# UNITED STATES DISTRICT COURT . $F_{\text{COLUMBI}}^{\text{COLUMBI}}$

HAROLD WEISBERG,

### Plaintiff

-V-

GENERAL SERVICES ADMINISTRATION,

Defendant

## Civil Action No. 75-1448

DEFENDANT'S RESPONSE TO PLAINTIFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS

Defendant, by its attorney, the United States Attorney for the District of Columbia, produces herewith, insofar as they exist and are in defendant's custody, those documents requested by plaintiff's second request for production of documents filed May 4, 1976.

MICHAEL J. RYAN

Assistant United States Attorney

### Certificate of Service

I HEREBY CERTIFY that service of the foregoing Defendant's Response to Plaintiff's Second Request for Production of Documents with attachment has been made upon James Hiram Lesar, Esq., 1231 4th Street, S.W., Washington, D. C. 20024 on this 9th day of June, 1976.

mange

MICHAEL J. RYAN Assistant United States Attorney U.S. District Courthouse Room 3421 Washington, D. C. 20001 Telephone: 426-7375

<u>NO. 1</u> - A signed copy of the November 7, 1964, letter from Mr. J. Lee Rankin to Attorney General Nicholas Katzenbach, as well as any draft or other version of that letter which differs in any respect from the unsigned copy attached to Dr. Rhoads' answers to plaintiff's second set of interrogatories.

We have been unable to locate a signed copy of the November 7, 1964, letter from Rankin to Katzenbach or any draft or other version of the letter which differs in any respect from the unsigned copy attached to Dr. Rhoads' response to the plaintiff's second set of interrogatories.

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NO. 2 - The August 17, 1966, letter of Assistant Attorney General Wozencraft referred to in the March 27, 1974, letter from Dr. Rhoads to CIA Director William Colby.

Attached.

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Department of Justice Washington

### AUG 1 7 1966

Dr. Robert H. Bahmer Archivist of the United States National Archives and Records Service Washington, D.C. 20408

Dear Dr. Bahmer:

ASSISTANT ATTORNEY GENERAL

I have been asked to reply to the informal inquiries which you and the Deputy Administrator of General Services, Joe E. Moody, have made to this Department concerning the authority and procedures for releasing for public disclosure certain of the documentary material that was produced or acquired by the President's Commission on the Assassination of President Kennedy (the Warren Commission). 1.2.1%

The Commission has, of course, completed its investigation, submitted its report, and transferred all of its records, papers, and other documentary material to the National Archives for preservation. Many scholars and other persons are anxious to study that material.

Last year, the Executive departments and agencies which had furnished documentary material to the Commission developed certain guidelines for determining which of the items they had furnished could be released to the public. As a result of the applications of those guidelines, approximately two thirds of that material has been made available to the public.

Since the Commission did not provide any guidance or impose any restrictions in this regard at the time that its files were transferred to your agency, since the Commission is now out of existence, and since your agency is now the receiver and custodian of the records of the Commission, this Department believes the Administrator of General Services, acting through you and your staff, is now in the same legal and administrative position with respect to the records, papers, and other documentary material transferred to your agency by the Commission, as the Commission was prior to that transfer.

Consequently, we believe that your agency has the authority and obligation to review that material and to determine which of it should be made available to, or withheld from, the public at this time, and to conduct subsequent reviews of such material at reasonable intervals until all of it is released. In this regard, we believe it would be appropriate for your reviews of that material to be made in conformity with the guidelines which were developed and applied by the various Executive departments and agencies with respect to the material they had contributed to the Commission. However, we do not consider those guidelines as imposing absolute standards for the release or disclosure of Commission-produced material in your custody. If in any specific case a sound legal basis exists for withholding or for releasing any such material notwithstanding provisions of the guidelines, your agency should, of course, disregard the guidelines. Similarly, if sound archival or other principles or reasons, not inconsistent with law, exist for disregarding the guidelines in some particular case, we believe that it would be appropriate for your agency to disregard the guidelines in that case. If any significant legal problem should arise in this regard, the Department of Justice will, of course, be happy to assist you in any way that we can.

