WHR:SPL:dp
129-11 Section 31, 1382

cc: Mr. Lockman
Mrs. Copeland
Files

MAR 2 1971

Honorable Jacob K. Javits
United States Senate
Washington, D. C. 20510

Dear Senator Javits:

Your memorandum of February 24, 1971, which requests the views of the Department of Justice on a letter from one of your constituents, has been referred to this Office for reply. Your constituent refers to an article in the May, 1970 issue of Computers and Automation magazine concerning the assassination of President John F. Kennedy. We have been unable to locate this issue of the magazine, but it appears that the article questions the performance of the Warren Commission and is critical of the withholding by the National Archives of certain of the documents compiled during the investigation.

As you know, the Warren Commission conducted an exhaustive investigation of the circumstances surrounding the assassination. Its Report spans 26 volumes and consists of many thousands of pages. In addition, it contains numerous exhibits and interviews. While there are those who are critical of the performance of the Commission, it does not appear that any of the critics has produced evidence which would cast serious doubt on the conclusions reached by the Commission.

It is, of course, true that certain data compiled by the Federal Bureau of Investigation as well as other governmental agencies was not disclosed to the public in the first instance. However, a review of all the documents compiled on the assassination was conducted in 1965, and as a result of that review the great majority of the documents were made public. A subsequent review was conducted in late 1970, and a number of the documents previously withheld

were released at that time. Thus, only a very small percentage of the results of the Government's investigation of President Kennedy's assassination are not now public.

Certain items, as one can well understand, must be withheld from public scrutiny. Documents pertaining to the autopsy or investigative reports containing false and slanderous matter should not be released. The withholding of documents of this nature in no way suggests any official intention to suppress the truth. Indeed, the release of substantially all of the data collected, together with the issuance of the voluminous report of the Commission, demonstrates in my view quite clearly the Government's commitment to a full disclosure of the facts.

I hope that the foregoing assists you in preparation of a reply to your constituent.

Sincerely,

William H. Rehnquist
Assistant Attorney General
Office of Legal Counsel

United States Senate

February 24, 1971

Respectfully referred to
Congressional Liaison
Department of Justice
Washington, D.C.

for such consideration as the communication herewith submitted may warrant, and for a report thereon, in duplicate to accompany return of inclosure.

By direction of

Jacob K. Javits

Attention:

RECEIVED
10 24 AM '71
COUNSEL

DS 29-1 U. S. S.
10 FEB 25 1971
OFFICE OF LEGAL COUNSEL