Meno 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 Er. Elakey. that the notes are not records of the FBI but were developed to assist in the preparation of a Congressional subcommittee report, that the TBI exercises no control over them beyond that necessary to saferuard 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 Concressional documents temporarily retained by the FBI, subject to retrieval by the Congress, and that consideration be riven to confirmation of this position by appropriate correspondence with I'r. Blakey.

APPROVED: Adm. Serv. Legal Coun. Y Plan, & Insp. Crim. Inv. Director Rec Ment. Ident, Assoc. Dir. Tech. Servs Intell Dep. AD Adm. Training Laboratory Dep. AD Inv. Public Afts, Off,

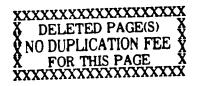
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1 23	The following number is to be used for reference regarding these pages: 62- 117290- 998

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Ð	For your information: These pages are considered to be outside the scope of your request for JFK materials.
æ	The following number is to be used for reference regarding these pages: 62-117290-999 PAGE I ENCLOSURE PAGE I

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Dee. AD Inv. UNITED STATES GOVERNMENT UNITED STATES DEPARTMENT OF JUSTICE Asst. Dir.: FEDERAL BUREAU OF INVESTIGATION Crim. lav. Memorandum Ideas 1 - Mr. Adams 1 - Mr. McDermottLebergtony : Mr. BassettHN78 DATE: July 7, 1978 1 - Mr. Mintz Rec. Mgnt. Tech. Servs. : D. Ryan Attn: Traising Mr. Heller Public Affs. Off. _ Telephone Rm. 1 - Mr. Bassett Director's Sec'y 1 - Mr. Bailey SUBJECT: HOUSE SELECT COMMITTEE ON ASSASSINATIONS 1 - Mr. Ryan U. S. HOUSE OF REPRESENTATIVES (HSCA) 1 - Mr. Foster 1 - Mr. Giacuinto 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 futher 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 length of service with the HSCA and her veracity when interviewed by SA Giaquinto on June 16, 1978. (0×6) Mr. Keuch then advised that he agreed with the Bureau's the benefit of the doubt_regarding(b)(b) position in giving the unaccounted for sections of the file regarding that no further action need be taken. Additionally, that as a should again be granted access to Bureau (by 6) agce<u>ss</u> The HSCA has been so advised. material prepared for HSCA - 1172.90 RECOMMENDATION: For information only 2 JUL 18 1978

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letter to IIr. Keuch was granted.

ENCLOSURE ..

See Ryan to Bassett memorandum titled "House Select

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Committee on Assassinations, U. S. House of Representatives (HSCA), dated 6/21/78, wherein approval to direct this

FBI/DO

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 - Mr. Giaquinto

Dear Hr. Reuch:

The purpose of this letter is to advise that a file folder containing cover pages for two deleted third asency 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, 1976, an employee of the Identification Division recovered an FUI 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 The employee turned the file over to his supervisor, who in turn passed the material on to Legal Counsel Division. Inc 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 had been Xeroxed in response (b) investigation file on to an hSCA request dated Barch 14, 1978, regarding 64 individuals and anti-Castro proups. The material was for the ESCA, on June 13, 14, and 15, 1978. A review of the material prepared for ESCA access indicated that excised staff copies of Sections 1, 4 and 5 of

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SEE NOTE PAGE 4.

Bonorable Robert L. Keuch

mein 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 reparding during the period 1959- (b)7)(c) 1964. A thorough search of the CIU space proved negative regarding the whereabouts of the excised staff copies of Sections 2 and 3.

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 reparding this tatter. Was subsequently interviewed on June 16, 1976, reparding her knowledge of the recovered file folder, as well as the unaccounted for Sections of file.

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

conference room at the House Annex Building. She advised that she had, in fact, charged out material regarding on June 13, 14, and 15, 1970, 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 JDE Building on June 15, 1978. She speculated that it may have been accidentally gathered up with her work papers and newspaper, and then, umbeknown 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.

Administratively, a review of the original five (b) 700 Sections of file indicates that each Section had been Keroxed and prepared for excising by the CIU. A

Honorable Robert L. Keuch

review of the ESCA 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 Yarko" flaired-tir 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 Rodal machine, which blacks out the "El Marko" so that it is illerible.

The second copy, with its illerible 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 Keroxed, 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 ESCA, 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, 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 removed the file folder from the JEH Building on June 15, 1978. However, because the

Bonorable Robert L. Keuch

material in the folder was of no value to see or the HSGA, we have to assume that she may have inadvertently picked up the recovered file folder with her work papers and then, unbelmoun to her, dropped the folder on 10th Street, outside the JEH Building.

(6)(6)

Based upon the above facts, as well as the Bureau's experience in dealing with the RSCA and its personnel during the past 16 months, it is our position that 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,

Earold 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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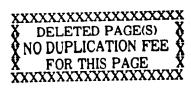




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P	For your information: These pages are considered to be outside the scope of your request for JFK materials.
æ	The following number is to be used for reference regarding these pages: 62- 117290- 1005; 1006; 1007 PAGE 1, ENCL. PG 1



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