

CIA SPECIAL COLLECTIONS  
JFK LITIGATION  
2000

2 JUN 1992

Mr. James H. Lesar  
918 F Street, N.W., Room 509  
Washington, D.C. 20004

Reference: F92-1087

Dear Mr. Lesar:

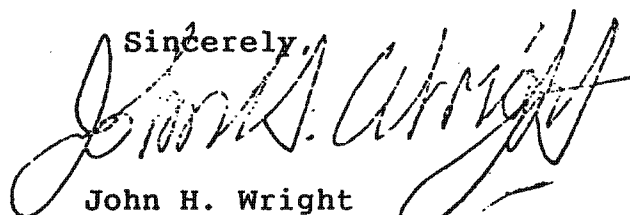
This is further to our letter dated 11 June 1992 regarding your 18 May 1992 Freedom of Information Act (FOIA) request for "all records reviewed by the Historical Review Group" regarding "the assassination of President John F. Kennedy."

As you are aware, the Director of Central Intelligence has made the decision to have all of the previously withheld John F. Kennedy documents reviewed under the CIA's Historical Review Program. Once the review has been completed, we will provide you with whatever CIA records are released. However, because of the volume of material involved, we cannot tell you at this time how long the review will take.

As a matter of administrative discretion, fees will not be assessed in this particular instance.

Meanwhile, we will appreciate your patience while we complete the review of the material referred to above.

Sincerely,



John H. Wright  
Information and Privacy Coordinator

OIT/IMG/IP&CRD/fpo/tj/29MAY92

Distribution:

- Orig - Adse
- 1 - Chrono
- 1 - IP&CRD/F92-1087 ACK; review of JFK documents
- 1 - IP&CRD/ALB ATTN: Debbie for JFK litigation file -
- ~~1 - DCI/HS Attn: JPereira 316 Ames w/copy incoming -~~  
coordinated by phone 6/24/92
- 1 - fpo

ID# 27183

## CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Office of General Counsel

OGC-92-51849  
13 July 1992

Richard R. Brown, Esq.  
U.S. Department of Justice  
Civil Division, Room 946  
901 E. Street, N.W.  
Washington, D.C. 20530

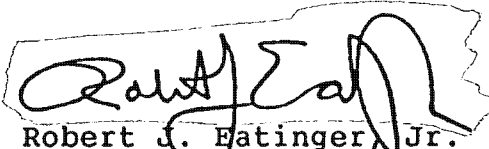
Re: Allen v. "DOD", Declaration of John F. Pereira

Dear Mr. Brown:

Please find enclosed for filing in the referenced case the original declaration of John F. Pereira, Chief of the Historical Review Group, Central Intelligence Agency.

Feel free to call me with any comments or questions.

Sincerely,



Robert J. Fatinger, Jr.  
Assistant General Counsel

Enclosure

Allen v. DOD - Cover Letter with attached Declaration of  
John F. Pereira

OGC-92-51849

DCI/OGC/LD/RJEatinger:dak 76105/13 July 1992

Distribution:

Orig - Adse. w/att

1 - John F. Pereira, C/HRG w/att

1 - EC (FYI) w/att

1 - WGJ (FYI) w/att

1 - RJE Signer w/att

1 - OGC Registry w/att

1 - MAT (Declaration Chrono) w/att

1 - KTK (Reference File) w/att

1 - Lit File: Mark A. Allen v. DOD, et al. w/att

1/18/92

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MARK A. ALLEN

Plaintiff,

v.

DEPARTMENT OF DEFENSE, et al.,

Defendants.

OGC-92-51849  
Civil Action No. 81-2543 TAF

DECLARATION OF JOHN F. PEREIRA  
CHIEF, HISTORICAL REVIEW GROUP  
CENTRAL INTELLIGENCE AGENCY

I, JOHN F. PEREIRA, hereby declare and say:

1. I am the Chief of the Historical Review Group (HRG) of the Central Intelligence Agency (CIA or Agency). I have held this position since the HRG was established in April, 1992. My responsibilities include management of the Historical Review Program, supervising the staff of the HRG, and directing coordination of the review process with both Agency components and other agencies.

2. I make the following statements based upon my personal knowledge, and upon information made available to me in my official capacity. I submit this declaration in response to the Plaintiff's Motion To Compel Defendants To Reprocess All Records At Issue In This Case.

3. The Agency's Historical Review Program was established by the Director of Central Intelligence (DCI) to make

significant historical information available to the public without damage to the national security interests of the United States. The Program operates pursuant to the policies and procedures approved by the DCI on April 28, 1992 and to be published in Agency regulation HR 70-14. Pursuant to these policies and procedures, the Agency will transfer records declassified and approved for release under the Program to the National Archives and Records Administration for public use.

4. The HRG is responsible for the declassification review of records under the Program in accordance with the policies and procedures approved by the DCI and additional guidelines that may be promulgated by the Director, Center for the Study of Intelligence, with the approval of the DCI. The HRG is required to consult with the Agency Archivist and responsible directorate and DCI area Information Review Officers during the declassification review process. The policies and procedures prescribe an intra-agency appellate procedure by which Agency components may appeal determinations by the HRG that certain records or portions of records qualify for declassification under the Program. The final appellate authority regarding declassification decisions under the Program is the DCI.

5. Under the Historical Review Program, individual documents will be released in full, withheld in full, or released in part. When a document cannot be released in full, the HRG will make an effort to sanitize the document by deleting those portions that may not be declassified, or that

may not be made public for other lawful reasons. However, under the policies and procedures approved by the DCI, efforts to sanitize documents will be made only when the effort will not unduly slow the pace of the review, will not obscure the record's essential significance, and will not distort the document's bibliographical identity. Documents that cannot be sanitized according to these criteria will be withheld in full under the Program.


6. The first group of records to be reviewed under the Program has been selected by the DCI. He has directed the HRG to review for declassification under the Program all CIA records related to the assassination of President John F. Kennedy. The HRG is presently reviewing these materials as a priority matter. However, the HRG is also reviewing materials relating to other matters of historical interest. The materials relating to the assassination of President Kennedy comprise approximately 63 boxes of documents and one box containing 72 or 73 reels of microfilmed documents. We estimate that the total number of pages involved to be approximately 250,000 to 300,000. We estimate that approximately 27 percent are documents originated by other government agencies with which the HRG will need to coordinate before declassifying or sanitizing these documents.

7. I currently estimate that the HRG will take approximately six to twelve months to review the documents related to the assassination of President Kennedy. This time

period does not include the time it will take to coordinate other-agency documents with their originating agencies. My estimate also does not include the time period for any appeals that Agency components may initiate regarding decisions by the HRG to declassify documents.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed this 13<sup>th</sup> day of July 1992.

  
\_\_\_\_\_  
JOHN F. PEREIRA

CIA SPECIAL COLLECTIONS  
RELEASE IN FULL  
2000

31 AUG 1992

Mr. John Judge  
Committee for an Open Archives  
P.O. Box 6008  
Washington, D.C. 20005

References: F92-1724  
F92-1267

Dear Mr. Judge:

This is to acknowledge receipt of your 14 August 1992 letter wherein you requested an amendment of your earlier request (F92-1267) by adding to the original query the following:

"1)[1]ists or indexes of all materials concerning Lee Harvey Oswald and the assassination of President Kennedy that have been released under the provisions of the FOIA...

2)[1]ocation and hours and terms of public access to the FOIA-required reading room for such documents.

3)[a] copy of all documents on the topics mentioned above that have been declassified under the Historical Review Program but not transferred to NARA for public availability" [with the exception of the 124 pages of material in the Oswald pre-assassination file which you indicated that you have obtained].

4)[a]n annual list of all documents declassified under the Historical Review Program and transferred to the NARA when such a list is compiled."

This request for additional information has been assigned a separate reference number, F92-1724, and all future correspondence with respect to the additional information requested will be addressed accordingly.

With respect to Item 1 of your request, enclosed are machine printouts listing previously released documents on the subjects of John F. Kennedy and Lee Harvey Oswald. Please review the printouts bearing in mind that there may be

duplicates, check the items you want, return the printouts to us, and we will gladly reproduce the items you choose for a cost of ten cents per page less the first 100 pages to which you are entitled free of charge. A copy of our schedule of fees is also enclosed for your information.

With respect to Item 2 of your request, this agency offers its reading room in those instances where documents have been released but have yet to be indexed in our system of previously released material. The material you have requested has been indexed and the printouts are enclosed for your personal use. For your information, however, the reading room is located in Rosslyn and is open Monday through Friday from 7:30 a.m. to 5 p.m. We do request that appointments be made at least two weeks in advance.

