

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE DEPUTY ATTORNEY GENERAL

WASHINGTON, D. C. 20530

The Speaker
House of Representatives
Washington, D. C.

Dear Mr. Speaker:

Enclosed for your consideration and appropriate reference is a legislative proposal "Providing for the acquisition and preservation by the United States of certain items of evidence pertaining to the assassination of President John F. Kennedy."

In its investigation of the assassination of President Kennedy, the Commission appointed by President Johnson examined numerous items of physical evidence which were used to form the basis for its report. These items included the assassination weapon, the revolver involved in the murder of Patrolman J. D. Tippit, and many other exhibits. This evidence and the investigative reports, transcripts and other working papers of the Commission, have been officially transmitted to the National Archives by the Commission. Pending final decision as to the disposition to be made of these exhibits, the physical evidence has been retained in the custody of the Federal Bureau of Investigation.

Prior to the completion of its work, the Commission requested that this Department take the necessary steps to provide for the retention of the essential items of physical evidence in the possession of the United States Government for an indefinite period of time. After full consideration of the alternatives, I am persuaded that the national interest requires legislation which will provide a valid legal basis for the permanent retention of these critical exhibits.

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In the first place, retention of these items would permit a more accurate and complete reassessment of the conclusions of the President's Commission if at any time in the future this was considered desirable. Many of the items, such as the weapons, cartridges and various documents, were the subject of testimony before the Commission, during the course of which expert and other witnesses testified about their vital characteristics, ownership, use, and relationship to the assassination.

Furthermore, I think it is important to recognize that in the years ahead allegations and theories regarding the assassination of President Kennedy will continue to abound. This has certainly been the case abroad and, to some degree within the United States, since the publication of the Commission's report, despite the impressive documentation and presentation of the Commission's conclusions. To a considerable extent, such allegations and theories feed on secrecy and uncertainty, as is demonstrated, I believe, by the historical literature during the past 100 years relating to the assassination of President Lincoln. In my judgment, a failure to retain the critical physical exhibits and the resultant possibility of their loss, destruction, or alteration will serve to encourage irresponsible rumors and allegations designed to destroy the widespread public confidence in the work and conclusions of the President's Commission.

Lastly, I believe the legislation is desirable to protect the memory of President Kennedy and our country from the debasement which would occur if items connected with the President's death are permitted to become objects of commercial spectacle. The assassination of President Kennedy on November 22, 1963, is a sad chapter in the story of our Nation. It remains, however, part of our national

heritage. It would be most inappropriate, in my opinion, to permit these events and the work of the President's Commission to be demeaned by private profiteering. Retention of the items of physical evidence in the possession of the United States is necessary to protect this important national interest.

For these reasons, I am submitting the enclosed measure which would establish a procedure under which selected items of evidence could be retained and protected from dispersal and exploitation. The legislation would authorize the Attorney General to determine which of the items considered by the President's Commission are required by the national interest to be acquired by the United States and preserved for public use. When the Attorney General makes a determination that an item should be acquired, all right and title to it would be vested in the United States upon the filing of his determination with the Office of the Federal Register for publication in the Federal Register. The Attorney General's acquisition authority would expire one year after the enactment of the proposed legislation, and title to only those items described in determinations filed with the Office of the Federal Register within such one year period would vest in the United States. The Court of Claims would be granted exclusive jurisdiction over claims for just compensation for any item acquired by the United States pursuant to the procedure proposed in the legislation.

In order to meet the requirements of the national interest as indicated, I urge the early and favorable consideration of the enclosed proposal.

Sincerely,

Attorney General