

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION

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



DATE: June 5, 1972

REPLY TO
ATTN OF: ND

SUBJECT: Publication in Federal Register of "Regulations Concerning Procedures for Reference Service on Warren Commission and Related Items of Evidence"

TO: N

In his memorandum of January 14 (attached) LR indicated that the regulations governing reference service to Warren Commission and related materials are legally required to be published in the Federal Register. This view contradicted the opinion given by Mr. Prince (LC) in his memorandum of July 13, 1971. In a subsequent conversation, LR agreed that these regulations are at best marginally covered by the requirement of the Freedom of Information Act directing the publication of regulations. In effect, LR agreed that the decision on publishing was in this instance a policy decision.

The main advantage in publishing these regulations in the Federal Register is that it would make it easier both for us and for the Office of General Counsel to reply to the persistent seekers of access to Warren Commission records and to the related items donated by the Kennedy family.

The great disadvantage to publishing is the precedent that would be set. The Warren Commission records are, so far as I can see, legally no different than the other records in NN, and they are covered by a Restrictions Statement (attached). The items donated by the Kennedy family are legally no different than other donated items in NN and in the Presidential Libraries; they, too, are covered by a Restrictions Statement (attached). My fear is that, as a result of publishing these regulations, we would find ourselves increasingly pressured to publish all comparable regulations, including those on the hundreds of collections in Presidential Libraries, in the Federal Register. That would be a large and difficult task. Moreover I seriously question the need to publish such detailed procedural regulations on a specific block of material when most of those regulations apply to all of our records.

I recommend not publishing.

James E. O'Neill
JAMES E. O'NEILL

Let's drop the question for now. If changed circumstances should warrant it, the matter can be reopened in the future. James B. Rhoads 6-9-72

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