



Assassination Records Review Board
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August 21, 1996

Mr. John Pereira
Chief, Historical Review Group
Center for the Study of Intelligence
Central Intelligence Agency
Washington, D.C. 20505

Dear John:

I am enclosing a transcribed copy of your August 6, 1996 testimony to the Assassination Records Review Board. You should review it to determine whether there are any substantive corrections that you wish to make and return them to me by August 29, 1996.

Thank you again for agreeing to testify before the Board.

Sincerely,

T. Jeremy Gunn
General Counsel

Enclosure

cc: Esq.

TRANSCRIPT OF PROCEEDINGS

ASSASSINATION RECORDS REVIEW BOARD

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 In re: :
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 PRESIDENT JOHN F. KENNEDY :
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PUBLIC BOARD MEETING

Pages 1 thru 110

Washington, D.C.
August 6, 1996

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ASSASSINATION RECORDS REVIEW BOARD

PUBLIC BOARD MEETING

JOHN R. TUNHEIM, CHAIRMAN

Tuesday, August 6, 1996

1:00 p.m.

600 E Street, N.W.
Room 206
Washington, D.C.

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CHAIRMAN TUNHEIM: Thank you very much, Mr. Tilley. We appreciate your continued help.

MR. TILLEY: My pleasure, Mr. Chairman.

CHAIRMAN TUNHEIM: Next, we have two representatives from the Central Intelligence Agency here today, to provide factual testimony for the board on the nature of the sequestered collection, Mr. John Pereira and Mr. Barry Harrelson.

And because this is primarily a factual presentation, we decided that we should put each of you under oath. So, if you would, raise your right hand and repeat after me.

[John Pereira and Barry Harrelson sworn.]

CHAIRMAN TUNHEIM: Thank you for joining us today.

MR. PEREIRA: A pleasure. We're pleased to try to help and provide information that might help the board understand the sequestered collection. I thought, if the time allows, I might give some background to put the sequestered collection in context for the board.

CHAIRMAN TUNHEIM: That would be very helpful. —

MR. PEREIRA: In the spring of 1992, prior to the enactment of the Assassination Records Act, the then-Director of Central Intelligence, Robert Gates, issued instructions to begin reviewing for declassification all records related to the assassination.

The CIA history staff was charged with identifying the relevant records, which they did. And once that happened, our group that we represent, the historical review group, took custody of the records and immediately began reviewing them for declassification for release to the National Archives.

Once the Records Act was passed, our goal became to release as many records as possible by the 22 August 1993 deadline established by the Act. And approximately 125,000 pages were transferred to the National Archives by that date.

With subsequent releases, the Agency has now declassified and transferred some 227,000 pages

to the National Archives. And based on discussions with the Board, we're trying to release additional information that had been redacted earlier.

The remaining records are in various stages of review. Some require review by other agencies. Some is congressional material. And final decisions on other records are awaiting discussion with the board, as you know.

The Kennedy assassination records in the CIA consist of two major groups of files.

One group consists of the documents in the Lee Harvey Oswald file, sometimes referred to as the Oswald 201 file. These consist mainly of documents that were collected after the assassination and during the Warren Commission investigation. And there are about 26,000 pages of material in this file. All but a handful have been declassified and sent to the National Archives.

The second group is one of major interest to you today, I think. It's comprised of the sequestered collection. These are records that were made available to the House Select Committee

on Assassination and which the committee asked CIA to hold in safekeeping upon the completion of the committee's investigation.

And there are certain additional records, including 400 excerpts from the minutes of the director of Central Intelligence morning meetings and some working files that have been added since 1992. But that's pretty much the landscape of the records we have.

By going directly to the sequestered collection, I'd like to say that, first of all, every document in the sequestered collection was available to the board for review. Every document is available in full to the board without redactions.

A portion of the documents that were created specifically in response to requests from the House Assassination Committee are in the record. Other records were already in existence prior to the creation of the committee. And still other documents were created by the committee itself. For example, there are notes of interviews

conducted by the committee's staff.

So, these are the three categories: those created for the committee at their request; others that existed that we provided to them at their request; and others that the committee itself created.

Now, within the sequestered collection, there are two major categories of records. This is a simple breakdown. I hope this is helpful. One category consists of about 129,000 pages of hard copy. The second category consists of 72 reels of microfilm or the equivalent of 163,000 pages of hard copy.

