

# Memorandum

Tolson	_____
Belmont	_____
Mohr	_____
DeLoach	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. W. C. Sullivan

DATE: 2-12-65

FROM : Mr. W. A. Branigan

SUBJECT: PUBLIC DISCLOSURE OF WARREN COMMISSION REPORTS AND WORKING PAPERS

PREDICATION:

By letter 2-8-65 the Attorney General (AG) informed the Bureau the President has requested Department of Justice to coordinate a study among appropriate Government agencies concerning the availability to members of the public of materials delivered by the President's Commission on the assassination of President Kennedy to National Archives. The AG specifically requested Bureau comments as to the possibility of making FBI investigative reports and other FBI documents, which were furnished to the Commission, available to the public at this time and also requested to be advised regarding certain criteria and procedures we would follow if requested to permit examination of our documents.

PROBLEMS INVOLVED:

Basically, the Bureau's position is that materials emanating from the Bureau for the President's Commission on the assassination of President Kennedy are in the public realm, except in the minority of instances requiring that the data be classified. Material in our reports and other communications that necessitated security classification in interests of the national security included:

1. Information from confidential security informants, some of whom can be identified if the information is made public.

2. Information obtained through confidential investigative techniques, such as mail covers, technical surveillances, anonymous sources, and the like.

Enclosure sent 2-15-65

REC-56

ST-100

REL:pa/chs  
(10)

CONTINUED OVER

- |                 |                  |
|-----------------|------------------|
| 1 - Mr. Belmont | 1 - Mr. Sullivan |
| 1 - Mr. DeLoach | 1 - Mr. Trotter  |
| 1 - Mr. Conrad  | 1 - Mr. Branigan |
| 1 - Mr. Gale    | 1 - Mr. Lenihan  |
| 1 - Mr. Rosen   |                  |

FEB 17 1965



Memo W. A. Branigan to W. C. Sullivan  
RE: PUBLIC DISCLOSURE OF WARREN COMMISSION  
REPORTS AND WORKING PAPERS

3. Information showing our coverage of the Soviet Embassy, Washington, D. C.

4. Information from other Government agencies which was classified by such agencies and, therefore, we must maintain such classification.

According to United States Government classification procedures, anyone having access to classified material must have the necessary security clearance.

The overwhelming majority of our letters and reports which we disseminated to the President's Commission were unclassified because we endeavored to make them so. However, there are real problems involved in some of these letters and reports, and we have previously pointed this out to both the AG and the President's Commission.

For example, our unclassified documents which were furnished to the President's Commission contained a considerable amount of rumor, gossip, and character-assassination-type data involving innocent people. We have been extremely concerned over the possibility of this type information becoming available to the public. We specifically pointed out to the AG and the President's Commission that making the contents of such documents available to the public could cause serious repercussions to the Commission, and we pointed out the responsibility which must be assumed by the Commission in the event such documents are made available to the public.

The Commission took cognizance of our letter and by letter dated 11/18/64 replied that it was keenly aware that the publication of such documents should take place only after serious consideration of all the implications and that it was making every effort to minimize the use of information of a highly personal nature, consistent with the overriding requirement that the Commission make available to the public the fullest possible record of the investigation of the President's assassination.

In addition, there is a real problem involved where our unclassified documents contain information that was furnished to us in confidence by sources such as banks, hotels, Western Union, and the like whose records cannot be produced, except under the issuance of a subpoena duces tecum. Public disclosure of such information could lose us the cooperation of these valuable sources and possibly subject these sources to a civil suit.



Memo W. A. Branigan to W. C. Sullivan  
RE: PUBLIC DISCLOSURE OF WARREN COMMISSION  
REPORTS AND WORKING PAPERS

Another problem involves our reports concerning Marina Oswald and her personal activities following the assassination. Also, in checking out the background of Lee Harvey Oswald's associates, including Ruth and Michael Paine and George and Jeanne DeMohrenschildt and others, we conducted extensive investigation into the personal lives of these people, which could cause them real embarrassment if published, and which would be unwarranted since these people were not involved in the assassination of President Kennedy.

In addition, it is noted that the entire extensive investigation we conducted concerning Jack Ruby, convicted assassin of Lee Harvey Oswald, is part of the records of the President's Commission now being maintained by the National Archives. The Ruby case is presently on appeal.

OBSERVATIONS: --

During this Bureau's investigation of Lee Harvey Oswald and related inquiries, we sent to the Commission over 2,300 reports, letters and memoranda totaling approximately 25,400 pages. These included reports on Lee Harvey Oswald, Jack Ruby, Mark Lane, Ruth and Michael Paine, Jeanne and George DeMohrenschildt, general assassination reports dealing with false allegations and evidential items and other related matters.