Sincerely,

Frank M. Wozencraft Assistant Attorney General Office of Legal Counsel

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NO. 3 - Any correspondence or other form of communication between the Department of Justice, the National Archives, or the Central Intelligence Agency with regard to the review of Warren Commission documents which the National Archives made in 1967 at the request of the Department of Justice.

Copies of correspondence with the CIA in 1967 regarding review of Warren Commission documents are attached. There was no correspondence with the Justice Department that year concerning review of Warren Commission documents.

#### Memo to the Files

A meeting was held on August 17, 1966, in the Office of Mr. Wazencraft, Assistant Attorney General for the Office of General Counsel, attended by about a dozen officials of the Department of Justice (including Messrs. Wozencraft, Reis, Simms, Slawson, Mondello, and Malley) and Bahmer, Rhoads, and Marion Johnson of NARS.

The purpose of the meeting was to discuss all important outstanding problems with regard to the records of the Warren Commission, particularly those relating to:

1. NARS' assumption of responsibility for access determinations

2. Transfer of items of evidence from the FBI to NARS

3. Review of the NARS list of recommended vesting actions and problems anticipated after vesting occurs.

The following decisions were made:

- 1. NARS will review the Warren Commission records and attempt to apply, on a tentative basis, the guidelines set forth by the White House for agency review of records furnished by them to the Commission; Mr. Slawson will then review these tentative determinations and will provide informal guidance and counsel with regard thereto
- 2. The Office of General Counsel will send a letter to the FBI authorizing the transfer of items of evidence to NARS. Mr. Malley will then get in touch with Mr. Rhoads to make arrangements for the transfer.
- 3. An official of NARS (probably Rhoads) will participate in the Justice Department review of the list of items of evidence under consideration for vesting.
- 4. The Justice Department will attempt to work out an arrangement with the Kennedy family to permit vesting of the clothing worn by President Kennedy at the time of his assassination in return for an agreement not to permit the public exhibit of these items for a specified period of time.
- Mr. Reis expressed an interest in trying to determine the location (and the transfer to official custody) of the autopsy photographs and X-rays.

exBRKm Q

James B. Rhoads

14 august 1161 Mr. arthur Dooley Centrul Intolligeone aging DECLASSIFIED E.O. 11652, Sec 5 By MMg\_, NARS Dato. 7/31/75 Mr. Dooley :... We have been reviewing the records of the Warsen Commun concerning which no decision has previously been made as to whether they should be made available to the public for research or withheld under the guidelines applicable. To the records of the Commission. Enclosed are copies of These guidelines and of a letter of the Department of Justice concerney the obligation of the National Archives to review the records of the Commission that have not been reviewed . In order to complete the review, we need the opinion of your agency as to whather certain records of the Commission that relate to the C & should be withheld or made available for research. We have prepared two lists, two copies Jeach of which accompany this note. List Ko. I consists of internal memoranda and other records of the Commission of which copies are enclosed. List No. 2 Consists of correspondence between the Commission and the C La, as will as a faw other weaks, which should be available in the file of the Cold relating to the Commissions investigation. We shall appreciate it if you will mark one of the copies of . The two lists in the column on the right side of the page with the word "Reflecce", if in you opinion : a downess can be relaced,

I the number of the guideline under which it should be withered, and return the marked copy to us, Some of the documents on these lists also relate to or were originated by other agencian than the CAA, particularly the State Department and the Hadred Buren glancingation. If the C & a has no objection to the release of theme itene, we would, of lourse, obtain a cleance also from , thather agencies concerned when this is necessary. Marin M. Johnson Rational anchiven, Roombew-3 Code 13, X34092 8th St. and Penna. ave. Washington, D.C.

