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JAN 15 1965

Gordon Chase
The White House

The Acting Administrator

Proposed reply to Mayor Robert Johnson's letter to President
Johnson concerning the records of the Warren Commission

As requested I am attaching a draft of a proposed reply to Mayor Robert Johnson's letter to the President, January 4, 1965, in which he objected to restrictions reportedly imposed on the use of the records of the Warren Commission. Mayor Johnson's letter was apparently inspired by press reports (see attached clipping, Washington Post, December 22, 1964) casting Deputy Archivist, Robert H. Bahner, to the effect that the Commission records would be closed for 75 years. In point of fact Mr. Bahner stated that the 75 year limitation was the general policy applied to the reports of investigatory agencies and similar material and would be applied to the records of the Warren Commission unless an exception were made in this particular case.

The Warren Commission records were transferred to the National Archives on November 25, 1964, in accordance with the Commission's decision announced in the final paragraph of the foreword to its Report: "The Commission is committing all of its reports and working papers to the National Archives, where they can be permanently preserved under the rules and regulations of the National Archives and applicable Federal law."

The records consist of some 300 cubic feet of material, much of it consisting of unfiled documents and extra copies of papers duplicated for the Commission's use. Several months will be required properly to arrange the records and prepare an inventory of them. In general the records consist of:

1. The administrative and business files of the Commission.
2. Documentary material gathered by or submitted to the Commission.
 - a. Testimony given before the Commission
 - b. Depositions taken by officers of the Commission.
 - c. Affidavits submitted to the Commission.
 - d. Investigatory reports made for the Commission by various investigatory agencies of the Federal Government.
 - e. Original documentary materials acquired from other persons as exhibits.
 - f. Original photographic materials acquired from other persons.

Those exhibits in the nature of artifacts, such as items of clothing, weapons, and other physical material are still in the custody of the Federal Bureau of Investigation. No restriction on these materials or on the photographic exhibits is contemplated.

The most important of the documentary materials are the transcripts of testimony, the depositions and the affidavits (most of which were published in the 26 volume set, Hearings before the President's Commission on the Assassination of President Kennedy) and the reports of investigations made for the Commission by the FBI, the Secret Service, the CIA and other departments and agencies, many of which were not published in full.

These reports and allied papers are the raw data compiled by the investigators. Many of them reveal the techniques of investigation and the sources that the investigatory agencies rightly insist must not be disclosed. Many of them contain information concerning innocent third parties, information irrelevant to the investigation of President Kennedy's assassination, the release of which would embarrass or injure innocent persons.

Because investigative reports contain unevaluated data the investigatory agencies of the Government have always placed restrictions on their use. The National Archives at the request of these agencies has imposed a 75 year restriction on such materials. We believe that this restriction should be applied to similar materials in the Warren Commission records, and we recommend that the attached draft of a proposed reply to Mayor Johnson embodying this policy be used as a basis for the President's reply.

The attached draft has been concurred in by the following agencies: the U. S. Secret Service; the Department of Defense; the Department of State (in so far as the 75 year restriction is concerned); the Immigration and Naturalization Service; the Central Intelligence Agency; the Internal Revenue Service and the Federal Bureau of Investigation. Mr. Howard P. Willens of the Criminal Division, Department of Justice did not concur. We understand that he has indicated his position to you directly.

Enclosures

Lawson B. Knott, Jr.
Acting Administrator

cc:
Official file - N ✓
A
Day file - N

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W. Grover
H. Leggett

B. W. Tugman 1/15
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