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Mr. Leonard Niederlehmer
Acting General Counsel
Department of Defense
Washington, D. C. 20301

Dear Len:

I agree with the general conclusion expressed in your memorandum of September 7, 1967, that the letter of December 16, 1963 from the late John McNaughton to Nick Katzenbach, with respect to the FBI report on the assassination of President Kennedy, should not be made a part of the open records of the Warren Commission. In our view that conclusion is called for in terms of both the Freedom of Information Act and the guidelines that were developed for review of the Warren Commission files. Martin Richman discussed this with Marion Johnson of the National Archives to get the background on the letter in question, and advised him that in our view it is appropriate to keep this letter with the restricted Warren Commission papers.

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Sincerely,

Frank M. Wozencraft
Assistant Attorney General
Office of Legal Counsel

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