

Sylvia:  
I thought you  
might be  
interested in  
this.

David

Rec'd 9/24/68

11818<sup>1</sup>/<sub>2</sub> Dorothy St.,  
L.A. Calif. 90049  
June 10, 1968

Dr. Robert H. Bahmer  
Archivist of the United States  
National Archives and Records Service  
General Services Administration  
Washington, D.C. 20408

Dear Dr. Bahmer,

I received reel "A" of my microfilm order dated March 31, 1968 and wanted to thank you very much. As your work is completed, I look forward to receiving the other reels.

At this time, I should like to make a request. The January 27, 1964 meeting of the Commission is withheld from the transcript of the Executive Sessions that you sent me (on Reel A). There is a page, entitled "OUT", on which it is stated: "The transcript of the Commission's meeting of January 27, 1964, is withheld from research under the terms of 5 U.S.C. 552 and Guideline 2."

In the book, "Portrait of the Assassin", coauthored by Congressman and former Warren Commissioner Gerald R. Ford, there is published substantial portions of the transcript of this meeting, verbatim. Published are portions of the transcript of the January 27 meeting in which the Commission discussed whether or not Oswald had a confidential relationship with some agency of the U.S. Government, and how to go about investigating the matter. Were it not for the publication of this transcript in this book, the general public would not have known of this meeting, or what had been discussed there. Because of the publication in a book that sold tens of thousands of copies while in hardcover (Simon and Schuster), and was then widely reprinted in paperback (Ballantine Books), it is a matter of public knowledge.

Today, if one wants to do any extended quoting from those portions of the transcript reproduced verbatim in chapter one of "Portrait of the Assassin", one must get permission from the book's publisher, Simon and Schuster. I know of one case in which this permission was refused, and an author writing on the subject had to paraphrase what was publicly available; in another case, permission was granted.

Because of the publication of portions of this transcript in that book, Simon and Schuster now has the legal right to grant or deny to others the right to quote from uncopyrighted but still classified material. It has, for all practical purposes, become their literary property.

It is probable that Commissioner Ford's decision to publish portions of his personal copy of a classified transcript was an oversight, but it has been done nevertheless. It has resulted in an incongruous situation, where uncopyrighted material which is, however, still officially classified at the U.S. Archives, is now publicly available, but in a format which gives the publishers copyright control.

In fairness to all concerned, I would like to request that--- if at all possible-----at least those portions of the transcript of the January 27 meeting which have been published in "Portrait of the Assassin" be declassified, and be made publicly available.

I do not know exactly what authority the archives has to declassify material. Had the transcript referred to here not been published in "Portrait of the Assassin", perhaps the guideline and law involved might be reasonable interpreted to keep the material classified now, and for years to come. And, of course, I realize that "two wrongs don't make a right". But the publication of the material has made it, de facto, no longer secret, despite its Archives classification. Yet because it is in this book, its publisher now has copyright control, and is legally entitled to set a price on its use.

It is this situation that seems to me to be so utterly incongruous and, I hope, will permit the exercise of discretion that may be available under the laws and regulations involved, so that at least those portions of the meeting which have been published, can now be declassified.

I am enclosing Chapter 1 of the paperback version of "Portrait of the Assassin". The reproduction of verbatim passages from the transcript of the January 27, 1964 meeting of the Commission commences on page 22, and continues through page 28.

If you can act on this request, I would like any additional pages that you may declassify sent to me on a small roll of 35 mm NEGATIVE microfilm, including any new "out" pages that are prepared as a result.

It would be most appreciated if you would let me know, ~~oneway as possible~~ to any action that you may be able to take on this request, one way or the other. Thankyou very much.

Sincerely yours,

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David S. Lifton

Enclosure: Title page and chapter 1 of paperback version of "Portrait of the Assassin"