

MEMORANDUM

To: Jeremy Gunn

From: Phil Golrick

Date: March 15, 1995

Re: National Archives--Security Classification Problems Involving Warren Commission Files and Other Records, Hearing Before a Subcommittee [on Government Information and Individual Rights] of the House Government Operations Committee, 94th Cong., 1st Sess., Nov. 11, 1975.

I have read the above-referenced hearing (which is attached) and noted the following points of interest:

-- The transcripts of testimony before the WC were marked "Top Secret" until May 1, 1964, after which transcripts of testimony were marked "Confidential." The transcripts of meetings of the Commissioners were marked "Top Secret." (See, e.g., pp. 2-3, 22).

-- There was no express grant of authority to the WC to classify its own information, although in subsequent FOIA litigation -- Weisberg v. GSA, Civil Action No. 2052-73 (D.D.C.) -- the WC General Counsel J. Lee Rankin gave an affidavit stating that the WC had such authority. (See pp. 29, 62). The Subcommittee concluded that, in fact, the WC lacked such authority (see pp. 61-63). Apparently the D.C. federal district court agreed. (See p. 62).

-- David Belin testified that when the WC "refused to have polygraph examinations of Marina Oswald and Jack Ruby, I went through the back

door and was able to work through Jack Ruby's rabbi, whom I had met on a trip abroad, to have him have Jack Ruby demand, as a condition precedent to testifying before the Warren Commission, that he have a polygraph examination." (p. 8).

-- Belin also testified that the autopsy photographs and X-rays "were not introduced as evidence in any of the [WC] hearings. I think the statement was made by Chief Justice Warren that if we saw them at Commission hearings, then we would have to release these horrifying photographs to the public and, inasmuch as we had the testimony of the autopsy physician, then he felt there was no decisive need to have these documents released." (p. 10).

-- Belin's account of the genesis of the single-bullet theory is at pp. 12-13.

-- Several National Archives personnel appeared before the Subcommittee: Dr. James B. Rhoads, the Archivist; Steven Garfinkel, counsel, GSA; Marion Johnson, Civil Archives Division, National Archives, who was the "specialist" in WC records; and William Brown, Executive Director of the Interagency Classification Review Committee. (p. 18). WC files were Record Group 272. Autopsy documents provided by Kennedy family were in Record Group 200, the National Archives gift collection. (pp. 18-19). Johnson compiled a "158-page inventory" of WC records, which was published in 1973 and replaced "an earlier version." (p. 19).

-- An account of how DOJ set guidelines for disclosing WC records is given at p. 19. These guidelines required review of withheld materials by the originating agencies every five years. They are set out at p. 60.

-- The Congressional Research Service, Library of Congress, prepared a "Chronology of Custodianship, Etc. of Autopsy Data and Materials of President Kennedy," dated Nov. 11, 1975, and set out at pp. 39-52. Figures such as Burke Marshall and Evelyn Lincoln were interviewed by the CRS in 1975. **It is highly likely that, at least as of 1975, the CRS generated and possessed documents in this regard that should be reviewed under the Act.**

-- A list of "missing" WC records prepared by the National Archives in 1975 is set out at pp. 53-56.

-- A letter dated October 16, 1975, from Acting Archivist James O'Neill to Subcommittee Chairperson Bella Abzug, enclosing several documents requested by the Subcommittee, is set out at pp. 58-59. These documents include, for example, "copies of records relating to the agency reviews of the records of the [Warren] Commission in 1965, 1967-68, 1970, and 1972-73." At the bottom of p. 59 is the statement: **"Reference material referred to in Dr. O'Neill's letter is in the files of the Subcommittee on Government Information and Individual Rights."** O'Neill's letter also states on p. 59:

"We have asked the archival staff at the Kennedy Library to examine finding aids and pertinent files among their holdings, and they have reported that they are unable to identify any documentation there relating to the transfer of personal effects and autopsy materials of the late President, access by

*Mrs. Lincoln, or correspondence relating to the transfer of items from Mrs. Lincoln to Miss Novello, Robert Kennedy's secretary."*

-- *Correspondence between the University of Michigan and the National Archives relating to President Ford's WC papers is set out at pp. 65-67.*

-- *Correspondence and enclosures regarding Allen Dulles's WC papers at Princeton University are set out at pp. 68-72. A summary inventory of these papers is set out at pp. 71-72.*