

Memorandum

Callahan	_____
Conrad	_____
Sullivan	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. Belmont

DATE: 7/12/65

FROM : A. Rosen

- 1 - Mr. Callahan
- 1 - Mr. Conrad
- 1 - Mr. Sullivan
- 1 - Mr. Trotter
- 1 - Mr. Belmont
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. McGowan
- 1 - Mr. Shroder
- 1 - Mr. Hines
- 1 - Mr. Raupach

SUBJECT: ~~PUBLIC DISCLOSURE OF WARREN COMMISSION RECORDS~~

Request of the Attorney General

By letter dated July 8, 1965, the Attorney General requested that a review of pertinent documents now in the possession of National Archives relating to the assassination of President Kennedy be made for the purpose of a public disclosure of information on file which has not previously been disclosed. The letter made available certain guidelines which had been approved by McGeorge Bundy, Special Assistant to the President, which guidelines were to be used in making this review.

Material to be Reviewed

The items listed by National Archives for review comprise 202 pages of items and list more than 2000 items for review. It appears National Archives has listed every report that was submitted to the Warren Commission by the Bureau, as well as all letterhead memoranda, all letters and any other written material that was furnished to the Commission, such as the preliminary report consisting of five volumes which was made available to the Warren Commission.

Guidelines for Review

- 1 (1) Statutory requirements prohibiting disclosure should be observed.

This appears to apply to national defense information and restricted data, disclosure of which is prohibited by the Espionage Statute and by the Atomic Energy Act.

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- 1 (2) Security classifications should be respected, but the agency responsible for the classification should carefully re-evaluate the contents of each classified document and determine whether the classification can, consistently with the national security, be eliminated or downgraded.

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Memo to Mr. Belmont from A. Rosen

With reference to security classifications in material furnished to the Warren Commission, we have previously declassified practically all material wherein such a request was received from the Warren Commission. This guideline will be followed in making the review.

- (3) Unclassified material which has not already been disclosed in another form should be made available to the public on a regular basis unless disclosure--
 - (A) Would be detrimental to the administration and enforcement of the laws and regulations of the United States and its agencies;
 - (B) Might reveal the identity of confidential sources of information, and impede or jeopardize future investigations by precluding or limiting the use of the same or similar sources hereafter;
 - (C) Would be a source of embarrassment to innocent persons, who are the subject, source, or apparent source of the material in question, because it contains gossip and rumor or details of a personal nature having no significant connection with the assassination of the President;
 - (D) Would reveal material pertinent to the criminal prosecution of Jack Ruby for the murder of Lee Harvey Oswald, prior to the final judicial determination of that case.

Regarding (A) above, there is no problem.

With regard to Items (B), (C) and (D) above, these guidelines will be followed in making the review and the Department will be advised of any situations where because of the application of these guidelines the information cannot be disclosed.

With respect to the Ruby material, a legal decision will have to be rendered by the Department as to whether any of the reports in the Ruby case can be disclosed in view of the pending prosecutive action concerning Ruby.

The guideline indicates that in any instance where the foregoing reasons for non-disclosure might apply, we should in determining whether or not to authorize disclosure weigh that reason against the overriding policy of the Executive Branch favoring the fullest disclosure.

Memo to Mr. Belmont from A. Rosen

The comment is also made that unless the material has been released to the public, classified and unclassified material not now available to the public shall, as a minimum, be reviewed five and ten years after the initial examination (and each ten years thereafter) has been completed. The criteria applied in the initial examination, as previously outlined, is to be applied in each subsequent review.

All of the above guidelines will be followed to the fullest in making our review.

It is to be noted that many of our reports do contain information received from confidential sources where disclosure of same might possibly affect the Bureau's operations. In addition, many of our reports contain data received from banks, telephone companies and other places of business where disclosure could place such business concerns in a most embarrassing position unless appropriate subpoenas were issued for this data prior to public disclosure. There is also the possibility that disclosure of some of the information as now contained in our reports could result in lawsuits wherein the claim would be made that character assassination, injury to reputation, or other miscellaneous claims resulted.

The review will be made by the Domestic Intelligence Division, the General Investigative Division and the Laboratory, and there is a possibility that some of the items may refer to matters handled in the Identification Division and possibly the Administrative Division. Where such applies, these Divisions will handle their own material.

In making this review considerable savings in time can be achieved by having the list furnished by the National Archives checked against the material actually in the possession of Archives in order to make sure that we are reviewing the proper material.

The letter from the Attorney General requested the results of our review be furnished directly to National Archives by August 15, 1965. Due to the circumstances relating to our reports, we do not contemplate furnishing results of our review to National Archives but instead will furnish it to the Attorney General as recommendations and advise the Attorney General that the final decision as to disclosure rests with the Department.

ACTION: A review of this voluminous material is starting today and will be completed as rapidly as possible.

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