At the termination of its investigation, the Commission in the preparation of its report to the public requested authority from this Bureau to declassify certain of our documents in order that it could use data in such communications in its report. In such instances we did authorize declassification of certain classified reports, or furnished to the Commission amended pages to a document to meet the needs of the Commission and still protect our sources and coverage. Some of our classified communications dealing with the investigation of false leads, allegations, and the like, were never used by the Commission in its report to the public. Although we do not know whether all data we furnished to the Commission has been turned over by the Commission to the National Archives, we assume this has been done.

QUESTIONS RAISED BY THE ATTORNEY GENERAL:

In his letter, the AG specifically requested to be furnished answers to the following questions:



Memo W. A. Branigan to W. C. Sullivan  
RE: PUBLIC DISCLOSURE OF WARREN COMMISSION  
REPORTS AND WORKING PAPERS

1. QUESTION: What are the circumstances under which the FBI would refuse permission to inspect documents prepared for the Commission?

ANSWER: Basically, the FBI's position is that materials emanating from the Bureau for the President's Commission are in the public realm, except in the minority of instances requiring that the data be classified. In order for a person to gain access to the relatively few classified documents of this Bureau being maintained by the National Archives for the President's Commission, a security clearance would be required.

2. QUESTION: -Would these considerations apply equally to all persons interested in viewing the documents, or would there be some persons such as recognized historians or those with security clearance, who would be given freer access?

ANSWER: As stated in the answer above, to have access to classified documents of this Bureau being maintained by National Archives, a person, whether a recognized historian or otherwise, would have to have a security clearance, as such person would be bound by the classification of the document in such person's handling of the material.

3. QUESTION: In determining what documents should remain sealed, what consideration would be given to the extent to which information related to that included in the document in question appears in materials which have previously been published or otherwise made public?

ANSWER: Should it be considered desirable, this Bureau will examine the classified information from the FBI which was sent to the National Archives by the President's Commission for the purpose of extracting the classified information from the report so that this material could be segregated from the remainder of the report.

4. QUESTION: How often and under what circumstances would the FBI re-evaluate the reasons for maintaining the secrecy of particular documents?

ANSWER: We will review each classified document at least once a year and at any other time a specific inquiry is received concerning the classification of a certain document.



Memo W. A. Branigan to W. C. Sullivan  
RE: PUBLIC DISCLOSURE OF WARREN COMMISSION  
REPORTS AND WORKING PAPERS

The AG also requested to be furnished our comments and recommendations as to the possibility of establishing uniform criteria for the disclosure of investigative reports prepared for the President's Commission, and/or of establishing a unified procedure for reviewing requests to examine these materials.

In responding to this question, we are informing the AG that we do not have any comments or recommendations for establishing uniform criteria for the disclosure of investigative reports involved and/or of establishing a unified procedure for reviewing requests to examine these materials. We are pointing out to the AG that there are certain serious problems involved in the disclosure of certain unclassified information which the Department should seriously consider. These problems, as mentioned above, include the following:

1. A number of our unclassified reports contain a considerable amount of rumor, gossip, and character-assassination-type data involving innocent people, and that there could be serious repercussions to the Commission and to this Government should such documents be made available to the public.
2. A number of our reports contain information from confidential sources such as banks, hotels, Western Union, and the like, whose records could not be produced except under the issuance of a subpoena duces tecum. Public disclosure of such information could lose us the cooperation of these valuable sources and possibly subject the sources to a civil suit.
3. A number of our reports contain extensive investigation into the personal lives of Marina Oswald and associates of Lee Harvey Oswald. Disclosure of such data to the public could cause these persons real embarrassment, which would be unwarranted since they were not involved in the assassination.
4. Reports containing the entire extensive investigation, which we conducted concerning Jack Ruby, are part of the records of the President's Commission, now being maintained by National Archives. The Jack Ruby case is presently on appeal.

The AG in his letter also stated that National Archives has indicated it would be able to make available to each agency all of its investigative reports, which are in the files of the President's Commission. The AG indicated that this being so, would we deem it feasible to have a representative of this Bureau make an item-by-item examination of the Commission documents from this Bureau to determine which may properly be made the subject of immediate examination by



Memo W. A. Branigan to W. C. Sullivan  
RE: PUBLIC DISCLOSURE OF WARREN COMMISSION  
REPORTS AND WORKING PAPERS

members of the public (and, where necessary, be properly declassified,) and which may be made subject to examination at some time less than 75 years hence.

In our reply to the AG on this point, we are stating that we do not find it necessary to make this item-by-item examination since we have complete records of everything we have disseminated to the President's Commission. We will inform the AG, however, that as pointed out above, we will examine each classified document maintained by National Archives for the purpose of extracting the classified information from the report so that this material could be segregated from the remainder of the report, if such action is deemed desirable.

ACTION:

Attached is a letter to the Attorney General responding to his letter along the lines discussed herein.

*RAC*

*over*

*W.C.S.*

*[Signature]*

*[Signature]*

*[Signature]*

*V.*