#### VEGDST

### CENTRAL INTELLIGENCE AGENCY WASHINGTON, D.C. 20505

2 OCT 1967

Dr. Robert H. Bahmer Archivist of the United States National Archives and Records Service Washington, D.C. 20408

Dear Dr. Bahmer:

We appreciated the opportunity to review the documents furnished by Mr. Marion Johnson to this Agency on 15 August 1967. Pursuant to your written request of 14 August 1967, we have made appropriate recommendations on the lists provided by Mr. Johnson. As you will note, we have no objections to the release of the following items:

List No. 1

1, 4, 8, 9, 10, 11, 12, 13, 22, 23, 26

List No. 2 4, 8, 11, 13, 14, 15, 17, 18, 19, 24, 26, 27, 33, 34, 35, 36, 39, 41, 42, 43, 45, 46, 49, 50, 52, 57, 60, 61, 62, 63, 64, 65

The above releases apply only to the exact document(s) listed and not to related items in the Commission's possession. We also note that other agencies concerned will be consulted, as appropriate.

Sincerely,

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Thomas H. Karamessines Deputy Director for Plans

Attachments: a/s

CLASSIFICATION CANCELED By authority of: C.2.6. Etc. 9 10/20/25

Name and title of person making the comment NNFL 10/23/75 Date

GROUP 1

Excluded and

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NO. 4 - The Attorney General's letter of July 12, 1965, which is referred to in Central Intelligence Agency's December 4, 1971, memorandum for Dr. James B. Rhoads re: "Release of Documents Furnished to the President's Commission by the Central Intelligence Agency."

The requested correspondence is attached. Also attached is a letter dated August 9, 1965, from Richard Helms to Dr. Wayne Grover reporting the results of the CIA review. 12 Kios

BAHMER

Honorable William F. Raborn Director Central Intelligence Agency Washington, D. C.

lear Mr. Director

In a letter of Fabruary 8, 1965, I requested an expression of the views of your agency with regard to public disclosure of unpublished documents that were furnished to the President's Commission on the Assassination of President Kennedy by your agency.

Following a review of the recommendations of your agency and of officials of other interested departments and agencies, I submitted a memorandum to McGeorge Bundy, Special Assistant to the President, proposing certain guidelines for determining which of those documents should be made available to the public. By a memorandum of April 19, 1965, Mr. Eundy approved those guidelines and asked me, in coordination with the National Archives, to instruct the appropriate agencies to conduct a raview of pertinent documents in accordance with those guidelines and to complete that raview by September 1, 1965.

In order to facilitate this review, the National Archives has prepared a list of the documents which are in the files of the President's Commission and which were submitted by, or originated in, your agency. This list includes only the documents that were not published by the Commission and those that could readily be determined to have been published only in part.

It is requested that you arrange for the prompt examination of the listed documents with a view to authorizing the removal of existing restrictions on public availability of as many of those documents as possible. The guidelines approved by Mr. Bundy, which are set forth in the attachment to this letter, should be applied in making the required determinations.

制造成计 网络白云白 网络阿马斯布拉纳西古布拉马马 The document-by-document review that this procedure requires may be undertaken on the basis of file copies of documents which were retained in the files of your agency, or, since all records of the President's Commission have been transferred to the National Archives, the Archivist will arrange to give your representative access to the listed documents if that procedure would be more convenient. At the conclusion of your review, a copy of the enclosed list, marked so as to show which documents may be made public and which must remain closed for the time being, should be sent to Dr. Wayne C. Grover, Archivist of the United States. With respect to items that must be withheld from the public, please indicate the letter or number of the item in the attached guidelines that best describes your sgency's reason for such withholding, the standard the standard to the 

It is essential that the Archivist of the United States receive your reply by August 15, 1965, since a report to the White House must be prepared and submitted by September 1 on the overall status of accessibility to the records of the Commission. If any questions or problems arise in the course of the review, your representative should contact Dr. James B. Rhoads, Assistant Archivist for Civil Archives, whose telephone number is code 13, extension 22442.

