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RIGHTS SUBCOMMITTEE

OVERSIGHT HEARINGS OF THE NATIONAL ARCHIVES AND RECORDS SERVICE:  
HANDLING OF FREEDOM OF INFORMATION REQUESTS AND DECLASSIFICATION

Tuesday, November 11, 1975

This morning the Subcommittee is exercising its oversight over the National Archives and Records Service to examine that institution's handling of Freedom of Information Act requests, and its declassification of documents under Executive Order 11652.

The Archivist of the United States is entrusted with some 12 million cubic feet of government paper. Stored in the National Archives and Records Service's 15 Federal Records Centers, its six Presidential libraries, and in the Archives building, are at least 860 million pieces of classified paper -- most of it over twenty years old and still shut off from historians and the public.

Dr. James Rhoads -- who is with us today -- wears two hats. One as Archivist of the United States, and the other as Acting Chairman of the Interagency Classification Review Committee. The Interagency Committee is the Executive branch's top appeals unit for reviewing citizen requests to see classified documents.

We have a number of questions we would like to look at today.

For example: What initiative does the Archives take when it discovers a document which is obviously improperly classified? As custodian of records, the Archives must abide by restrictions placed on documents by the originating agency. But if the classification marking is patently

invalid, does the Archives have procedures for challenging that marking and removing it?

Our independent staff investigation, for example, has concluded that the Warren Commission was never specifically given the power by the President under the Executive Order to originally classify its transcripts and memos. In effect, then, hundreds of Warren Commission documents were withheld from the public for years when there was no sound, or legal basis for it.

Another question we would like to examine is whether the Archives has always been forthright in its denials of Freedom of Information Act requests. The Archives says that it refers all F.O.I. requests it receives to the agency or department which generated the papers being requested. Does the Archives exercise any independent judgment in withholding the files, or does it rely solely on the decision of a self-interested bureaucrat?

Also, does the Archives make any attempt to search out important historical documents. Many papers relating to the Warren Commission investigation of President Kennedy's assassination, for example, are still in the custody of certain federal agencies. What efforts has the Archives made to safeguard these records and combine relevant documents with its current holdings?

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Normally, out of courtesy to our government witness, Dr. Rhoads would appear first this morning. But Attorney David Belin, who is also

to appear, informs us that because of a pending lawsuit in which he is engaged, his appearance in court in another city is pressing. With Dr. Rhoads' kind permission, therefore, I would like to call David Belin as our first witness.

Mr. Belin is in private practice in Des Moines. He was an Assistant Counsel with the Warren Commission, and he was Executive Director of the Rockefeller panel to investigate the CIA's domestic activities.

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