

Memo to Assistant Director - Records Management Division

As a precaution and to further clarify the status of Mr. Blakey's notes, consideration should be given to confirming, through correspondence with Mr. Blakey, that the notes are not records of the FBI but were developed to assist in the preparation of a Congressional subcommittee report, that the FBI exercises no control over them beyond that necessary to safeguard them pursuant to Mr. Blakey's request and that they are retrievable by Mr. Blakey at his discretion.

RECOMMENDATION:

That Mr. Blakey's notes be treated in every respect as Congressional documents temporarily retained by the FBI, subject to retrieval by the Congress, and that consideration be given to confirmation of this position by appropriate correspondence with Mr. Blakey.

I

*NOT NECESSARY to
CORRESPOND WITH BLAKEY
NOTES WERE TAKEN FROM
INFORMANT FILES & WILL
BE DESTROYED AFTER
HSCA COMPLETES INV.
JTB 7/15/78*

APPROVED:

Director _____
Asso. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. m/df
Plan. & Insp. _____
Rec. Mgmt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

Date of Mail 6/16/78

Classification of Mail:

- Unclassified
- Confidential
- Secret
- Top Secret
- SCI

Mail Category

- Letter _____
- LHM _____
- Report _____
- Teletype _____
- Airtel x
- Memo _____
- Other _____

Subject HOUSE SELECT COMMITTEE ON ASSASSINATIONS

Originator of Material FBI (NEW YORK)

This serial has been removed and placed in the Special File Room of Records Branch.

Authority - 62-116065

File Number 62-177290-997x3

PERMANENT SERIAL CHARGE-OUT

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FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

_____ Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- Deleted under exemption(s) _____ with no segregable material available for release to you.
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_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

 7 Page(s) withheld for the following reason(s):
Information in this serial has been flagged for classification review.

For your information: You will be advised of the release determination of this material pending completion of the classification review.

The following number is to be used for reference regarding these pages:
62- 117290- NOT RECORDED SERIAL DATED 7/18/78

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2 Page(s) withheld for the following reason(s):
HSCA communication - outside the purview of the FOIA per
Court Order

For your information: _____

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62- 117290- 998

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2 Page(s) withheld for the following reason(s):
Material contained in this serial refers exclusively to the investigation of the assassination of Dr. Martin Luther King, Jr.

For your information: These pages are considered to be outside the scope of your request for JFK materials.

The following number is to be used for reference regarding these pages:
62- 117290- 999 PAGE 1, ENCLOSURE PAGE 1

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HSCA communication - outside the purview of the FOIA per
Court Order

For your information: _____

The following number is to be used for reference regarding these pages:
62- 117290- 999 ENCLOSURE PAGE 2 ; 1000

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UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Asst. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

Memorandum

TO : Mr. Bassett *HMF*

1 - Mr. Adams
1 - Mr. McDermott
DATE: July 7, 1978

FROM : D. Ryan *DR*

1 - Mr. Mintz
Attn:
Mr. Heller
1 - Mr. Bassett
1 - Mr. Bailey
1 - Mr. Ryan
1 - Mr. Foster
1 - Mr. Giaquinto

SUBJECT: HOUSE SELECT COMMITTEE ON ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

PURPOSE: To advise that the attached letter was delivered to Mr. Robert L. Keuch, Deputy Assistant Attorney General, U. S. Department of Justice, and of his response to same.

DETAILS: On June 30, 1978, Special Agent (SA) John S. Giaquinto, Congressional Inquiry Unit, and SA Ronald Heller, Legal Liaison Unit, delivered the original of the attached letter to Mr. Robert L. Keuch, Deputy Assistant Attorney General and Special Counsel to the Attorney General regarding HSCA matters. The letter was hand delivered to Mr. Keuch in order to answer any questions that may arise and to obtain his opinion as to whether further action was warranted.

