

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
JUL 28 1978
JAMES F. DAVY
CLERK

.....
HAROLD WEISBERG,

Plaintiff,

v.

Civil Action No. 75-1448

GENERAL SERVICES ADMINIS-
TRATION,

Defendant
.....

PLAINTIFF'S THIRD SET OF INTERROGATORIES

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, plaintiff addresses the following interrogatories to the defendant General Services Administration:

64. Did the CIA review the classification of the January 27, 1964, Warren Commission executive session transcript prior to December, 1972?

65. If the answer to the preceding interrogatory is yes, state:

- a. the date(s) on which any such review was initiated;
- b. by whom the review was initiated;
- c. the date(s) on which any such review was concluded;
- d. the name(s) and position(s) of the person(s) making the review;
- e. the qualifications of the reviewer and whether he was authorized to classify documents Top Secret under Executive orders 10501 or 11652 at the time of the review. (Please attach copies of any such authorization)

f. the name(s) of anyone consulted in making such review and his title or position;

g. the result of any such review;

h. the provisions of Executive orders 10501 or 11652 relied upon in classifying the January 27 transcript Top Secret;

i. whether the person making the review applied the "Guidelines for Review of Materials Submitted to the President's Commission on the Assassination of President Kennedy" in determining the transcript's releasability; and

j. whether the person making the review took into account the fact that Congressman Gerald Ford had published large parts of this Top Secret transcript in his book Portrait of the Assassin.

66. Did the CIA review the classification of the January 27, 1964, Warren Commission executive session transcript on or about December, 1972?

67. If the answer to the preceding interrogatory is yes, state:

a. the date on which this review was concluded;

b. the name and position of the person making the review;

c. the qualifications of the reviewer and whether he was authorized to classify documents Top Secret under Executive order 11652. (Please attach a copy of any such authorization)

d. the name(s) of anyone consulted in making such review and his title or position;

e. the result of this review;

f. the provision(s) of Executive order 11652 relied upon in classifying the January 27 transcript Top Secret;

g. whether the person making the review applied the "Guidelines for Review of Materials Submitted to the President's Commis-

sion on the Assassination of President Kennedy" in determining the transcript's releasability; and

h. whether the person making the review took into account the fact that Congressman Gerald Ford published large parts of this Top Secret in his book Portrait of the Assassin.

68. Attached hereto are pages 139-149 of the January 27, 1964, Warren Commission executive session transcript. Please have Mr. Charles A. Briggs, Chief of the Services Staff for the Directorate of Operations of the Central Intelligence Agency, list or mark:

a. any of these pages or parts thereof which could have been validly classified under any provision of Executive order 10501, citing any provision relied upon for each classifiable segment;

b. any of these pages or parts thereof which could have been validly classified under any provision of Executive order 11652, citing any provision relied upon for each classifiable segment.

69. On April 15, 1974, Mr. John S. Warner, General Counsel of the CIA, responded to the March 27, 1974 request of the National Archives that the CIA review the January 27 transcript by assuring Dr. James B. Rhoads, the Archivist, that the CIA had no objection to releasing this transcript to the public. Please state:

a. the name, title, and position of the person who reviewed the January 27 transcript for the CIA as a result of the Archives' March 27, 1974, request;

b. the qualifications of the reviewer and whether he was authorized to classify documents Top Secret under Executive order 11652. (Please attach a copy of any such authorization)

c. whether the person making the review applied the "Guidelines for Review of Materials Submitted to the President's Commis-

sion on the Assassination of President Kennedy" in determining the transcript's releasability;

d. whether the person making the review took into account the fact that Congressman Gerald Ford had published large parts of this Top Secret transcript in his book Portrait of the Assassin;

e. the last date prior to March 27, 1974, on which the CIA had recommended or advised that the Top Secret classification of the January 27 transcript be continued; and

f. what occurred between the date stated in answer to the preceding interrogatory, No. 69e, and April 15, 1974, which caused the status of the January 27 transcript to plummet from Top Secret to unclassified?

70. Attached hereto is a copy of the October 1, 1974, letter from Mr. John D. Morrison, Jr., Acting General Counsel for the CIA, which informed Mr. Marion Johnson of the National Archives that the CIA wished to continue the Top Secret classification of the June 23 executive session transcript and pages 63-73 of the January 21 transcript.

a. who made the determination to continue the classification of the June 23 transcript and pages 63-73 of the January 21 transcript?

b. what position and title did he hold at the time?

c. was he authorized to classify documents Top Secret under Executive order 11652? When, and by what authority? (Please attach copies of any such authorization)

71. Page two of Mr. Morrison's October 1, 1974, letter contains two handwritten notes in the margins next to statements that the CIA wished to continue the Top Secret classification of the June 23 transcript and pages 63-73 of the January 21 transcript. The note in the left-hand margin, dated "1/23/75" and initialed by Mr. Marion Johnson, states: "The CIA told me that classification

of these documents is to be continued under E. O. 11652, Sec. 5(B) (2)."

- a. who at the CIA told Mr. Johnson that the classification of these transcripts was to be continued?
- b. was this person authorized to classify documents Top Secret under Executive order 11652? When, and by what authority? (Please attach copies of any such authorization)
- c. if the person who told Mr. Johnson that the classification of these transcripts was to be continued did not himself make that determination, who did?
- d. was the person who did make the determination authorized to classify documents Top Secret under Executive order 11652? When, and by what authority? (Please attach copies of any such authorization)
- e. did the person who made the determination to continued the classification of these transcripts have access to them when he made that determination? Did he review the transcripts?
- f. did the person who made the determination to continue the Top Secret classification of these transcripts compare their content with what was publicly known?
- g. which of the three copies of the January 21 transcript maintained by the National Archives was reviewed by the person who made the determination to continue the Top Secret classification of the January 21 transcript?
- h. was the CIA ever provided a copy of "copy 3 of 9" of the January 21 transcript? If so, when?
- i. was the person who made the 1/23/75 determination to "continue" the Top Secret classification of the January 21 transcript aware that Mr. Marion Johnson had cancelled the Top Secret classification of this transcript on February 21, 1968?

72. The June 23 transcript and pages 63-73 of the January 21 transcript were purportedly downgraded to Confidential as the result of a letter from Mr. Robert S. Young of the CIA dated May 1, 1975. What happened between January 23, 1975, and May 1, 1975, eleven years after the Warren Commission ceased to exist, which caused the classification of these transcripts to plummet from Top Secret to Confidential?

