

# DRAFT MEMORANDUM

June 22, 2017

TO:

FROM: Manuel E. Legaspi

SUBJECT: Overall Review Procedures for Classified Government Documents (CIA)

This memorandum is intended to provide new and future ARRB staffers with an introduction to the overall process of reviewing and declassifying CIA documents related to the assassination of President John F. Kennedy. Since declassifying these records is a complicated process, it is felt that providing some documentation of “what we know” will eliminate gaps in knowledge and maximize institutional retention of information.

## **The CIA: Relevant Offices and Individuals**

In our dealings with the CIA, we primarily deal with two offices: the Historical Review Group (HRG) and the Directorate of Operations, Information Review Office (DO-IRO).

### ***The Historical Review Group***

The HRG was created, in part, as a result of the JFK Act of 1992. In his testimony to Congress, then-DCI Robert M. Gates announced the creation of a new office within the Agency that would be dedicated to the review and release of historic CIA materials. While HRG was primarily created to process the large amount of information pertaining to the JFK assassination, its work is not limited to this one case. HRG has also worked on the release of files related to the CIA-sponsored coup in Guatemala in 1954 (Operation PBSUCCESS) and the Bay of Pigs invasion in 1961.

HRG technically operates under the guidance of the Center for the Study of Intelligence (CSI), an internal CIA “think-tank” which studies a wide range of intelligence-related matters.

HRG is mostly staffed by former CIA officers who have come back to work for the Agency as contractors. As a result, these individuals usually possess a familiarity with the documents and a strong knowledge of the review issues that are present in most assassination-related documents.

### **Directorate of Operations, Information Review Office**

While HRG handles the processing of the JFK files, the IRO makes most of the decisions regarding

the continued release or protection of information. Since most of the documents in the JFK collection are DO reports and communications, IRO will typically have the final say within the CIA on declassification issues. However, since the Review Board began making decisions on broad declass issues, the IRO will usually coordinate with HRG to make sure their decisions are in line with previous ARRB actions. As with HRG, IRO's staff is largely made up of former operations officers who have a strong understanding of the documents.

### **Points of Contact within the CIA**

#### **HRG**

Most of our day-to-day contact with the CIA is done through Mr. J. Barry Harrleson, the Lead Project Officer for the JFK Assassination Collection. His immediate superior is Mr. John Pereira, Director of the Historical Review Group, whom ARRB senior staff deals with on an occasional basis. When Barry is not available, Mr. Gary Breneman is usually placed in charge of the project. Mr. Frank Most is another officer within HRG who can be contacted regarding review problems. Ms. Barbara Standley is the Administrative Assistant for HRG. You will likely be dealing with her on miscellaenous administrative issues.

The CIA SCIF located here at ARRB offices is usually staffed on a rotating basis, although Mr. Richard Kovar and Ms. Kathy Puchnick are here a majority of the time. They can handle routine problems that come up in our regular review of the documents. More pressing or serious review issues can be brought to these individuals or you can contact Barry directly.

Although we do not usually deal with them on a regular basis, you will probably have some intermittent contact with IRO staffers. Ms. Eileen Wukitch and Mr. Lee Carl are our primary contacts.

### **An Introduction into the CIA John F. Kennedy Assassination Collection**

The act that established the ARRB also required all agencies of the U.S. government to assemble all records related to the assassination of President Kennedy, and place them in the custody of the National Archives and Records Administration for inclusion in the JFK Assassination Collection. As a result, the CIA in 1992 released what it interpreted to be all of its relevant JFK assassination files. While some files had been publicly available due to numerous Freedom of Information Act requests by researchers over the years, this release represented the most comprehensive file release by the Central Intelligence Agency in its history. However, most of the documents released through the JFK Act were heavily "redacted" (portions blacked out) which often made researching and understanding the records very difficult. Additionally, many researchers felt that this initial release by the Agency was not as comprehensive as it claimed to be and did not include many records that they felt were important to their work.

***What is the "JFK Collection"***

•The CIA files comprising the "JFK Collection" are primarily divided up into three segments: *The Lee Harvey Oswald "201" file*, the "*Segregated Collection*," and the "*Segregated Collection Microfilm*."

•**The Lee Harvey Oswald 201 File.** "201" files are "personality" files opened up and maintained by the CIA's Directorate of Operations (which was then called the Directorate of Plans) on persons who are of interest to the Agency. For example, 201 files are routinely opened up on foreign officials and defectors, among others. Lee Harvey Oswald's defection to the Soviet Union in 1959 made him a person of interest to the Agency (although it did take the Agency more than a year after his defection to open its 201 file on him). This collection contains nearly seventeen boxes of files on Oswald, and includes information on his defection to the USSR, his visit to Mexico City in September and October of 1963, and papers and correspondence related to the CIA's investigation after the assassination. The seventeen boxes which make up this file have been reviewed in their entirety by the ARRB. (A slightly different, and larger, file is the printout of the microfilm copy of the Oswald file. The ARRB is currently attempting to decide what to do with this collection.)