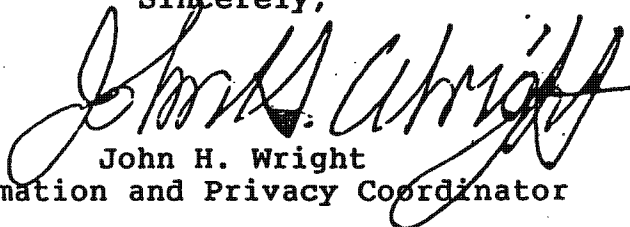
With respect to Item 3 of your request, other than the 124 pages of material which you have received, no additional information has been declassified under the Historical Review Program at this time. However, this office has been informed that it is expected that the review of six linear feet of material from the Oswald file will be complete and subsequently transferred to the National Archives and Records Administration (NARA) within a month for availability to the public.

We are unable to assist you with Item 4 of your request as we are unable to accept a request for material which does not exist. As we advised you on 29 June 1992 with respect to your F92-1267 request, we have been advised that no such lists have been compiled to date, but that the Agency does intend to publish an annual index through the Historical Review Program which will identify CIA documents released in whole or in part during the preceding year and which were subsequently transferred to NARA for availability to the public. We are uncertain as to when such an index will be compiled and, therefore, are unable to assist you with that portion of your request at this time.

With respect to your request for a fee waiver, since the material listed on the enclosed printouts has been previously released to numerous requesters and is already in the public domain, its re-release would not contribute significantly to the public understanding of the operations and activities of the United States Government. Therefore, your request for a fee waiver is denied and you will be required to pay copying costs as described above.

Meanwhile, we trust that the information provided above and the enclosed material have satisfied your request.

Sincerely,

A handwritten signature in dark ink, appearing to read "John H. Wright", is written over the typed name and title.

John H. Wright  
Information and Privacy Coordinator

Enclosures

OIT/IMG/IP&CRD/fpo/faj/25AUG92

Distribution:

Orig - Adse

1 - Chrono

1 - IP&CRD/F92-1724 GIF

1 - CR F92-1267 (Judge)

~~1 - O/DCI/CSI/HRG Attn: John Carver, 1003 Key Bldg. -~~  
coordinated by phone 8/26/92

1 - fpo

ID# 28327

CIA SPECIAL COLLECTIONS  
RELEASE IN FULL  
2000

0 4 SEP 1992

Mr. Richard W. Sullins  
218 Westover Drive  
Burnsville, North Carolina 28714

Reference: F91-1465

Dear Mr. Sullins:

This is to acknowledge receipt of your 26 May 1992 letter, wherein you requested documents from a machine printout provided to you on 24 September 1991 in response to your 31 August 1991 request for additional documents pertaining to the assassination of John F. Kennedy.

Enclosed are ~~the~~ some of documents you selected consisting of 67 pages of material. Since you have already received the first 100 pages to which you are entitled ~~to~~ free of charge as a requester in the "all other" category, at ten cents per page, the total cost for the enclosed material plus the additional 17 pages that you received on 24 September is \$8.40. Therefore, please send your check or money order to me made payable to the Treasurer of the United States citing Reference No. F91-1465 to ensure proper credit to your account.

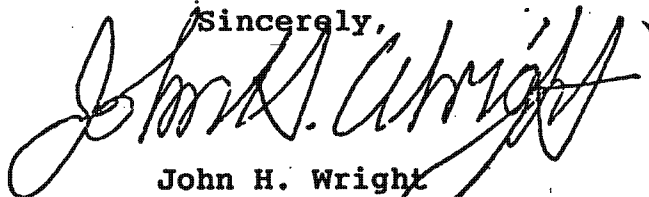
Also enclosed is one page of the printout that you returned to us wherein you requested the material highlighted in yellow consisting of 153 pages. We are unable to locate this material which was originally input into our system of previously released material as a batch of documents rather than individual documents. This material has recently been reviewed for duplication and input by individual document. Therefore, we are enclosing the most current machine printout of previously released material which should contain the material by document versus subject. If you wish documents from the current printout, please check the items you want, return the printout to us, and we will reproduce the items you choose for a cost of ten cents per page. Please accept our apology for this inconvenience.

With respect to paragraph 3 of your letter concerning "documents now being processed for release as mentioned this month by Director Gates during his testimony before the Senate Government Operations Committee on 12 May 1992," the Director of Central Intelligence has made the decision to have all of the previously withheld John F. Kennedy documents reviewed under the CIA's Historical Review Program. Once the review has been completed, the material will be transferred to the National Archives and Records Administration (NARA) for availability to the public. For your convenience, the address for NARA is listed below:

Archives Review Branch  
Records Declassification Division  
Room 18W  
National Archives and Records Administration  
7th & Pennsylvania Avenue N.W.  
Washington, D.C. 20408

Meanwhile, we trust that our response to your F91-1465 request has assisted you with your endeavor.

Sincerely,



John H. Wright  
Information and Privacy Coordinator

Enclosures

OIT/IMG/IP&CRD/fpo/faj/6JUN92

Distribution:

- Orig - Adse
- 1 - Chrono
- 1 - IP&CRD/F91-1465 follow-up OWES \$8.40 (all other)
- 1 - fpo for JFK
- 1 - O/DCI/CSI/HRG 1003 Key Bldg. Attn: JCarver - no records on JFK have been transferred to NARA to date

ID# 27288

OCT 22 '92 11:21AM

OGC-92-52633  
29 September 1992

NOTE: Director, Center for the Study of Intelligence

FROM: W. George Jameson  
Chief, Litigation Division, OGC

SUBJECT: Coordination of Document Releases During  
Ongoing Litigation

CIA SPECIAL COLLECTIONS  
RELEASE IN FULL  
2000

*Dove*

1. This is a follow-up to our discussion of 25 September, in connection with the Cahn case, regarding the need for prior coordination between OGC and CSI when materials under historical review are also the subject of ongoing litigation. There seems to have been some confusion over the release of material to the National Archives last week, and I agree that we should ensure a mutual understanding about how the process will work in the future.

2. As I indicated, it is essential that OGC review, prior to release, the Agency's determination to withhold material reviewed under the Historical Review Program (HRP) if the material is the subject of ongoing litigation. I understand your concern that the HRP material be reviewed and, if declassified, released as quickly as possible in order to implement the DCI's mandate. My objective is to ensure the legal sufficiency of the Agency/HRP position, as well as to address any inconsistencies in the positions taken by other components on material involved in the litigation.

3. It is clear that there will need to be further discussion about coordinating releases under FOIA and the HRP to sort out how the process should work. For example, it has been Agency policy in connection with FOIA requests and related litigation to avoid piece-meal releases whereby some material is released before the remaining information that is subject to the request has been processed. This may change in light of recommendations coming out of Ed Cohen's task Force, but it would be useful to discuss how the HRP would like to operate in light of this policy.

4. I am confident that these procedural issues can be worked out to our mutual satisfaction and will contact John Pereira and Jack Wright, the FOIA and Privacy Coordinator, to try to establish some ground rules for the future.

*George*  
W. George Jameson

cc: John H. Wright

CIA SPECIAL COLLECTIONS  
RELEASE IN FULL  
2000

→ C/HRSZ  
FYI

File: FOIA/JFK

16 NOV 1992

Mr. Timothy C. Autry  
ATRTX-008  
P.O. Box 786  
Troy, North Carolina 27371

Reference: F92-2351

Dear Mr. Autry:

This is to acknowledge receipt of your 26 October 1992 Freedom of Information Act request for "the latest released 34 documents pertaining to the Lee Harvey Oswald."

Enclosed are the 206 pages of releasable material to which you refer. This material, which was contained in the CIA pre-assassination 201 file on Lee Harvey Oswald, was recently transferred to the National Archives and Records Administration for availability to the public. Please note that some of this material may have been released in the past. Since you are entitled to the first 100 pages free of charge as a requester in the "all other" category, the total cost to you is \$10.60. Please send your check or money order to me made payable to the Treasurer of the United States citing Reference No. F92-2351 to ensure proper credit to your account. A copy of our schedule of fees is also enclosed for your information.

We trust that the information provided has satisfied your request.

Sincerely,

  
John H. Wright  
Information and Privacy Coordinator

Enclosures

OIT/IMG/IP&CRD/fpo/faj/13NOV92

Distribution:

- Orig - Adse
- 1 - Chrono
- 1 - IP&CRD/F92-2351 GIF; OWES \$10.60 (all other)
- 1 - DCI/CSI/HRG Attn: JCarver 1003 Key Bldg
- 1 - fpo JFK/Oswald

ID# 29155

OGC-92-53173

3 December 1992

MEMORANDUM FOR: Information and Privacy Coordinator  
DCI/IRO

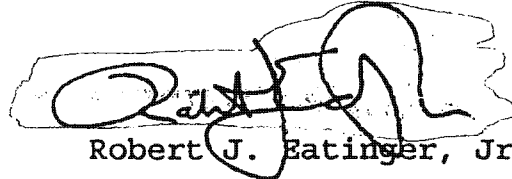
FROM: Robert J. Eatinger, Jr.  
Assistant General Counsel  
Litigation Division, OGC

SUBJECT: James H. Lesar v. CIA, No. 92-2215 (D.D.C.),  
Case Dismissed Without Prejudice, F91-1334

1. During a status call today to discuss the subject Freedom of Information Act case, the judge, unexpectedly, dismissed the case without prejudice. Plaintiff may orally reinstate the case within 90 days. The judge dismissed the case after the parties, at his direction, had met outside his chambers to discuss a way to resolve the case.