73. The note in the right-hand margin of Mr. Morrison's October 1, 1974, letter is dated "3/19/75". It reads: "Mr. Charles P. Dexter of CIA again stated these are to be withheld. Asked for Lesar letter and transcripts for review."

a. what was Mr. Dexter's title and position as of March 19, 1975?

b. is Mr. Dexter authorized to classify documents Top Secret under Executive order 11652? As of when, and by what authority? (Please attach copies of any such authorization)

c. did Mr. Dexter himself make the determination stated in the note dated "3/19/75"? If he did not, who did?

d. was the person who made the determination stated in the note dated "3/19/75" authorized to classify documents Top Secret under Executive order 11652 as of the date of that note? By what authority? (Please attach copies of any such authorization)

e. did the person who made the determination to continue the Top Secret classification of these transcripts have access to them when he made that determination? Did he review the transcripts?

f. did the person who made the determination to continue the Top Secret classification of these transcripts compare their content with what was already publicly available?

g. which of the three copies of the January 21 transcript maintained by the National Archives was reviewed by the person who

made the determination to continue the Top Secret classification of the January 21 transcript?

h. was the person who made the 3/19/75 determination to "continue" the Top Secret classification of the January 21 transcript aware that Mr. Marion Johnson had cancelled the Top Secret classification of this transcript on February 21, 1968?

74. What happened between March 19, 1975, and May 1, 1975, eleven years after the Warren Commission had ceased to exist, which caused the purported classifications of the June 23 transcript and pages 63-73 of the January 21 transcript to plummet from Top Secret to Confidential?

75. Is Mr. Charles A. Briggs authorized to classify documents Top Secret under Executive order 11652? As of when, and by what authority? (Please attach a copy of any authorization for Mr. Briggs to classify documents under Executive orders 10501 or 11652)

76. Attached hereto is a copy of a June 21, 1971, letter from Acting Archivist Herbert E. Angel to Mr. Harold Weisberg which states that the Warren Commission executive session transcripts for January 27, May 19, and June 23, 1964, and pages 63-73 of the transcript for January 21, 1964, were being withheld from research under Exemption (b)(1) of the Freedom of Information Act. Please state:

a. all dates prior to June 21, 1971, on which the CIA reviewed, or was asked to review, the classification of the January 27 and May 19 transcripts;

b. the person making each such review of the security classification of the January 27 and May 19 transcripts;

d. whether the person making each such review of the January 27 and May 19 transcripts was authorized to classify documents un-

der Executive order 10501. (Please attach copies of any such authorization)

77. In the opinion of Mr. Charles A. Briggs, could the January 27 and May 19 transcripts have been validly classified Top Secret under any provision of Executive order 10501 as of June 21, 1971? If the answer to this is yes,

- a. list each page or part thereof of each transcript which could have been validly classified under Executive order 10501; and
- b. cite the provision of that order under which it could have been properly classified.

78. Section 5(B) of Executive order 11652 provides:

An official authorized to originally classify information or material "Top Secret" may exempt from the General Declassification Schedule any level of classified information or material originated by him or under his supervision if it falls within one of the categories described below. In each case such official shall specify in writing on the material the exemption category being claimed; and, unless impossible, a date or even for automatic declassification.

a. who originated the classified information or material contained in the June 23 transcript and pages 63-73 of the January 21 transcript?

b. did this person "specify in writing on the material the exemption category being claimed"? and if so, on what date? (Please attach a copy of any such specification or other relevant records)

c. why is it impossible to specify a date or event for the automatic declassification of the June 23 transcript and pages 63-73 of the January 21 transcript?

79. Is Mr. Marion Johnson of the National Archives authorized to classify documents Top Secret under Executive orders 10501 or 11652? As of when, and by what authority? (Please attach copies of any such authorization)

80. The May 1, 1975, letter from Mr. Robert S. Young of the CIA to Dr. Rhoads in response to Mr. Marion Johnson's March 21, 1975, request for a review of the June 23 and January 21 transcripts states: "I regret the delay in responding, which was due in part to missing pages."

- a. what pages of the transcripts were missing?
- b. how were these pages transmitted?
- c. were they lost during or after transmission?
- d. what else besides missing pages occasioned the delay in responding?
- e. if the CIA received the transcripts on March 21, 1975, why did Mr. Briggs not see them until April 15, 1975?
- f. were the Top Secret "missing pages" ever located? If so, when?
- g. what steps did the CIA take to locate the missing pages?
- h. when was the National Archives first notified of the missing pages?

81. Apparently six copies of the January 21 transcript and three of the June 23 transcript are missing.

- a. does this constitute a breach of national security? If not, why not?
- b. what efforts has the CIA made to locate the missing copies of these transcripts?
- c. if the CIA has made no effort to locate the missing copies, why not?
- d. what efforts has the National Archives made to locate the missing copies of these transcripts?
- e. if the National Archives has made no effort to locate the missing copies, why not?
- f. in view of the fact that several copies of each of these transcripts is missing, can the CIA state for certain that no per-

son not authorized to have access to classified information has seen them?

82. The National Archives received Mr. Robert S. Young's letter of May 1, 1975 on May 5. Why did Mr. Marion Johnson wait until September 25, 1975, to regrade the June 23 transcript Confidential? Does this comply with the requirements of Executive order 11652?

83. What is the date on which Mr. Weisberg first requested the Warren Commission executive session transcripts of January 21, January 22, January 27, May 19, and June 23, 1964?

84. Were any of the five transcripts listed in the preceding interrogatory validly classified under either the procedural or substantive criteria of Executive order 10501 at the time Mr. Weisberg first requested each transcript?

a. state the name of the person who applied the Top Secret stamp to each of these five transcripts and whether he was authorized to classify documents Top Secret pursuant to Executive order 10501;

b. list all pages or parts of pages of each of these transcripts which were validly classified under Executive order 10501.

85. The attached June 21, 1971, letter from Acting Archivist Herbert E. Angel to Mr. Harold Weisberg states that the June 23 transcript and pages 63-73 of the January 21 transcript are withheld under Exemptions (b)(1) and (b)(7) and that the May 19 transcript is withheld under Exemptions (b)(1) and (b)(6). Why were these transcripts not withheld under Exemption (b)(5)?

86. Were any Warren Commission executive session transcripts reviewed as part of the 1965 review of Warren Commission documents?

a. if the answer is yes, list all transcripts of Warren Commission executive sessions which were reviewed as part of the 1965

review and identify the person who reviewed each and state his title and position as of that time;

b. if the answer is no, why not?

