

Affidavit draft

I am familiar with the transcripts of all executive sessions of the Warren Commission except for the four that are withheld in full and those parts of three that are withheld; and with the affidavits in this matter executed by Dr. James B. Rhoads and J. Lee Rankin.

Mr. Rankin swears that he was directed by the Commission prior to the first services rendered by the court reporting firm of Ward & Paul to direct it to classify all the executive sessions TOP SECRET. There is no such directive in the files of the Commission and the only manner in which the Commission could have done this is at an executive session.

This was not done by the Commission, which in fact did the opposite, in any of the executive sessions the transcripts of which are not still withheld.

~~One~~ ^{is} One transcript only ~~was~~ withheld of those held prior to the hiring of Ward & Paul, that of December 6, plus pages from that of the day before. (See Complaint Exhibit C.)

No executive sessions held prior to the hiring of Ward & Paul were classified in any manner, leave alone TOP Secret, including these two that are partly or entirely withheld. (See Plaintiff's affidavit of _____ and attached Exhibits A and B.)

The reasons given plaintiff by Dr. Rhoads (Complaint Exhibit C) for withhold the only transcripts of those session in which the order allegedly given Mr. Rankin could have been given are inconsistent with the claims of Mr. Rankin. In both cases, the full transcript and the parts of a transcript of December 6 and 5, 1964 are the only ^{for} ones ~~in~~ which only a single subsection of 5 U.S.C. 552 are cited. In both cases is is (b)(6), which relates to medical records and other items which can damage individuals, not to any claim of national security, for which the law makes specific provision.

When Dr. Rhoads was asked to cite authority for classifying, ~~he~~ despite the fact that he has been in charge of this particular archive under two previous Archivistships of the United States and as Archivist himself, he could and did cite no ~~authority~~ record prior to May 1, 1964, which is long after the time claimed by Mr. Rankin. (See Interrogatory answers 23 and 24.)

To Plaintiff's personal knowledge there were two different occasions on which the ordering of the classifying of these transcripts would have been appropriate had the Commission so ordered. @ Two different Members asked who would see these transcripts. On neither occasion did Mr. Rankin, who was present, nor the Chairman nor any Member of the Commission say, move or even indicate that these T transcripts would be classified, TOP SECRET or any other designation.

Dr. Rhoads has the originals of these transcripts and could have supplied this court with them. Instead he made no mention of them and he and Mr. Rankin tell this court exactly the opposite.

Plaintiff believes and therefore alleges that other misrepresentations were made to this court.

It is not and cannot be true that these transcripts were not reviewed by The National Archives. They were reviewed prior to either of the two regular reviews of all withheld Warren Commission files of any and all character.

The Warren Commission itself did not direct the withholding of any of its executive session transcripts. After the first review by The National Archives all but four were made available, plus parts of three (See Complaint Exhibit 3.) This was done by the National Archives Jim-pay close attention and at a time when a political purpose, defaming the former Chief Justice, could be and was accomplished thereby.

Under the leadership of Mr. Rankin, who was the Commission's general counsel, there was an effort made to withhold all testimony taken by the Commission, not just the executive session transcripts. Indeed, instead of the Report that was finally issued in the form of an impressive book, these proposals under Mr. Rankin were for no more than a paper in magazine format, and in pages of transcript the originals of which Dr. Rhoads has custody over, Mr. Rankin's proposals are set forth.

The executive session transcripts also disclose that these proposals were overridden in the name of the President and the Commission was directed to print its testimony and relevant exhibits.

Dr. Rhoads and Mr. Rankin both know that their desires to suppress were overridden under the direction of the President and in consultation with the former Chief Justice, who had been the Commission's chairman, and the late Attorney General, the assassination of whose brother was the subject of the inquiry. Dr. Rhoads has this proof and could have provided it to this court. He and Mr. Rankin both know that when Dr. Rhoads wanted to withhold everything under the standing 75-year period, not under 5 U.S.C. 552, and calling describing everything as "investigatory files," he was overridden. The former Chief Justice and the former Attorney General both asked that everything except that which bore on the national defense or ~~the~~ which could damage individuals made available.

The fact is that transcripts were altered to hide that which was embarrassing. This is true of transcripts of testimony as well as of one executive session. Plaintiff alleged this without denial or contradiction in the court of appeals for the district of Columbia. (See No. 71-1026.) On that cause the government admitted false statements ~~made~~ in withholding other records sought by plaintiff.

Mr. Rankin personally was involved in the faking of an entire executive session transcript, that of September 15, 1964. ~~Mr. Rankin~~ It was faked to appear to be a regular Ward & Paul transcript of a regular executive session.

At the personal request of a Member of the Warren Commission, ^{the late Senator Richard B. Russell,} /who had the most serious doubts about the representations made to the Commission relating to the subject matter of the transcript sought in this instant action, plaintiff investigated further about that faked transcript, a copy of which he had already given the late Commission Member.

Senator Russell personally told plaintiff that he believe that he and the other member of the Commission had not been told the truth about the subject matter of the sought transcript, personally encouraged plaintiff to conduct this investigation, and asked to be kept informed about any results. To his dying day Senator Russell so encouraged plaintiff.

With regard to the faked transcript,

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The last of the Senator's letters to plaintiff, written prior to his death and when he was in terminal illness, dated January 30, 1970, re repeated what he had said often, "I am interested that you are continuing your work, and there are a number of matters in the investigation which would be of interest to me if I had the time to devote ~~the~~ to them. ..."

With regard to the faked transcript ~~of September 15, 1964~~ of the Commission's final of September 15, 1964, Senator Russell could not believe that the doubts ~~and~~ and disagreements he then and there recorded no longer existed. When plaintiff informed Senator Russell under date of June 5, 1968 of what Dr. Rhoads had written plaintiff about this, "No verbatim transcript of the executive session of September 18, 1964, is known to be among the records of the Commission," Senator Russell asked plaintiff to make further inquiry. Under date of June 14, 1968, plaintiff informed Senator Russell of the Archives' added response, "All that we have for that session is the minutes a copy of which was furnished you."

Those so-called "minutes" are actually a faking of a stenographic transcript, even ~~with~~ continuing the Ward & Paul pagination.

Plaintiff believes and therefore alleges that the foregoing is pertinent to anything Dr. Rhoads or J. Lee Rankin may say, whether or not under oath, about any of the executive sessions and particularly with regard to the one sought in this cause.

Mr. Rankin personally distributed this faking of that transcript ~~with~~ to the Commission members but delayed it until the second month after the end of the Commission's existence. And Dr. Rhoads has personal knowledge of this not only because he is in charge of that archive and has been from the first but because he personally responded to plaintiff's inquiries in which Senator Russell was interested.

Were Dr. Rhoads to provide this court all the relevant records under his custody instead of resorting to semantic and evasions or worse, this court would know that no transcripts were classified prior to the stamping of them by Ward & Paul; that there is no record of the directive Mr. Rankin alleges was given him and ~~that if it had been there would have been a record~~

by the Commission -- and Mr. Rankin and The National Archives shared in preserving all the Commission's records during the period of its existence; and that the Commission's own ~~own~~ deliberations/dispute Mr. Rankin's current representation. on precisely the present allegation by Mr. Rankin dispute Mr. Rankin's representation.

Moreover, the Commission was not given the power to classify any records TOP Secret or in any other manner by either Executive Order No. 11130, which established it (Report, page 471) on November 29, 1963; or in the subsequent Joint Resolution of the of December 13, 1963, Congress, Public Law 88-202(Report, pages 473-4).