2. Despite the dismissal, and because it is without prejudice, the parties agreed to attempt to resolve the FOIA request as follows. Mr. Lesar will provide the Agency with a letter that specifically defines what he means by "any executive conference of CIA officials" and that narrows the time frame of his request. CIA will then review the letter and determine whether and how it can respond.

3. Mr. Lesar said he used the term "executive conference" because that is how Mr. Marchetti described certain meetings. From the discussions, it sounds like Mr. Lesar is looking for minutes of Executive Committee meetings. He also indicated that he is most interested in the period late-1963 until 1980. However, we will wait until Mr. Lesar provides us with his letter. For now, no searches need to be conducted.



Robert J. Eatinger, Jr.

JAMES H. LESAR  
ATTORNEY AT LAW  
918 F STREET, N.W., ROOM 509  
WASHINGTON, D.C. 20004  
TELEPHONE (202) 393-1921

TO  
OR  
FORMATION

January 4, 1993

Richard R. Brown  
Trial Attorney  
U.S. Department of Justice  
Civil Division, Room 946  
901 E Street, N.W.  
Washington, D.C. 20530.

VIA MESSENGER

Re: Civil Action No. 81-2543 TAF (D.D.C.);  
Mark A. Allen v. Dept. of Defense, et al.

Dear Rich:

Thank you for your letter of December 23, 1992, outlining defendants' counter-proposal for settlement of the above case.

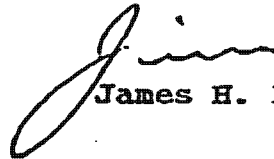
In general, the settlement terms you have set forth are acceptable to my client. There are, however, two additional matters which must be included in any settlement agreement. The first concerns attorney's fees. My client insists that he will not settle this case without an acceptable provision for payment of attorney's fees. The amount of attorney's fees at issue is not great, a little over \$6,000, so I hope that this issue will not be an obstacle to settlement.

Second, although my client understands the problem that searching for copies of "congressional records" would cause, and is willing to drop his demand that such records be processed first, there is one particular record which he still wants processed before any others. This is the House Select Committee's 375-page report on Lee Harvey Oswald's activities in Mexico City several weeks prior to President Kennedy's assassination. As you may recall, at a time when your predecessor, Stephen Hart, represented the defendants, the CIA, as part of a stipulation between the parties, wrote the Clerk of the House of Representatives and inquired whether this document could be processed for release to Mr. Allen under the provisions of the Freedom of Information Act. The Clerk of the House, Mr. Donald K. Anderson, replied that under the Rules of the House and precedents thereunder, he must withhold consent and request that the CIA not process the draft study entitled "Lee Harvey Oswald, the CIA and Mexico City" for possible disclosure. (A copy of Mr. Anderson's September 9, 1988 letter is enclosed.) With passage of the President John F. Kennedy Assassination Records Collection Act of 1992, any impediments to processing this record for release to Mr. Allen have been removed.

If your clients will agree to these additional provisions, then my client will agree to the dismissal of this case with prejudice.

After you have had a chance to consider this response, please give me a call. I should be available for a period of time right before noon, and again between 3:15 and 6:00 p.m.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Jim", written in dark ink.

James H. Lesar

Section 5, (c)(1), of the **"President John F. Kennedy Assassination Records Collection Act of 1992"**, signed into law by former President George Bush on October 26, 1992, reads "not later than 300 days after the date enactment of this Act, each Government office shall review, identify and organize each assassination record in its custody or possession for disclosure to the public, review by the Review Board, and transmission to the Archivist."

Additionally, subsection (2)(A) directs "in carrying out paragraph (1), a Government office shall determine which of its records are assassination records."

Subsection (G)(2), requires this Bureau to "give priority to the identification, review, and transmission, under the standards for postponement set forth in this Act, of assassination records that on the date of enactment of this Act are the subject of litigation under Section 552 of Title 5, United States Code."

Mark A. Allen, on April 6, 1981, requested all records concerning the House Select Committee on Assassinations (HSCA) investigation into the assassination of President John F. Kennedy. Allen initiated his law-suit in U.S.D.C., D.C. on May 22, 1981, demanding the release to him of the requested records.

The Allen litigation clearly falls within the guidelines of subsection (G)(2) of the JFK Act, therefore, it is our goal to determine which records fall within the JFK Act definition of "assassination records". Set forth below are the criteria which should be utilized to make a determination:

- 1.) Any mention of JFK and/or any Kennedy surname;
- 2.) Any document captioned "Assassination of President John F. Kennedy, Dallas, Texas, November 22, 1963";
- 3.) Any information regarding assassination threats and/or allegations against any State or Federal Government official;
- 4.) Any information and/or allegation concerning assassination plots against Cuban leader Fidel Castro;
- 5.) Information concerning the Cuban "Bay of Pigs Operation," which was sanctioned by the Kennedy Administration;
- 6.) Any reference to the attached list of **"JFK core"** and **"related"** subject matters which are currently being examined by the JFK Task Force.

List #2

## PREVIOUSLY PROCESSED PERTINENT FILE NUMBERS

**"CORE" SUBJECTS**JFK ASSASSINATION

HQ 62-109060  
DL 89-43  
NO 89-69  
NO 97-74  
BA AUTOPSY 89-30

WARREN COMMISSION

HQ 62-109090  
DL 62-3588  
NO 62-3702

LEE HARVEY OSWALD

HQ 105-82555  
DL 100-10461  
DL 9-1984  
NO 100-16601  
MX 105-3702  
LR 105-406  
NK 105-15291

JACK RUBY

HQ 44-24016  
DL 44-1639  
NO 44-2064

**"RELATED" SUBJECTS**MARINA OSWALD

HQ 105-126032  
DL 105-1435  
NO 100-16926

GEORGE DEMOHRENSCHILDT

HQ 100-32965  
DL 105-632

MARGUERITE OSWALD

HQ 105-147805  
HQ 9-43042  
HQ 9-41624  
NO 100-17279

CLAY SHAW

HQ 44-41824

DAVID FERRIE

HQ 105-104340

RUTH PAINE

HQ 105-126128

MICHAEL PAINE

HQ 105-126129

*Personnel of  
100-104340*

List #3

## ALPHABETICAL LIST OF PERTINENT NAMES

ASSASSINATION OF PRESIDENT JOHN F. KENNEDY, DALLAS, TEXAS,  
NOVEMBER 22, 1963 (COMMONLY REFERRED TO AS JFK ASSASSINATION)

BERNARD, ALTON (PEN NAME, CLAY SHAW)

BERTRAND, CLAY (AKA., CLAY SHAW)

BERTRAND, CLEM (AKA., CLAY SHAW)

CLAVORIE, MARGUERITE (MAIDEN/NEE NAME, MARGUERITE OSWALD)

DE(de)MAHRENSCHILDT, G.

DE(de)MARENSCHILDT, GEORGE

DE(de)MOHRENSCHILDT, GEORG

DE(de)MOHRENSCHILDT, GEORGE (SOMETIMES USES THE TITLE OF BARON)

DE(de)MOHRENSCHILDT, GEORGE SERGIUS

DE(de)MOHRENSCHILDT, JERZY

DE(de)MORENSCHILDT, GEORG

-DE(de)MORENSCHILDT, GEORGE

DE(de)MORENSCHILDT, GEORGE SERGIUS

DE(de)MORENSCHILDT, JERZY

EKDAHL, EDWIN (MRS.) (AKA., MARGUERITE OSWALD)

EKDAHL, MARGUERITE (AKA., MARGUERITE OSWALD)

FERRIE, DAVID

FERRIE, DAVID WILLIAM

HIDELL, A.J. (AKA., LEE HARVEY OSWALD)

HIDELL, ALEK J. (AKA., LEE HARVEY OSWALD)

HIDELL, ALEX (AKA., LEE HARVEY OSWALD)

HYDE, RUTH (MAIDEN/NEE NAME, RUTH PAINE)

HYDE, RUTH AVERY (MAIDEN/NEE NAME, RUTH PAINE)

JFK ASSASSINATION (COMMON NAME FOR ASSASSINATION OF PRESIDENT  
JOHN F. KENNEDY, DALLAS, TEXAS, NOVEMBER 22, 1963)