I am awara of the difficulties inherent in this undertaking, but the public interest in these documents, and the determination of the White House Office that

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they be disclosed to the fullest extent consistent with they be disclosed to the fullest extent consistent with the national security, sound public administration, and the rights of individual privacy, require that this as-signment be accomplished with care and dispatch. Sincerely, Attorney General bac

LIST OF UNPUBLISHED AND PARTLY PUBLISHED DOCUMENTS OF THE PRESIDENT'S COMMISSION ON THE ASSASSINATION OF PRESIDENT KENNEDY

Documents Received From the Central Intelligence Agency

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F. 1197

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Lists of Commission documents and the related Commission exhibits prepared by the Staff of the Commission have been used in coupling this list. Documents that were created by an agency other than the agency which submitted them to the Commission have been listed by the creating agency rather than by the submitting agency. Excuments that were partly published as Commission exhibits are indicated by the abbreviation (p) under the heading "Remarks" or by other information concerning the publication of part of the document. Other abbreviations that have been used are the following:

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|-------|---|
|       | Cormission Document   |
|       | Commission Exhibit  |
|       | Top Secret  |
|       | Secret  |
| · · . | Confidential  |
| • 2   | Official Use Only   |
| ···   | Limited Official Use  |
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PRESIDENT'S CONTISSION ON THE ASEASSINATION OF PRESIDENT KENNEDY

Commission Documents Received From The Control Intellegence Agency

Hero ros Analysis of World Reaction to

Pres. Kennedy's Assassination supplied

Telegram - Information Report: Cuban

Precautions Following Assassination of

Letter from R. M. Russell, Jr. Deputy

Memo of Chief (illegible) Branch, for

"Status of American Defectors in the

Hemo ro Recent Soviet Statements of Lee

Meno from Richard Helms, Deputy Director for Flans w/attachments ((a) Chronology of (swald in USSR (ct. 1959 - June 1962

Information developed by CIA on the activity of Lee Harvey Oswald in Mexico City, 28 Sopt. - 3 Oct. 1963, w/att. photo of Valeriy Vladimirovich Kustikov.

(b) Name List with Traces

Director, Office of Security, CIA, to Director, FBI with attached memo on

Director (Plans) w/attachment Re:

M. Bridger

Se 19 ....

Identification

by Mr. Dulles.

- President Kennedy.

Soviet Union"

Harvey Cawald

5 St. 25

B. Case

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Document

/29/12 11-22-63

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# Identification

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Number

V631,

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Biographic info. on Mrs. Oswald and her relatives. (Cover letter of 2-5-54 from Thomas H. Karamossines. Acting Deputy Director for Plans, CIA - missing) 

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Meno from Richard Helms, Deputy Director 75 for Flans, 2-19-61. "Information Develop= ed by CIA on the Activity of Lee Harvey Oswald in Mexico City September 28 to (.etcber 3, 1963."

Meno from Richard Helms, Deputy Diroctor 5 for Plans, CIA W/attacked translations from the Spanish of results of interrogations of Silvia DURAN and her husband in Maxico City Nov. 23-28, 1963. 

Momo report entitled "Summary of Findings S in Regard to Allegations by Mchanned REGGAB Relative to Marina Nikolevna CSMALD" submitted by cover rome to Hr. Rankin from L Mr. Holms

Hemo from Richard Holms, Deputy Director \_8 for Plans, CIA entitled "Article Alleging that cowald was Interviewed by CIA in Moscown w/attachments A & B ...

Memo from Richard Helms w/attachments A 18 & B re CIA Dissemination of Inf., on Los Harvey Oswald

Meno from Richard Heims, Doputy Director for lass, entitled "Information disseminated to the Secret Service but not yet made available to the President's Commission"W/attachments A, B & C

3-4-64

3-18-64

3-24-64

10-10-53

3-211-64

La started 10 .1. ....

# Identification

Cormission Bocument

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Number

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Remarks

2 folders Appendix C to Chronology of Cswald in USSR, Oct. 1959 - June 1962 which was Sup forwarded to Contaission 1/25/64 and given Commission No. 321. Forwarded by letter of 3-26-64 from Richard Helms, Deputy Director for Plans Appendix A - Questionnairs for Hrs. Marina (swald) to Chronology of Oswald in USSR, Cct. 1959 - June 1962, forwarded to the Commission 1-25-64 and given Cormission No. 321. (Appendix B is Cornmission No. 361 and Appendix C is Commission No. 680.) Hemo to Mr. Rankin from Mr. Helms, Doputy Director for Plans W/attached exact reproduction of CIA's official dossier on Csuald 199 (**1**87) Mern entitled "Information Developed b/ ASS CIA on the Activity of Loe Harvey Oswald in Mexico City 28 Sept. - 3 cct. 1963" Letter from Doputy Director, CIA, to 11-21-60 Director of Intelligence and Research, State Dept, re: "defectors" and enclosing a list of them Letter from Deputy Director, CIA, to 11-3-60 Director of Intelligence and Research, State Dopto, acknowledging his letter of Oct. 25, 1960. Heno from Richard Helms, Deputy Director 2 copies 698 3-31-61 for Plans, re "Report on Activities and We Travols of Lee Marvey Oswald and Marina Nikoloyna Oswald" w/attachmonts A, B, C. D. CE