87. The December 22, 1972, letter from Mr. Lawrence Houston, General Counsel for the CIA, to Dr. James B. Rhoads requests that the National Archives continue withholding the January 27, 1964, Warren Commission executive session transcript and other documents reviewed by it in order "to protect sources and methods." Does the January 27 transcript reveal any "sources and methods" of the CIA? (Please attach any pages of the January 27 transcript which do reveal "sources and methods" and state what source or method is disclosed)

88. The Senate Select Committee on Intelligence Activities has issued a report entitled: "The Investigation of the Assassination of President Kennedy: Performance of the Intelligence Agencies". This report is commonly known as the Schweiker Report. Has Senator Schweiker or any member of the Senate Select Committee or its staff been given access to the June 23 transcript or pages 63-73 of the January 21 transcript?

89. Where are the original copies of the January 21 and June 23 transcripts?

90. Has the CIA, the National Archives, or anyone else made additional xerox copies of the seven copies of the June 23 transcript which the National Archives originally received from the Warren Commission? Of the withheld pages of the three copies of the January 21 transcript originally received from the Warren Commission?

91. Have the January 21, May 19, or June 23 transcripts ever been referred to the Department of Justice for review? On what date?

92. Plaintiff's interrogatory No. 15 asked: "Is Yuri Ivanovich Nosenko the subject of the June 23, 1964, executive session transcript?" Defendant's opposition to plaintiff's motion to compel answers to interrogatories stated:

ANSWER: 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.

- a. did this interrogatory in fact seek the disclosure of information which was security classified?
- b. who informed the Assistant United States Attorney representing the government in this suit that this information was security classified?
- c. did anyone at the CIA inform any officer or employee of the defendant that the information sought by this interrogatory was security classified? (Please attach a copy of any record pertaining to this)

93. The March 29, 1976, affidavit of Dr. Rhoads states that after having consulted with counsel, he refused to answer interrogatories 11, 12, 15, 16, and 17.

- a. which counsel advised Dr. Rhoads to refuse to answer interrogatory No. 15?
- b. who informed the counsel identified above that the identity of Nosenko was security classified information?

94. Exemption 5 is designed to protect the confidentiality of advice on policy matters.

- a. what policies were discussed in the June 23 transcript and pages 63-73 of the January 21 transcript?
- b. did the Warren Commission advise anyone with respect to any such policies?

95. Pages 63-73 of the January 21 transcript are also being withheld on the authority of Exemption 5. Why are the other pages of this transcript not also withheld under Exemption 5?

96. Are Mr. Norman Redlich and Mr. Joseph Ball the subjects of the May 19 transcript?

97. Plaintiff has recently obtained from the National Archives some 354 pages of Warren Commission records dealing with the campaign waged by certain right-wing political groups and congressmen against Warren Commission staff members Norman Redlich and Joseph Ball. Do these publicly available materials reflect in essence the subject of the May 19 transcript?

98. Why are the 354 pages of Warren Commission records referred to in the preceding interrogatory not withheld under the authority of Exemption 6?

99. Please define what is meant by "our operational equities" as that term is used in Robert S. Young's letter of May 1, 1975.

100. Paragraph 9(b) of the October 6, 1975, affidavit of Dr. James B. Rhoads states: "In withholding access pursuant to this statute [50 U.S.C. 403(d)(3)], the Archivist of the United States or his delegates within the National Archives and Records Service act as agents for the Director of Central Intelligence or his delegates." Has the Director of the CIA or any of his delegates ever informed the Archivist or any his delegates that the June 23 transcript and pages 63-73 of the January 21 transcript are withheld pursuant to 50 U.S.C. 403(d)(3)? If so, please attach any correspondence or other record reflecting this.

101. Did Mr. Briggs review the June 23 transcript or pages 63-73 of the January 21 transcript before he was notified that plaintiff had appealed the denial of his Freedom of Information request for them?

102. Why does Exemption 5 apply to the January 21, May 19, and June 23 transcripts but not to any other Warren Commission executive session transcripts? Why, for example does Exemption 5 not apply to the January 22 and January 27 transcripts which have been publicly released?

103. Please list all persons at the CIA who have had access to the January 21, January 27, May 19, and June 23 transcripts, giving the title and position of each such person, whether he was authorized to have access to Top Secret documents, and the date(s) on which he had access.

104. Has any agent or employee of the CIA made any information from the June 23 transcript and pages 63-73 of the January 21 transcript available to any person who is not a CIA employee?

105. If the answer to the preceding interrogatory is yes,

- a. to whom?
- b. by whom?
- c. by what authority?
- d. for what purpose?

106. The Archives has stated that Mr. Charles P. Dexter of the CIA examined the June 23 transcript and pages 63-73 of the January 21 transcript on July 30, 1974, and again on March 21, 1975.

a. did Mr. Dexter make a determination on either occasion that either of these transcripts was properly classified Top Secret?

b. why didn't Mr. Dexter make the determinations that these transcripts are properly classified under Executive order 11652 rather than have Mr. Briggs do it?

107. Were the copies of the June 23 and January 21 transcripts which Mr. Arthur Dooley of the CIA had on July 30, 1972, ever returned to the National Archives? If so, when?

108. If the copies of the transcripts which Mr. Dooley had on July 30, 1972, were not returned to the National Archives, where are they now, and who has them? Why weren't they returned?

109. Defendant's answer to interrogatory No. 7 says that the CIA gave a copy of the June 23 transcript to the CIA only on November 11, 1972; July 30, 1974; and March 21, 1975. How, then, did Mr. Dooley get access to a copy on July 30, 1972, and for what purpose?

110. Executive order 11652 states: "The test for assigning 'Top Secret' classification shall be whether its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security." Which of the following criteria for determining "exceptionally grave damage to the national security" was used as a basis for informing the Archives on January 23 and March 19, 1975, or on any earlier review, that the June 23 transcript and pages 63-73 of the January 21 transcript should remain classified Top Secret?

- a. armed hostilities against the United States or its allies?
- b. disruption of foreign relations vitally affecting the national security?
- c. the compromise of vital national defense plans or complex cryptologic and communications systems?
- d. the revelation of sensitive intelligence operations?
- e. the disclosure of scientific or technological developments vital to national security?

NOTE: Interrogatories 111-186 are specifically addressed to Mr. Charles Briggs, Chief of the Services Staff, Directorate of Operations, Central Intelligence Agency. They are designed to test his honesty, competency, and credibility and to show that he should be disqualified as an expert witness in this case on grounds of bias and prejudice.

