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Executive Registry

78-5457/2

Spec. Int. #8

8 May 78

OLC 78-1641

12 May 1978

MEMORANDUM FOR: Deputy Director for Operations
Deputy Director for Administration
Inspector General
General Counsel
Deputy Director for Public Affairs

FROM: Acting Legislative Counsel

SUBJECT: House Select Committee on Assassinations

1. On 27 April 1978, I sent you a projection of issues requiring the development of coordinated positions for consideration and decision by top management. In response to my request, each of you designated representatives to a Task Force assembled for this purpose and the Task Force met on 4 May (Attachment A).

2. Attachment B contains memoranda on sessions with the senior staff of the Assassinations Committee subsequent to the 4 May Task Force meeting, covering Committee complaints and our pre-position bargaining with them on certain key issues, e. g.,:

a. Nosenko: Has refused to be video taped; the Committee staff is pondering this decision. The "formal" session has been slipped from 31 May to 21-22 June.

b. The question of whether the claim of sources and methods can extend to information known to a defector before he is recruited or defected.

3. I understand there has been concern over the range of access by Committee staffers to sensitive information. I think you should know

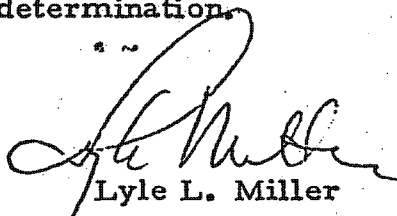
EXECUTIVE REGISTRY FILE

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EX-10747

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that pursuant to an exchange of letters between the Chairman and the Director, coordinated with CIA offices of interest, revised procedures to allow a selected group of staff researchers access to CIA documents with limited sanitization to facilitate the Committee's review of the larger volumes of files involved. Sensitive viable Agency sources, however, are excised and the staff must show relevancy to the investigation if there is any question as to making material available. For example, the Committee's inquiry into the CIA [redacted] was resisted until the staff disclosed to us that the purpose was former CIA employee James Wilcott's allegation that Oswald was a CIA agent. Those staffers given this special access have executed special secrecy agreements which run to the Director as opposed to the Committee as is the case with the Senate Select Committee on Intelligence for example. There also has been concerns expressed that the Committee has been given greater access than has ever been done before in a Congressional investigation. Although we are getting into new uncharted waters as a result of the Jay Epstein book, the Church Committee, for example, had wide access to the Oswald 201 file and personnel files.

4. Attached is an agenda for the next Task Force meeting. You may wish to review some of the major issues pending. Positions on these issues, of course, will be fully coordinated and appropriately presented to the DDCI/DCI for determination.



Lyle L. Miller

Attachments

cc: Each Member of HSCA Task Force

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SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
UNCLASSIFIED		CONFIDENTIAL	
OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	DATE	INITIALS
1	Mr. Haviland Smith, O/DDCI		<i>DS</i>
2	DDCI	3 MAY 1978	<i>JL</i>
3			
4	SA/DDCI		<i>BT</i>
5	Send to DCI.		
6	3 MAY 1978		
ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE
Remarks: Hav: I thought you might be interested in the attached. <div style="text-align: right;">Lyle Miller</div>			
FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.			DATE
OLC 7D45 x9208/6121			1 May 78
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1	Mr. Haviland Smith, O/DDCI		<i>DS</i>
2	DDCI	8 MAY 1978	<i>JL</i>
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4	SA/DDCI		<i>DT</i>
5	Send to DDCI. 3 May	8 MAY 1978	<i>1/1 mg</i>
6	3 MAY 1978		
ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE
Remarks:			
<p>Hav:</p> <p>I thought you might be interested in the attached.</p> <p>8 MAY 1978</p> <p>Lyle Miller</p> <p>Executive Registry 78-54871</p> <p>Lyle - Page 5 - I'm concerned at why we're giving more to these people than to our committee - our people can't read this in the press -</p>			
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FORM NO. 1-67 237 Use previous editions

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Spec Int. #8
27 Apr 78

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TRANSMITTAL SLIP		DATE <i>3 MAY</i>
TO: <i>Leg Counsel</i>		
ROOM NO.	BUILDING	
REMARKS: <i>See DC's note to you.</i>		
FROM: <i>Lewis E.S.</i>		
ROOM NO.	BUILDING	EXTENSION

FORM NO. 241
1 FEB 55REPLACES FORM 36-8
WHICH MAY BE USED.

(47)

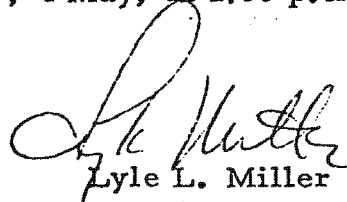
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4. The attached projection does not deal with the \$64.00 question of the final Committee report on which drafting will start about October 1978. There we will face the inevitable of attempting to correct mistakes of fact and perception which are bound to creep into a work of this magnitude, no matter how objective and professional the drafters are, and of determining what information is to be placed in the public domain. We have anticipated this latter problem and have concluded what I believe is a very strong and, I hope, effective Memorandum of Understanding between the Director and the Committee.

