

GENERAL SERVICES ADMINISTRATION



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

February 7, 1968

IN REPLY REFER TO: N

Mr. Paul L. Hoch
2537 Regent Street
Apartment 202
Berkeley, California 94704

Dear Mr. Hoch:

This is in reply to your letter of January 18, 1968, concerning records of the Warren Commission.

We are sending you copies of two documents besides the guidelines, that govern the withholding of records of the Commission from research. The relevant provisions of the "Freedom of Information Act" (5 U.S.C. 552) are those which authorize the withholding of records specifically withheld by statute, security classified records, investigatory files compiled for law enforcement purposes, and personnel records.

As stated in the guidelines, the records are to be reviewed at intervals of five and ten years after the first general review in 1965 and thereafter at ten year intervals. As you will note, there is a provision in the Attorney General's letter of April 13, 1965 (page 4) that unclassified documents of the Commission that are withheld from research may be made available to individual researchers who secure permission from the agency concerned. Anyone who wishes to take advantage of this provision may expedite action on his application by applying directly to the agency concerned rather than to the National Archives, as we would simply transmit the application to that agency if we received the application. We have not received permission from any agency to make withheld documents available to anyone under this provision.

The 75-year rule of nondisclosure which normally applies to investigative reports is mentioned on page 4 of the Attorney General's letter in connection with the periodic review of Commission documents. There is no fixed period of nondisclosure for any of the records, however. Each document withheld is to be reviewed individually during each of the periodic reviews.

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We are currently reviewing and making available the records created by the Commission itself. Those withheld at this time will be reviewed again in 1970. The major portion of the basic records of the Commission is available to researchers.

Sincerely yours,

Robert H. Bahmer
Archivist of the United States

GENERAL SERVICES ADMINISTRATION



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

March 8, 1968

IN REPLY REFER TO:

Mr. Paul L. Hoch
2537 Regent Street, Apt. 202
Berkeley, California 94704

Dear Mr. Hoch:

This is in reply to your letter of February 19, 1968, concerning records of the Warren Commission.

The 75 year rule of nondisclosure of investigative reports is currently applicable to investigative reports submitted to bodies other than the Warren Commission which are in the National Archives. The rule was in effect before the assassination of President Kennedy.

We are not aware of any documents from the office of President Johnson on which the withholding of Warren Commission documents from research is based, except the memorandum of Mr. McGeorge Bundy of April 19, 1965, approving the procedures proposed by the Attorney General for making records of the Commission available for research.

The copies of documents ordered in your letter have been mailed to you.

Sincerely yours,

Robert H. Bahmer
Archivist of the United States

DOCUMENTS GOVERNING THE WITHHOLDING OF WARREN COMMISSION RECORDS

Synopsis: I have been unable to find any evidence supporting the claim that President Johnson signed an executive order locking up some of the evidence until September 2039. The 75-year rule of nondisclosure of investigative reports appears to be standard procedure, and was in effect before the assassination. All withheld documents are subject to periodic review.

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The attached letters from Robert H. Bahmer, Archivist of the United States, are self-explanatory. (I think that his letters were responsive to the specific questions I asked, and were not at all evasive.)

The two documents Mr. Bahmer sent to me with his first letter are the memo from McGeorge Bundy (mentioned in Mr. Bahmer's second letter) with the accompanying memo from the Attorney General, which in essence set up the "Guidelines," and a letter dated August 17, 1966 from the Department of Justice to Mr. Bahmer concerning the National Archives' authority with regard to the withholding of records that originated within the Warren Commission. (Copies of these two documents, 8 pages in all, are available from me upon request.)

I was able to find only two relevant official Presidential Documents listed in the Federal Register: Executive Order 11130, which set up the Commission (see WR 471), and a letter concerning the declassification of material published in the 26 volumes (29 F.R. 15893). If there is any evidence of an Executive Order concerning the withholding of Commission documents, I would appreciate being advised of it.

I am convinced that important material in the Archives is being suppressed, and that much relevant evidence did not even reach the Commission. Regardless of the procedural details I have discussed in this memo, the Administration cannot avoid the political responsibility for this suppression. However, the 26 volumes and the available CD's show that some quite innocuous documents were originally highly classified, and I expect that much of the presently withheld material could be released with minimal embarrassment to the government. Demands to "open the Archives" could turn out to be counterproductive - especially if based on inaccurate and misleading statements which, by claiming extraordinary suppression instituted by Lyndon Johnson personally, may suggest that the suppressed material is more important than it actually is.

Paul L. Hoch
March 14, 1968