

5
July 31, 1975

Mr. Harold Weisberg
RE. 3
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in reply to your letter of July 6, 1975, received in this office on July 9, 1975, in which you make requests concerning the records of the President's Commission on the assassination of President Kennedy under the Freedom of Information Act (5 U.S.C. 552) as amended.

Your original request was for copies of all records released since the last regular review, which was in 1972-73. If you want copies of all records released by that review, except the CIA documents we have already furnished you, we will be pleased to furnish them.

You make FOIA (Freedom of Information Act) requests for records concerning the following:

- (1) The withholding from research of Commission Document 702. The documents which withheld ID 702 from research, both of which can be made available to you, are letters of the Department of Justice of August 13, 1965 (see attached List C withholding it), and of November 3, 1972, which listing it for release. We released it when we found in the course of reference service that it had been published.
- (2) The withholding of the letter of May 22, 1964, from J. Edgar Hoover to S. Lee Smith relating to Martin Luther King's passport. This letter was the cover letter for Commission Document 965 and was not filed with that document (see List E attached to the Department of Justice letter of August 13, 1965, in item 1 above). We withheld the letter in our 1967-68 review of the unnumbered documents (Government Agencies Involved - FBI) because it related to Oswald's Mexican trip and relations with Mexico. It was among the records the Department of Justice advised us to continue to withhold in the 1972-73 review by the letter of April 17, 1972, in response to our letter of May 15, 1972, both of which can be

See p. 3 for FBI action necessary.

made available to you. We declassified the letter of May 22, 1964, from J. Edgar Hoover to J. Lee Rankin on the basis of the declassification of its enclosure (SD 969) by the Department of Justice letter of August 13, 1965, when we found a copy of the letter in screening the Oswald Mexico trip file for a researcher.

- (3) Declassification of a letter of July 7, 1964, relating to Mexican Immigration Department records, 46 enclosures of which had been forwarded with it. We do not have records that show the reasons why documents were classified or declassified. Presumably the classified documents relating to investigation of Oswald's trip to Mexico were classified because relations with a foreign country were involved. We released this document when we could do so in screening the file for Oswald's Mexico trip.
- (4) Declassification of a letter of J. Lee Rankin to J. Edgar Hoover of April 24, 1964. This letter was withheld from research in our 1967-68 review of the unnumbered documents of the Commission because it involved the investigation of the Mexican trip of Oswald and the question of foreign relations with Mexico. It was among the records the Department of Justice requested us to continue to withhold by its letter of April 13, 1973 (item 2 above). It was declassified and released by a letter of January 24, 1975, from the Department of Justice in response to our letter of July 31, 1974. We have been unable to identify the dossier furnished to Ambassador Mann.
- (5) Records relating to the withholding and releasing of the FBI letterhead memorandum (LHM) on interviews with Yuri Nosenko (Commission Document 434). SD 434 is a duplicate of part of the portion of Commission Document 434 declassified and released by the Department of Justice by its letter of January 24, 1975 (item 4 above) except the deleted matter on the first page of SD 434. The letter of January 24, 1975, was therefore regarded as authority for the release of SD 434, with the deletion. The deleted part of the first paragraph of SD 434 is denied to you under 5 U.S.C. 552 (b) (5).
- (6) Page dated October 27, 1959, dealing with Oswald's hospitalization. As stated in our letter of June 17, 1975, the page relating to Oswald's Moscow hospitalization on October 27, 1959, is from the Oswald-Ruby Chronology in the Commission's records. It was previously withheld from research because it contained information from a document withheld from research.

- (7) References in the Coleman-Slawson memorandum on Oswald's foreign activities. The deleted material is denied to you under 5 U.S.C. 552 (b) (5).
- (8) CIA interviews or reports relating to what Novotko told the CIA. No documents of this kind have been found in the records of the Commission.
- (9) Novotko records of any kind still withheld. These records consist of the following:
- (a) Letter of Rankin to Helms, March 6, 1964.
 - (b) Memorandum of Slawson to Jensen, Liebeler, Ball and Selin, March 9, 1964.
 - (c) Memorandum of Coleman and Slawson to Stern, March 12, 1964.
 - (d) Memorandum of Slawson to Rankin, July 15, 1964.
 - (e) Memorandum of Slawson to Coleman, July 17, 1964.
 - (f) Memorandum of July 23, 1964 (no names given).
 - (g) Memorandum of Slawson to Rankin, August 22, 1964.
 - (h) Transcript of executive session of Commission of June 23, 1964.
 - (i) Perhaps pages 63-73 of transcript of executive session of the Commission, which relate to defectors without naming Novotko. *97 January 21, 1964*
 - (j) Page 1 of Commission Document 65L.
 - (k) Cover letter of CD 45L.