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|  |   | 726 1-7-64 Meno from Richard Helms, Deputy Director S  |
|  |   | for Plans, CIA, re Actions of Silvia   |
|  |   | Duran after her first interrogation.<br>W/attachment entitled "Actions of Silvia   |
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|  |   | 1959 - June 1962." (Commission No. 321)  |
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Memo from Richard Helms, Deputy Director for Plans, CIA, re: Criteria for Dissemination of Information to the Secret Service; Recommendations of CIA Relative to Presidential Protection Classification

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Memo to Mr. Rankin from Nichard Helms, Deputy Director for Plans, CIA, Wattached info. re Subject: Harina Oswald's Notebook

Mano from Richard Helms, Deputy Director for Plans, GIA, with attached personality sheet on LEV SETYAYEV and folder entitled "Contacts Between the Osualds and Soviet Citizens = 12 June 1962 to 22 November 1963

cc memo for director, FBI = subject: Lae Harvey Osmald's access to classified info. about the U-2, from Richard Holms, Deputy Director for Fla s, CIA

Memo from Richard Helms, Deputy Director for Plans, CIA re: r.le of the Cuban Intelligence Service in processing visa applicants; reaction of that service to the Assassination of Pres. Kennedy with attached report entitled "Lee Hervey Oswald,

Heno from Richard Helns, Deputy Director for Flans, CIA, re: Allegations of FFC Eugene B. Dinkins, US Army, relative to assassination plot against Pres. Kennedy, w/attachments

