

MAR 22 1974

Archivist of the United States - N

Suit by Mr. Harold Weisberg

Attorney Advisor - LRR

Enclosed are drafts of letters to the CIA and the Department of Justice requesting a mandatory review of the transcript of the executive session of the Warren Commission of January 27, 1964. As you suggested to Mr. Johnson, we have made revisions to indicate that we have decided that the transcript can probably be declassified and requesting a statement of any objections the two agencies may have to the declassification of the transcript or any part of it.

In regard to your suggestion that we request a review of other security classified records of the Commission, we would prefer not to do this unless you think it should be done for legal reasons. Security classified records of the Commission will continue to become 10 years old at various times until October of this year. We can request reviews of individual documents that are 10 years old at the time a mandatory review is requested by a researcher, as provided in Section 5 (c) (1) of Executive Order 11652. We feel that we are complying with the executive order in regard to reviews on a systematic basis (Section 6 (G)) by following the review schedule established by the guidelines for the review of the Commission's records. We requested the agencies to review the security classified documents of the Commission under the terms of the executive order in 1972. Another review of the bulk of the material withheld from research (the numbered Commission documents) is due in 1975, and this will include security classified documents.


JAMES B. RHOADS

cc: Official file NNFL ✓
Reading file - NNF
- NA
- N

MJohnson:ram

NNF ML NN JL

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Honorable William Colby
Director
Central Intelligence Agency
Washington, DC 20505

Dear Mr. Colby:

Mr. Harold Weisberg has in progress a suit against the General Services Administration for access to a transcript of an executive session of January 27, 1964, of the President's Commission on the Assassination of President Kennedy (the Warren Commission) which is in our custody. The Central Intelligence Agency requested us to withhold this transcript from research in a letter of December 22, 1972. A copy of the transcript was furnished to Mr. Arthur Dooley, formerly of your staff, and should be in the files he maintained relating to the review of records of the Commission.

Enclosed are copies of the guidelines prepared by the Department of Justice in 1965 for the review of the Commission's records and a letter of August 17, 1966, from Assistant Attorney General Wozniakoff authorizing the National Archives to conduct reviews of the records created by the Commission. Although the transcript of the executive session of the Commission of January 27, 1964, was reviewed as recently as 1972 subsequent to the issuance of Executive Order 11652 (37 F.R. 5209), we feel that we should treat Mr. Weisberg's suit as the equivalent of a request for a mandatory review of the transcript as a security classified document that is now 10 years old under the terms of Executive Order 11652, Section 5 (D) and Section 11. We

I have reviewed the transcript and have decided that it probably could be declassified. I shall appreciate it if you will review the transcript in accordance with the terms of Executive Order 11652 and inform me of any objection you may have to the declassification of the transcript or of any part of it. If you think the transcript or any part of it should retain a security classification, please inform me of the level of classification you feel it should have and the relevant basis for classification listed in Section 5 (B) of Executive Order 11652. If you think the transcript should be declassified but withheld from research, as a whole or in part, under some other exemption of the "Freedom of Information Act" (5 U.S.C. 552) than subsection (b) (1), please inform me of that exemption and of any relevant guideline.

We are also requesting the Department of Justice to review the transcript.

The following members of our staff will be pleased to furnish any further information you require: Mr. Mark G. Eckhoff and Mr. Marion M. Johnson of the National Archives (Code 13, extension 23171) and Mr. Steven Garfinkel of the Office of General Counsel of GSA, (Code 183, extension 4947).

Sincerely,

JAMES B. RHOADS
Archivist of the United States

Enclosure

D-R-A-F-T

Honorable William B. Saxbe
Attorney General of the United States
Department of Justice
Washington, DC 20530

Dear Mr. Attorney General:

Mr. Harold Weisberg has in progress a suit against the General Services Administration for access to a security classified transcript of an executive session of January 27, 1964, of the President's Commission on the Assassination of President Kennedy (the Warren Commission) which is in our custody. The discussions of the members of the Commission reported in the transcript include matters which involve the Department of Justice.

We feel that we should treat Mr. Weisberg's suit as the equivalent of a request for a mandatory review of the transcript as a security classified document that is now 10 years old under the terms of Executive Order 11652, Section 5 (D) and Section 11. We have reviewed the transcript and have decided that it probably can be declassified.

Enclosed are copies of the guidelines prepared by the Department of Justice in 1965 for the review of the Commission's records and a letter of August 17, 1966, from Assistant Attorney General Wozeneraft of the Office of Legal Counsel authorizing the National Archives to conduct reviews of the records created by the Commission. I shall appreciate it if you will review the transcript, which we will make available to you, in accordance with the terms of Executive Order 11652 and inform me of any objection you may have to the declassification of the

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transcript or of any part of it. If you feel that the transcript or any part of it should retain a security classification, please inform me of the level of classification required and the relevant basis for the classification listed in Section 5 (B) of Executive Order 11652. If you think the transcript should be declassified but withheld from research as a whole or in part under some other exemption of the "Freedom of Information Act" (50.S.C. 552) than subsection (b) (1), please inform me of that exemption and of any relevant guideline. We are also requesting the Central Intelligence Agency to review the transcript.

The following members of our staff will be pleased to furnish any further information you require: Mr. Mark G. Eckhoff and Mr. Marion M. Johnson of the National Archives (Code 13, extension 22171) and Mr. Steven Garfinkel of the Office of General Counsel of GSA (Code 183, extension 4947).

Sincerely,

JAMES B. RHOADS
Archivist of the United States

Enclosure