5. It is my recommendation that you personally review the attached paper. Further, that the paper be tabled in a working group of representatives designated by you and from this office to develop positions with respect to the various issues raised. Following adoption within the Agency, time is needed to assure appropriate coordination with appropriate elements of the Executive Branch. Please provide me with the name of your task force representative. I would like to have the task force meet on Thursday, 4 May, at 2:00 p.m., in room 6D0120.



Lyle L. Miller

Attachment

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OLC 78-1544
26 April 1978

MEMORANDUM FOR THE RECORD

SUBJECT: House Select Committee on Assassinations - A Projection

1. (S) With less than eight months remaining until its final report to Congress is due, the HSCA investigations have narrowed to a few key areas which involve the Agency. Though the Committee mandate covers both the King and Kennedy Assassinations, the majority of our contact has been with the Kennedy investigators.

2. (S) The Kennedy Subcommittee is addressing four questions:

- A. Who shot the President?
- B. Was it a lone assassin or a conspiracy?
- C. How did the agencies perform:
 - (1) prior to the assassination;
 - (2) protecting the President;
 - (3) during the subsequent investigations?
- D. Is any new legislation necessary?

3. (S) Initially, the Kennedy Subcommittee had organized into four functional groups:

- A. Cuban-Connection Task Force led by Bill Triplett
- B. Oswald Task Force led by Ken Klein
- C. Organized Crime Task Force led by John Hornbeck
- D. CIA Involvement in the Assassination and Performance During Subsequent Inquiries Task Force led by Mickey Goldsmith.

Most recent contact between OLC and HSCA staff has involved the Oswald and CIA Involvement-Performance Task Forces. All groups have had access to CIA files, principally from Personnel, Security and DDO.

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4. (S) Following are what now appear to be the possible topics for public hearings which involve the Agency and issues which may arise with HSCA.

CUBAN CONNECTION TASK FORCE

This group has reviewed post Bay of Pigs material including the Cuban Counterrevolutionary Handbook, 1964, which details personalities and operations of Miami-based groups. G. Robert Blakey, Chief Counsel and Staff Director, has been to Havana.

(1) (S) Possible Topics for Public Hearings

(a) Results of the Havana visit which may include a Castro sponsored interview with AM/LASH. This may require a CIA spokesman to define the CIA - AM/LASH connection.

(b) Operations of anti-Castro Cubans, Miami-based, for which CIA documents (Cuban Counterrevolutionary Handbook - 1964) may be necessary.

(c) Former DCI Colby discussions with Claire Booth Luce regarding the Bayo-Pawley affair.

(d) The scope and nature of CIA files regarding Marita Lorenz-Castro-Sturgis. This may require CIA spokesman.

(2) (S) Issues:

No major issues at the moment.

OSWALD TASK FORCE

This group has reviewed most of the Oswald file as well as many other "201s" referenced therein. Though the Epstein book may drive the majority of the public hearings toward the Nosenko issue, the group is exploring other issues which may be aired.

(1) (S) Possible Topics for Public Hearings

(a) Nosenko's knowledge of Oswald and his own credibility. Nosenko can be expected to be called, possibly Golitsyn, too. Not Deryabin (too dated). This may require a CIA spokesman to attest to the present CIA position on credibility. Others may be called: Helms, Colby, Angleton, Bagley, Miler, Hart, Epstein and possibly Len McCoy and Bruce Solie.

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(b) Rameriz Ortiz's knowledge of Oswald's file in Cuban DGI. Rameriz Ortiz, presently in Leavenworth Prison, wrote of a file on Oswald in Cuba. LA Division has reviewed the Rameriz Ortiz book and provided follow-up items to the Committee. As this is new material, it is likely to be aired and may require a CIA spokesman. Rameriz Ortiz has given executive session testimony already.

(c) Priscilla Johnson McMillan may be called to discuss her contacts with Oswald in Moscow at which time her CIA "witting source" affiliation may be exposed. She gave executive session testimony last week, and staff indicated that they had follow-up issues as a result but would not share their issues. If the CIA relationship is presented, Gary Coit (retired, DCD) may be subpoenaed.

(d) James Wilcott, former CIA finance officer in [] testified in executive session that Oswald had a relationship with the CIA. The press picked it up, and the HSCA has been forced to pursue the issue. HSCA staff have interviewed former [] officers and are about to interview former Agency employees stationed at the Atsugi U-2 base. Oswald served at Atsugi in 1958, although at an entirely separate location from our activity. Though Wilcott may be recalled for public hearings, the course of the staff interest is not firm enough to predict. At the maximum we may be called to define our activities at Atsugi, 1957-60. A CIA spokesman may be required.

