

June 9, 2021

John Greenewald 27305 W Live Oak Rd., Suite 1203 Castaic, CA 91384

Dear John Greenewald:

This is in further response to your FOIA request 2109431 regarding for draft copies of the "Memorandum of Understanding Regarding Continuing Obligations of the CIA Under the JFK Act". An interim response was provided to you on December 15th, 2020

We found draft copies of the memorandum in question from August 2, August 16, and August 23 of 1998 in Box 4 of the Files of K, Michelle Combs in a folder labeled CIA Compliance. Attached, please find PDF of each of these drafts.

If you are not satisfied with our action on this request, your options for appeal and dispute resolution are outlined in the attached enclosure. This concludes the processing of your request.

Sincerely,

EUGENE F. MORRIS Archives II Textual Reference Branch (RR2RR) National Archives at College Park, MD This document is made available through the declassification efforts and research of John Greenewald, Jr., creator of:

The Black Vault



The Black Vault is the largest online Freedom of Information Act (FOIA) document clearinghouse in the world. The research efforts here are responsible for the declassification of hundreds of thousands of pages released by the U.S. Government & Military.

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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, 44 U.S.C. § 2107 ("JFK Act");

WHEREAS the JFK Act provides that "the provisions of this Act [as applied to Federal agencies] 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 and the Review Board that:

- 1. All CIA records identified as assassination records under the JFK Act will be placed in the JFK Assassination Records Collection ("JFK Collection") at NARA in College Park, Maryland by September 30, 1998 unless otherwise noted in this Memorandum of Understanding;
- 2. CIA may transmit the following assassination records to the JFK Collection after September 30, 1998:
 - a. Duplicate documents within the CIA-HSCA Sequestered Collection (both hardcopy and microfilm).¹ The CIA will ensure that, by September 30, 1999, the JFK Collection contains a complete, publicly releasable set of the CIA-HSCA Sequestered Collection (both hardcopy and microfilm) containing postponements only as previously approved by the Review Board.
 - b. Duplicate documents within the working files of CIA officer Russ Holmes. The CIA will ensure that, by December 31, 1998, the JFK Collection contains a complete, publicly releasable set of the Russ Holmes working files containing postponements only as previously approved by the Review Board.

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¹ "Duplicate documents" are copies of documents that are already publicly available in the JFK Collection as part of other CIA files or records.

c. The audio tapes, and any transcriptions or summaries made by the CIA, of audio surveillance of certain "Soviet bloc" and Cuban 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.

d. Any other assassination-related records created or discovered by the Not drain CIA. after Sept. 30, 1998.

- 3. The CIA will review its equities in records that have been referred to it, and the CIA will 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. 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 unnderstanding of the assassination.
 - c. Records of the Rockefeller Commission, maintained by the Manuscript Division at the Library of Congress, that are identifiable as assassinationrelated.
 - d. The Army's Investigative Records Repository file on Alfredo Mirabal recommendations for

The CIA will complete the review and 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 JFK Act, the CIA will continue to undertake such review.

- 4. The CIA shall handle the originals of certain records in the following manner:
 - a. By September 30, 1998, CIA shall transmit to the "Protected Collection" (i.e., the classified, postponed records within the JFK Collection), in accordance with Section 5(e) of the JFK Act, the originals of all postponed records from Lee Harvey Oswald's 201 file, Office of Security file, and "A" file.

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b. By September 30, 1998, CIA shall transmit to the "Protected Collection" the hardcopy original of Marina Oswald's 201 file and the the actual microfilm made of Lee Harvey Oswald's 201 file.

