

Dear Jim,

4/19/74

The mail has just come, two students are due here soon, so instead of going over the DEFENDANT'S MEMORANDUM PURSUANT TO ORDER OF THE COURT with care at this moment, the few impressions for which I have time from a hasty skimming to see if you had included all the attachments.

First, your mailing did not get out night before last, thus the delay. The postmark is of the 18th.

It is quite helpful of the other side to attach the Warren-Routin letter of 12/21/63 saying that the Commission had agreed to "solicit" the services of Rankin "at a meeting of the Commission on December 6, 1963." I suggest that we also attach it as confirmation of what I said, that the Commission, when it acted as a Commission, did so through its executive sessions. And when Warren acted for it, he informed it, often through the executive sessions.

This also confirms that the withholding of that transcript was not for any national security reason but, properly, because it dealt with personnel matters. Or, to carry this one step further, the only remaining questions with the withheld pages of the 12/5 session, also describes as (b)(6), nothing was classified before Rankin started it, or before Ward & Paul started using stamps, which was only after Rankin was running the Commission. Separately this is quite interesting.

(If you knew how he manipulated the old biddies on Ruby you'd understand the hint better.)

This attachment also tells us that the file to reneack is the PCB one. If you get around to doing it, I suggest you make a list of all that is in it because it seems not unlikely that they will cleanse it ~~whenever~~ if they haven't already unless you are fast.

Ward & Paul 1/7/64, last graf, which refers to TOP SECRET and SECRET classification only: it is their offer, not in response to any demand attributed to Rankin. All Rankin asked was "for a statement of the prices for work performed."

The beginning of this graf eliminates any reasonable doubt that Ward was not responding to the details Rankin laid out because it does begin contrary to the inevitable plans, "It is contemplated that the reporting services will be performed in Washington, D.C...."

This not only does not say that with or without proper authorization Rankin told them to classify, aside from the foregoing it also says the opposite, "It is contemplated... The work will be given Top Secret or Secret classification..." not classifications and not "...and Secret..."

They are really grabbing and risking on this one! That this is Ward's proposal becomes clearer when he offers to give them the stuff to get rid of: "If desired, notes, waste paper and other materials will be delivered to the Commission daily...." It is if Rankin wants it, not that he demanded it.

Page 2 weakens this a little where he refers to the use of only persons with the "necessary clearance." But he does not say cleared for Secret and Top Secret. So it is no less fair an inference that if anything is to be classified, they will supply reporters and support with whatever clearance is required.

The penult graf bears on my analysis. Ward is going into things "to lay a proper groundwork..." not "to confirm our understanding of your specifications."

Rankin's letter of the next day is the first indirect reference to classifying in its approval of Ward's proposal. It makes no reference to classification and if it is to be taken the way the government now intends, means that regardless of law or regulation, nothing, no matter how innocuous, is ever to be unclassified and nothing will be classified lower than secret. This would prove part of our argument if they take this line, that to them no law made any difference, they wanted secrecy and law, hell or high water and By God! they are going to have it.

Best,