UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE

DATE: SEP 4 1970

Mr. Tolson	✓
Mr. Sullivan	
Mr. Mohr	
Mr. Bishop	
Mr. Brennan CD	
Mr. Callahan	
Mr. Casper	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Tavel	
Mr. Walters	
Mr. Soyars	
Tele. Room	
Miss Holmes	
Miss Gandy	

TO : J. Edgar Hoover
Director
Federal Bureau of Investigation

FROM : William H. Rehnquist
Assistant Attorney General
Office of Legal Counsel

SUBJECT: Five-Year Review of Warren Commission Files.

The Attorney General has referred to me the letter to him of August 17, 1970 from Herbert E. Angel, Acting Archivist of the United States (a copy of which is attached), notifying the Department that it is time for the documents in the Numbered Document File of the Warren Commission which have previously been withheld from public scrutiny to be reviewed for the purpose of determining whether any of those documents may now be released. Mr. Angel points out that the documents of the Department in question include "about four linear feet of reports of the Federal Bureau of Investigation" and "Commission Document 355, a volume (about 2 inches thick) of copies of summaries of FBI interviews with acquaintances of Jack L. Ruby." Mr. Angel states that the Archives will be pleased to make these documents available to those members of the Department selected to review them.

In late 1968, at the request of the Attorney General, this Office made a complete review of all of the documents in the Commission's files and listed those items which appeared to be releasable. We recommended to the Attorney General, however, that no release of documents be made at that time. My predecessor, Mr. Frank Wozencraft, stated in a memorandum to the Attorney General that-

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> [I]n view of the lack of substantive value of these materials and the very small proportion which they represent of the total presently withheld, I do not believe that any constructive purpose would be served by their release prior to the review scheduled for 1970, for which this list would furnish an appropriate starting point.

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The Attorney General accepted this recommendation, and no new release of documents was made at that time.

In view of the fact that the Department's documents which are presently being withheld were generated by the Bureau, it is appropriate that the Bureau assist in the present five-year review. The inventory prepared by this Office in 1968 will, we believe, facilitate the task at hand. The attorney in this Office handling this matter is Steven P. Lockman, code 187, extension 2053. If you will designate an individual from the Bureau and direct him to notify Mr. Lockman, we can proceed with the review and the preparation of a recommendation to the Attorney General.

Attachments

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service
Washington, D.C. 20[illegible]

Honorable John N. Mitchell
Attorney General
Washington, D. C. 20530

Dear Mr. Attorney General:

The President's Commission on the Assassination of President Kennedy transferred its records to the National Archives in November 1964 to be "permanently preserved under the rules and regulations of the National Archives and applicable Federal law" (Report of the Commission, p. XV). The records included some documents which are withheld from disclosure by specific statutes, security classified records, investigatory files compiled for law enforcement purposes, and medical and personnel records. It was apparent that the records of the Commission would have to be reviewed on a document-by-document basis in order to identify the relatively few documents of this nature that could not immediately be made available for research.

This review was conducted in 1965 in accordance with "Guidelines for Review of Materials Submitted to the President's Commission on the Assassination of President Kennedy," which were prepared by the Department of Justice in consultation with the agencies which furnished records to the Commission (copy enclosed). Under these guidelines (page 2) it is the responsibility of the Archivist of the United States to arrange for successive reviews of the records of the Commission that are withheld from research. As it is now five years since the review of the Numbered Document File of the Commission in 1965, it is time for the documents that were withheld from research at that time to be reviewed again as indicated in the last paragraph of the guidelines. The National Archives will be pleased to show the documents withheld from research at the request of your Department to any members of your staff who may be selected to review them. The following documents are withheld at the request of the Office of Legal Counsel of the Department of Justice:

1. About four linear feet of reports of the Federal Bureau of Investigation.

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ATTORNEY GEN[illegible]

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2. Commission Document 355, a volume (about two inches thick) of copies of memoranda of FBI interviews with acquaintances of Jack L. Ruby which was transmitted to the Commission by a letter dated February 4, 1964, of the Assistant Attorney General in charge of the Criminal Division of the Department. Withheld under Guideline 3C.

The following staff members of the National Archives may be called for any additional information that may be needed: Mr. Mark C. Eckhoff, Director, Legislative, Judicial and Diplomatic Records Division, or Mr. Marion M. Johnson, on Code 13, Extension 23171.

Sincerely,

HERBERT E. ANGEL
Acting Archivist
of the United States

Enclosure ✓