

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan

FROM : Mr. W. A. Branigan

SUBJECT: PUBLIC DISCLOSURE OF WARREN
COMMISSION RECORDS

- 1 - Mr. Belmont
- 1 - Mr. Conrad
- 1 - Mr. Trotter
- 1 - Mr. Sullivan
- 1 - Mr. McGowan
- 1 - Mr. Hines
- 1 - Mr. Callahan
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. Shroder
- 1 - Mr. Raupach
- 1 - Mr. Stokes

DATE: 7/13/65

Tolson	
Belmont	✓
Mohr	✓
DeLoach	✓
Casper	
Callahan	
Conrad	
Felt	
Gale	
Rosen	✓
Sullivan	✓
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

Preparatory to reviewing the Warren Commission records in the National Archives pursuant to the request of the Attorney General, Special Agents J. W. Hines and K. M. Raupach of the Investigative Division and Special Agent J. C. Stokes of the Domestic Intelligence Division on 7/12/65 contacted Dr. James B. Rhoads, Assistant Archivist for Civil Archives.

Dr. Rhoads explained that the records of the Warren Commission in the possession of the National Archives are contained in 26 different sets of files. The principal file and the one to be reviewed at this time is known as the Numbered Commission Document File and it consists of approximately 32 cubic feet of records. This is the file into which the Warren Commission placed the basic raw materials from which they prepared their report and the supporting volumes.

The remaining files which have not to date been processed by the Archives are arbitrary breakdowns by the Commission of various facets of the investigation of the assassination and related matters. These other files contain copies of much of the material which is in the file presently being reviewed and, when processed by the Archives, a search of these files which contain Bureau documents will also have to be made by the Bureau to determine what material therein can be placed in the public domain. Not all of the remaining 25 Commission files will have to be reviewed as some of them contain only material relating directly to the work of the Commission, such as the Commission's personnel records, its vouchers, and the testimony taken by the Commission.

Dr. Rhoads explained that the placing of our records on the assassination of President Kennedy and related cases in the public domain simply means that anyone can walk into the Archives from the street and ask to view such records and, if such person so desires, may copy the records or request the Archives to produce copies of them. The Archives, according to Dr. Rhoads, has the facilities to reproduce documents in the public domain.

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REC 48 62-109090-458

Memorandum to Mr. W. C. Sullivan
RE: PUBLIC DISCLOSURE OF WARREN COMMISSION RECORDS

Dr. Rhoads escorted the Bureau representatives through the security room of the Archives where the records to be reviewed were observed to be contained in 33 cardboard boxes. The working area in the security room was highly undesirable as space is very limited. Dr. Rhoads stated that he would endeavor to locate other space where the review could be conducted under security conditions.

He said that the working hours at the Archives are from 8:45 a.m. to 5:15 p.m. and, as the Warren Commission records must be maintained in the security room, the door to which is protected by a combination lock, the records would have to be returned to that room by 5:15 p.m. nightly as the guard force on duty after that time does not have the combination to the lock or access to the room.

On 7/13/65 Dr. Rhoads telephonically advised Special Agent J. C. Stokes that he had successfully located working space for the Bureau's representatives to review the Warren files and that this space could accommodate up to six Agents. He was told that Bureau representatives would be at his office on the morning of July 14, 1965, to commence the review. Dr. Rhoads, on 7/13/65, requested that we not commence the review on 7/13/65 due to the parade on Pennsylvania Avenue that date and as Mr. Skinner, the Custodian of the security room, was to be on leave that date. We have commenced to review that portion of the Warren files which we can identify from the list supplied by the Archives. While we have copies of all documents we furnished to the Commission, it will be necessary to examine many of the documents listed, for in the case of memoranda it is not possible to definitely identify the document on the basis of the information in the Archives listing.

ACTION:

For information.

Memorandum

- Mr. Belmont
- Mr. Mohr
- Mr. DeLoach
- Mr. Casper
- Mr. Callahan
- Mr. Conrad
- Mr. Felt
- Mr. Gale
- Mr. Rosen
- Mr. Sullivan
- Mr. Tavel
- Mr. Trotter
- Tele. Room
- Miss Holmes
- Miss Gandy

DATE: JUL 8

to : J. Edgar Hoover
 Director
 Federal Bureau of Investigation

FROM : Nicholas deB. Katzenbach
 Attorney General

SUBJECT: Public disclosure of Warren Commission records

In a memorandum of February 8, 1965, I requested an expression of your views with regard to public disclosure of unpublished documents that were furnished to the President's Commission on the Assassination of President Kennedy by the Bureau.

