

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION

National Archives and Records Service
Washington, D.C. 20408



JUL 14 1974

Mr. Harold Weisberg
Cocq d'Or Press
Route 8
Frederick, MD 21701

Dear Mr. Weisberg:

This is in response to your letter of June 19, 1974, in which you call into question the timing of the mandatory classification review of the Warren Commission transcript of January 27, 1964, undertaken as a result of your filing suit for access to this document in the United States District Court for the District of Columbia.

Section 5(D) of Executive Order 11652 (37 F.R. 5209; 3A CFR, 1972 Comp., at 154, 161) provides for the mandatory classification review upon request of certain categories of classified records, one of which included the requested transcript, if the document in question was created before the issuance of E.O. 11652 and is at least ten years old. Shortly after the filing of your suit, our attorneys advised me of the necessity for such a review in light of the upcoming tenth anniversary of the transcript's creation. In accordance with the terms of the Executive Order, I solicited the opinions and comments of the Department of Justice and the Central Intelligence Agency, agencies which had a direct subject matter interest in the contents of the requested record, concerning the proposal of the General Services Administration to declassify the transcript and make it available for public research. Regrettably, despite our frequent reminders about the ongoing litigation, final agreement with our proposal was not received until after the court's decision was issued. Within a week of reaching this agreement, this agency declassified the transcript and, notwithstanding the decision in Weisberg v. United States General Services Administration, made copies of it available to you and to another requester who had previously been denied access.

While this agency did not provide you a final administrative decision on your 1972 request for access to the transcript, this oversight (unfortunate but understandable in light of the quantity and variety of requests and answers contained in correspondence between us) did not in and of itself

Keep Freedom in Your Future With U.S. Savings Bonds

cause any further delay in your receipt of a copy of the transcript. At that time, pursuant to your request and to the request of another researcher, a classification review was undertaken of the transcript. As a result of that review, we were advised that in the interest of national security the classification of "Top Secret" should be maintained for the time being. The other requester was given a final agency decision denying him access at that time; while we neglected to issue a similar decision to you, at no time during the course of the recent litigation did this agency contend that you had failed to exhaust your administrative remedies. Accordingly, your case was reviewed by the court on its substantive merits and not on any procedural deficiencies.

We hope that the above helps explain the timing of your receipt of the requested transcript. Once again, we regret the inconvenience and expense necessitated by the resultant delay in declassifying the record.

Sincerely,



JAMES B. RHOADS
Archivist of the United States