LEE, O.H. (AKA., LEE HARVEY OSWALD)  
MAHRENSCHILDT, G.  
MAHRENSCHILDT, JERZY  
MARENSCHILDT, GEORGE  
MCKENZIE, WILLIAM A. (MARINA OSWALD'S 2ND ATTORNEY)  
MOHRENSCHILDT, GEORG  
MOHRENSCHILDT, GEORGE (SOMETIMES USES THE TITLE BARON)  
MOHRENSCHILDT, GEORGE SERGIUS  
MOHRENSCHILDT, JERZY  
MORENSCHILDT, GEORG  
MORENSCHILDT, GEORGE  
MORENSCHILDT, GEORGE SERGIUS  
MORENSCHILDT, JERZY  
NIKOLAEVNA, MARINA (AKA., MARINA OSWALD)  
OSWALD, LEE HARVEY  
OSWALD, LEE HARVEY (MRS.) (AKA., MARINA OSWALD)  
OSWALD, MARGUERITE  
OSWALD, MARGUERITE CLAVORIE  
OSWALD, MARGUERITE FRANCES  
OSWALD, MARINA  
OSWALD, MARINA NIKOLAEVNA  
OSWALD, MARINA NIKOLAEVNA PRUSAKOVA  
OSWALD, ROBERT EDWARD LEE (MRS.) (AKA., MARGUERITE OSWALD)  
PAINE, MICHAEL  
PAINE, MICHAEL (MRS.) (AKA., RUTH PAINE)  
PAINE, MICHAEL RALPH

PAINE, RUTH

PAINE, RUTH AVERY

PAINE, RUTH HYDE

PIC, JOHN EDWARD (MRS.) (AKA., MARGUERITE OSWALD)

PIC, MARGUERITE (AKA., MARGUERITE OSWALD)

PORTER, KENNETH J. (MRS.) (AKA., MARINA OSWALD)

PORTER, KENNETH JESS (MRS.) (AKA., MARINA OSWALD)

PORTER, MARINA (AKA., MARINA OSWALD)

PORTER, MARINA N. OSWALD (AKA., MARINA OSWALD)

PORTER, MARINA NIKOLAEVNA (AKA., MARINA OSWALD)

PORTER, MARINA NIKOLAEVNA OSWALD (AKA., MARINA OSWALD)

PORTER, MARINA NIKOLAEVNA PRUSAKOVA (AKA., MARINA OSWALD)

PORTER, MARINA NIKOLAEVNA PRUSAKOVA OSWALD (AKA., MARINA OSWALD)

PRESIDENT'S COMMISSION ON THE ASSASSINATION OF PRESIDENT KENNEDY  
(COMMONLY REFERRED TO AS WARREN COMMISSION)

PRUSAKOVA, MARINA (MAIDEN/NEE NAME, MARINA OSWALD)

PRUSAKOVA, MARINA NIKOLAEVNA (MAIDEN/NEE NAME, MARINA OSWALD)

RUBINSTEIN, JACK (AKA., JACK RUBY)

RUBY, JACK

SHAW, CLAY

SHAW, CLAY LAVERGNE

SHAW, CLAY R.

SHAW, CLAY W.

SHAW, LABARGNE (AKA., CLAY SHAW)

THORNE, JOHN M. (MARINA OSWALD'S 1ST ATTORNEY)

VON(von)MAHRENSCHILDT, G.

VON(von)MARENSCHILDT, GEORGE

VON(von)MOHRENSCHILDT, GEORG

VON(von)MOHRENSCHILDT, GEORGE (SOMETIMES USES THE TITLE BARON)

VON(von)MOHRENSCHILDT, GEORGE SERGIUS

VON(von)MOHRENSCHILDT, JERZY

VON(von)MOHRENSHILDT, JERZY

VON(von)MORENSCHILDT, GEORG

VON(von)MORENSCHILDT, GEORGE

VON(von)MORENSCHILDT, GEORGE SERGIUS

VON(von)MORENSCHILDT, JERZY

WARREN COMMISSION (COMMON NAME FOR THE PRESIDENT'S COMMISSION ON  
THE ASSASSINATION OF PRESIDENT KENNEDY)

WHITE, ALLEN (PEN NAME, CLAY SHAW)

OGC-93-50236

1 February 1993

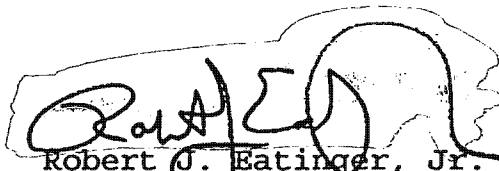
## MEMORANDUM FOR THE RECORD

SUBJECT: Allen v. DOD, Telephone Conversation with Steve Ross

1. On 28 January 1993, I returned the telephone call of Steve Ross, General Counsel of the House of Representatives. Mr. Ross had spoken with the CIA GC earlier in the day. He advised me that he had spoken with Jim Lesar about the draft House report on Oswald's activities in Mexico City that Mr. Lesar wants expeditiously processed and released to him as a condition of settling the subject FOIA litigation.

2. Mr. Ross said he told Mr. Lesar that the House had an interest in whether the draft report was considered subject to the plaintiff's FOIA request to CIA. He told Mr. Lesar to send him a letter stating Mr. Lesar's position, including a chronology of the court's treatment of House-originated materials. After Mr. Ross receives the letter, he will review it and provide Mr. Lesar with the House's position. Mr. Ross is aware that the parties must report back to the court on 8 February 1993 and promised Mr. Lesar to have a position before then.

3. Mr. Ross stated that the House is concerned with the propriety of providing Mr. Lesar special access to a congressional document, that is not subject to the FOIA, before members of the general public.



Robert J. EATINGER, Jr.  
Assistant General Counsel  
Litigation Division, OGC

DCI/OGC/RJE:ig 76105/ 1 Feb 1993

OGC-93-50236

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OGC-93-50916

26 March 1993

MEMORANDUM FOR: Information and Privacy Coordinator  
Chief, Historical Review Group

FROM: Robert J. Eatinger, Jr.  
Assistant General Counsel  
Litigation Division, OGC

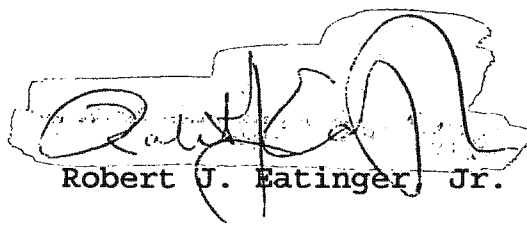
SUBJECT: Allen v. DOD, Conference Call with DOJ and NARA  
about JFK Material Delivered to NARA last  
Summer

1. Today, I spoke with Rich Brown (DOJ) and Mary Rowan (NARA) about the Agency's need to get copies of the JFK materials it had sent to NARA in August/September 1992. I advised Ms. Rowan that the Agency did not retain copies of records that it had released to NARA in full (such as third-agency material).

2. Ms. Rowan stated that NARA would not want to return the documents to CIA, however, CIA could come to NARA and make copies at 10 cents per page. In order to avoid the costs, I asked whether the Agency could bring its own copier or own paper. She said we could. She will try to find space for us to make the copies. She said she would call John Pereira Monday afternoon. Ms. Rowan also advised that NARA had not prepared identification aids for any of this material.

3. Ms. Rowan advised us that Diane Dimkoff of her office had received a copy of a letter from Charlie Howell of the House Administration Committee to David Gries demanding that House-originated materials be turned over to NARA immediately. Mr. Brown and I stated that the Agency would have to notify the court before the Agency transferred possession of those documents.

4. Ms. Rowan stated that if CIA transferred the House-originated materials to NARA, NARA would prepare identification aids and then refer the records containing CIA information back to CIA for processing under the Assassination Records Collection Act.



Robert J. Eatinger, Jr.

DCI/OGC/~~ROB~~:ig 76105/ 29 Mar 1993

OGC-93-50916

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CIA SPECIAL COLLECTIONS  
RELEASE IN FULL  
2000

OGC-93-50935  
1 April 1993

MEMORANDUM FOR: Director of Central Intelligence

FROM: Elizabeth R. Rindskopf <sup>DAM</sup>  
General Counsel

SUBJECT: Lesar v. CIA, Request for Determination Whether  
to Defend FOIA Litigation on Unreasonableness of  
Search

1. Issue. This memorandum seeks your determination whether to resist a Freedom of Information Act (FOIA) litigation because the required search would be unreasonable, or, as a matter within your discretion, to undertake the search. We bring this issue to your attention because the information sought relates to the assassination of President Kennedy--a topic that was at the forefront of DCI Robert Gates announced policy of openness.

2. Recommendation. We recommend you waive the objection and direct the search be undertaken. We request your determination by 2 April 1993, because the Agency must respond to the complaint by 5 April 1993.