Now, the question has come up of why the documents were sequestered. And this is explained in a Memorandum of Understanding, signed by the chairman of the Assassination Committee and the director of Central Intelligence. And I have a copy here to submit to the board.

The memorandum states that, "Upon termination of the Committee, all materials provided by CIA and examined by the Committee will

be kept and preserved within a segregated and secure area within CIA for at least 30 years, unless the DCI and the House of Representatives agree to a shorter period of time."

In April 1979, Robert Blakey, the chief counsel and staff director of the Assassinations Committee, visited CIA headquarters; and he completed the process of designating what materials were to be sequestered. All the documents made available to the Assassination Committee were included in this sequestered collection.

The second question that often comes up is, where did we get authority to start reviewing these records prior to the Assassination Act? And this goes back to my point about Robert Gates wanting to get started as quickly as possible in the review and declassification.

So, the Agency wrote to the Speaker of the House, Thomas Foley, in 1992, requesting approval to begin declassifying and releasing the records. And in October of that year, Speaker Foley wrote a letter to the director, granting CIA the authority

to do so.

The Speaker's decision was clearly made in anticipation of passage of the Assassination Records Collection Act. So, we have the records, and we started processing.

Within the two categories that I mentioned, the hard copy material is one. And we have a page describing that for the board, which I'll leave with you. This includes copies of most of the CIA documents and the Oswald 201 file that I referred to earlier.

Also included in the hard copy are other 201 files, personnel files, security files on persons who are mentioned in documents relevant to the assassination or who figure in one of the conspiracy theories.

This part, the hard copy, also includes about 30,000 pages of documents, memos, and notes -- many of these, handwritten -- that were created by the Assassination Committee itself. So, those are in the hard copy.

Now, the microfilm portion of the

sequestered collection, as I mentioned, contains 72 reels of microfilm. Incidentally, we found very quickly that working with microfilm wasn't all that easy, so we arranged to have all of the microfilm printed out in hard copy. So, we have both; and both of these are available to the board, both the microfilm itself and the printout.

The decision to microfilm was apparently based on two major considerations, as far as we can determine from our records. First, the integrity of the sequestered records had to be maintained. Second, a number of the files that the Assassination Committee requested were active files, and had to be available to allow people to continue conducting their normal activities within the Agency.

So, the solution was to replace certain records with microfilm versions. And these records were microfilmed during 1979 and 1980 with the approval of the Assassinations Committee. And we have memos for the records showing how that happened, so that you will have the history on

that.

Now, looking at the content of the microfilm, a sizeable portion of this -- probably 50 percent -- duplicates the hard copy in the sequestered files. For example, there are 12 reels of material from the Oswald 201 file.

The bulk of the reels consists of files on individuals and organizations, including personnel files of CIA employees. There are also a number of files on anti-Castro organizations. All but a small percentage are CIA-originated cables, or dispatches, or memoranda and other documents.

In looking at the microfilm, we believe there are questions of privacy that the board may want to consider in determining what information is to be released. Some of the records, for example, contain medical information on an individual.

There are also questions of relevancy that we suggest the board consider. For example, many of the documents cover sensitive activities that go far beyond the time frame of the assassination or investigations into the assassination.

That's rather brief; but I hope this is useful to the board in trying to understand the sequestered documents, sometimes called segregated documents. We use those terms interchangeably. And we certainly look forward to continuing cooperating with the board, with the goal of releasing as much information as possible to the American public.

CHAIRMAN TUNHEIM: Very well. Mr. Harrelson, do have anything to add?

MR. HARRELSON: No.

CHAIRMAN TUNHEIM: Questions on the part of the board? Dr. Joyce.

DR. JOYCE: Mr. Pereira, you mentioned that 50 percent of the microfilm appears to duplicate what already exists in hard copy. You mentioned the 201 file as an example of that.

Maybe I missed it, but could you characterize perhaps the portion that appears not to be duplicated in hard copy? Do you have any information about that?

MR. PEREIRA: The types of material that

isn't duplicative?

DR. JOYCE: Yes.

MR. HARRELSON: This is where you get into the 201 files which make up the bulk of the microfilm, and it covers the areas of individuals who were not -- or areas of their careers that were not involved in the assassination periods. So, there would not be documents from there in the hard copy.