111. Executive order 11652 states that: "The test for as-signing 'Confidential' classification shall be whether its unautho-rized disclosure could reasonably be expected to cause damage to the national security." Describe the kind of damage to the nation-al security which could reasonably be expected to result from the disclosure of:

- a. the June 23, 1964, Warren Commission executive session transcript;
- b. pages 63-73 of the January 21, 1964, Warren Commission executive session transcript.

112. The June 23 transcript and pages 63-73 of the January 21 transcript are purportedly being withheld because their disclo-sure would reveal intelligence sources and methods. With respect to each transcript:

- a. what is the kind of intelligence source or method which is being protected?
- b. does the intelligence method being protected include wire-tapping or any other form of electronic surveillance?
- c. is the source or method for which protection is sought known to any other country? To the Soviet Union?
- d. is the source or method for which protection is sought publicly known?
- e. is the intelligence method for which protection is sought employed by the intelligence agencies of any other country?

113. How long does it normally take the CIA to review the classification of an eleven page document. Why did it take longer in the case of the June 23 transcript and pages 63-73 of the January 21 transcript?

114. Until the June 23 transcript was regraded Confidential on September 25, 1975, did the CIA at all times treat it as Top Secret?

115. Until the January 21 transcript was regraded Confidential on March 25, 1976, was it at all times treated as Top Secret?

116. Under what circumstances did knowledge of Nosenko's defection first become public knowledge?

117. Did the CIA keep Nosenko in protective custody? For how long?

118. Did the CIA establish Nosenko with a new identity?

119. Is Mr. Briggs familiar with the book KGB by John Barron?

120. Is Mr. Briggs aware that in KGB Mr. Barron credits the CIA with assisting him?

121. Does not most of the text of KGB come from CIA sources and deal with classified CIA operations?

122. Does not KGB contain the essence of the Nosenko story on Oswald?

123. KGB was published in a Bantam edition in January, 1974. Why was the Nosenko story on Oswald contained in KGB thereafter kept classified?

124. Does Mr. Briggs consider that the use of information supplied by defectors is an intelligence method which can be protected under Executive order 11652?

125. Is the use of information by defectors one of the intelligence methods sought to be protected by withholding the June 23 and January 21 transcripts from the public?

126. Is this method secret?

127. Did Nosenko reveal anything of a national security nature to the FBI, the CIA, or the Warren Commission which is unknown to the KGB?

128. Did Nosenko state to the American intelligence agencies which interviewed him that the KGB believed that Lee Harvey Oswald was an American "sleeper" agent?

129. Did former CIA Director John A. McCone state on nationwide T.V. that the CIA had determined that Nosenko was a reliable and dependable informant?

130. Did the CIA subsequently tell the press that it did not regard Nosenko as a reliable informant?

131. Did the CIA provide the Rockefeller Commission with its files on Nosenko? Were the materials which the CIA gave the Rockefeller Commission:

- a. complete?
- b. masked?
- c. was the identity of Nosenko hidden?

132. The Senate Select Committee on Intelligence Activities investigated the performance of intelligence agencies in investigating the assassination of President John F. Kennedy. Did the CIA provide the Senate Select Committee with its files on Nosenko? Were these materials on Nosenko:

- a. complete?
- b. masked?
- c. was the identity of Nosenko hidden?

133. Is it normal for the clandestine branch of the CIA to make determinations as to whether documents must be security classified, or is this usually a function of the intelligence branch?

134. With respect to interrogatories 131 and 132, did the CIA ask that what is merely embarrassing to it be withheld?

135. Does what was withheld from the Rockefeller Commission and the Senate Select Committee on Intelligence Activities include a request by Richard Helms that the Warren Commission hold off on a Nosenko matter?

136. By letter of July 1, 1976, Mr. Weisberg was informed that Mr. Briggs is responsible for making all decisions to withhold documents which Mr. Weisberg has requested under the Freedom of Information and Privacy Acts.

a. on what basis were the documents on Mr. Weisberg denied him?

b. What provisions of the Freedom of Information Act or the Privacy Act were invoked in denying Mr. Weisberg access to the records kept on him?

137. Was Mr. Briggs involved in the collection of records kept on Mr. Weisberg?

138. Was Mr. Briggs involved in preparing the CIA's General Counsel to report to Mr. Weisberg about the files which the CIA had on him?

139. Was Mr. Briggs responsible, directly or indirectly, for the letter which CIA General Counsel, Mr. John Warner, sent to Mr. Weisberg stating that the CIA had no files on Mr. Weisberg?

140. Did Mr. Briggs have any knowledge of the letter from Mr. Warner referred to in the preceding interrogatory?

141. Is Mr. Briggs aware that after Mr. Warner had denied the existence of any CIA files on Mr. Weisberg, the CIA did supply copies of some of them to Mr. Weisberg?

142. Is Mr. Briggs responsible for the cancellation of the memorandum to Mr. Warner informing him of other files on Mr. Weisberg?

143. As an authority on the Freedom of Information and Privacy Acts, would Mr. Briggs regard this as compliance or a deliberate violation of the law?

144. On what basis did Mr. Briggs and the CIA deny Mr. Weisberg the records which it has on his writings and public appearances?

145. What is the legal authority of the CIA to interest itself in the writings and public appearances of Mr. Weisberg?

146. Why has a complete response not been made by the CIA to Mr. Weisberg's 1971 Freedom of Information Act request?

147. Why has the CIA not yet responded to Mr. Weisberg's Freedom of Information Act request of January 20, 1975?

148. Was Mr. Weisberg's notification to the CIA that he had copies of its records on him which the CIA had not provided him in response to his Freedom of Information and Privacy Act requests routed to Mr. Briggs? If so, on what basis did Mr. Briggs:

- a. provide records mentioning Mr. Weisberg to others?
- b. deny those same records to Mr. Weisberg?

149. Did the CIA request that the Senate Select Committee on Intelligence Activities withhold the identity of certain CIA employees who worked with the Warren Commission?

- a. who made this request on behalf of the CIA?
- b. are the names of these CIA employees publicly and readily available?

150. Did the CIA request that the Senate Select Committee on Intelligence Activities withhold the names of Nosenko and others, including two who are identified in the Schweiker Report as "D" and "A"? Who at the CIA made this request?

151. Was the identity of "D" not readily and publicly available prior to your withholding of it?

152. Is the name "D" not readily and publicly available prior to your withholding of it?

153. Is the name of "D" not readily available in the Warren Commission's public records and staff memorandums?

154. Did the FBI ever request that the names of Nosenko, "D", and "A" be withheld?

155. Did the FBI classify any of the following records relating to Nosenko:

- a. CD 434?
- b. CD 451?
- c. CE 651?