3. Background. The subject litigation challenges the Agency's refusal to search the minutes of DCI Morning Meetings from 22 November 1963 through 31 December 1979 for information pertaining either to the assassination of President John F. Kennedy, or any investigation into that assassination. The minutes of DCI Morning Meetings are not indexed, but only filed in chronological order. Therefore, the Agency would have to read every page of all minutes for a 16 year period. Until the mid-1970s, DCI Morning Meetings were held every morning. After that time they were held weekly. The DCI/IRO estimates that the minutes for this period of time will amount to eight linear feet of paper and that it would take one person 72 uninterrupted workhours to review this amount of material. There is no guarantee that much, if any, responsive information will be found if the material is searched. If responsive information is identified, additional time would be necessary to process the responsive pages.

4. The Agency attempted to resolve this dispute informally by offering to search any 36 months during the 16 year period identified by plaintiff. The DCI/IRO believed a search limited to 36 months would not be unreasonable. However, plaintiff rejected this offer.

SUBJECT: Lesar v. CIA, Request for Determination Whether to  
Defend FOIA Litigation on Unreasonableness of Search

5. The Law. Under the FOIA, a request must be sufficiently specific to permit a professional agency employee familiar with the subject area to locate the record with a reasonable amount of effort. The Department of Justice is prepared to file a motion to dismiss the lawsuit on the grounds the effort required to locate the responsive records is unreasonable because there is no index for the minutes of DCI Morning Meetings. Thus, Agency employees would have to read eight feet of paper for information that may not even be there. However, Judge Richey has this case and he could decide either that the burden is not unreasonable, or that any unreasonable burden is caused by the Agency's failure to index these records.

6. Policy. As a matter of discretion, you can accept the burden of an unreasonable search. Former DCI Gates recognized the public interest in any Agency holdings on the assassination. Further, the Congress passed, and President Bush signed, the President John F. Kennedy Assassination Records Collection Act of 1992 (ARCA). Under the ARCA, the Agency must process for release to the National Archives all records pertaining to the assassination of President Kennedy. The Historical Review Group (HRG) is currently reviewing assassination material collected as part of the House Assassination Committee's investigation. It appears that the Agency did not search the minutes of DCI Morning Meetings as part of the House's investigation, and the HRG does not currently plan to search those records. However, the ARCA directs the establishment of a Review Board that can subpoena records from government agencies. It is foreseeable that the Review Board (not yet established) may subpoena the minutes, possibly at the suggestion of the plaintiff if the Agency successfully defends this litigation. If a subpoena were issued, the Agency would have to conduct the search. Further, the plaintiff could send the Agency another FOIA request for the minutes of DCI Morning Meetings without regard to subject matter. Such a request would clearly be proper and obviously more burdensome to process.

7. If you agree that the Agency should search this material for information related to the assassination of President Kennedy, a future FOIA requester might argue that the Agency can no longer claim that a search of the minutes for other subject matters would be unreasonable. The Agency could respond to this argument on the basis the ARCA created an duty to search independent of the FOIA.

David P. Holmes  
for Elizabeth R. Rindskopf

SUBJECT: Lesar v. CIA, Request for Determination Whether to  
Defend FOIA Litigation on Unreasonableness of Search

CONCUR:

James Woolsey  
Director of Central Intelligence

4/2/93  
Date

DCI/OGC/RJE:ig 76105/ 30 Mar 1993

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OGC-93-50976

1 April 1993

MEMORANDUM FOR: David M. Pearline  
Deputy Director for Legislation, OCA

FROM: Robert J. Eatinger, Jr.  
Assistant General Counsel  
Litigation Division, OGC

SUBJECT: Allen v. DOD, Copy of Letters from House and  
National Archives Requesting Transfer of House-  
originated Materials to National Archives

1. For your information, please find attached copies of a 21 December 1992 letter from Chairman Rose of the Committee on House Administration to the Archivist of the United States, and a 23 March 1993 letter from Michael L. Gillette, Director, Center for Legislative Archives, to David Gries. Chairman Rose's letter requests the National Archives' Center for Legislative Archives assist the House in fulfilling the requirements of the President John F. Kennedy Assassination Records Collection Act of 1992. Mr. Gillette's letter says that the Archives has been instructed by the House to take physical possession of the materials stored by the Agency that were originated by the House Select Committee on Assassinations (HSCA).

2. The HSCA-originated materials are the subject of the long-standing FOIA litigation Allen v. DOD, et al. The Department of Justice has advised Charles Howell, a staffer of the House Committee on Administration, that the Agency will not be able to transfer the HSCA-originated materials without the express authorization of the court in Allen. DOJ is also in contact with Steve Ross, General Counsel for the House, regarding this matter.



Robert J. Eatinger, Jr.

DCI/OGC/RJE:ig 76105/ 1 Apr 1993

OGC-93-50976

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MAR-31-93 WED 8:46

03/30/93 18:57

P. UZ  
40 DUZCHARLIE ROSE, NORTH CAROLINA,  
CHAIRMANFRANK ARMENTA, ILLINOIS  
JOSEPH W. GAYDOS, PENNSYLVANIA  
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AD 116/93  
NS file

# Congress of the United States

## House of Representatives

### COMMITTEE ON HOUSE ADMINISTRATION

SUITE H-326, U.S. CAPITOL  
225-2081

Washington, DC 20515-6157

WILLIAM M. THOMAS, CALIFORNIA,  
RANKING MINORITY MEMBERWILLIAM L. DICKERSON, ALABAMA  
HOWE GIBBON, GEORGIA  
PAT ROBERTS, KANSAS  
PAUL E. GILLMAN, OHIO  
JAMES T. WALSH, NEW YORK  
MICKEY EDWARDS, OKLAHOMA  
BOB LIVINGSTON, LOUISIANA  
BILL BARNETT, NEBRASKAROBERT E. GILL,  
STAFF DIRECTOR  
CHARLES E. HOWELL,  
CHIEF COUNSEL  
JIMMY M. FENDER,  
SPECIAL COUNSEL TO THE CHAIRMAN  
MARY BUE ENGLISH,  
IMMUNITY STAFF DIRECTOR

December 21, 1992

Dr. Don W. Wilson  
Archivist of the United States  
National Archives and Records Administration  
7th and Pennsylvania Avenue, N.W.  
Washington, DC 20408

Dear Dr. Wilson:

The Assassination Materials Disclosure Act of 1992, (the JFK Act) provides for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy. To comply with the JFK Act, the records of the House Select Committee on Assassinations (HSCA) must be reviewed under the resolution's specific standards for postponement or public disclosure. Therefore, the Committee on House Administration requests that the staff of the National Archives' Center for Legislative Archives assist in fulfilling the requirements of the Assassination Materials Disclosure Act on behalf of the Committee. This process includes the following:

- \* Screening the assassination records
- \* Completing a unique identification form for each assassination record
- \* Creating a data base from the identification forms
- \* Transmitting assassination records to the Review Board for its consideration
- \* Coordinating the transmittal of assassination records to third agencies for their review
- \* Photocopying the HSCA records for placement in the NARA JFK Collection

The Committee on House Administration wants to ensure the full implementation of this legislation as it pertains to the records of the House Select Committee on Assassinations. Therefore, section 6 of the JFK Act, which establishes guidelines for the release of postponement of assassination records, should be interpreted in a way that will maximize the release of information. The Legislative Archives Staff should consult with the committee for further interpretations of the guidelines, and keep the Clerk of the House informed of such interpretations.

MAR-31-93 WED 8:46

03/30/93 15:58

P. 03  
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-2-

Any records which the staff believes should not be disclosed at this time, are to be transmitted to this Committee for determination and referral to the review board. Copies of security classified documents, originally created by Executive branch agencies, should be sent to the originating agency for review, prior to a determination by the Archives staff for the Committee regarding disclosure.

In accordance with Section 5(d)(2)(A,B,&C) Center staff will complete a unique, standard identification form for each HSCA assassination record. Upon completion, staff will attach a copy of the identification form to a printed copy of the document it describes. If Center staff transmits a document to the Committee, a printed copy of the identification form will also be transmitted. The Center staff will also attach a printed copy of the form to each HSCA assassination record in the JFK collection.

The Committee will provide additional personnel for this task to the extent that resources are available. I appreciate this opportunity to work with you, and thank you in advance for all of your assistance.

Sincerely,



Charlie Rose  
Chairman

CR/hcg

MAR 29 '93 01:56PM CSI

P.2/2

# National Archives



Washington, DC 20408

March 23, 1993

David D. Gries  
Director, Center for the Study of Intelligence  
Central Intelligence Agency  
Room 404  
Ames Building  
Washington, DC 20505

Dear Mr. Gries:

The United States House of Representatives has designated the staff of the National Archives' Center for Legislative Archives as their agents in reviewing the records of the House Select Committee on Assassinations (HSCA--the Stokes Committee) under the provisions of the Assassination Materials Disclosure Act of 1992.