Most of the hard copy, apparently, was created as the HSC staffers asked for particular information. They would look at a file, and ask for copies of it. The ultimate was one cable, where we found 43 copies. So, most of it -- I would say, every document is duplicated at least once, and used at multiple times throughout the collection.

DR. JOYCE: And it would appear, then, that most of the information within the 201 file --

MR. HARRELSON: The other area of unique information is the Cuban exile activities. Much more in the microfilm than in the hard copy.

collection. And most of that was released in August '94.

CHAIRMAN TUNHEIM: Other questions?

MS. NELSON: How much have you been able to look at this sequestered file? It's enormous. It boggles the mind, going through 72 reels of microfilm. No wonder you printed hard copy. But I would imagine you've only done some sampling.

MR. HARRELSON: With the exception of the 201 file -- the duplicate microfilm 201 file and the -- Well, that's the only exception. We have looked at every page of material.

MS. NELSON: Do you have a sense of what's not, in your view, an assassination record? Are there certain percentages or certain numbers of those?

MR. PEREIRA: I think we need to defer to the board on that. We're suggesting certain --

MS. NELSON: Yes. That's what --

MR. PEREIRA: -- questions that the board may address, but we are deferring completely to you in interpreting the law. And, so, we're assuming

that every piece of paper we have that was sequestered is potentially relevant.

MS. NELSON: Under the statute, we'll have to see what that is.

MR. PEREIRA: Yes, following the statute.

CHAIRMAN TUNHEIM: Any further questions?

DR. HALL: John, do you know what of these materials the HSCA used and didn't use?

MR. PEREIRA: There's a -- I'll let Barry comment on this, as well. There's a little bit of uncertainty. To go back, every record that we made available to the committee is in the sequestered collection.

Some of the indications are that there was a very thorough review, obviously, by the committee of a lot of records. My impression is that, for other records, the committee staff requested certain files. We provided an entire file -- let's say, on an individual.

But the committee staff may have said, "Well, this really isn't all that relevant to our work, but thank you. We now know who that person

is, because someone suggested this person may have been involved, and we needed to check that name."

And in checking the name, we get the impression very quickly they determined they didn't have to read every single paper in the file. It's that sort of breakdown, I think.

MR. HARRELSON: There are indications, as you go through the microfilm, that some of the files were not reviewed. There is a sheet for these files signed by the staffers, and the notations there. We have never -- Since we were viewing the file as a whole, we never went through and calculated which one of these it indicated they had reviewed or not.

DR. HALL: And was it the case, or were there instances that you're aware of, where they HSCA staff and/or related individuals marked on these documents or dealt with them in a way other than merely reading them?

MR. HARRELSON: The 30,000 pages, frequently are handwritten notes taken from the documents. Since the hard copy -- or in copies

made available today, you sometimes find notations, their names written on them -- different things.

MR. PEREIRA: But they seem to have made very thorough notes on documents that they found were valuable.

DR. HALL: Did the CIA, in providing these materials, put any restrictions on them with regard to copying that could be done?

MR. PEREIRA: By the committee itself, you mean?

DR. HALL: Yes.

MR. PEREIRA: I don't know what the record shows.

MR. HARRELSON: They were held in one central location -- all notes -- for review. The staffers, as I understand it, would come and review these files, make their notes. And the notes would then be reviewed by -- at least, by a staff person. And their notes could be taken, but the files were held in one location securely.

MR. PEREIRA: There was an arrangement whereby, if they wanted to use a record elsewhere

for some reason or other, there was a means for making that available to them; possibly, by redacting something extremely sensitive, like the name of an agent. But they could --

DR. HALL: I see.

MR. PEREIRA: But they could make the arrangement to have them use the document.

DR. HALL: Congress has less than a distinguished history in handling some documents of a classified nature, and there is this kind of problem. As document hunters, there's sort of an interesting problem -- the extent of which, we get unauthorized copying made; and then those documents are out there somewhere else.

But that's a side show to this. So, thank you very much.

CHAIRMAN TUNHEIM: Anything further?

[No response.]

CHAIRMAN TUNHEIM: Thank you very much, gentlemen. We appreciate your help today.

MR. PEREIRA: A pleasure.

CHAIRMAN TUNHEIM: Next, I'd like to ask