Following a review of your recommendations and the recommendations of the heads of other interested departments and agencies, I submitted a memorandum to McGeorge Bundy, Special Assistant to the President, proposing certain guidelines for determining which of those documents should be made available to the public. By a memorandum of April 19, 1965, Mr. Bundy approved those guidelines and asked me, in coordination with the National Archives, to instruct the appropriate agencies to conduct a review of pertinent documents in accordance with those guidelines and to complete that review by September 1965.

In order to facilitate this review, the National Archives has prepared a list of the documents which are in the files of the President's Commission which were submitted by, or originated in, the Bureau. This list includes only the documents that were not published by the Commission and those that could readily be determined to have been published only in part.

It is requested that you arrange for the prompt examination of the listed documents with a view to authorizing the removal of existing restrictions on public availability of as many of those documents as possible.

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The guidelines approved by Mr. Bundy, which are set forth in the attachment to this letter, should be applied in making the required determinations.

The document-by-document review that this procedure requires may be undertaken on the basis of file copies of documents which were retained in the files of the Bureau, or, since all records of the President's Commission have been transferred to the National Archives, the Archivist will arrange to give your representative access to the listed documents if that procedure would be more convenient. At the conclusion of your review, a copy of the enclosed list, marked so as to show which documents may be made public and which must remain closed for the time being, is to be sent to Dr. Wayne C. Grover, Archivist of the United States. With respect to items that must be withheld from the public, please indicate the letter or number of the item in the attached guidelines that best describes the Bureau's reason for such withholding..

It is essential that the Archivist of the United States receive a reply by August 15, 1965, since a report to the White House must be prepared and submitted by September 1 on the overall status of accessibility to the records of the Commission. In order to avoid any unnecessary delay in this regard, I suggest that you send your reply to the Archivist. If any questions or problems arise in the course of the review, your representative should contact Dr. James B. Rhoads, Assistant Archivist for Civil Archives, whose telephone number is code 13, extension 22442.

I am aware of the difficulties inherent in this undertaking, but the public interest in these documents, and the determination of the White House Office that they be disclosed to the fullest extent consistent with the national security, sound public administration, and the rights of individual privacy, require that this assignment be accomplished with care and dispatch.

GUIDELINES FOR REVIEW OF MATERIALS SUBMITTED TO
THE PRESIDENT'S COMMISSION ON THE ASSASSINATION OF PRESIDENT KENNEDY

1. Statutory requirements prohibiting disclosure should be observed.
2. Security classifications should be respected, but the agency responsible for the classification should carefully re-evaluate the contents of each classified document and determine whether the classification can, consistently with the national security, be eliminated or downgraded.
3. Unclassified material which has not already been disclosed in another form should be made available to the public on a regular basis unless disclosure--

(A) Would be detrimental to the administration and enforcement of the laws and regulations of the United States and its agencies;

(B) Might reveal the identity of confidential sources of information and impede or jeopardize future investigations by precluding or limiting the use of the same or similar sources hereafter;

(C) Would be a source of embarrassment to innocent persons, who are the subject, source, or apparent source of the material in question, because it contains gossip and rumor or details of a personal nature having no significant connection with the assassination of the President;

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ENCLOSURE

(D) Would reveal material pertinent to the criminal prosecution of Jack Ruby for the murder of Lee Harvey Oswald, prior to the final judicial determination of that case.

Whenever one of the above reasons for nondisclosure may apply, your department should, in determining whether or not to authorize disclosure, weigh that reason against the overriding policy of the Executive Branch favoring the fullest possible disclosure.

Unless sooner released to the public, classified and unclassified material which is not now made available to the public shall, as a minimum, be reviewed by the agency concerned five years and ten years after the initial examination has been completed. The criteria applied in the initial examination, outlined above, should be applied to determine whether changed circumstances will permit further disclosure. Similar reviews should be undertaken at ten-year intervals until all materials are opened for legitimate research purposes. The Archivist of the United States will arrange for such review at the appropriate time. Whenever possible provision should be made for the automatic declassification of classified material which cannot be declassified at this time.

