

**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. CIA may 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 (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 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. Any other non-duplicate assassination-related records created or discovered by the CIA after September 30, 1998. Any postponed information 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

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.

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, that the Library and/or Review Board has identified 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;
 - 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 records with postponed information (excluding

Sequestered Collection records and Russ Holmes records which are separately addressed in paragraphs 5.c. and 5.f., respectively, of the present 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 take steps to ensure the appropriate preservation of the Nosenko audio tapes to prevent deterioration of the tapes. 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."

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

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 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 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 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 CIA’s obligations and rights under the JFK Act.

Date: _____ Signed: _____

Edmund Cohen
Director of Information Management
Central Intelligence Agency

Date: _____ Signed: _____

Laura A. Denk

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Executive Director
Assassination Records Review Board

Date: _____ Signed: _____

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