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APR 7 1972

General Counsel - L

Warren Commission Materials, and the Freedom of Information Act

Archivist of the United States - H

On March 13, Messrs. Garfinkel and Meszoly of the Records and Administration Division and Mr. Young of the Claims and Litigation Division of this office, along with Dr. Campbell and Mr. Johnson of the Office of the National Archives attended a meeting with the Committee on the Freedom of Information Act of the Department of Justice to discuss the mandates of the Act as they relate to heretofore restricted records of the Warren Commission, now in the custody of the successor agency General Services Administration. Although the topics discussed have been of continuing importance to the National Archives, the immediate stimulus to the meeting was the appeals by Dr. Hoch and Mr. Weisberg from GSA denials to their requests for access to these records. From the conclusions reached at this meeting, as well as from the extensive review of this material undertaken by this office in the past several months, the following recommendations are offered for your consideration.

1. A classification review of all of these Warren Commission materials that remain classified should be commenced as soon as possible. Our review of these records in light of Executive Order 11652 (37 F.R. 5209, March 10, 1972) has revealed that they are generally overclassified when classification is at all warranted. This office would be happy to assist the National Archives in such a review.
2. The executive sessions of the Warren Commission should remain exempt from disclosure as "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency . . ." (5 U.S.C. 552(b)(5)). Moreover, those parts of the executive sessions that remain classified after a classification review should be further exempted as "specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy . . ." (5 U.S.C. 552(b)(1)).
3. Commission Document 365 should remain exempt from disclosure as "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" as well as "investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency . . ." (5 U.S.C. 552(b)(6) and (7) respectively).
4. Mr. Rankin's letter of March 26, 1964, to Mr. Hoover, relating to the Fair Play for Cuba Committee and other organizations, should remain exempt from disclosure as "inter-agency or intra-agency memorandums or letters . . ." supra, No. 2. Moreover, should this document remain classified after the

classified . . . , it should be further exempted as "specifically required by Executive Order . . . ." E.O. 11652, No. 2.

5. The register of letters received by the Warren Commission should be made available to those persons requesting this record, subject to the comments of the Federal Bureau of Investigation and the Central Intelligence Agency on releasing the register, in whole or in part. Consulting with these agencies is advisable because of the high percentage of correspondence from them to the Warren Commission referred to in the register. For your signature, we enclose letters to these agencies soliciting such comments.

6. The unedited testimony of Mrs. John F. Kennedy before the Commission, which has previously been withheld from disclosure as an investigatory file compiled for law enforcement purposes, should be declassified as it contains no material that would warrant the "Confidential" classification now placed upon it. Further, upon declassification it should be made available to those persons requesting this record as there is no readily defensible position for denying access to it pursuant to the terms of the Freedom of Information Act.

(signed) William E. Casselman III

WILLIAM E. CASSELMAN III  
General Counsel

cc: Official File - LR

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