

informing them that Oswald had been in touch with the Soviet embassy in Mexico. The file is still classified SECRET.

Apparently Rankin was not entirely satisfied. A previously unpublished memorandum in the commission files reveals that Samuel A. Stern, a young assistant counsel on Rankin's staff, was sent to CIA headquarters in Langley, Va., three days later. Stern's memorandum to Rankin is headed, "SUBJECT: CIA File on Oswald," and it says:

"Today, Friday, March 27, 1964, I met at CIA headquarters with Mr. [R. G.] Rocca to review the CIA file on Lee Harvey Oswald. The file contains those materials furnished to us previously by CIA. "Mr. Rocca also showed me the 'printout' of the references to Oswald documents in the CIA electronic data storage system. There was no item listed which we have not been given either in full text or paraphrased."

While Stern's visit to Langley may have reassured the Warren Commission that it had seen what the CIA said was all of its data about Oswald, the documents themselves remain under seal.

There are too many sealed Warren Commission documents to list here, but these are a few particularly intriguing ones:

- A memo from Richard Helms on the reaction of "the Cuban Intelligence Service . . . to the assassination of President Kennedy" [CD 935].
- An FBI memo: "Investigation concerning telephone numbers found on the 47th page of Oswald's address book" [CD 941].
- A memo from Helms: "Anonymous telephone calls to United States Embassy in Canberra, Australia, relative to planned assassination of President Kennedy" [CD 971].
- A memo from Helms: "Discussion between Chairman Khrushchev and Mr. Drew Pearson re Lee Harvey Oswald" [CD 990].
- An FBI memo: "Lee Harvey Oswald re: Charles Small, Charles Smolikoff (Mexican trip)" [CD 1006].
- A memo from Helms: "Investigation of allegation that Oswald was in Tangier, Morocco" [CD 1188].
- A TOP SECRET CIA memo from Helms to Rankin titled, "Report of conversations between Cuban President and Cuban Ambassador" [CD 1551].

In addition to the 35 feet of commission documents in the vault-like security area of the Archives, there are three other types of Warren Commission files: First, 10 feet of internal memoranda, correspondence and working papers of the commission itself—of which about 15 percent remain closed; second, eight feet of testimony of witnesses before the commission (all published except six pages, including one page of Mrs. Kennedy's testimony about the President's wounds); third, 490 pages of transcript of the executive sessions of the Warren Commission, of which 220 pages are still sealed.

Even before the thousands of documents arrived at the Archives late in 1964, there were storm warnings that the secrecy of the files would become a source of controversy.

As far back as February of 1964, while the Warren Commission was still investigating, the Chief Justice was asked by reporters whether all of the commission's files would be made public. "Yes, there will come a time," he replied. "But it might not be in your lifetime."

The concern aroused by the Chief Justice's remarks was not eased when Dr. Robert Bahmer, Archivist of the United States and a plain-spoken man, told a reporter in September of 1964 that

records of investigatory agencies such as the FBI, CIA and the Secret Service are not normally made public "for 75 years." He added that no rules had been worked out at that time for access to the Warren Commission materials, but the implication was that some of the data might not be published until A.D. 2039.

Bahmer had *not* said the Warren files would be closed that long, but subsequent news stories stressed the 75-year rule.

That was where matters stood when an angry Mayor Robert M. L. Johnson of Cedar Rapids, Iowa, wrote to President Johnson on January 4, 1965:

"As one who read and believed the Warren Report on the assassination of President Kennedy, I am disturbed and chagrined that . . . you would permit a 75-year cloak of secrecy to fall over the facts. May I suggest that if there is true justifica-

a taciturn 51-year-old native of Tuscaloosa, Ala., named Marion M. Johnson, who is still at it. In September of 1965 the government agencies finished reviewing the reports they had provided to the Warren Commission. These files—minus the 250 closed documents—then became available to researchers with a serious purpose.

According to Deputy Archivist Dr. James B. Rhoads, "the final determination as to what was open and closed was up to the agency of origin. The Federal Records Act of 1950 requires us to keep closed the things that the agencies request us to keep closed."

When the review of the documents was completed, the Archives did have to decide what to do with the mass of internal commission records and the closed executive-session transcripts. The Warren Commission had disbanded, and since neither the Chief Justice nor the Attorney General wanted

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tion for withholding from the public the facts of one of the most tragic events of our time, it is also incumbent upon our national leadership to make it clear why. . . ."

The mayor's letter hit the White House like a bombshell. McGeorge Bundy, then the President's special assistant for national security affairs, immediately ordered the Justice Department to find a way around the 75-year rule.

On January 28, 1965, Attorney General Nicholas de B. Katzenbach drafted a letter to the Archives and eight agencies that had made investigatory reports to the Warren Commission.

Although Katzenbach said it was "undoubtedly necessary to withhold certain of the commission's papers from the public at this time," he told the CIA, the FBI, the Secret Service and the other agencies concerned that earlier disclosure should be considered in the light of "the very special nature of the Warren Commission's investigation and the desirability of the fullest possible disclosure of all the findings."

In April, Katzenbach submitted a memorandum to Bundy proposing a set of guidelines to govern the release of the commission files, and the White House approved. Government departments were ordered to begin reviewing the documents.

The guidelines provide that Warren files may remain closed: when existing laws require it; when national security is involved; when disclosure might be "detrimental" to law enforcement; when the identity of confidential sources might be revealed; and when disclosure might "be a source of embarrassment to innocent persons."

On April 20, Bundy wrote back to the mayor of Cedar Rapids, predicting that "the vast bulk of the material" in the Archives would be "made available" as soon as the agencies and the Archives staff had finished sifting through the files.

The sifting became a full-time occupation for the man directly in charge of the commission files,

to take on the task, it fell to Marion Johnson. When, if ever, will *all* of the Warren Commission files be available to the American people?

Dr. Bahmer, chief of the Archives and the man most directly involved, replies, "That's difficult to say. The review is to be conducted every five years from 1965. My estimate is that there would be very little still closed after 1975. I think the Government has done a very good job in making accessible the materials of the Warren Commission just as rapidly as could be done. Eventually, all of it will be made available."

Is it possible that there is anything in the sealed files that mocks the Warren Commission's conclusion that Lee Harvey Oswald, acting alone, killed the President? Bahmer's answer: "From what I know of the records I'd have to say no."

In a democratic society, of course, the right to know is not absolute. It must be balanced against national security, law and individual rights. But the assassination of a President endangers the very fabric of society, and the response must match the danger. The Administration recognized this when it waived the rules and opened much of the commission's files to the public. There is every reason to think that much more could be opened now.

As long as 20 percent of the commission's files remain locked in the Archives—only 100 feet or so from the Declaration of Independence and the Constitution—doubts will continue to multiply.

Further disclosure would be consistent with President Johnson's statement on November 25, 1963, the day that John F. Kennedy was laid to rest in Arlington National Cemetery.

"The people of the nation may be sure," the President promised his numbed listeners, "that all of the facts will be made public." □

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