Upon review of the attached, Mr. Keuch's questions concerned the nature of the material contained in the unaccounted for sections of the file regarding [redacted] and (b)(7)(c) [redacted] length of service with the HSCA and her veracity when interviewed by SA Giaquinto on June 16, 1978. (b)(6)

Mr. Keuch then advised that he agreed with the Bureau's position in giving [redacted] the benefit of the doubt regarding (b)(6) the unaccounted for sections of the file regarding [redacted] and (b)(7)(c) that no further action need be taken. Additionally, he advised that as a [redacted]

[redacted] should again be granted access to Bureau (b)(6) material prepared for HSCA access. The HSCA has been so advised.

RECOMMENDATION: For information only.

X-115 REC-50 62-117290-1001
JUL 18 1978

JEG:pjm (9) *DR*

NOTE: See Ryan to Bassett memorandum titled "House Select Committee on Assassinations, U. S. House of Representatives (HSCA)," dated 6/21/78, wherein approval to direct this letter to Mr. Keuch was granted.

ENCLOSURE

APPROVED: _____	Asst. Sec'y _____	Dep. AD Inv. _____
Director _____	Ident. _____	Dep. AD Adm. _____
Assoc. Dir. _____	Intell. _____	Dep. AD Inv. _____
Dep. AD Adm. _____	Laboratory _____	Public Affs. Off. _____
Dep. AD Inv. _____	Legal Coun. _____	Rec. Mgnt. _____
	Plan. & Insp. _____	Tech. Servs. _____
	Training _____	



54 JUL 27 1978

June 30, 1978

Honorable Robert L. Keuch
Deputy Assistant Attorney General
Criminal Division
Room 2113
Main Justice Building
Washington, D. C. 20530

1 - Mr. Mintz
(Attn: Mr. Heller)
1 - Mr. Bassett
1 - Mr. Bailey
1 - Mr. Ryan
1 - Mr. Foster
1 - Mr. Giaquinto

TO

Dear Mr. Keuch:

The purpose of this letter is to advise that a file folder containing cover pages for two deleted third agency documents prepared for the House Select Committee on Assassinations' (HSCA) access was found by an FBI employee in a public telephone booth outside the J. Edgar Hoover (JEH) Building. Additionally, this advises of the status regarding our inquiry.

At approximately 12:20 PM, on Thursday, June 15, 1978, an employee of the Identification Division recovered an FBI file folder in a public telephone booth located on 10th Street, Northwest, across from the JEH Building. The file folder contained unclassified and innocuous cover pages for two deleted State Department documents prepared in response to a request from the HSCA for material regarding an individual named [REDACTED] (b)(7)(c)

The employee turned the file over to his supervisor, who in turn passed the material on to Legal Counsel Division. The file was subsequently turned over to the Congressional Inquiry Unit (CIU), which processes all requests from the HSCA. A review of CIU records revealed that the file folder, as well as five Sections of the Internal Security Investigation file on [REDACTED] had been Xeroxed in response to an HSCA request dated March 14, 1978, regarding 64 individuals and anti-Castro groups. The material was subsequently made available to [REDACTED] (b)(7)(c)

[REDACTED] for the HSCA, on June 13, 14, and 15, 1978. A review of the material prepared for HSCA access indicated that excised staff copies of Sections 1, 4 and 5 of [REDACTED] (b)(7)(c)

JSG:mel (8)

SEE NOTE PAGE 4. . .

1 111090 -
ENCLOSURE

Honorable Robert L. Keuch

main file could be accounted for; however, excised staff copies of Sections 2 and 3 could not be. The Sections contain the results of investigation conducted by our Miami Division regarding ██████████ during the period 1959-1964. A thorough search of the CIU space proved negative regarding the whereabouts of the excised staff copies of Sections 2 and 3. (b)(7)(c)

In view of the fact that ██████████ was the only HSCA staff member to have access to the material, it was deemed imperative that she be interviewed regarding this matter. ██████████ was subsequently interviewed on June 16, 1978, regarding her knowledge of the recovered file folder, as well as the unaccounted for Sections of ██████████ file. (b)(6) (b)(7)(c)