156. Did the CIA classify any of the following records relating to Nosenko, and on what basis:

- a. CD 434?
- b. CD 451?
- c. CD 651?

157. Is "A" Rudolph Richard "Ricardo" Davis or anyone connected with him?

158. Was Ricardo Davis in charge of a training camp on the North side of Lake Ponchartrain?

159. Did the CIA ask Ricardo Davis to break up this training camp after the FBI raided a depot of explosives?

160. Did Ricardo Davis work for the CIA, either directly or indirectly?

161. Does Mr. Briggs know whether at an earlier period Ricardo Davis worked in Cuban endeavors for a unit of the New York Police Department in which Jack Caulfield, of Watergate fame, worked as a supervisor?

162. Were there any arrests involving "A" and/or others connected with him?

- a. are these arrests a matter of public record?
- b. do they include the names: Victor Dominador Espinosa Hernandez, Carlos Eduardo Hernandez Sanchez, John Kock Gene, Acelo Pedros Amores, Miguel Alavares Jimenez, Antonio Soto Vasquez, Sam

Benton, Byron Chiverton, Rich Lauchli (or Luchli), Earl J. Wasem, Jr., and Ralph Folkerts?

163. Do the answers to interrogatories 157-162 constitute the reasons why the name of "A" is hidden in the Schweiker Report issued by the Senate Select Committee on Intelligence Activities, as well as in records on President Kennedy's assassination recently released to the public?

164. With regard to the first 106 numbered items of the 1,466 pages of documents which the CIA recently provided Mr. Weisberg on the assassination of President Kennedy, on what basis did you mask the names of signatories?

165. Do the names which are masked include that of the CIA's former Mexico City station chief, Mr. David Phillips?

166. Before these documents were publicly released, did Mr. Phillips leave the CIA to take up its defense?

167. Did Mr. Phillips then identify himself as having been Mexico City station chief at the time of President Kennedy's assassination?

168. Did Mr. Phillips do this on a number of public occasions, including on PBS at the time the Senate Select Committee on Intelligence Activities released the Schweiker report?

169. On what basis, therefore, has Mr. Phillips' name been masked from the documents which the CIA recently provided Mr. Weisberg?

170. In a report which the CIA prepared for the Rockefeller Commission in 1965, your masking of it includes the author of the report, and in its place is written "staff employee".

a. was this report written by Raymond Rocca?

b. has Mr. Rocca's name been published elsewhere, including in publicly available Warren Commission files?

171. Did Mr. Rocca leave the CIA at about the same time as Mr. Angleton was forced out during the "Watergate flap"?

172. Did the CIA thereafter rehire Mr. Rocca as a staff employee or only to draft the report which the CIA provided to the Rockefeller Commission?

173. On what basis has the identity of Rocca as author of the CIA's report to the Rockefeller Commission been withheld from the public?

174. Does Mr. Rocca's report or "analysis" attempt in any way to persuade the Rockefeller Commission to credit, a decade later, the admitted fabrication of "D"?

175. Could the original fabrication by "D" have started a war? Could it have inflamed passions against Cuba if used by the Rockefeller Commission? Did "D" ultimately admit this at the time?

176. Does the masking of the names of Mexico City signatories hide the fact that there was responsibility on the part of Mr. Phillips and the CIA for uncritical acceptance of what could have started a war against Cuba?

177. Did Mr. Phillips send raw, inflammatory, and unauthenticated reports directly to the White House (McGeorge Bundy) and the State Department (U. Alexis Johnson)?

178. Is it not a fact that these inflammatory and unauthenticated reports were dubious on their face and departed from the known practices and procedures of intelligence agencies?

179. In Mr. Briggs' opinion as an expert, could others believe that this withholding of the names of the Mexico City signatories was from embarrassment, not reasons of national security?

180. Did the CIA ever request that the Warren Commission classify any of its executive session transcripts?

a. which ones?

b. when?

181. Do pages 63-73 of the January 21 transcript reveal the identity of any intelligence source not publicly known?

182. Does the June 23 transcript reveal the identity of any intelligence source not publicly known?

183. Who classified the attached August 14, 1967 letter to Arthur Dooley? On what basis under Executive order 10501?

184. Who classified the attached October 2, 1967 letter from Mr. Karamessines to Mr. Bahmer?

a. under which provision of Executive order 10501 was this letter classified?

b. who determined that this letter should be assigned to Group 1 and excluded from automatic downgrading and declassification under Executive order 10501, as amended by Executive order 10901?

c. how could this letter possibly qualify for Group 1 status?

185. Do pages 63-73 of the January 21 transcript contain any material which is embarrassing to the CIA?

186. Does the June 23 transcript contain any material which is embarrassing to the CIA?

187. When Dr. Rhoads reviewed the January 27 transcript in 1967, did he consider that it contained any material which qualified for Top Secret classification under Executive order 10501?

188. When Dr. Rhoads reviewed the June 23 transcript in 1967 did he consider that it contained any material which qualified for Top Secret classification under Executive order 10501?

189. When Mr. Marion Johnson reviewed the January 21 transcript in 1967, did he consider that it contained any material which qualified for Top Secret classification under Executive order 10501?

190. Did Mr. Briggs consult with anyone else in determining that the June 23 transcript and pages 63-73 of the January 21 transcript should be classified Confidential? Who?

191. In determining that the June 23 and January 21 transcripts should be classified Confidential, did Mr. Briggs resolve all doubts in favor of declassification? Did he take into account the "overriding policy of the Executive Branch favoring the fullest possible disclosure"?

192. Did Congressman Gerald Ford donate copies of classified Warren Commission executive session transcripts to the University of Michigan?

193. If the answer to the preceding interrogatory is yes, were the copies of classified Warren Commission executive session transcripts disseminated to the University of Michigan in compliance with the provisions of Sections 7 and 8 of Executive order 10501?

194. Does the January 21 transcript discuss whether Lee Harvey Oswald had worked for the CIA?

195. Does the June 23 transcript discuss whether Lee Harvey Oswald worked for the CIA?

196. When Mr. Weisberg sued for disclosure of the January 27, 1964, Warren Commission executive session, the National Archives invoked Exemptions 1, 5, and 7. After the District Court ruled that it was exempt under (b)(7), but not under (b)(1), the Archives suddenly "declassified" it and released it to the public. Why didn't the Archives continue to withhold it under Exemption 7?

197. Does the Lyndon Baines Johnson Library or any other library under the National Archives contain classified Warren Commission documents?

a. which ones?

b. do these include executive session transcripts?

c. which executive session transcripts?

