

Stenographic Transcript Of

HEARINGS

Before The

Subcommittee on Government Information
and Individual Rights

COMMITTEE ON AGRICULTURE

HOUSE OF REPRESENTATIVES

OVERSIGHT HEARING ON NATIONAL ARCHIVES: HANDLING OF
FREEDOM OF INFORMATION ACT AND DECLASSIFICATION REQUESTS

NOVEMBER 11, 1975

Washington, D. C.

STATEMENT OF DR. JAMES B. RHOADS, ARCHIVIST OF THE UNITED STATES

2 ACCOMPANIED BY: MR. STEVEN GARFINKEL, COUNSEL, OFFICE
3 OF THE GENERAL COUNSEL, GSA; MR. MARION JOHNSON,
4 SPECIALIST, WARREN COMMISSION RECORDS; MR. WILLIAM BROWN,
EXECUTIVE DIRECTOR, CLASSIFICATION BUREAU

5 Dr. Rhoads. Madam Chairwoman, I am accompanied by
6 Mr. Steven Garfinkel, on my right, who is our Counsel in the
7 Office of General Counsel of the GSA, by Mr. Marion Johnson,
8 our specialist in the Warren Commission Records.

9 Ms. Abzug. If they are going to participate in the
10 testimony, I would just as soon they be sworn.

11 Dr. Rhoads. And Mr. William Brown, who is Executive
12 Director of the Classification Bureau.

13 (All three witnesses were duly sworn.)

14 Ms. Abzug. Please proceed.

15 Dr. Rhoads. Thank you for giving me this opportunity to
16 discuss the policies of the National Archives with respect to
17 one of the groups of records in our custody - the records of
18 the President's Commission on the Assassination of President
19 Kennedy.

20 Let me say at the outset that there is a general policy
21 for the 1.3 million cubic feet of permanently valuable Federal
22 records which constitute the National Archives of the United
23 States.

24 This policy is both to preserve them and to make them
25 available for further Government use, for the protection of

1 discover a record: why? Because of the Freedom of Information
2 Act? What is it?

3 Mr. Johnson. The researcher requested a search for the
4 reporter's notes of that session. We found them in the form of
5 the reporter's notes.

6 Ms. Abzug. In the next to last page it reads as follows:
7 "Dulles. Yes I think this record ought to be destroyed. Do
8 you think we need a record of this?" Answer: "I do not.
9 Except that we said that we would have records at meetings so
10 we called the reporter in the formal way. If you think that
11 what we have said here should not be a part of the record, then
12 we can have it done that way."

13 Etcetera, etcetera, it goes on.

14 Do you think it has any relevance that it was in notes
15 all of this time?

16 Mr. Johnson. I think that was the reason. The
17 Commission did not want a transcript prepared.

18 Ms. Abzug. You have had a lot of transcripts of a lot of
19 meetings.

20 This one deals with the discussions as to how to cope with
21 the possibility that Oswald might be an FBI informant, and the
22 fact that the Warren Commission had to rely on the FBI for its
23 investigative efforts. Do you see any relationship?

24 Dr. Rhoads. Between the fact that it was retained
25 in stenotype form rather than as a transcript?

1 Ms. Abzug. How did you discover the existence of these
2 notes?

3 Mr. Johnson. A researcher requested it on the basis of
4 something that he found in the administrative records of the
5 Commission. It was from Ward and Paul, I believe.

6 Ms. Abzug. It is my recollection that for many years
7 were you not telling researchers that no transcript or notes
8 existed of that particular meeting?

9 Mr. Johnson. We told them that the transcripts which we
10 had are listed in the inventory of the records. At that time
11 no transcript existed for this particular meeting.

12 Ms. Abzug. At that time what?

13 Mr. Johnson. At the time the inventory was prepared
14 there was no transcript for this particular meeting of the
15 Commission.

16 We informed the researchers of the transcripts that we
17 had.

18 Ms. Abzug. How did you finally find out that there was
19 such a transcript of the meeting?

20 Mr. Johnson. The researcher requested that a transcript
21 be prepared, or access be given to the reporter's notes.
22 It happened on the basis of the bill that he found in the
23 administrative records.

24 Ms. Abzug. That is not my question. Obviously they
25 had been requested for a long time. Suddenly, in 1974, you

to Mr. Rankin of May 1, 1964, to Ward
and Paul from J. Lee Rankin, General Counsel of the Commission.

4 "This is to inform you that as of this date all depositions
5 and testimony handled by your firm for the Commission will be
6 classified as Confidential rather than Top Secret. The
7 meetings of the Commissioners will continue to be classified
8 Top Secret. Very truly yours, J. Lee Rankin."

9 Ms. Abzug. Why was it downgraded, do you know?

10 Dr. Rhoads. Why was what downgraded?

11 Ms. Abzug. The depositions.

12 Apparently, at a certain point it was all marked "Top
13 Secret". That is how I read that letter.

14 Dr. Rhoads. You mean the instructions from Mr. Rankin
15 to Ward and Paul?

16 Ms. Abzug. Yes.

17 Dr. Rhoads. That was effective May 1. I do not know why
18 he made that change.

19 Ms. Abzug. May I see that letter, please?

20 Would you submit a copy of this for the record? That is
21 the letter of J. Lee Rankin of May 1, 1964, indicating that all
22 depositions and testimony be classified as Confidential rather
23 than Top Secret?

24 Mr. Garfinkel. Yes.

25 (The letter to be supplied follows:)

1 transcription of these notes? You just had a stenotype record
2 of the hearings, is that correct?

3 Mr. Garfinkel. This particular transcript remained in
4 stenotype form.

5 Ms. Abzug. In that form --

6 Mr. Garfinkel. In that form it was marked on the exterior
7 "Top Secret."

8 Ms. Abzug. Who had marked that?

9 Mr. Garfinkel. Presumably the recorder who originally
10 took the stenotype notes at the instruction of the Counsel of
11 the Warren Commission --

12 Ms. Abzug. So now we have the Counsel for the Warren
13 Commission classifying?

14 Mr. Garfinkel. We have a letter in which the reporters
15 of the transcript, Ward and Paul, are instructed by Counsel to
16 the Warren Commission to mark each of the Executive Session
17 transcripts Top Secret, or Secret.

18 Ms. Abzug. Do you have that letter with you?

19 Dr. Rhoads. Yes. Would you like to see a copy of it?

20 Ms. Abzug. Yes, I certainly would.

21 I would like to see the pertinent one and the impertinent
22 one.

23 Mr. Garfinkel. The most pertinent is only two sentences
24 if I could read it.

25 Ms. Abzug. You can read it, but I would still like to

12
13 Ms. Abzug. So now we have the Counsel for the Warren
14 Commission informed of this.

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