(e) Serendipity may get Garbler/Kovich before the Committee. Garbler/Kovich may be called to exemplify the fallout from the Nosenko/Golitsyn issue. The most recent tip-off of this possibility is that the Committee has asked to interview former COS and DCOS of Moscow during the Garbler era. The Committee may provide the forum that both may revel in and, since the HSCA is chartered to recommend legislation as a result of its efforts, it may be a possible source of private-bills for them. Messrs. Colby and Bush may also be called.

(2) (S) Issues:

(a) HSCA has requested Nosenko's 1964, 1967 polygraph charts. After reviewing these, they may/may not request to polygraph Nosenko himself. What is our position?

(b) If documentary material is requested for Nosenko hearings, should it be provided? (Transcripts of OS interviews, etc.)

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(c) Should Nosenko's executive session hearing, scheduled for 31 May, be video taped such that the tape could become the basis for any future public hearing?

(d) If Nosenko requests counsel, who provides/pays?

(e) Should the Hart report be made available, as it appears the HSCA is backing into its substance anyway?

ORGANIZED CRIME TASK FORCE

After an initial surge of interest by the HSCA staff in CIA files last year of Johnny Rosselli, William Mahen, et al, no investigators have followed-up. The scope and nature of any future hearings are difficult to predict. No issues are pending.

CIA INVOLVEMENT/PERFORMANCE TASK FORCE

Officially, this group is an adjunct service element to the other groups. Its activities hop from issue to issue but some areas appear of specific interest to them.

(1) (S) Possible Topics for Public Hearings

(a) Performance of Mexico City Station in reporting on Oswald. Anne Goodparture's testimony in executive session may be reviewed in public session. She may be called to comment upon the personalities of Win Scott and Station personnel. David Phillips appeared in executive session, too. Barbara and Herbert Mannell will be deposed in lieu of a hearing. Any public hearing on Mexico City will ultimately hit upon sources and methods (Soviet/Cuban Embassy tele-taps and photographic surveillance). One of the issues being investigated is the Agency's management of those operations. A CIA senior spokesman may be needed to testify to protect sources and methods.

(b) David Christ was questioned about his activities on 22 November 1963. He resembled the "unidentified man" of Dallas. Our records on his exact activities are vague. As this is a "flashy" issue, the Committee may press for a public hearing. This would jeopardize Christ and the others and would be tantamount to having the U.S. Government admit publicly to an old CIA operation on Cuban soil at a time when the Administration may be courting Cuba.

(c) E. Howard Hunt may be called to discuss a report of the assassination which he purportedly wrote while at the Plumbers Unit. HSCA has requested access to our files on Hunt/Watergate. We have no known records of any such report.

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(2) (S) Issues:

(a) The Agency did not provide any of the previous investigations (Warren-Church) the depth of access to its files as we now are to the HSCA. Nor do we provide the same degree of access to either the Senate Select Committee on Intelligence or the House Permanent Select Committee on Intelligence (i.e. DDO 201 files and other sources and methods material). We must be prepared to comment upon our relationship with this Committee.

(b) The Agency released to the public through the Warren Commission Report a cropped version of the Mexico City "unidentified man" photograph. As this photograph was from a photographic surveillance operation and as several other photographs from the same operation have been cropped and supplied to the Committee, are we prepared to release all of these other photographs to the public if requested?

5. (S) The immediate future of the Committee as it involves the Agency is:

Deryabin interview	- 27 April	
Golitsyn interview	- 4 May	Deposition - 19 May
Nosenko interview	- 11 May - 25, 26 May - 30 May	Executive Session Hearing - 31 Ma
Bruce Solie interview	- 9 May	Deposition - 22 May

June and July will see a flourish of executive session hearings in preparation for August recess. September will see approximately 20 days of public hearings on King and 20 days on Kennedy.

6. (S) Although the King Subcommittee has not been active with our files, one memorandum of conversation with Office of Security, May 1965, indicated "King might possibly be assassinated", and Security presumes that this information was passed to FBI through normal liaison channels. HSCA has not yet reviewed this file although it is available to them. There do not appear to be any other preassassination items in the King file.

7. (S) At the conclusion of the HSCA's investigation, we may be left with material gathered in response to HSCA requests which has not been completely reviewed by HSCA staff investigators. They are far behind at the moment. The Committee has requested access to files on over 368 individuals. DDO has 245 files ready for review of which 105 have been reviewed. Security has 146 files and two polygraphs ready for review of which 50 files have been

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reviewed. Their options may be: to rapidly scan all remaining material so they can reflect in their final report that they had seen it all; to not finish their review and remand the material to 30 years storage under our Memorandum of Understanding; to pass the material to the custody of the House Permanent Select Committee on Intelligence for use in developing any needed future legislation, i.e. an intelligence charter. Regardless, I believe we must prepare all materials for 30 years retention and should be prepared to see the material remanded to a safe storage out of our custody. If the material remains unreviewed by HSCA staff at the conclusion of their investigation, then the future skeptics may still have a cause celebre. In the final analysis, it works to both the CIA and HSCA image to complete the job and I have attempted on repeated occasions to call this to G. Robert Blakey's attention.



Rodger S. Gabrielson

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