198. If the answer to interrogatory 197(b) is yes, were the copies of these classified executive session transcripts disseminated in compliance with the provisions of Sections 7 and 8 of Executive order 10501?

199. Has the National Archives ever discriminated against Mr. Weisberg in what was made available to him and denied to him as the result of his requests?

200. At the time a few of the executive session transcripts were made available to David Wise, did Dr. Rhoads and Mr. Weisberg disagree on whether one of his requests covered some of these records?

201. Did Mr. Weisberg thereafter engage in correspondence that constituted a request for every record relating in any way to the medical or autopsy evidence and what is relevant to them?

202. Did the National Archives on any subsequent occasion make records of this description available to others without making them available to Mr. Weisberg?

203. Did Mr. Weisberg request a copy of what is know as the GSA-Kennedy Family Letter Agreement?

204. Did Dr. Rhoads refuse to give Mr. Weisberg a copy of the Kennedy Family Letter Agreement? If the answer to this is yes,

a. when?

b. why?

c. are these conditions ever subject to change abruptly?

205. After personally refusing to make the GSA-Kennedy Family Letter Agreement available to Mr. Weisberg, did Dr. Rhoads then personally solicit a request for it from another person who had not asked for a copy?

206. Did Dr. Rhoads assure this other person that if he requested the Kennedy Family Letter Agreement under the Freedom of In-

formation Act, the Archives would have no alternative but to give it to him?

207. Did the National Archives then give the Kennedy Family Letter Agreement to this person on what amounted to an exclusive basis?

208. How long after making the Kennedy Family Letter Agreement available to this other person did the National Archives wait before mailing a copy to Mr. Weisberg?

209. Did Mr. Weisberg request what is known as the "Memorandum of Transfer"?

210. Did the National Archives refuse Mr. Weisberg's request or the "Memorandum of Transfer"?

a. how long did this decision take?

b. on what was this decision based?

c. did Dr. Rhoads thereafter claim that he had no control over the copy in the National Archives?

d. is it not a fact that the custodian of that record was a Presidential library that is under the direction and control of the National Archives?

e. did the Secret Service thereafter make a copy available to Mr. Weisberg, electing to do so through the National Archives?

f. did the National Archives intercept this copy and then refuse to give it to Mr. Weisberg?

g. was the Secret Service the agency of "paramount interest"?

h. when Mr. Weisberg later renewed his request for the Memorandum of Transfer under the Freedom of Information Act, was his request again denied?

i. How much time elapsed from the time Mr. Weisberg first requested the Memorandum of Transfer until the time the National Archives provided him a copy?

211. Did Mr. Weisberg request that the National Archives provide him with copies of all records relating to the assassination of President John F. Kennedy as they were made available?

212. Has the National Archives subsequently made records relating to the assassination of President Kennedy publicly available without notifying Mr. Weisberg?

213. In his letter to Mr. Weisberg of July 31, 1975, Acting Assistant Archivist Albert H. Leisinger listed eleven records pertaining to Yuri Ivanovich Nosenko which were withheld, including the June 23, 1964, Warren Commission executive session transcript. Mr. Leisinger stated: "These records relating to Nosenko are denied to you under 5 U.S.C. 552(b)(5)." Why did Mr. Leisinger not claim that the June 23 transcript was denied to Mr. Weisberg under Exemption (b)(1)?

Please note that under Rule 33 of the Federal Rules of Civil Procedure you are required to serve upon the undersigned, within 30 days after service of this notice, your answers in writing and under oath to the above interrogatories.

JAMES HIRAM LESAR
1231 Fourth Street, S. W.
Washington, D. C. 20024

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this _____ day of July, 1975, mailed a copy of the foregoing Interrogatories to Assistant United States Attorney Michael J. Ryan, United States Courthouse, Room

3421, Washington, D. C. 20001.

JAMES HIRAM LESAR

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Mr. Rankin. To examine Hosty, the FBI Agent who was working in that area, and to examine the Special Agent in Charge of the area, and to examine Mr. Hoover, under oath, right up the line.

I felt, however, as I told the Chief Justice, that I thought this Commission was entitled to have the full cooperation of another Government Agency, and that we don't have what I would consider any substantial proof of this rumor.

We do have a dirty rumor that is very bad for the Commission, the problem and it is very damaging to the agencies that are involved in it and it must be wiped out insofar as it is possible to do so by this Commission.

So it seemed to me in light of that the way I would treat it if I were in their position would be to have someone approach me, tell me the problem and see what I frankly could do to clear my skirts if there was a way to do it and as long as the Commission didn't agree not to go further, if they felt that would not satisfy them, I don't see how the Commission would be prejudiced.

Rep. Boggs. Mr. Wade, what significance did Wade attach to this?

Mr. Rankin. I don't think he -- you could say he believed. I don't think you could say he disbelieved it. He had just thought there was too much there to disregard but he just thought, he seemed to indicate, in his statements, that he couldn't believe that it would be possible.

But he didn't indicate by any statement that he didn't

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believe it couldn't happen. He just couldn't believe that the FBI would ever let that happen to get to that position.

The Chairman. Well, Lee and I both agreed that we shouldn't leave this thing in this present posture, that we should go ahead and try to clear the matter up as best we can. We did argue a little about the approach, whether we should go first to the FBI and ask them for an explanation or whether we should first go and try to see if there is any substance to the claim by interrogating the newspaperman who claims that he has the knowledge of the situation, or whether we should first go to the Bureau.

Now, my own suggestion was to Lee that we find out first from these people as far as we can if there is any substance to it or whether it is just plain rumor.

We were told that Sweatt says he got his information from one fellow, Alexander claims he got it from Sweatt, and somebody else claims he got it from the newspaper man.

Now I thought that if it were necessary we could get those three people in one room at the same time, and find out if anybody claims or has claimed in the past to have had actual knowledge of it, and if they don't claim to have it, we will find out why they spread the rumor.

It may be that Houston will, or whatever his name is, Hudkins would claim privilege. If he did, I thought that after we tried to get him to see that it was in the interest of his country to state the facts that we might go to the publisher of his paper.

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3. and see if we couldn't get -- enlist him to have this man tell us where he got his information.

I think it is one thing for a newspaper man to claim a privilege after he has written a story and published it, and it is another thing for him to claim a privilege when he is peddling gossip around the community.

Sen. Russell. I think you are right about that as a matter of law. If he hadn't published the story, I doubt if he can claim it.