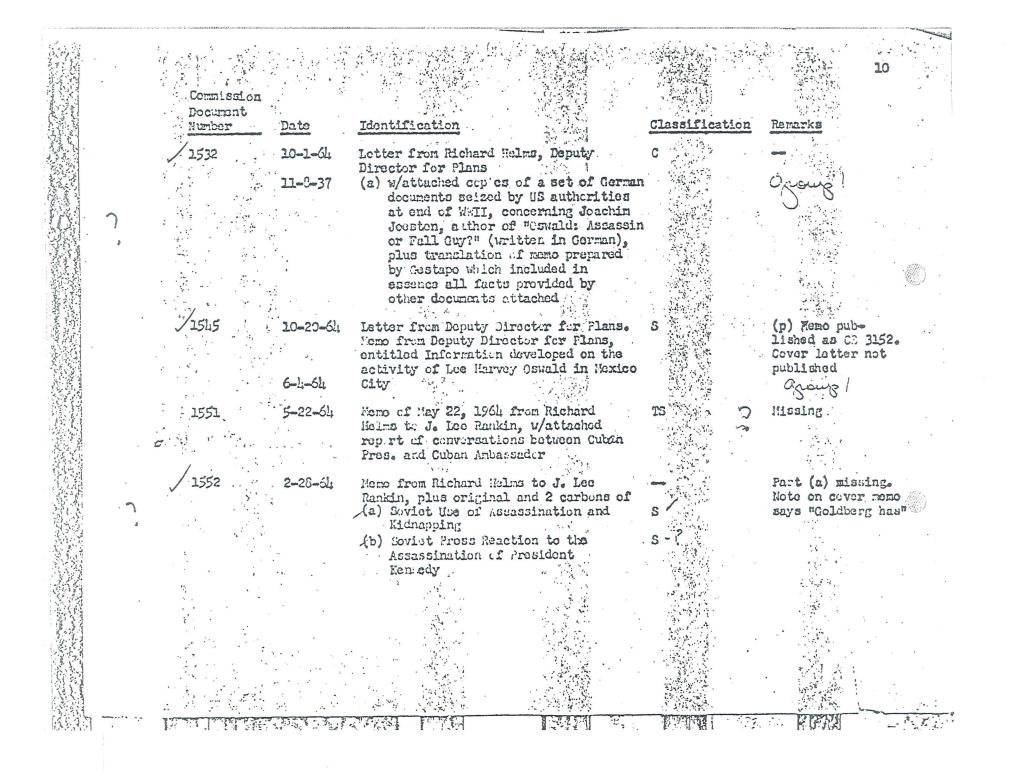
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|   | Australia, relative to planned assas-<br>sination of Pres. Remedy, W/attachment<br>11-29-63 (a) Copy of OJT teleties No. 05691 dated<br>to White House, Dept. of state, FBI,           |
|   | 985 5-27-64 Menzo from Richard Helms, Deputy Director 5<br>for Plans, CIA re: Letter Accusing the  |
| C | Chinese Compunists of Plotting the Ap-<br>mesination of Pres. Kennedy, w/at-<br>tached copy of OUT toletype No. 87796<br>to White House, State, et al                                  |
| R | 1937 5-19-54 Letter from John A. McCone, Director,<br>CIA, with attached affidavit to the ef-<br>foct that Usuald was not an agent, em-<br>ployee, or informant of the CIA.            |
| 7 | /990 5-27-61. Mano from Richard Heins, Deputy Director S<br>for lans, CLA, re: Discussion between<br>Chairman Khruschev and Mr. Drew Pearson<br>ro: Lee Harvey Oswald                  |
| 7 | / 1000 6-1-61. Heno from Richard Heims, Doputy Director 5<br>for Mans, CIA entitled "Gilberto<br>Alvorado Ugarte", W/attachments<br>11-26-63 (a) OUT telety o No. 85039, relative to 8 |
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|           | Lee Marvey Oswald Furnished by the Soviet  |
|           | 1012 6-3-64 Meno from Richard Helms, Deputy Director S   |
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|                     | 1356 8-7-64 Memo from Richard Helms, Deputy Director<br>for Plans, CIA, entitled: "Soviet Hunt- | S 2 copies   |
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#### CENTRAL INTELLIGENCE AGENCY WASHINGTON, D. C. 20503

OFFICE OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE

9 August 1965

#### MEMORANDUM FOR:

Dr. Wayne C. Grover Archivist of the United States

SUBJECT:

Release of Documents Furnished to the President's Commission by the Central Intelligence Agency

This Agency has completed its review of the classified documents mentioned in the Attorney General's letter of 12 July 1965.

I approve the removal of existing security controls on Commission Documents numbered 985, 987, 1011, and 1159. I cannot agree to the release of the remaining documents for security reasons and, accordingly, request that Guideline Number 2 be observed in each case.

A copy of this letter has been sent to the Attorney General. The Central Intelligence Agency will be glad to re-examine the above classified material when the next prescribed review period arrives.

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Richard Helms Deputy Director

cc: Attorney General

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### CIVIL ACTION NO. 75-1448

NO. 5 - Any correspondence, routing slip, or other form of communication pertaining to the transmittal of Warren Commission documents to the CIA by Marion Johnson on March 21, 1975.

Attached.

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#### CIVIL ACTION NO. 75-1448

NO. 6 - The cover sheets for all copies of the January 21 and June 23, 1964, executive session transcripts except the file copies. Attached.