Memorandum

TO : Mr. Belmont

DATE: 7/12/65

FROM : A. Rosen

SUBJECT: PUBLIC DISCLOSURE OF WARREN
COMMISSION RECORDS

- 1 - Mr. Callahan
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Request of the Attorney General

By letter dated July 8, 1965, the Attorney General requested that a review of pertinent documents now in the possession of National Archives relating to the assassination of President Kennedy be made for the purpose of a public disclosure of information on file which has not previously been disclosed. The letter made available certain guidelines which had been approved by McGeorge Bundy, Special Assistant to the President, which guidelines were to be used in making this review.

Material to be Reviewed

The items listed by National Archives for review comprise 202 pages of items and list more than 2000 items for review. It appears National Archives has listed every report that was submitted to the Warren Commission by the Bureau, as well as all letterhead memoranda, all letters and any other written material that was furnished to the Commission, such as the preliminary report consisting of five volumes which was made available to the Warren Commission.

Guidelines for Review

- (1) Statutory requirements prohibiting disclosure should be observed.

This appears to apply to national defense information and restricted data, disclosure of which is prohibited by the Espionage Statute and by the Atomic Energy Act.

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- (2) Security classifications should be respected, but the agency responsible for the classification should carefully re-evaluate the contents of each classified document and determine whether the classification can, consistently with the national security, be eliminated or downgraded.

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Memo to Mr. Belmont from A. Rosen

With reference to security classifications in material furnished to the Warren Commission, we have previously declassified practically all material wherein such a request was received from the Warren Commission. This guideline will be followed in making the review.

- (3) Unclassified material which has not already been disclosed in another form should be made available to the public on a regular basis unless disclosure--
 - (A) Would be detrimental to the administration and enforcement of the laws and regulations of the United States and its agencies;
 - (B) Might reveal the identity of confidential sources of information, and impede or jeopardize future investigations by precluding or limiting the use of the same or similar sources hereafter;
 - (C) Would be a source of embarrassment to innocent persons, who are the subject, source, or apparent source of the material in question, because it contains gossip and rumor or details of a personal nature having no significant connection with the assassination of the President;
 - (D) Would reveal material pertinent to the criminal prosecution of Jack Ruby for the murder of Lee Harvey Oswald, prior to the final judicial determination of that case.

Regarding (A) above, there is no problem.

With regard to Items (B), (C) and (D) above, these guidelines will be followed in making the review and the Department will be advised of any situations where because of the application of these guidelines the information cannot be disclosed.

With respect to the Ruby material, a legal decision will have to be rendered by the Department as to whether any of the reports in the Ruby case can be disclosed in view of the pending prosecutive action concerning Ruby.

The guideline indicates that in any instance where the foregoing reasons for non-disclosure might apply, we should in determining whether or not to authorize disclosure weigh that reason against the overriding policy of the Executive Branch favoring the fullest disclosure.

Memo to Mr. Belmont from A. Rosen

The comment is also made that unless the material has been released to the public, classified and unclassified material not now available to the public shall, as a minimum, be reviewed five and ten years after the initial examination (and each ten years thereafter) has been completed. The criteria applied in the initial examination, as previously outlined, is to be applied in each subsequent review.

All of the above guidelines will be followed to the fullest in making our review.

It is to be noted that many of our reports do contain information received from confidential sources where disclosure of same might possibly affect the Bureau's operations. In addition, many of our reports contain data received from banks, telephone companies and other places of business where disclosure could place such business concerns in a most embarrassing position unless appropriate subpoenas were issued for this data prior to public disclosure. There is also the possibility that disclosure of some of the information as now contained in our reports could result in lawsuits wherein the claim would be made that character assassination, injury to reputation, or other miscellaneous claims resulted.

The review will be made by the Domestic Intelligence Division, the General Investigative Division and the Laboratory, and there is a possibility that some of the items may refer to matters handled in the Identification Division and possibly the Administrative Division. Where such applies, these Divisions will handle their own material.

In making this review considerable savings in time can be achieved by having the list furnished by the National Archives checked against the material actually in the possession of Archives in order to make sure that we are reviewing the proper material.

The letter from the Attorney General requested the results of our review be furnished directly to National Archives by August 15, 1965. Due to the circumstances relating to our reports, we do not contemplate furnishing results of our review to National Archives but instead will furnish it to the Attorney General as recommendations and advise the Attorney General that the final decision as to disclosure rests with the Department.

ACTION: A review of this voluminous material is starting today and will be completed as rapidly as possible.

CR: [Signature] E. Kedita
-3- [Signature]