The Chairman. I think so, too. In those circumstances, if he wants to deal fairly with the Government, he would tell, and if he didn't, I think his publisher ought to feel the responsibility of telling him.

I said to Lee that if I were in the position of the FBI, and I was asked to respond to a rumor, just a plain rumor of this kind, that I would be inclined to ask for what facts, what the facts were and what they were based on before I was obliged to make a statement.

I think that would -- you don't like to talk into an empty barrel. You want to attach your writing to something substantial.

Lee, on the other hand, felt it would be the better part of cooperation to go over and see Mr. Hoover and tell him frankly what the rumor was, state that it is pure rumor, we haven't evaluated the facts, but ask him, first, if it is true, and secondly if he can supply us with information to establish that

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these facts are not true, and they are inconsistent with what would be the way of operation of their Bureau.

Now I don't know, whatever you agree to would be all right with me. Lee thought that if he went down and asked those people to come up here and testify that they might use the fact that we had asked them to testify as the springboard for an article which would blow this thing out into the public domain, and that we might do a disservice in that way.

But I am not so sure of that. I rather dislike going to the FBI and just ask them to establish to us that a rumor can't be true until we have at least looked into it.

Sen. Russell. There are two reasons for that, Mr. Chairman. One would be if you went down there in the first instance to the FBI and got a statement and when you start pursuing it you would look like you are impeaching.

The Chairman. That is my point.

Rep. Boggs. Exactly.

Sen. Russell. I think the best way to handle it would be to try to exhaust it at the other hand before you go to the FBI. That would be my judgment.

Rep. Boggs. Well, the point you make is the thing that has been running through my mind all through this discussion. If you get a statement from responsible officials in that agency and then you say, "Well, we are not going to take this statement on face value, we are going to go behind it", this could become a

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5 matter of grave embarrassment to everybody.

Mr. Dulles. Hasn't it gone maybe a little further in the press. Here is the New York Times of Sunday, January 26, that is yesterday. Here are 12 questions, this is an article from Dallas by Jack Langguth of the Times. Here are 12 questions sometimes asked and the most authoritative answers now available.

The first question, "Did Oswald serve at some period as a paid informer for the Federal Bureau of Investigation?"

"A spokesman for that agency denied today that Oswald was at any time employed by the Bureau in any capacity.

"Newspapers and magazine articles have speculated that Oswald was in the service of the FBI infiltrating leftist organizations at its request.

"The Bureau's denial is categorical."

So we have --

Mr. McCloy. We don't know who the spokesman is.

Sen. Russell. If Oswald never had assassinated the President or at least been charged with assassinating the President and had been in the employ of the FBI and somebody had gone to the FBI they would have denied he was an agent.

Mr. Dulles. Oh, yes.

Sen. Russell. They would be the first to deny it. Your agents would have done exactly the same thing.

Mr. Dulles. Exactly.

Sen. Russell. Say I never heard about the man who may have

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been on the payroll for five years.

Sen. Cooper. Yes.

Mr. Dulles. But it is out in the domain, it is in the public domain.

Sen. Cooper. If you know, if you have these people up and examine them, of course the FBI will know that.

Mr. Rankin. They already know about this apparently.

Sen. Cooper. That these people came up?

Mr. Rankin. Yes.

Rep. Beggs. You mean the other people?

Mr. Rankin. Yes, that is right. I had thought that the probabilities are that when we get these people under oath that they will say that they have heard this rumor, that someone told them but they can't remember now, and that is about as far as we go with it.

I just don't think that they are going to come out and say they fabricated this, if it is a fabrication. It is too serious for that.

Rep. Beggs. Of course, we get ourselves into a real box. You have got to do everything on earth to establish the facts one way or the other. And without doing that, why everything concerned, including everyone of us is doing a very grave disservice.

Sen. Cooper. There is a point I want to raise. If it is possible the FBI knows now, we should have these people up here.

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before.

Mr. Rankin. Yes.

Sen. Cooper. Of course, if we bring a reporter, they will know that, and they will know we are looking into matters that concern them.

I was thinking about another alternative and that is that you advise them about these rumors and that you have to look into them before you ask them, to prevent any evidence to the contrary.

But I think I would maintain a kind of relationship with them where they would not feel you were around investigating the FBI. Is that possible?

Mr. Rankin. Well, I think that is possible. I would think that if it is definitely untrue, if it were my agency, I would be all over saying "let me prove it. Let me show you anything you can to satisfy you that it isn't true."

Sen. Cooper. We have a duty which is outside the FBI's position, which is if you believe there is something which should be looked into it, and we wouldn't believe that if we weren't talking about it.

My only point is whether or not it would be reasonable to inform the FBI that you have had these statements, therefore you have to ask these people where they got their information.

Before you asked Mr. Hoover you present us with all the proof to the contrary, because as you say, if he presents all

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this proof to the contrary, then the situation changes a little bit. It would appear to him that you are trying to impeach his testimony.

In the other way, it seems to me we are just telling him that it was brought to us and we ought to inquire into it.

Mr. McCloy. Do we have a statement from Mr. Hoover that this man was not an agent? Was that communicated in the record?

Mr. Rankin. Yes.

The Chairman. It was? A letter.

Sen. Russell. I know there was a letter, I don't know who it was written to, a very short letter.

The Chairman. It was in one of those letters we responded to last week, it was in that letter --

Rep. Boggs. I think that was a letter that had to do with a request directed to us on what degree of cooperation we should give the defense counsel in the Ruby trial, isn't that right?

Mr. Rankin. Yes.

The Chairman. That is right. It was one of those letters, there were three of them. It was in one of those letters, and I remember in the letter of counsel for Ruby, it was also stated that that accusation had been made but that in their opinion it was preposterous, and I wondered why at the time that the defense counsel for Ruby would put such a statement in the letter to us. It seemed as though it were dragged in by the hairs.

Rep. Boggs. Deliberately.

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Sen. Cooper. That was in the letter from Tonahill.

The Chairman. Tonahill, yes.

Mr. McCloy. I would like to examine again this relationship between the Department of Justice and the FBI. Just why would it be embarrassing for the Attorney General of the United States to inquire of one of his agencies whether or not this man who was alleged to have killed the President of the United States, was an agent.

Does the embarrassment supersede the importance of getting the best evidence in such a situation as this?

Mr. Rankin. Well, I think it is a question of whether we have to put him into that position in order to get the job done, because there is, in my opinion, not any question but what there will be more friction, more difficulty with his carrying out his responsibilities, and I think we have a very real problem in this Commission in that if we have meetings all the time and they know what it is about that they know these people are up here, and they know this has come out in the paper now, it is in The Nation article, and we are meeting rather rapidly here in the last few days, and they can guess probably what it is about, certainly after the meeting with the Texas people.