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c. By December 31, 1998, CIA shall transmit to the the originals of all postponed records.*

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- d. By September 30, 1999, CIA shall transmit to the "Protected Collection" the originals of all postponed records from the CIA-HSCA Sequestered Collection (both microfilm and hardcopy). With respect to the microfilm version of the CIA-HSCA Sequestered Collection, CIA will transmit the printed version of the postponed records. The actual microfim for the entire CIA-HSCA Segustered Collection will be transmitted to NARA by 2017 as outlined in paragraph 5.
- 5. The Review Board and the CIA have determined that certain materials contained within the CIA-HSCA Sequestered Collection are not believed to be relevant to the Kennedy assassination (designated "NBR"). In addition, certain CIA work files relating to Yuri Nosenko (but not related to the assassination) have also been designated as NBR.² Nonetheless, the Review Board and CIA have agreed that these materials will ultimately be transmitted to the JFK Collection. These materials will be physically retained by the CIA and then forwarded to the JFK Collection for public release by October 26, 2017. Within two months of the execution of this agreement, the CIA shall provide to NARA, in writing, a list of the files being retained until 2017 and confirm the arrangements for securing this material. NARA shall 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.
- 6. The CIA shall 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" ($\S 5(g)(2)$ (A)) and "shall serve to downgrade and declassifiy security classified information" (§ 5(g)(2)(C)).
- 7. The CIA recognizes that, in the year 2017, "[e]ach assassination record shall be publicly disclosed in full " JFK Act § 5 (g). To the extent that the CIA will seek continued postponement of any record in the year 2017, it will be incumbent

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

upon the CIA to obtain from the President "certification" that continued postponement is necessary. See JFK Act § 5(g)(2)(D). The CIA shall be responsible for notifying NARA of any specific records for which it will seek Presidential certification of continued postponement. This same procedure shall apply to the NBR material within the CIA-HSCA Sequestered Collection and Nosenko materials. All these NBR materials shall be physically transferred to NARA by October 26, 2017, whether for release or secured storage, irrespective of whether CIA seeks Presidential certification to pospone any part thereof.

- 8. 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 shall, in good faith, continue to apply the postponement criteria of the JFK Act as previously interpreted by decisions of the Review Board.
- 9. 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 shall not be interpreted to limit CIA's obligations under the JFK Act.

Date:______ Signed:______

[] Edmund Cohen
Central Intelligence Agency

Date:______ Signed:_____

Laura A. Denk Executive Director Assassination Records Review Board

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, 44 U.S.C. § 2107 ("JFK Act");

WHEREAS the JFK Act provides that "the provisions of this Act [as applied to Federal agencies] 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:

- All CIA records identified as assassination records under the JFK Act will be placed in the JFK Assassination Records Collection ("JFK Collection") at NARA in College Park, Maryland by September 30, 1998 unless otherwise noted in this Memorandum of Understanding;
- CIA may transmit the following assassination records to the JFK Collection after September 30, 1998:
 - a. Duplicate documents within the CIA-HSCA Sequestered Collection (both hardcopy and microfilm sets). 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.
 - b. Duplicate documents within the working files of 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.

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.

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c. 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" (i.e., the classified, postponed records within the JFK Collection) in accordance with Section 5(e) of the JFK Act.



d. Working files from the DCI area, mostly from 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, shall be placed in the JFK Collection by Decmber 31, 1998.



- 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.
- f. Any other non-duplicate assassination-related records created or discovered by the CIA after September 30, 1998.
- 3. The CIA will review its equities in records that have been referred to it, and the CIA will 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. 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 unnderstanding of the assassination.
 - 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 Commision documents in the JFK Collection.

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d. The Army's Investigative Records Repository file on Alfredo Mirabal Diaz.

The CIA will complete its review and 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 JFK Act, the CIA will continue to undertake such review.

