposes, the Agency uses a standard figure for describing the quantity of material stored in the Agency's archives: One records box contains 1 cubic foot of material or one linear foot at 200 pages per inch. Thus each box contains 2,400 pages or 960 documents at an average of $2\frac{1}{2}$ pages per document. Sixty-three boxes, therefore, con-60,480 documents or 151,200 pages. Since one reel of microfilm contains 2,400 frames (equal to 2,400 pages), 72 reels of microfilm contain

172,800 pages equal to 69,120 documents (at 2½ pages, on the average, to a document). The overall figure for the sequestered material held by the Agency is, therefore, 129,600 documents or 324,000 pages. This figure should be viewed as a maximum basic figure. The actual count will undoubtedly be less, although not appreciably so.

4. The contents of the 63 records boxes and the 72 reels of microfilm are the responsibility of the following Agency major components:

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| Boxes no. 1 through 34, 64* | : | Directorate of Operations |
| 35 and 36 | : | Inspector General |
| 37 and 38 | : | Office of the General Counsel |
| 39 | : | Directorate of Science & Technology |
| 40 through 48 | : | Office of Security |
| 49 through 63 | : | Office of Legislative Liaison |

[* box 64 contains 72 reels of microfilm.]

C. STATUS OF THE DO's REVIEW.

1. Boxes 1 through 34 (not including the microfilm): Of this number of boxes, 10 boxes are completely filled with HSCA originated documents the majority of which contain classified information from Agency files. The remaining boxes are either completely filled or partially filled with Agency originated documents. The remaining space in the latter boxes is taken up by HSCA documents.

2. Since 15 September 1983, the DO has identified 16,350 Agency documents in the 34 boxes belonging to the DO. The remainder of the documents in these boxes belong to the HSCA and amount to 16,290 documents or 40,725 pages. The Agency originated documents include:

a. operational correspondence on specific FI and CI targets;

b. intelligence reports emanating from agent assets, either foreign intelligence or counterintelligence;

c. agent files including their reports, personal history statements, cryptonyms, etc.;

d. potential agents or targets; contacts with reports, biographic data, etc.,;

e. chronological files (cables and dispatches) pertaining to at least one foreign station and one domestic installation, and,

f. copies of Agency documents reproduced from the DO's files on Lee Harvey OSWALD.

3. The identification of the above decsribed material, i.e., 16,250 or 40,875 pages, required the services of one full-time staff employee (GS 7/8 - 21,982.00), an annuitant (working full-time), and 17 staff employees. The latter personnel working after hours (for a year) put in a total of 6011 hours overtime (at time and a half) to identify all the CIA documents (16,350) found in the 34 boxes.

The annuitant, presently under contract with the Agency since 1979, has reviewed 2,709 documents or 7,380 pages of the total identified. The purpose of the review is to make a determination as to whether the document contains information that can be released to the public. The annuitant took 5 months to complete a review of 2,709 documents. At the average rate of 500 documents per month, the annuitant would be required to spend at least 3 years to complete the review. This figure does not include the time it would take to review documents referred to the DO by other Agency components and by other U.S. government agencies and departments.

See attached recapitulation of required time and cost to complete the preliminary portion of the project, i.e., the identification and review of Agency documents contained in 34 boxes and 72 reels of microfilm as well as the projected time and cost to identify and review all Agency documents contained in 63 records boxes and 72 reels of microfilm. The figures given in the attachment do not include the time and cost to prepare the releaseable documents for forwarding to the requestor, to compile a computerized index to all documents, and to set up a system that will maintain control of all the documents in the Agency's sequestered holdings. Nor, it should be pointed out, does the overall cost figure take into account the cost, personnel, and time required to complete this project.

4. Boxes 49 through 63 belonging to OLL (formerly OLC): Inasmuch as these holdings duplicate considerably material already held in DO's material, it was agreed that the DO would review OLL's holdings. That work (started in

August) is presently underway. To date, 7 staff employees working overtime have identified 1,500 Agency originated documents in the first four boxes, i.e., 49 through 52. [In light of OGC's memorandum of 18 October 1984, this work on the OLL's holdings has been halted.]

5. Circumstances that might lessen the Agency's burden: Recent changes in the Freedom of Information Act may be beneficial to the Agency, particularly in being relieved of the responsibility of reviewing DO operational files, e.g., files on recruited agents, CI contacts and targets, operational methods, and projects. With this possibility in mind, it is noted that the microfilm contains the following catergories of files:

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| +Personality files (201's) | 25 reels |
| +CIA personnel | 6½ reels |
| +Project files | 4 reels |
| +Mexico City chronological files | 1 reel |
| +Yuri NOSENKO material | 2½ reels |
| *Lee Harvey OSWALD | 14 reels |
| *Garrison Investigation | 1 reel |
| ?Anti-Castro Organizations | 2½ reels |
| ?Organizations (not further identified) | 11½ reels |
| ?Miscellaneous (not further identified) | 4 reels |

[NOTES:

* The material in these files has already been done and should not have to be done again.

\+ These files will have to be reviewed to identify those files that can be completely DENIED. (A review will identify which files cannot be treated as a whole.)

? Each document will probably have to be treated, i.e., identified and reviewed.]

If it is possible to DENY many of the above files because of their operational contents, the number of documents to be treated would be appreciably reduced.

D. FINAL REMARKS

1. In light of Allen's reasons for requesting access to HSCA material (containing Agency information) and Agency-originated material compiled in response to HSCA requests, it cannot be emphasized enough that Allen will, in no stretch of the imagination, have the same access that the HSCA had to this Agency's classified holdings.

2. What is more, the HSCA submitted its report in draft to the Agency for the latter's review. The Agency, upon many occasions, had expressed its concern over the release of classified information by the HSCA. I believe that in every case where the Agency raised objections, a compromise was worked out, acceptable to both sides, that allowed the HSCA to make its point without compromising the Agency's classified activities and information. I am sure Allen has no intention of clearing the results of his "scholarly research" with the Agency.

3. Insofar as I am aware there have been no unauthorized revelations by HSCA personnel, either during the Committee's investigation or after it disbanded. One instance, however, appears in a deposition given by Marchetti in E. Howard Hunt's case presently before a Florida court. It apparent, from a review of the deposition, that Marchetti obtained information from two former HSCA staff members: Dan Hardway and Edwin J. Lopez. Although I am not aware that any statements attributable to Hardway and Lopez have appeared in the public domain, does not this action on the part of the two former staff members of the HSCA constitute a violation of the Secrecy Oath they were required to sign before gaining access to Agency unsanitized files?

Russell B. Holmes