Rep. Beggs. Who was The Nation, do you have it?

Mr. Rankin. The Nation article deals with it and tries to show all the various other materials that would contribute to this kind of conclusion that there is something to the rumor.

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Rep. Boggs. That is exactly the kind of thing that you can anticipate being written.

Sen. Cooper. I would like to suggest something else. In view of all the rumors and statements that have been made not only here but abroad, I think to ask the President's brother, the dead President, to do this, it wouldn't have any backing in it. It would have no substance in his purpose but some crazy people would translate it from his official position to a personal position. It may sound far fetched but he would be implying as a person that something was wrong. You can't overlook any implications.

Mr. McCloy. I think that would perhaps be an element in the thing, but it still wouldn't divert me from asking this man who happens to be the Attorney General whose sworn duty it is to enforce justice, to ask him just what is within his knowledge in regard to such a serious thing as this. It is awkward affair. But as you said the other day, truth is our only client.

Rep. Boggs. Yes.

Mr. McCloy. I think we may have to make this first step, that the Senator speaks about, but I don't think that we could recognize that any door is closed to us, unless the President closes it to us, and in the search for the truth.

Mr. Rankin. I was asking the question and talking with the Chief Justice, and say we ran this out with Hudkins and those other people, and found that they said they would not give us the source

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ATTACHMENT 2

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

1 October 1974

Mr. Marion Johnson
National Archives and Records Service
Pennsylvania Avenue at 8th Street, N.W.
Washington, D.C.
20408

Dear Mr. Johnson:

Pursuant to your request we have reviewed the enclosed four documents in order to determine whether the classifications ascribed to them need to be retained. Our conclusions are detailed below:

- (a) Top Secret Document, Subject: Conference with the CIA on March 12, 1964, (List No. 1, Item 19).

There are only two segments of this document which have continued to be classified at our request, specifically the name of one person in paragraph one and the entire second paragraph. We should now like to remove all restrictions concerning paragraph two, but we want to continue to withhold the person's name in paragraph one. However, the document may be downgraded to Confidential.

- (b) Top Secret Document, dated June 24, 1964, Subject: Yuri Ivanovich Nosenko (List No. 1, Item 27).

We have no objection to the declassification of this document in its entirety.

Mr. Marion Johnson
National Archives and Records Service
Page 2
1 October 1974

(c) Top Secret Document, pages 63-73 from transcript of the Executive Session of the President's Commission of the Assassination of President Kennedy, January 21, 1964, (List No. 2A, Item 1).

11/23/75
The CIA file

we also classification
of these documents in
continued under

E.O. 11652, (d)
Sec. 5(b)(2),

mg

We wish to continue the classification of this segment of the transcript.

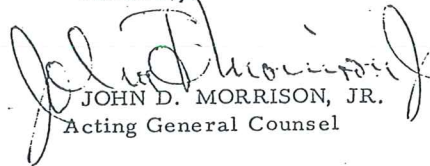
(d) Top Secret Document entitled "Report of Proceedings Held at Washington, D.C., June 23, 1964" (List 2A, Item 18).

We wish to continue the classification of this document.

3/19/75

Mr. Charles D.
Director of CIA
again state
these are to
be withheld.
Copies for
Lester letter
and transcripts
for review.

Sincerely,


JOHN D. MORRISON, JR.
Acting General Counsel

Enclosure (4) Under Separate Cover

ATTACHMENT 3
C.A. No. 75-1448

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Washington, D.C. 20408

June 21, 1971



Mr. Harold Weisberg
Coq d'Or Press
Route 8
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in reply to your letter of May 20, 1971.

The following transcripts of proceedings of executive sessions of the Warren Commission and parts of these transcripts are withheld from research under the provisions of the "Freedom of Information Act" (5 U.S.C. 552) which are cited for each item:

Transcripts

- | | |
|---------------------|--|
| 1. December 6, 1963 | 5 U.S.C. 552, subsection (b) (6). |
| 2. January 27, 1964 | 5 U.S.C. 552, subsections (b) (1) and (b) (7). |
| 3. May 19, 1964 | 5 U.S.C. 552, subsections (b) (1) and (b) (5). |
| 4. June 23, 1964 | 5 U.S.C. 552, subsections (b) (1) and (b) (7). |

Parts of Transcripts

- | | |
|-------------------------------|---|
| 1. Dec. 5, 1963, pages 43-68 | 5 U.S.C., subsection (b) (6). |
| 2. Dec. 16, 1963, pages 23-32 | 5 U.S.C., subsection (b) (6). |
| 3. Jan. 21, 1964, pages 63-73 | 5 U.S.C., subsection (b) (1) and (b) (7). |

As we have previously informed you, the transcripts withheld from research have not been made available to any researcher since they have been in our custody.

No additional material has been made available for research since the completion of the 1970 review, of which we informed you in our letter of February 5, 1971.

Sincerely,

HERBERT E. ANGEL
Acting Archivist
of the United States

14 August 1975

~~Mr. Arthur Dooley~~
Central Intelligence Agency

DECLASSIFIED
E.O. 11652, Sec. 5

By MMG, NARS Date 7/31/75

Mr. Dooley:

We have been reviewing the records of the Warren Commission 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 concerning 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 whether certain records of the Commission that relate to the C.I.A. should be withheld or made available for research.

We have prepared two lists, two copies of each of which accompany this note. List No. 1 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.I.A., as well as a few other records, which should be available in the files of the C.I.A. relating to the Commission's 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 "Release", if in your opinion a document can be released,

At the number of the guideline under which it should be withheld,
and return the marked copy to us.

Some of the documents on these lists also relate to or
were originated by other agencies than the CIA, particularly
the State Department and the Federal Bureau of Investigation.
If the CIA has no objection to the release of these
items, we would, of course, obtain a clearance also from
the other agencies concerned when this is necessary.

Marion M. Johnson
National Archives, Room 6W-3
Code 13, X 34092
844 St. and Pennsylvania Ave.
Washington, D.C.

ATTACHMENT 5
C.A. No. 75-1448

~~SECRET~~

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,

TH Karam
Thomas H. Karamessines
Deputy Director for Plans

Attachments: a/s

CLASSIFICATION CANCELED

By authority of: *C. L. B. et al. 10/20/75*

Name and title of person making the ~~change~~
M. H. J. NNFL

Date *10/23/75*