As part of this arrangement, the House Administration Committee (HAC) has requested that the Center take physical possession of the twenty HSCA boxes that the CIA has maintained as a segregated unit and has held in courtesy storage for the HSCA. Diane Dimkoff of my staff has been in contact with John Pereira concerning these records, and she will be our contact person for this project. You may reach either Diane or me on (202) 501-5350. I know that we can work out a smooth transfer of these records, as we have already had mutually beneficial meetings with your staff regarding the JFK Project.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael L. Gillette".

MICHAEL L. GILLETTE  
Director  
Center for Legislative Archives

cc: John Pereira

rec'd April 15

## CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Office of General Counsel

OGC-93-51110

6 April 1993

Pamela A. Moreau, Esq.  
Federal Programs Branch  
Civil Division  
U.S. Department of Justice  
901 E Street, N.W.  
Washington, D.C. 20530

Re: Lesar v. CIA, No. 92-2215 CRR

Dear Ms. Moreau:

This letter advises you that the Director of Central Intelligence has determined, as a matter of policy, to direct the Agency to search the minutes of DCI Morning Meetings for information responsive to the Freedom of Information Act request underlying the referenced litigation. ✓

Pursuant to our conversation with James Lesar, the search will be limited to the minutes for meetings occurring on or between the dates 22 November 1963 and 31 December 1979. Responsive portions of the minutes, if any, may constitute "assassination records" under the the President John F. Kennedy Assassination Records Collection Act of 1992 (ARCA), Pub. L. No. 102-526, 106 Stat. 3443 (October 27, 1992). Therefore, responsive portions probably will be transferred to the Agency's Historical Review Group (HRG) for processing under the standards of the ARCA. The HRG, already fully engaged processing the records at issue in the Allen v. DOD and AARC v. CIA cases, probably will not be able to address this information until late summer or early fall 1993. Under the ARCA, the Agency has until 22 August 1993 to complete its review of identified assassination records. The HRG is making its best possible effort to meet that deadline. ✓

In light of the Director's decision, I see our options for responding to this litigation as:

(1) moving to dismiss the case for failure to exhaust administrative remedies--no administrative appeal. If successful, this would remove plaintiff's argument that he is entitled to some expedited treatment under the ARCA.

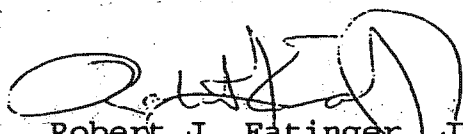
(2) moving for an Open America stay on a first-in, first-out basis. There are a number of FOIA requests that predate the one at issue in this case. For instance, the Allen request predates this one and, therefore, should be processed first, even if the litigation is settled.

Pamela A. Moreau, Esq.

(3) attempting to settle with Mr. Lesar by agreeing to provide him with free copies of whatever responsive portions of the minutes are located and released under the ARCA. In exchange for this agreement, Mr. Lesar must dismiss the litigation with prejudice.

Each option has its own merits. Please call me so we may discuss these courses of action.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert J. Eatinger, Jr.", is written over a horizontal line.

Robert J. Eatinger, Jr.  
Assistant General Counsel

DCI/OGC/RJE:ig 76105/ 6 Apr 1993

OGC-93-51110

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OGC-93-51282

21 April 1993

## MEMORANDUM FOR THE RECORD

SUBJECT: Allen v. DOD, AARC v. CIA, and Lesar v. CIA, Meeting with Jim Lesar

1. Today, I attended a meeting at the Justice Department with Richard Brown and Pamela Moreau of DOJ and Jim Lesar. The purpose of the meeting was to discuss settling the three subject FOIA litigations. DOJ will begin drafting settlement agreements to dismiss all three cases with prejudice. ✓

2. With respect to the Allen/AARC cases, Mr. Brown informed Mr. Lesar of the meeting with NARA and the House. Charles Howell, Chief Counsel to the House Committee on Administration, had promised to propose to his principals that the House send NARA a letter. That letter would authorize NARA to permit CIA to process House-originated materials before sending them to NARA and would direct that the entire segregated collection be stored together. Mr. Brown advised Mr. Lesar that upon NARA's receipt of this letter, the Agency would be in a position to agree to the following settlement terms: ] ✓

Within 30 days<sup>1</sup> of signing the settlement agreement, CIA will provide Mr. Lesar with copies of the materials already sent to NARA last summer, minus the one box of third-agency material that needs to be processed.

With respect to the remaining Executive branch material in the collection:

A copy of documents to be released with no redactions will be provided to Mr. Lesar, with a copy of the documents' identification aids, within five working days after it is transmitted to NARA. ✓

A copy of documents to be released with redactions will be provided to Mr. Lesar, with a copy of the documents' identification aid, within five working days after it is transmitted to the Review Board. If the ✓

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<sup>1</sup> I told Mr. Lesar I would have to check on the feasibility of this time period. I was not sure of the capability of the reproduction facilities NARA was providing the Agency to reproduce the documents.

SUBJECT: Allen v. DOD, AARC v. CIA, and Lesar v. CIA, Meeting with Jim Lesar

Review Board orders additional information released, and no appeal is taken to the President, a copy of the new version of the document will be provided to Mr. Lesar within five working days after it is transmitted to NARA.

If a document is withheld in its entirety, a copy of the identification aid, if possible, will be provided to Mr. Lesar within five working days after the documents is transmitted to the Review Board. ✓

With respect to House-originated material in the collection, CIA will obtain a copy of the version of the document to be made available to the public at NARA and provide that copy to Mr. Lesar, free of charge, within five working days after it is made publicly available by NARA.

3. In consideration of the above, Mr. Lesar will dismiss both the Allen case and the AARC case with prejudice. However, DOJ will permit him to litigate his entitlement to attorney's fees as a separate matter. Mr. Lesar agreed to the above. He did, however, want some commitment from the House that it would direct NARA to give priority processing to all House-originated materials in CIA's segregated collection. I explained to Mr. Lesar that the House material was not segregated and therefore, NARA could not process the documents until it received them from us. Further, CIA would send the materials to NARA by the box and would not segregate House materials to ship separately. I advised Mr. Lesar that the archival integrity of the collection was of particular importance to the House. He seemed satisfied with this explanation and, I think, will drop this new demand for expeditious processing by NARA of all the House documents.

4. Mr. Lesar asked how the Agency was coming with its processing. I advised him that we were still trying to work out technical problems with the software NARA sent us to prepare the identification aids. Rich Brown then joked that we probably would not have a Review Board appointed until 1995 anyway.

5. With respect to the Lesar v. CIA case,<sup>2</sup> Mr. Lesar agreed to settle that case on the following terms:

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<sup>2</sup> This FOIA litigation seeks copies of those portions of the minutes of DCI Morning Meetings that pertain to the assassination of President Kennedy or to investigations into that assassination,

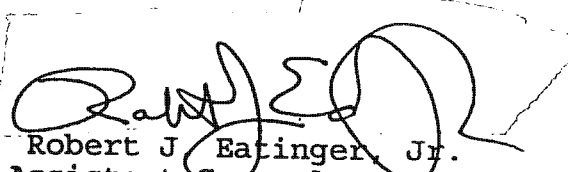
SUBJECT: Allen v. DOD, AARC v. CIA, and Lesar v. CIA, Meeting with Jim Lesar

CIA will review the minutes from 22 November 1963 through 31 December 1979. The Agency does not need to review any entries for the year 1972. Mr. Lesar will provide the Agency with a list of names that may assist reviewers to identify assassination-related discussions in the minutes of DCI Morning Meetings.

If the Agency identifies any responsive information, it will process that information pursuant to the Assassination Records Collection Act. That means redactions will have to be approved by the Review Board. Mr. Lesar confirmed the Agency may redact any entry on a page of the minutes that is not responsive to his request.

CIA will provide Mr. Lesar with copies of the responsive portions that are not redacted as soon as they are prepared. CIA will provide him with copies of sanitized responsive portions that are sanitized within five working days after transmitting those portions to the Review Board. If the Review Board orders additional information released, and no appeal is taken to the President, a copy of the new version will be provided to Mr. Lesar within five working days after it is transmitted to NARA.

6. In consideration of the above, Mr. Lesar will dismiss the case with prejudice if the government agrees to pay his filing cost (\$125).



Robert J. Eisinger, Jr.  
Assistant General Counsel  
Litigation Division, OGC

DCI/OGC/RJE:ig 76105/ 21 Apr 1993

OGC-93-51282

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OGC-93-51982

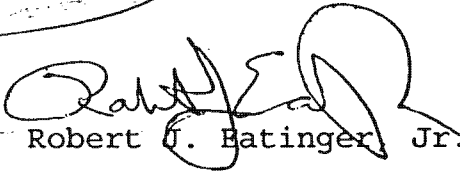
15 June 1993

MEMORANDUM FOR: Information and Privacy Coordinator  
Chief, Historical Review Group  
DCI/IRO

FROM: Robert J. Eatinger, Jr.  
Assistant General Counsel  
Litigation Division, OGC

SUBJECT: Lesar v. CIA, Proposed Settlement Agreement  
Sent to Jim Lesar, F91-1334

Attached for your files is a copy of the Stipulation of Settlement and Dismissal signed by the court in the referenced FOIA litigation. This case is over.



