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Procedure Book
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February 8, 1965

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Honorable John A. McCone
Director
Central Intelligence Agency
Washington, D. C.

slm

LETTER FROM ATTORNEY GENERAL TO CIA
CONCERNING SECURITY CONTROLS OF CIA COR-
RESPONDENCE FURNISHED TO COMMISSION
ON ASSASSINATION OF PRESIDENT KENNEDY

Dear Mr. McCone:

The President has requested the Department of Justice to coordinate a study among the appropriate governmental agencies concerning the availability to members of the public of materials delivered by the President's Commission on the Assassination of President Kennedy to the National Archives.

As you know, the current regulations of the National Archives provide that reports of investigative agencies are not to be made available to any member of the public, regardless of his credentials or purpose, for a period of 75 years without the approval of the agency which prepared the report. The President requested that this Department consider in particular "the feasibility and advisability of making an exception, in this particular case, to the normal 75-year disclosure procedure."

I can appreciate that the considerations which underlie the general policy of delayed disclosure of investigatory materials are applicable to some of the unpublished materials of the President's Commission. It is undoubtedly necessary to withhold certain of the Commission's papers from the public at this time. On the other hand, in light of "the very special nature of the Warren Commission's investigation and the desirability of the fullest possible disclosure of all the findings," as recognized by the President's Office, careful consideration must be given to possible alternatives to the 75-year procedure

See reply
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which would protect the legitimate demands of the government while allowing "the fullest possible disclosure." Moreover, since much of the evidentiary material relied on by the Commission has already been published, it may well be that the normal reasons for delaying disclosure are not applicable to a substantial portion of the unpublished materials.

Since, under the normal procedures of the National Archives, the Central Intelligence Agency would determine whether Agency reports submitted to the Commission would be made available for inspection, it seems advisable to begin the study by ascertaining the criteria and procedures that would be employed by your Agency if requested to permit the examination of such documents. Though it may be that these matters are normally handled on an ad hoc basis, it will be helpful to know, so far as possible, the circumstances under which your Agency would refuse permission to inspect documents prepared for the Commission. Would these considerations apply to all persons interested in viewing the documents or would there be some persons, such as recognized historians or those with security clearance, who would be given freer access? In determining what documents should remain sealed, what consideration would be given to the extent to which information related to that included in the document in question appears in materials which have previously been published or otherwise made public? How often and under what circumstances would your Agency re-evaluate the reasons for maintaining the secrecy of particular documents?

The National Archives has indicated that it would be able to make available to each agency all of its investigative reports (and letters in the nature of investigative reports) which are in the files of the President's Commission. This being so, would you deem it feasible to have a representative of your Agency make an item-by-item examination of the Commission documents from your Agency to determine which may properly be made the subject of immediate examination by members of the public (and, when necessary, be properly declassified), and which may be made subject to examination at some time less than 75 years hence?

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In addition to this information, I would appreciate your comments and recommendations as to the possibility of establishing uniform criteria for the disclosure of investigative reports prepared for the President's Commission, and/or of establishing a unified procedure for reviewing requests to examine these materials.

I realize that several of the questions raised by this letter present difficulties and will require your thoughtful consideration. I appreciate your assistance in examining this matter.

Sincerely,



Acting Attorney General