•**The "Segregated Collection"** is made up of the files which were reviewed as a result of the House Select Committee on Assassinations investigation from 1976-1979. This collection contains 63 boxes of files on a wide range of topics of interest to the HSCA, such as various types of information on individuals alleged to have some connection to the assassination, correspondence between the HSCA and the CIA, CIA operations in Mexico City, comprehensive files on Cuban exile activity during the JFK administration, and information on Soviet defector Yuri Nosenko, who claimed to have seen Oswald's KGB file while working in the USSR. The ARRB has reviewed approximately 15% of this collection to date. (This is also referred to as the "Sequestered Collection.")

•**The Segregated Collection Microfilm.** This collection is comprised of *the entire files from which relevant documents were removed for HSCA examination*. For example, if the HSCA had asked for information on a particular CIA officer's duties in 1963, the CIA would pull the officer's entire file and present the portions from 1963 to the HSCA investigators. Where the relevant portions examined by the HSCA investigators make up the contents of the Segregated Collection, the portions *which were not examined by the HSCA* were separated and microfilmed for archival purposes. *These materials make up what is referred to as "Box 64" of the segregated collection, or simply, "the microfilm."* Parts of this collection have

already been released to the public in redacted form, and those documents will be processed by the ARRB along with all other assassination records. However, many documents that were not of interest to the House Select Committee and deemed “not relevant” by the CIA were withheld in full. Many of these “non relevant” files contain sensitive personal information on agents and officers -- information that would not add much to the assassination story. In addition, this information would present the Board with some very difficult review issues. At the present time, the ARRB staff is reviewing the CIA’s “non-relevant” decisions and determining which of these files should be part of the JFK collection. Those files considered relevant will then be processed for release like all other Kennedy assassination documents. The microfilm is made up of 72 boxes of files.

Other “assassination-related” collections that include CIA equities but which are not considered part of the “core” collection include:

- The **HSCA Numbered Files**. These are the working documents generated by the HSCA during their three-year investigation into the assassination of JFK. They include everything from internal and outgoing correspondence to miscellaneous research files.
  - The **“Russell Holmes Collection.”** Russell Holmes was a career employee of the CIA Counterintelligence Division who had a number of responsibilities related to official USG JFK assassination investigations. As a person with a keen interest in the assassination, he became one of the Agency’s primary sources of information in their dealings with the HSCA. As such, he created a set of working, or “soft,” files which contained papers pertaining to his official duties *and* other CIA documents that he retained for “background purposes.” This set of documents has never been available to the public before, although many of these documents are duplicates of files that are present in the core collection.
- The Russ Holmes Collection (which consists of 13 boxes) has been delivered to the ARRB, however, their disposition as “assassination records” has not officially been dealt with by the Review Board.

## II. A Brief History of the ARRB Effort in Declassifying The Existing JFK Collection

The reviewing of CIA files by the ARRB has gone through a long evolutionary process. When the original members of the ARRB CIA team began reviewing the first boxes of the Oswald 201 in April/May of 1995, the computer review system was not yet operational. As a result, the review of files was conducted by writing the relevant information on sheets of yellow paper.

When the computer system became operational, we switched to conducting a very detailed

and cumbersome data entry process on-line. This system, **Review Track**, was intended to be a data system capable of tracking each redaction throughout the process. However, as we have progressed through the records, we slowly came to the conclusion that much of the information that we were entering into the computer was unnecessary, thus leading to a gradual shortening of the process. At the height of this project, analysts entered data into as many as seventeen fields for every postponement taken in the 1993 release. In the last six months, we have switched to a faster system, **Fast Track**. A integral part of the switch to this newer system was the improvement in the way the CIA reviewers conducted their preliminary review of the records. As their performance improved, ARRB staffers were able to adopt a system that may have reduced the ability to track numerous details but which allowed for a much faster processing of records.

### III. The Process

#### A. Receipt of Documents

The review process usually begins with the receipt of highlighted documents from the CIA. Prior to delivering the documents to the ARRB, the CIA makes copies of the original and highlights (in blue) the items which they want to continue to protect. Usually, but certainly not always, these items are in line with prior ARRB decisions. Stapled to the rear of the highlighted copy is a copy of the document as it appeared in the 1993 release. It is often useful to check this copy to make sure that the CIA is not attempting to redact anything that has already been released.