Robert J. Eatinger, Jr.

Attachment

DCI/OGC/RJE:ig 76105/ 15 Jun 1993

OGC-93-51982

Distribution:

- 1 - C/IP&CRD (w/att)
- 1 - C/HRG (w/att)
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93-03761

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FILED

JUN 07 1993

JAMES H. LESAR

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY,

Defendant.

Clerk, U.S. District Court  
District of Columbia

CA No. 92-2215 CRR

STIPULATION OF SETTLEMENT AND DISMISSAL

Plaintiff, James H. Lesar, and defendant, the Central Intelligence Agency ("CIA") hereby stipulate and agree, subject to Court approval, as follows:

1. Defendant enters into this Settlement Agreement voluntarily, submitting that its actions have complied with the requirements of all applicable laws, rules and regulations. The parties agree that nothing in this Settlement Agreement is evidence of, or premised upon, a finding or admission of liability against the defendant, nor upon any violation of any applicable law, rule or regulation.

2. The records deemed to be at issue in this case are defined as those portions of the minutes of Director of Central Intelligence ("DCI") Morning Meetings, for meetings held on or between November 22, 1963 and December 31, 1979, that pertain to the assassination of President Kennedy or any investigation thereof.

3. Defendant agrees to process the records as defined in paragraph 2 of this stipulation pursuant to the President John F.

Kennedy Assassination Records Collection Act of 1992 (the "ARCA"), Pub. L. No. 102-526, 106 Stat. 3443 (Oct. 26, 1992) (to be codified at 44 U.S.C. § 2107 note).

4. Defendant agrees to provide to plaintiff, at no cost, copies of the documents after processing by defendants under the following conditions:

a. Where, after processing under the ARCA, records as defined in paragraph 2 are to be released in full (without redaction) to the public and are transferred by CIA to the National Archives and Records Administration ("NARA"), the CIA agrees to provide plaintiff with copies of such documents and the identification aids prepared by the CIA for such documents, within five (5) business days after their transfer to NARA; ✓

b. Where, after processing under the ARCA, the CIA determines to postpone the public disclosure of portions of agency documents, under the standards contained in the ARCA, and notifies the Assassination Records Review Board (the "Review Board") of that decision, the CIA agrees to provide plaintiff with copies of such documents, redacted by the CIA to eliminate the information for which postponement of disclosure is sought, and the identification aids prepared for those documents within five (5) business days after the CIA transmits those documents to the Review Board; if appropriate, the identification aids prepared for such documents shall also be redacted to eliminate information for which postponement of disclosure is sought. ✓

c. Where, after processing under the ARCA, the CIA

determines to postpone the public disclosure of agency documents in their entirety, under the standards contained in the ARCA, and notifies the Review Board of that decision, the CIA agrees to provide plaintiff with either copies of the identification aids prepared for such documents (if the identification aids can be disclosed without revealing information for which postponement is sought) or a list identifying those documents, to the extent such a list can be constructed without disclosing information sought to be postponed.

d. Should the Review Board overrule the CIA's decision to postpone the release of information in the documents at issue and determine that information contained in agency documents previously withheld by CIA should be publicly disclosed, and the President of the United States does not overrule the Review Board's determination as provided in section 9(d) of the ARCA, the CIA agrees to provide plaintiff, at no cost, with copies of documents containing the additional information ordered released by the Review Board within five (5) business days after the CIA transfers those documents to NARA.

5. Defendant's obligation to provide plaintiff with additional copies of documents ordered released by the Review Board shall terminate one (1) year after the termination of the Review Board.

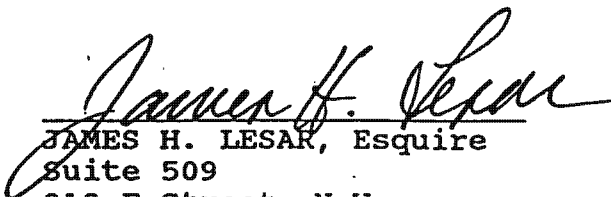
6. Defendant agrees to pay plaintiff \$120.00, representing plaintiff's filing fee.

7. In consideration of the foregoing, plaintiff agrees to

dismiss the above-captioned case, with prejudice.

8. This stipulation contains the entire agreement of the parties concerning the subject matter of this litigation and shall be effective upon Court approval.

Respectfully submitted,

  
JAMES H. LESAR, Esquire  
Suite 509  
918 F Street, N.W.  
Washington, D.C. 20004  
(202) 331-9260

Dated: \_\_\_\_\_

Attorney for Plaintiff

STUART E. SCHIFFER  
Acting Assistant Attorney General

J. RAMSEY JOHNSON  
United States Attorney

  
ELIZABETH A. PUGH  
PAMELA A. MOREAU

U.S. Department of Justice  
Civil Division, Room 946  
901 E Street, N.W.  
Washington, D.C. 20530  
Telephone: (202) 514-5751

Dated: 5/28/93

Attorneys for Defendants

APPROVED AND SO ORDERED:

7/7/93  
DATE

  
CHARLES R. RICHEY  
United States District Judge

13 January 1994

MEMORANDUM FOR: DCI/IRO  
VIA: CSI/FOIA Referent  
FROM: John F. Pereira  
Chief, Historical Review Group  
SUBJECT: FOIA Request F93-2003

1. The subject request is for all records pertaining to "The President John F. Kennedy Assassination Records Act of 1992." Also requested are "agency interpretations of the Act and any instructions given to agency employees on implementation of the Act."

2. As far as HRG is concerned, we are processing relevant Agency records under the Act for release to the National Archives. More than 125,000 pages have already been released to the Archives, where they are available to the public. We are applying the JFK Assassinations Records Act in determining what information is to be released. Section 6 of the Act provides the standards for our recommendations as to what information should be withheld.

3. Beyond the Act, there is no formal HRG file of instructions on implementing the Assassinations Records Act. Guidance is generally given orally to HRG officers. In addition, we use informal, internal notes to indicate that certain names or other specific information may or may not be released.



John F. Pereira

**SUBJECT: FOIA Request F93-2003**

**DCI/CSI/HRG/JFPereira:hfs/x30335 (13 Jan 94)**

**Distribution:**

**Original - Addressee**

**1 - Adair A.**

**1 - Barry H.**

**1 - HRG File (3.3)**

## PRIORITY HANDLING

## FOIA REQUEST

SUBJECT: (Optional)

REQUEST NUMBER

ZAID, MARK

F93-2003

INFO RE: JFK ASSASSINATION RECORD COLLECTION

FROM: ROBERT MAHLKE 2083, 30559  
 CAECI CANADA 2766, 30563  
 IP&CRD/ISG/OIT

EXTENSION

DATE SENT

17 NOVEMBER 1993

SUSPENSE DATE

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. DDO/ESG/ALB  
 GA43 OHB

PLEASE PROCESS THE ATTACHED  
 FOIA REQUEST

2.

~~SEARCH OUT OFF-DATES 200CT93~~

3. DCI/IRO  
 6E2914 HQS

29 Nov 93 3 Jan 94

FEES:

4. <sup>FOIA</sup>  
 CSI/HRG

1/6/94

NOTE FOR DCI/IRO:  
 SUGGEST TASKING OGC AND HRG  
 AS AGENCY'S PRINCIPLE  
 IMPLEMENTORS OF THE  
 JFK RECORD ACT.

5.

6.

C/H RB

10/26/94 1/2/94

3 to 4: Your response  
 with recommendations, please

7.

CSI/FOIA REFERENCE

8.

DCI/IRO

9.

10.

11.

12.

RETURN TO:

IP&CRD/ISG/OIT 1107 AMES BLDG.

ACTION: DDO, DCI

PRIORITY HANDLING

FOIA REQUEST

2 OCT 1993

Mark S. Zaid, Esquire  
1600 South Eads Street  
Suite 118-S  
Arlington, Virginia 22202

Reference: F93-2003

Dear Mr. Zaid:

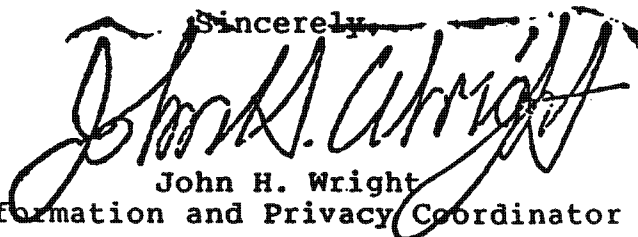
This is to acknowledge receipt of your 4 October 1993 Freedom of Information Act (FOIA) request for "all records pertaining to ~~The President John F. Kennedy Assassination~~ Records Collection Act of 1992", codified at 44 U.S.C. § 2107. This would include records in which the name is captioned in the title or merely appears within the text of the document. Specific records sought include agency interpretations of the Act and any instructions given to agency employees on implementation of the Act."