- 4. The CIA shall handle the certain original or postponed records in the following manner:
 - a. By September 30, 1998, CIA shall transmit to the "Protected Collection," in accordance with Section 5(e) of the JFK Act, 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, CIA shall transmit to the "Protected Collection" the hardcopy original of Marina Oswald's 201.
 - c. By September 30, 1998, the CIA will transmit to the "Protected Collection" all of the original microfilm rolls for the CIA-HSCA sequestered collection.
 - d. By September 30, 1998, the CIA will transmit to the "Protected Collection" all records with postponed information to the extent that such records are not available on the CIA-HSCA microfilm rolls transmitted to NARA.
 - e. By October 30, 1998, the CIA will transmit to the "Protected Collection" the entire Oswald 201 file that was printed from the CIA-HSCA sequestered collection microfilm (this will provide the CIA with time to make its own reference copy).
 - f. By December 31, 1998, CIA shall transmit to the "Protected Collection" the originals of all postponed records from the Russ Holmes working files (this will permit the CIA to process duplicate records in the Holmes Collection by that date).
- 5. 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

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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. Within two months of the execution of this agreement, the CIA shall provide to NARA, in writing, a list of the hardcopy files being retained until 2017 and confirm the arrangements for securing this material. NARA shall 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.

- 6. The CIA shall 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 declassifiy security classified information" (§ 5(g)(2)(C)).
- 7. The CIA recognizes that, in the year 2017, "[e]ach assassination record shall be publicly disclosed in full" JFK Act § 5 (g). To the extent that records are postponed but are to be released on a date prior to 2017, NARA shall release the records on the date the Review Board set for release. If the CIA seeks continued postponement of any record in the year 2017 (or an earlier scheduled release date), it will be incumbent upon the CIA to obtain from the President "certification" that continued postponement is necessary. See JFK Act § 5(g)(2)(D). Within six months of the scheduled release date, the CIA shall be responsible for notifying NARA of any specifc records, including any records within the microfilm rolls 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 5, these NBR materials shall be physically transferred to NARA by October 26, 2017 for release. In the event CIA seeks further postponement of any NBR material, it shall identify that material to NARA and seek Presidential certification that the material needs to be postponed.

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

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- 8. 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 shall, in good faith, continue to apply the postponement criteria of the JFK Act as previously interpreted by decisions of the Review Board.
- 9. 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 shall not be interpreted to limit CIA's obligations under the JFK Act.

Date:	 Signed:
	David W. Carey
W 055	Executive Director Central Intelligence Agency
Date:	Signed:
	Laura A. Denk Executive Director
	Assassination Records Review Board
Date:	Signed:
	John W. Carlin Archivist of the United States

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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, 44 U.S.C. § 2107 ("JFK Act");

WHEREAS the JFK Act provides that "the provisions of this Act [as applied to Federal agencies] 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:

- 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-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 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) of the JFK Act.
- e. Working files from the DCI area, mostly from 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.
- 4. The CIA will review its equities in records that have been referred to it, and the CIA will 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. The CIA will review the following major categories of records:

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.

- 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 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 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) 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 secured storage of this microfilm at NARA, including provisions for holding this material in a safe with limited access. 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). (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.
- The Review Board and the CIA have determined that certain materials reviewed 6. under the IFK Act are not believed to be relevant to the Kennedy assassination (designated "NBR"), but nonetheless should ultimately be placed in the IFK 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 IFK Collection for public release by October 26, 2017. 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 declassifiy security classified information" (§ 5(g)(2)(C)).
- 8. The CIA recognizes that, in the year 2017, "[e]ach assassination record shall be publicly disclosed in full" JFK Act § 5 (g). To the extent that records are postponed but are to be released on a date prior to 2017, NARA will release the records on the date the Review Board set for release. If the CIA seeks continued postponement of any record in the year 2017 (or an earlier scheduled release date), it will be incumbent upon the CIA to obtain from the President "certification" that continued postponement is necessary. See JFK Act §

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

5(g)(2)(D). Within six months to one month prior to the scheduled release date, the CIA will be responsible for notifying NARA of any specifc 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 5, 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 under the JFK Act.

Date:_	Si	gned:
		Edmund Cohen Director of Information Management Central Intelligence Agency
Date:_	Si	gned:
		Laura A. Denk Executive Director Assassination Records Review Board
Date:_	Si	gned:
		Michael J. Kurtz Assistant Archivist of the United States Office of Pocords Services

washington, D.C.