#### B. Assigning of Documents to Appropriate Analysts

Bob Skwirot usually handles the incoming "ready for ARRB staff review" documents from the CIA. Bob is in charge of logging in these new documents and assigning them to the appropriate analysts. Documents are usually assigned to analysts based on their area of expertise. So far, the present analysts have the following specialty areas:

Michelle Combs: Oswald/USSR, misc. CIA internal correspondence

Manuel Legaspi: Anti-Castro Cubans, Cuban intelligence, JMWAVE, Garrison Investigation-era documents.

Irene Marr: Oswald/Mexico City, CIA/Mexico City.

Robert Skwirot: Internal CIA commo, HSCA-CIA commo.

#### C. Analyzing Redactions

##### 1. Current Standards for Release

Like the actual review process, the process of establishing standards for release has evolved over time. Initially, ARRB analysts spent a great deal of time trying to first understand the nature of

the documents, and secondly also to define and establish reasonable release guidelines. In the early stages, the CIA was adamant that many items that were protected in the 1993 release continue to be protected. Once we developed the ability to fully analyze the protected items, we were able to push the CIA into admitting that many of these redactions could be released without any harm to national security or to ongoing intelligence operations. In many ways, the additional pressure placed on the CIA forced the Agency to come to grips with the fact that many of these redactions were held back solely due to a culture of secrecy and not due to a serious evaluation of national security needs.

Through this process, the Review Board has been able to settle on some basic standards that have guided the review of a majority of documents present in the collection. For example, the Board decided that “slug line” redactions could no longer be taken, as a result, these redactions are no longer held in (almost) all contexts.

#### A. Classified attachments

### 2. Categorizing redactions

#### A. Consent Releases

A “consent release” is a document that, according to the current standards of review, can be released in full without any official Review Board action. Much of the responsibility for handling these items has largely been borne by the HRG staff, but consent releases are still checked for accuracy and sent to NARA by ARRB staff.

#### B. Green, Yellow, Red

In order to facilitate a faster review of records, documents which require an official vote by the Review Board are often grouped into three categories: green, yellow, and red.

**“Green” documents** contain proposed redactions that represent issues already decided on by the Board. Green documents are usually voted on by the Board in large blocks, without individual scrutiny by Board members.

**“Yellow” documents** usually require some Board attention as the redactions contained within them are either new or present a relevancy problem. However, ARRB staff usually has some idea as to how the issue will be handled by the Board. These records are usually voted on in blocks.

**“Red” documents** usually contain redactions that either represent new review issues or contain information that pertains directly to circumstances surrounding the assassination. These documents are usually examined by the Board members individually before they are voted on.

“NBR” records (Records in the collection not believed to be relevant to the assassination)

At certain times during the course of this project the ARRB staff has determined that certain groups of documents in the collection are not related to matters surrounding the assassination and are therefore not subject to Board review and release.

If these documents are contained within the JFK collection, The Review Board must make an official vote to assign “NBR” status to a group of documents. The process usually involves the review of

the group of files by a team analyst, who then summarizes the records and makes a recommendation in memorandum form. Usually, documents are determined to be "NBR's" if the following

- present grave consequences for national security
- would constitute a serious breach of personal privacy, to the point of placing an individual's life in jeopardy,
- the information would not materially add to the assassination story and would likely present serious review problems.

### 3. Making Recommendations/Your Role in This Process

At this stage of evolution, "making recommendations" has largely become an act of merely approving past Board decisions regarding protection and release of information. However, as we move further along into the collection, we are encountering more "new" review issues that require greater analyst input.

Essentially, the role of the analyst in this whole process is to facilitate a responsible processing of documents and information. In the initial stages of this project, analyst input carried a great deal of weight when it came to the presentation of recommendations to the Board. As the actual number of decisions made by the Board on specific review issues has dropped, the primary duties of the analyst have moved away from making recommendations and more towards facilitating the efficient implementation of Board's decisions.

That is not to say that the review process has become one that is devoid of analyst input. ARRB staff will continue to deal with new review issues, especially as we continue to move through the collection of HSCA staffer notes. However, it is fair to say that a great majority of issues present in the documents still to be reviewed have already been handled by the Board. Additionally, the speeding up of the processing of the rest of the collection will place an emphasis on the analyst's ability to pay attention to detail.

At certain points during the

#### A. Fast Track Process

#### D. Board Meetings

1. Presentation of Issues
2. Voting

#### E. Final Determination Process

1. Documenting Votes
2. Computer Issues/Final Determination Notices
3. Returning documents to the CIA for formal declassification
4. Re-receipt of the documents for final checking
5. Delivery of documents to the National Archives and Records Administration

## V. The Future/Objectives