

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

NATIONAL ARCHIVES AND RECORDS SERVICE,

Defendant.

Civil Action No. 75-1448

ANSWERS TO INTERROGATORIES

JAMES B. RHOADS, Archivist of the United States, having been first duly sworn, under oath, deposes and says that it is upon his personal knowledge and belief that he gives the following information in answer to interrogatories propounded by plaintiff:

1. As evidenced by correspondence among the records of the President's Commission on the Assassination of President Kennedy (Warren Commission) in the National Archives, the transcript of the executive session of June 23, 1964, was classified "Top Secret" immediately upon its transcription. It was classified by the Commission acting through its General Counsel, J. Lee Rankin, and marked as such, pursuant to Mr. Rankin's instructions, by the contractor reporting firm, Ward & Paul. The transcript was originally classified under the provisions of Executive Order 10501, as amended (3 CFR, 1949-1953 Comp., p. 979).
2. See answer to No. 1, above.
3. Yes.
4. Yes, under the authority of Executive Order 11130 (3 CFR 1959-1963 Comp., p. 795) and Executive Order 10501, as amended, cited above.
5. The National Archives has given a copy of the transcript of June 23, 1964, to the Central Intelligence Agency. The National Archives has not given the

transcript or a copy thereof to any of the other agencies listed.

6. None.

7. The National Archives gave the CIA a copy of the June 23, 1964 transcript on November 17, 1972, July 30, 1974, and March 21, 1975.

8. The National Archives has given a copy of the transcript of January 21, 1964 to the Central Intelligence Agency. The National Archives has not given the transcript or a copy thereof to any of the other agencies listed.

9. None.

10. The National Archives gave the CIA a copy of the January 21, 1964 transcript on November 17, 1972, July 30, 1974, and March 21, 1975.

11. Defendant objects to this interrogatory on the grounds that it is not relevant to the subject matter of the complaint.

12. Defendant objects to this interrogatory on the grounds that it is not relevant to the subject matter of the complaint.

13. Yes. ~~Yes.~~ No.

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14. The pertinent exemption is established in Subsection 5(B)(2) of Executive Order 11652 (37 F.R. 5209, March 10, 1972).

15. Defendant objects to this interrogatory on the grounds that it seeks the disclosure of information which the defendant maintains is security classified and which the defendant seeks to protect on this and other bases in the instant action.

16. Defendant objects to this interrogatory on the grounds that the information requested is privileged.

17. Defendant objects to this interrogatory on the grounds that the information requested is privileged.

18. The Central Intelligence Agency has advised the National Archives that the following criteria are pertinent to the prior "Top Secret" classification: "Disruption of foreign relations vitally affecting the national security;" and "the revelation of sensitive intelligence operations."

19. The entire transcript of June 23, 1964, is presently classified at the "Confidential" level. Pages 63-73 of the transcript of January 21, 1964, are presently classified at the "Confidential" level, while the remainder of that transcript is unclassified. The National Archives downgraded the classification of the June 23, 1964 transcript and pages 63-73 of the January 21, 1964 transcript subsequent to the recommendation of the CIA dated May 1, 1975.

20. In 1967, Dr. Robert Bahmer, then Archivist of the United States, Marion Johnson, Staff Archivist, and I, then Deputy Archivist, reviewed the classification of the transcripts. As a result, all but pages 63-73 of the transcript of January 21, 1964, which remained classified at the "Top Secret" level, was declassified. The transcript of June 23, 1964, remained classified at the "Top Secret" level. A classification review by the CIA culminating on December 22, 1972, resulted in no change to the classification of the transcripts. Reviews by the CIA initiated on July 30, 1974, and March 21, 1975, and culminating on May 1, 1975, resulted in the downgrading of the transcripts to the "Confidential" level.

21. The CIA informed the National Archives that Mr. Charles A. Briggs is so authorized.

22. The CIA has informed the National Archives that Mr. Briggs first viewed the transcripts on April 15, 1975.

23. 50 U.S.C. 403(d)(3) (1970).

24. The National Archives has no knowledge of the total number of Warren Commission executive sessions. Among its holdings are the transcripts for twelve sessions and the minutes of a thirteenth. This agency withholds access

to certain of these transcripts or portions thereof pursuant to the following statutory exemptions under the Freedom of Information Act:

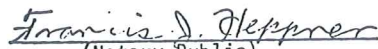
- (a) 5 U.S.C. 552(b)(1): June 23, 1964; pp. 63-73 of January 21, 1964;
- (b) 5 U.S.C. 552(b)(3): June 23, 1964; pp. 63-73 of January 21, 1964;
- (c) 5 U.S.C. 552(b)(5): June 23, 1964; May 19, 1964; pp. 63-73 of January 21, 1964; and pp. 44-45 of December 5, 1963;
- (d) 5 U.S.C. 552(b)(6): May 19, 1964; pp. 44-45 of December 5, 1963; and
- (e) 5 U.S.C. 552(b)(7): June 23, 1964; and pp. 63-73 of January 21, 1964.

25. For the answer to this interrogatory, defendant defers to and incorporates the explanation contained in the affidavit of Charles A. Briggs, Chief of the Services Staff, Directorate of Operations, Central Intelligence Agency, dated November 5, 1975.

I have read the answers above, and they are true and complete to the best of my knowledge and belief.

  
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JAMES B. RHOADS  
Archivist of the United States

Subscribed and sworn to before me at Eighth and Pennsylvania Avenue, N.W., Washington, D.C., on this 24th day of November 1975.

  
(Notary Public)

My commission expires: August 31, 1979

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing Answers to Interrogatories has been made upon plaintiff by mailing a copy thereof to James Hiram Lesar, Esq., 1231 Fourth Street, S.W. Washington, D. C. 20024 on this 9th day of January, 1976.

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