FBI

These records relating to Novotko are denied to you under 5 U.S.C. 552 (b) (5). Page 2 of CD 65L relating to Novotko can be supplied to you. No other FBI records relating to Novotko have been found among the records of the Commission. We regret that a few items relating to Novotko listed above were inadvertently omitted in our previous letter to you.

Related to the withholding of these records are the following documents:

- (1) Note of Gordon H. Johnson (FBI) to Arthur Beeley (CIA) of August 14, 1967, which can be made available to you. The note

of documents referred to in the note are denied to you under 5 U.S.C. 552 (b) (5).

- (2) Letter of Thomas H. Marzocchino, Deputy Director for Plans, CIA, to Robert H. Blumer, Archivist of the United States, of October 3, 1967. This letter is denied to you under 5 U.S.C. 552 (b) (1).
 - (3) Letter of May 1, 1975, of Robert S. Young, FBI Coordinator, CIA, to James B. Rhoads, which can be made available to you.
 - (4) Note of Marion H. Johnson (HARS) to Charles P. Dexter (CIA) July 30, 1974, and letter of John B. Harrison, Jr., Acting General Counsel, CIA, to James B. Rhoads, October 1, 1974, which can be made available to you.
- (10) Declassification of certain records on March 13, 1975:

The declassification actions on these records on that date resulted from finishing up work on requests for reviews of those records from a researcher in order to transmit copies to him. Our correspondence with him, consisting of our letters sent to him dated July 10 and August 13, 1974, and March 17 and April 15, 1975, as well as letters received from him dated August 5 and November 9, 1974, and January 3 and March 1, 1975, is denied to you under 5 U.S.C. 552 (b) (6).

The specific records to which you refer in this request apparently are the following:

- (a) Pages 23-25 of Commission Document 651 relating to Yuri Nosenko. These pages were withheld from research in 1965 and 1970 at the request of the Department of Justice in its letters listed in item 1 above. They were declassified by the letter of January 24, 1975, of the Department ~~was~~ listed in item 4 above.
- (b) The letter of J. Lee Rubin to J. Edgar Hoover dated April 24, 1964. This letter was withheld from research by the National Archives in our 1967-68 review of the records because of the relevance of the letter to the investigation of Oswald's Mexican trip and the question of Mexican-American relations. The Department of Justice told us to continue to withhold the records which included this letter in its letter of April 18, 1973 (item 2 above).

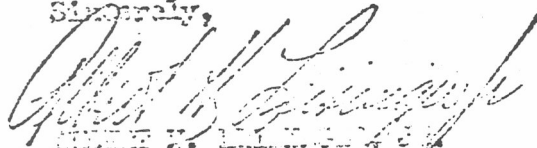
- (c) Transcript of an executive session of the Commission of January 22, 1964. A transcript was prepared by a Department of Defense stenographer from the reporter's notes for that session and classified on the basis of the classification of the reporter's notes. A note of Marion H. Johnson (MHS) to Mark Gramall (Department of Justice) of November 12, 1974, requesting a review of the transcript and the reply of the Department of February 26, 1975, will be furnished to you.
- (d) The undated Coleman-Stanzen memorandum on Oswald's foreign activities. Most of this memorandum was declassified by the National Archives on the basis of published information. A letter of Charles E. Savage (CEA) to James E. Nichols relating to declassification of a portion of the memorandum is denied to you under 5 U.S.C. 552 (b) (1).

Enclosed is a copy of the exemptions in 5 U.S.C. 552 (b) which include those cited in this letter. The copies of records we are furnishing you are being sent to you separately.

The CIA will respond to you separately concerning its security classified letters denied to you in this letter.

You may appeal the denials to you in this letter to the Deputy Archivist of the United States, National Archives and Records Service, Washington, DC 20540. Denials of security classified documents, which includes part of the deleted portions in the Coleman-Stanzen memorandum on Oswald's foreign activities, may also be appealed to the Interagency Classification Review Committee, National Archives Building, Room 604, Washington, DC 20540.

Sincerely,



ROBERT W. LINN
Acting Assistant Archivist
for the National Archives

Enclosures

CC: Official file - MHS
Reading file - IEF
Day file - IM

WJohnson/yp K23171 7/21/75
MHS173-17
MHS-5

IEF 228