

Memorandum

Assoc. Dir. _____
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 Dep. AD Inv. _____
 Asst. Dir.:

- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
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- Director Sec'y _____

TO : Mr. Jenkins

DATE: 10/22/75

FROM : J. J. McDermott

SUBJECT: RECORDS OF PRESIDENT'S COMMISSION ON THE ASSASSINATION OF PRESIDENT KENNEDY

(John F.)

M. J. Stephens

Reference is made to Mr. McDermott to Mr. Jenkins memorandum dated July 31, 1975, captioned as above; memo from Leon Ulman, Deputy Attorney General, Office of Legal Counsel, to the Director dated July 22, 1975; and letter from James R. Rhoads, Archivist of the United States, to Attorney General Levi dated July 3, 1975, copies of which are enclosed with this memo.

The referenced Mr. McDermott to Mr. Jenkins memo dated July 31st advised the Freedom of Information Act (FOIA) Section, now the Freedom of Information-Privacy Acts (FOIPA) Section, would arrange for review of the captioned records, currently maintained in the National Archives, in accordance with the request detailed in the referenced July 3rd letter of Mr. Rhoads. This memo reported we planned to process this request in chronological order along with our other outstanding FOIA requests.

The demands of processing the Rosenberg case and the existing backlog of FOIPA requests have precluded an earlier handling of this matter. On October 17, 1975, representatives of the FOIPA Section prepared an inventory of the documents which are the subject matter of the requested review. This inventory reveals there are a total of 222 documents that must be reviewed, 109 of which are unclassified, and 113 of which are classified documents. The classified documents consist of 95 confidential documents, 17 secret documents, and 1 top secret document. The preliminary review by the FOIPA Section discloses the classified documents are incomplete, that is, they consist of pages from various reports

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- 1 - Mr. Bassett *EX-110*
Attention: Mr. Griffith
- 1 - Mr. Gallagher
- 1 - Mr. Mintz
- 1 - Mr. Wannall

SEE GENERAL INVESTIGATIVE DIVISION
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and other Bureau communications, and absent the original or complete document, particularly administrative pages which contain the basis for initial classification, a determination regarding current classification cannot be made. The FOIPA Section is currently engaged in obtaining the original complete documents, in order that classification review can be accomplished. The inventory prepared indicates the classified documents mainly involve the "IS - Russia," "IS - Cuba" and "Security Matter - C" categories.

The FOIPA Section is of the opinion that we should withhold material in this review only where there is an absolute, compelling reason to do so. It is felt, for example, that telephone toll records, previously withheld on the basis they were obtained from a confidential source, would now be released, even though they are accompanied by a statement that records could only be obtained by a subpoena. Further it is considered that third party privacy should be applied only where the matter is of a deeply personal or intimate nature and disclosure would be clearly unwarranted.

In 1970, the FBI reviewed Warren Commission documents for disclosure purposes, utilizing guidelines proposed by the Department of Justice as a criteria for determining what could or could not be released. Those guidelines have been updated by the Department of Justice to, in effect, make them now consistent with the provisions of the FOIA. It has been determined this 1970 review was accomplished by representatives of the Intelligence and General Investigative Divisions without the necessity of submitting copies of documents proposed for release through Bureau channels for additional review and approval. It is considered this procedure is highly desirable and should be continued in the review currently requested, except that the FOIPA Section should coordinate release in accordance with information and instructions in referenced memo.

J. J. McDermott to Mr. Jenkins memo
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RECOMMENDATIONS:

1. The Intelligence Division designate a Special Agent Supervisor to coordinate review of classified documents as they become available and coordinate with the FOIPA Section.

SA M.T. STEINBECK assigned task.

2. The General Investigative Division designate a Special Agent Supervisor to participate in the review of unclassified documents being reviewed by the FOIPA Section. Although, normally, General Investigative Division defers to FOIPA judgment regarding the applicability of the FOIA to records within its substantive interest, the importance of this case and recurring developments concerning it requires General Investigative Division participation in this review.

3. The FOIPA Section coordinate overall review and upon completion submit memo reporting results of the review with recommendations regarding disclosure of Warren Commission documents subject to release.

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J. J. McDermott

JK

V. J. ...



ADDENDUM - GENERAL INVESTIGATIVE DIVISION (GID) JKH:nlc 10/28/75

Previous review of remaining records at the National Archives which have been withheld from research indicated that with extremely limited exceptions the material involves matters primarily within Intelligence Division classifications. FOIAPA Section advised it intends to review the material in question which involves GID interests, make a determination as to its availability for release, and request GID assistance where necessary. GID concurs, with any such matters to be coordinated between the FOIAPA Section and the Personal Crimes Unit Chief James K. Hall.

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