

~~TOP SECRET~~

~~per CIA Let. 1 May 1975
by MAG NARS 9/24/75
Exempt from automatic
declassification per E.O.
11652, Sec. 5E(2), under
E.O. 11652, Sec. 5B(2) and (3)
By Charles A. Briggs,
Chief of Division 8711,
C.I.A. Date of automatic
declassification
impossible to determine
MAG~~

DECLASSIFIED

Authority CLA Let. 9/10/11/78
By MAG, NARS Date 10/15/78

~~TOP SECRET~~

~~Regraded
per CIA Let. 1 May 1975
by MAG NARS 9/24/75~~

COPY
from
THE NATIONAL ARCHIVES
Record Group No. 272

Warren Commission

9. The appeal in No. 78-1731 followed and was consolidated with the prior appeal. The Plaintiff-Appellant filed his opening brief contesting the District Court's refusal to accord him a new trial on September 11, 1978.

10. On September 15, 1978, the House Committee on Assassinations summarized a report dealing with the Soviet defector Yuri Nosenko. Because this report was based upon classified information which the CIA had provided to the Committee under a pledge of confidentiality, it was submitted to the agency for prior clearance. The Director of Central Intelligence reviewed the report within two days of receipt and agreed to declassify the draft. The Director also made Mr. John Hart, an expert in Soviet intelligence and counter-intelligence, available to testify before the Committee. A partial transcript of the hearings at which the report was summarized and at which Mr. Hart testified is attached to this motion.

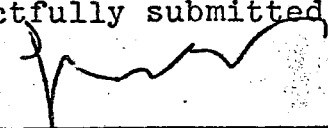
11. As a result of the Director's decision concerning the scope of the disclosures to be made at the September 15 hearing, the CIA conducted a classification review of the January 21 and June 23 transcripts at issue in these appeals. On October 11, 1978, the CIA informed the Department of Justice that, in view of the testimony given at the hearing, the agency no longer deemed it appropriate to withhold the transcripts. (Letter dated October 11, 1978).


12. On October 12, 1978, the General Services Administration informed the Department of Justice that it had withheld the transcripts of January 21 and June 23 solely at the request of the CIA and that it had no independent reason to contest disclosure. The GSA did, however, inform the Department that it would continue to withhold the May 19 transcript. (Letter dated October 13, 1978).

13 Both the Central Intelligence Agency and the General Services Administration have assured the Department of Justice that copies of the two newly released transcripts will be forwarded to the Plaintiff-Appellant as soon as possible. (Letters dated October 11 and October 13, 1978).

For the foregoing reasons, the Defendant-Appellee respectfully requests the Court to dismiss the appeal in No. 77-1831 in part and to dismiss the appeal in No. 78-1731 in its entirety.

Respectfully submitted,


LEONARD SCHAITMAN (202) 739-3321


LINDA M. COLE (202) 739-5327
Attorneys,
Department of Justice
Civil Division, Appellate Staff
Washington, D.C. 20530.