It is specifically noted at this time that Mr. C. Robert Blakey, Chief Counsel, HSCA, invoking Congressional privilege, refused to make ██████████ available for interview until he personally interviewed her regarding this matter. Mr. Blakey interviewed ██████████ upon her return to the House Annex Building and then, only with the approval of Committee Chairman Louis Stokes, did he make ██████████ available to the FBI. (b)(6)

██████████ was subsequently interviewed in a conference room at the House Annex Building. She advised that she had, in fact, charged out material regarding ██████████ on June 13, 14, and 15, 1978, including the recovered file folder. She advised, however, that her records indicate she had reviewed only Sections 1, 4 and 5, and had no knowledge of the whereabouts of Sections 2 and 3. She had no explanation as to how the file folder was found in the phone booth just 15 minutes after she departed the JEE Building on June 15, 1978. She speculated that it may have been accidentally gathered up with her work papers and newspaper, and then, unbeknown to her, carried out of the building. ██████████ was interviewed at length, but the matter could not be resolved. A search, by consent, of ██████████ desk and work area at the House Annex Building proved negative. (b)(6) (b)(7)(c)

Administratively, a review of the original five Sections of ██████████ file indicates that each Section had been Xeroxed and prepared for excising by the CIU. A (b)(7)(c)

Honorable Robert L. Kauch

review of the HSCA request for access to this material indicates that a total of 64 individuals and anti-Castro groups were included in this request. Material compiled was voluminous and the processed material stored in two file cabinets in secure CIU space. A review of the excised material prepared for the HSCA on the individuals and groups named in the request indicates an absence of a control file containing red line serials, which correspond to the original serials in Sections 2 and 3.

It is noted that the term control file pertains to the Xeroxed copy of the original file, which is subsequently reviewed by a CIU analyst. The analyst, using a red "El Marko" flaired-tip pen, will excise certain information from each serial, such as informant symbol numbers, et cetera. Additionally, third agency documents are deleted and replaced with a cover sheet, which describes the document and accounts for the serial.

Subsequent to the analyst's review, the control file, with the red "El Marko" deletions, is then processed through a Kodal machine, which blacks out the "El Marko" so that it is illegible.

The second copy, with its illegible excisions, is designated as the "staff copy" and made available to the HSCA. The control file with the "El Marko" excisions, is designated as the "red line copy" and is not made available to the HSCA.

Although it can be established that original Sections 1 through 5 of the file, as well as the recovered folder, were Xeroxed, it cannot be positively established that a staff copy of Sections 2 and 3 were in fact made available to the HSCA. The support personnel, who regularly charge out the material to the HSCA, cannot positively state that she had in fact provided staff copies of Sections 1 through 5, as well as the recovered folder. She can only assume that they were made available. Also, [REDACTED] notes indicate that she reviewed only Sections 1, 4 and 5 and has no recall of being given Sections 2 and 3 or any reference as to having reviewed them. The facts indicate that there is little doubt that [REDACTED] removed the file folder from the JEB Building on June 15, 1978. However, because the

(b)(6)

Honorable Robert L. Keuch

material in the folder was of no value to [REDACTED] or the HSCA, we have to assume that she may have inadvertently picked up the recovered file folder with her work papers and then, unbeknown to her, dropped the folder on 10th Street, outside the JEM Building. (b)(6)

Based upon the above facts, as well as the Bureau's experience in dealing with the HSCA and its personnel during the past 18 months, it is our position that [REDACTED] be given the benefit of the doubt regarding this matter and that no further action be taken by this Bureau, unless the Department so directs.

Sincerely,

Harold N. Bassett
Assistant Director

NOTE: See Ryan to Bassett memorandum titled "House Select Committee on Assassinations, U. S. House of Representatives (HSCA)," dated 6/21/78, wherein approval to direct this letter to Mr. Keuch was granted.

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62- 117290- 1002, 1003, 1004

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The following number is to be used for reference regarding these pages:
62- 117290- 1005 ; 1006 ; 1007 PAGE 1, ENCL. PG 1

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62- 117290- 1007 ENCLOSURE PAGES 2,3

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