We can search for information responsive to your request. With respect to your request for a fee waiver, we have reviewed your request and have determined that the information you seek from Agency files would contribute significantly to the public understanding of the operations and activities of the United States Government. Therefore, your request for a fee waiver has been granted.

Accordingly, we have accepted your request which will be processed in accordance with the FOIA, 5 U.S.C. § 552, as amended, and the CIA Information Act, 50 U.S.C. § 431. Our search will be for documents in existence as of and through the date of this acceptance letter.

The heavy volume of FOIA requests received by the Agency has created delays in processing. Since we cannot respond within the 10 working days stipulated by the Act, you have the right to consider this as a denial and may appeal to the CIA Information Review Committee. It would seem more reasonable, however, to have us continue processing your request and respond as soon as we can. You can appeal any denial of records at that time. Unless we hear from you otherwise, we will assume that you agree, and we will proceed on this basis.

Sincerely,



John H. Wright  
Information and Privacy Coordinator

OIT/ISG/IP&CRD/RPM/faj/14OCT93

Distribution:

Orig - Adse

1 - Chrono

~~1~~ IP&CRD/F93-2003 ACK; Ready for processing

ID# 32322

MARK S. ZAID  
 Attorney-At-Law  
 1600 South Eads Street, Ste. 118-S  
 Arlington, Virginia 22202  
 (202) 296-8003  
 (202) 296-8051 fax

OCT 7 1 30 PM '93

Freedom of Information Act Request  
 October 4, 1993

John H. Wright  
 IPD Coordinator  
 Central Intelligence Agency  
 Washington, D.C. 20505

IPD Registry  
 F93-2003  
 RPH/cc

OPEN  
 CLOSED  
 RETIRED  
 SUBJECT

MAY  
 2  
 NR

Dear Mr. Wright:

Under the Freedom of Information Act, 5 U.S.C. §552, I am requesting access to or copies of:

a) all records pertaining to "The President John F. Kennedy Assassination Records Collection Act of 1992", codified at 44 U.S.C. § 2107. This would include records in which the name is captioned in the title or merely appears within the text of the document. Specific records sought include agency interpretations of the Act and any instructions given to agency employees on implementation of the Act.

Furthermore, your search should include, but not be limited to, the indices of the Directorate of Administration (including the Office of Security), the Directorate of Operations and the Directorate of Intelligence.

If there are any fees for copying or searching for this information, please supply the records without informing me of the costs if the fees do not exceed \$50. However, under 5 U.S.C. § 552 (a)(4)(A) I hereby request a waiver of all fees associated with this request.

I submit that "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." Section 552 (a)(4)(A)(ii)(II). A request for a fee waiver is to be "liberally construed" particularly when "associated with requests from journalists, scholars, and non-profit public interest groups." Ettlinger v. FBI, 596 F.Supp. 867, 872 (D.Mass. 1984).

If you deny all or part of this request, please cite the specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law. In excising material, please "black out" the material rather than "white out" or "cut out". Furthermore, as required by law, please attempt to respond within 10 working days.

I look forward to your response.

Sincerely,

*Mark S. Zaid*  
 Mark S. Zaid

CIA HAS NO OBJECTION TO  
DECLASSIFICATION AND/OR  
RELEASE OF CIA INFORMATION  
IN THIS DOCUMENT

JAMES H. LESAR  
ATTORNEY AT LAW  
918 F STREET, N.W., ROOM 509  
WASHINGTON, D.C. 20004  
TELEPHONE (202) 393-1921

Dec 5 3 35 PM '94

FREEDOM OF INFORMATION ACT REQUEST

November 25, 1994

Mr. John H. Wright  
Freedom of Information and Privacy  
Coordinator  
Central Intelligence Agency  
Washington, D.C. 20505

OPEN - many  
CLOSED - many  
RETIRED - many  
SUBJECT - see 6/2/95

IPD Registry  
F94-2344

RPM/PR

Dear Mr. Wright:

I represent the Assassination Archives and Research Center.

Pursuant to the Freedom of Information Act ("the FOIA"), 5 U.S.C. § 552, I request a copy of any index or inventory in electronic format of the following records: (1) Lee Harvey Oswald's 201 file; (2) the "segregated collection" of records which the CIA made available to the House Select Committee on Assassinations; and (3) any other records which the CIA has processed pursuant to the President John F. Kennedy Records Collection Act of 1992.

I want copies of any and all such indices in their current state, regardless of whether they are "complete."

Sincerely yours,

*James H. Lesar*  
James H. Lesar

24 APR 1995

Mr. James Lesar  
Attorney at Law  
918 F Street, N.W., Room 509  
Washington, D.C. 20004

CIA SPECIAL COLLECTIONS  
RELEASE IN FULL  
2000

Reference: F94-2344

Dear Mr. Lesar:

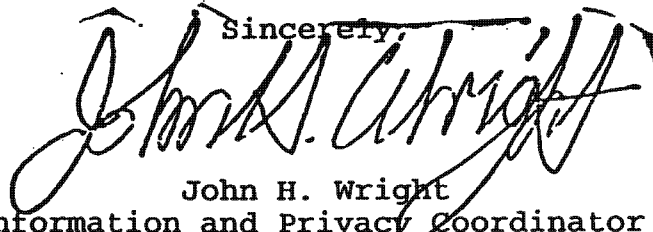
This is to acknowledge receipt of your 25 November 1994 Freedom of Information Act (FOIA) request, submitted on behalf of the Assassination Archives and Research Center, for "a copy of any index or inventory in electronic format of the following records: (1) Lee Harvey Oswald's 201 file; (2) the 'segregated collection' of records which the CIA made available to the House Select Committee on Assassinations; and (3) any other records which the CIA has processed pursuant to the President John F. Kennedy Records Collection Act of 1992." You further state that "[you] want copies of any and all such indices in their current state, regardless of whether they are 'complete.'"

With respect to items 1 and 3, as you are aware, the Agency's Historical Review Group is preparing an electronic index of JFK assassination records which is being forwarded to you in sections as each section is completed. This activity includes Oswald's 201 file.

Further, with respect to items 2 and 3, these items are identical to items 1 and 2 of your 15 October 1994 FOIA request, F94-1959. Please refer to paragraphs 2 and 3 of our 12 December 1994 response to your 15 October request wherein we addressed these items.

We are unable to assist you further in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Wright", is written over the typed name and title. The signature is stylized and cursive.

John H. Wright  
Information and Privacy Coordinator

0 6 SEP 1995

Paul D. Newey, Esquire  
Adamowski & Newey  
1034 W. Altgeld Street  
Chicago, Illinois 60614

Reference: F95-1225

Dear Mr. Newey:

This is to acknowledge receipt of your 11 July 1995 Freedom of Information Act (FOIA) request for records on the following deceased individual:

"Richard Scully CAIN, a/k/a Richard S. CAIN, a/k/a  
Ricardo SCALZETTI, a/k/a Richard SCALZETTI, a/k/a  
Ricardo SCALZITTI, a/k/a Richard SCALZITTI, a/k/a  
Richard SCULLY."

Our records show that we conducted a thorough search under the FOIA for records pertaining to the subject of your request on behalf of a previous requester. We located material which was reviewed and denied in its entirety.

However, since your letter mentions allegations of an association of the subject of your request with the assassination of President Kennedy, you should know that this Agency's records on the assassination of President Kennedy have been re-reviewed under the narrower nondisclosure provisions of the President John F. Kennedy Assassination Records Collection Act of 1992. These re-reviewed records have been transferred to the National Archives and Records Administration (NARA) in compliance with the Act. For copies of these records you should submit your request to NARA at the following address:

Archives Review Branch  
Records Declassification Division  
Room 18W  
National Archives and Records Administration  
7th and Pennsylvania Avenue, N.W.  
Washington, D.C. 20408

Also in accordance with the Act, those records whose public disclosure in whole or in part has been recommended for postponement are now undergoing further re-review by the Presidentially-appointed Assassination Records Review Board (ARRB). The ARRB process is likely to result in more public

disclosure of information from these records. Consequently, these records will not be reviewed again by this Agency pending ARRB determinations which, in turn, must be approved or disapproved by the President. Furthermore, records, or information in such records, whose postponement of public disclosure is continued by the President, will become subject to the requirements of periodic review as specified in the Act.

We hope that we have been of some assistance with your request.

Sincerely,



Lee S. Strickland  
Information and Privacy Coordinator

OIT/MSG/IP&CRD/RPM/faj/3AUG95

Distribution:

Orig - Adse

1 - IP&CRD Chrono

1 - IP&CRD/F95-1225 REF

1 - DCI/CSI/HRG 404 Ames Attn:  (FYI)

1 - RPM

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