

STATEMENT OF DR. JAMES B. RHOADS, ARCHIVIST OF THE UNITED STATES,  
BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON GOVERNMENT  
OPERATIONS, GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS SUBCOMMITTEE

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Thank you for giving me this opportunity to discuss the policies of the National Archives with respect to one of the groups of records in our custody: the records of the President's Commission on the Assassination of President Kennedy.

Let me say at the outset that there is a general policy for the 1.3 million cubic feet of permanently valuable Federal records which constitute the National Archives of the United States. This policy is both to preserve them and to make them available for further Government use, for the protection of private rights, and for the use of researchers whether they be scholars or just interested members of the public. Record Group 272, the records of the Warren Commission, comes under this broad policy as do the other record groups in the National Archives.

Relatively speaking this is a small group of records, amounting to about 360 cubic feet of textual and related material. It is, however, complex. There are transcripts of testimony, depositions, affidavits, correspondence, investigatory reports, passport files, memoranda, chronologies, indexes, films--the list goes on and on. Much of the material is duplicative, such as the multiple copies of transcripts. Subtracting the duplications, about 100 feet of original textual and audiovisual records remain. The textual records account for approximately 75 percent of that amount. Additionally, there are approximately 40 cubic feet of three-dimensional objects, ranging from clothing to the windshield of the automobile in which President Kennedy lost his life.

The Commission on the Assassination of President Kennedy, popularly known as the Warren Commission, began its investigation soon after President Kennedy's death on November 22, 1963. The Commission presented its report to President Johnson on September 24, 1964, and this action was followed by the publication of 15 volumes of testimony and 11 volumes of exhibits. The Commission then transferred its records to the National Archives in November of 1964 to be preserved under the rules and regulations of the National Archives and applicable law.

I should mention at this point that the autopsy X-rays and photographs came to the National Archives later and separately. They were donated by the Kennedy family under an agreement limiting access to these materials, which are now part of a different record group, Record Group 200, the National Archives Gift Collection. Access to this material is limited by the agreement dated October 29, 1966, to persons authorized to act for a committee of Congress, a Presidential commission, or any other official agency of the Federal Government having authority to investigate matters relating to the assassination of President Kennedy, and to recognized experts in the field of pathology or related areas of science and technology whose qualifications are approved by the Kennedy family representative, Burke Marshall.

About 90 percent of the records of the Warren Commission, Record Group 272, now are open for research. In the past decade, research activity in this group has been extensive. This was particularly so in the early

years. Activity lessened for a time, but there has been a revival of interest of late. In the last quarter of this year, 90 persons came in to do in-person research, in addition to those who sought information by mail. Marion Johnson, the archivist in charge of the records, and an associate have a heavy reference load along with their other work. I note that the September 1975 issue of the revived Saturday Evening Post, which focuses on current interest in the assassination and its investigation, observes that "The declassified, but unpublished Warren Commission materials are available to any serious researcher" and that Johnson and his associate "provide the individual researcher who writes or visits the National Archives with friendly and cooperative service." I think that most of the researchers who have used the Warren Commission records in the National Archives would agree with this assessment. There are, as well, various finding aids at the disposal of researchers, including a 158-page Inventory of the Records of the President's Commission on the Assassination of President Kennedy. This was compiled by Mr. Johnson and published in 1973 to replace an earlier version.

The Committee, Madame Chairwoman, has expressed interest in use of the Freedom of Information Act and Executive Order 11652, the declassification order, in relation to the Warren Commission records. Both have proved useful in opening previously closed material. The regularly scheduled reviews of withheld materials in this body of records also have been helpful in this regard. Let me say a few words about the background of these reviews.

When the Warren Commission records came to the National Archives, most were made available for research use quickly. However, some records were withheld because disclosure was prohibited by specific statute, because of national security classifications, because disclosure would invade rights of personal privacy, or because as parts of investigatory files their disclosure might impede law enforcement or reveal confidential sources of information.

The normal procedure followed in withholding investigatory reports to which the restrictions applied was to maintain disclosure for a period of 75 years--roughly a person's lifetime--unless the originating agency authorized disclosure. However, the White House at that time held that every effort should be made to accelerate disclosure of withheld material in the Warren Commission records and directed the Attorney General to coordinate a study of means of accomplishing this purpose. The study was made by the Department of Justice, in consultation with the National Archives and other agencies, and the recommendations resulting from the study were approved. They called for immediate review of the material withheld by the originating agencies. The purpose was disclosure of as much of the material as possible. A key provision of the guidelines prepared by the Department of Justice held that originating agencies should review their classified and unclassified withheld material 5 years and 10 years after the initial review, and thereafter every 10 years.

The Attorney General dispatched the first review letters to agencies in 1965, and the National Archives in 1970 sent out similar letters seeking review of withheld material. The regular 5-year reviews continue. The National Archives wrote last July to the various agencies involved, asking them to examine their withheld documents again with a view to disclosure.

The reviews of 1965 and 1970 were not the only ones made to speed disclosure. When the President's Commission on the Assassination of President Kennedy went out of existence, the status of previously undisclosed internal records and correspondence of the Commission was uncertain. With the assent of the Department of Justice, the National Archives in 1967-68 screened this material and opened most of it. However, some correspondence between the agencies and the Commission and other records relating to the agencies remained closed. The National Archives, therefore, went back again to the agencies in 1972-73 for a further review of this type of record. On the latter occasion the agencies were reminded that Executive Order 11652 had been issued in the interim, with provisions for declassifying or downgrading any classified documents among those withheld. More recently, in our letters to agencies relating to the 1975 review, we have asked them to keep in mind the provisions of the Freedom of Information Act, as amended in 1974, and Executive Order 11652 when making their determinations as to what now can be opened in the material which is still withheld.

As the result of the various reviews under the Department of Justice guidelines, additional material in the Warren Commission records has been disclosed by originating agencies since that first general review in 1965. Moreover, researchers now have recourse to mandatory review procedures of the Freedom of Information Act and Executive Order 11652, both of which have been effective in opening other withheld materials in the Warren Commission records. They provide workable means for researchers to challenge nondisclosure of material which they believe should be opened.

I thank the Committee again for this opportunity to discuss the policies and practices of the National Archives with respect to records of the Warren Commission. I hope it is not a secret that we archivists are committed to the fullest possible disclosure of records in our custody. In addition to preserving records of value, we like to see them available to researchers--and well used.

Thank you.