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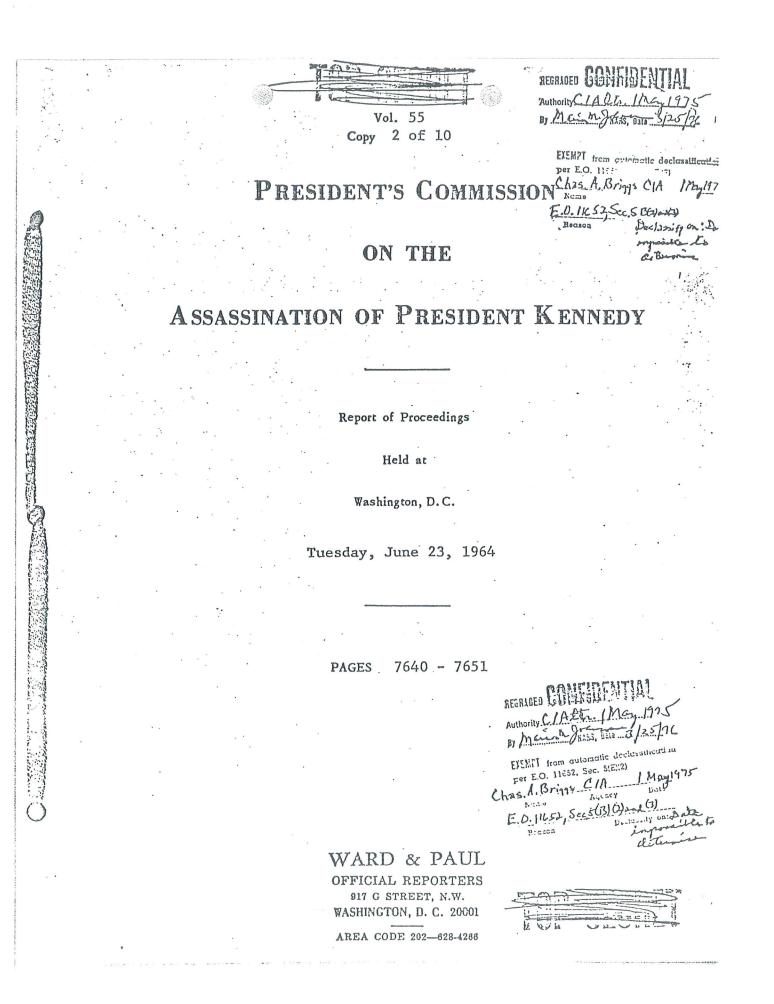
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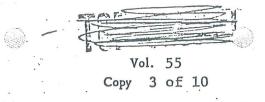
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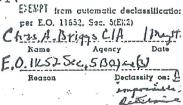






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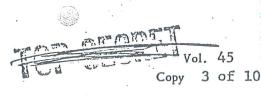
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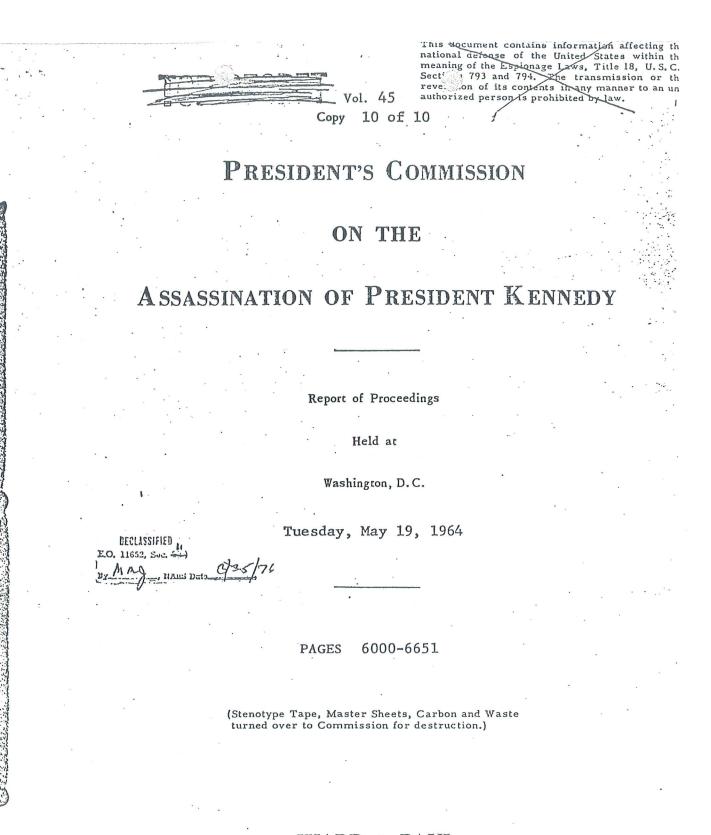
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