

UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION  
WASHINGTON, DC 20405



January 3, 1977

Mr. Harold Weisberg  
Route 12  
Frederick, MD 21701

Dear Mr. Weisberg:

This is in response to your letter dated November 24, 1976, in which you appeal under the Freedom of Information Act the decision made on November 22, 1976, by the Archivist of the United States, James B. Rhoads, to deny you access to certain administrative files of the National Archives. Your appeal was received in the office of the Director of Information, General Services Administration, on December 3, 1976.

We have reviewed the material which was originally denied to you by Dr. Rhoads and find that we are in agreement with his decision. I, therefore, deny your appeal pursuant to the following exemptions from mandatory disclosure of the Freedom of Information Act (5 U.S.C. 552).

1. Photographs and negatives made by the National Archives of the clothing worn by President Kennedy at the time of the assassination are denied to you under 5 U.S.C. 552(b)(3), matters "specifically exempted from disclosure by statute." The statute at issue is 44 U.S.C. 2107 and 2108 which provide that the Administrator of General Services may accept for deposit the papers and other historical materials of a President or former President of the United States subject to restrictions on their use imposed by the donors and agreeable to the Administrator. Mr. Burke Marshall, representing the Kennedy family, specified that the Administrator (and by delegation of authority, the Archivist) should impose appropriate restrictions on access to President Kennedy's clothing. In conformance with Mr. Marshall's expressed wish that requests for access to the clothing be handled in a manner that would prevent undignified or sensational use or depiction, the National Archives prepared photographs of the clothing which are shown to researchers. As specified in regulations relating to Warren Commission reference service; researchers are not sold copies of the photographs. You have previously been provided copies of the agreement with the Kennedy family (dated October 29, 1966) and the regulations on Warren Commission reference service. In addition, the photographs and negatives are denied to you under 5 U.S.C. 552(b)(6), "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

2. Intra-agency and inter-agency memorandums and letters found among the records relating to requests you or other researchers have submitted for access to the medical/autopsy files found among the Warren Commission records, including those relating to your requests made in 1966 relating to various scientific tests, are denied to you under 5 U.S.C. 552(b)(5), "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." Correspondence with other researchers relating to similar reference requests is denied to you under 5 U.S.C. 552(b)(6), "personnel and medical and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

3. Records relating to the unknottng of the tie worn by President Kennedy and to other evidence are being provided to you. Related correspondence with other researchers is denied to you under 5 U.S.C. 552(b)(6).

4. Copies of records relating to the withholding and subsequent release or continued restriction of Warren Commission records are being provided to you except that related intra-agency or inter-agency memorandums and letters are denied to you under 5 U.S.C. 552(b)(5). Also, related correspondence with other researchers is denied to you under 5 U.S.C. 552(b)(6). In addition, deleted information in the letter from Lawrence R. Houston (CIA) to James B. Rhoads, dated December 22, 1972, and a letter from Charles E. Savage for Robert Young (CIA) to James B. Rhoads, dated May 20, 1975, are denied to you under 5 U.S.C. 552(b)(1), matters "(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order." These letters have been determined to be properly classified pursuant to Executive Order 11652 ("Classification and Declassification of National Security Information and Material") and exempt from declassification at this time.

With respect to the internal memorandums denied you in paragraphs 2 and 4, we note that we are only withholding several documents which reflect internal deliberations on agency action in response to your correspondence. The purpose of the fifth exemption is the recognition by the Congress that Federal officials must be permitted to exchange ideas freely on controversial subjects. We have withheld no memorandums which reflect factual data or agency decisions.

With respect to correspondence with researchers withheld pursuant to the sixth exemption, it has long been the position of the National Archives that records, including correspondence, pertinent to a private individual's research should be protected from unwarranted incursions by third parties. Only in this way can we protect the integrity of an individual's research. Should you provide written authorization from another researcher that you be given access to the requested records pertinent to that researcher, we will provide you access to these documents.

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This represents the final administrative consideration of your request. You may seek judicial review of this decision by filing a civil action in the Federal District Court for the district in which you reside, or have your principal place of business, or in the District of Columbia.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wallace H. Robinson".

WALLACE H. ROBINSON  
Acting Deputy Administrator