

UNITED STATES GOVERNMENT

# Memorandum

Tolson	_____
Belmont	_____
Mohr	_____
DeLoach	✓
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. Belmont

DATE: February 23, 1965

FROM : A. Rosen

- 1 - Mr. DeLoach
- 1 - Mr. Conrad ✓
- 1 - Mr. Sullivan ✓
- 1 - Mr. Belmont
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. Shroder
- 1 - Mr. Raupach

*62-10446-10*  
*Section 10*  
*EBF*

**83**

SUBJECT: ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY  
11/22/63, DALLAS, TEXAS  
MISCELLANEOUS - INFORMATION CONCERNING

NOTE:

To furnish the Department our response to Assistant Attorney General Herbert J. Miller, Jr.'s request for Bureau recommendation concerning disposition of physical items received during the assassination investigation

BACKGROUND:

AAG Herbert J. Miller, Jr. by letter dated 2/10/65 advised consideration is being given to the disposition of physical items in possession of the Government which were considered by the President's Commission in connection with the assassination investigation. He furnished list of 5 items forwarded to him by Mr. J. Lee Rankin.

AAG Miller desired comments as to the the appropriateness and advisability of retaining these items. He desired our judgment whether items in our possession should be retained for possible use in subsequent investigations. He desired to know if various documents and letters are of substantial interest as related to future investigations which could be avoided only by retention of the original item rather than by a copy.

The comments of interested divisions who participated in the investigation were requested; namely, Domestic Intelligence, Laboratory and General Investigative Divisions.

The Domestic Intelligence Division's position was the U. S. Government should retain the originals of all physical evidence relating to assassination as recommended to the Department by the President's Commission. Other property belonging to Marina and/or Lee Harvey Oswald not relating to the assassination, the originals, need not be retained by the Government. As to letters and documents, copies will suffice. in connection with any possible future investigation regarding the particular item.

CONTINUED OVER

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*COPIES FILED*



Memorandum to Mr. Belmont

RE: ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY

In connection with Marina and Lee Harvey Oswald's property, the Bureau has in possession a letter from Rankin dated November 16, 1964, which indicated that as soon as the Commission received an opinion from the Attorney General we would be advised as to what items would be returned to the owners including Robert Oswald.

The Laboratory's position is, <sup>that</sup> it knows of no presently pending or contemplated Laboratory action which would definitely require the retention of these items. However, it does not seem inappropriate, in view of the importance of the matter and the tremendous amount of work previously performed, for the Government to retain permanently as a part of the permanent record those original items of evidence which played an important part in the investigation and conclusions in the case, for the purpose of meeting presently unforeseeable questions or problems which may arise subsequently. If this is done, the Laboratory suggests that Commission Exhibit 557, which is the test cartridge cases from Oswald's rifle be added to the list of items to be retained.

In regard to the question raised as to the need for retention of the original rather than a copy of the various letters and documents in the possession of the Bureau, the Laboratory knows of no foreseeable Laboratory examination which will require retention of the original documents and letters since copies on hand are believed adequate for any future Laboratory examination. However, there may be considerations other than Laboratory examinations which could well warrant retention of these original letters and documents.

Regarding the assassination investigation and subsequent investigation concerning the killing of Oswald by Jack L. Ruby conducted under the guidance of the General Investigative Division all results of these investigations were furnished to the President's Commission. These findings were published and stand on their own.

We developed no conspiracy and there never will be prosecution due to Oswald's death. Therefore, the retention of original evidence by the Bureau serves no useful purpose. It is noted the Bureau has retained either photographs or copies of all pertinent evidence for the completion of our files. However, we continue to conduct investigation of allegations regarding the assassination and results are furnished to the Department and to Secret Service when it is of pertinent interest to the latter agency.

As to the killing of Oswald this is purely a murder case under the jurisdiction of the State of Texas which has custody of related evidence. Results of our inquiries in connection with Ruby have all been furnished to the Commission and the Department.

It is noted we are holding material which related to the Tippit killing by Oswald. Likewise, there is no reason for the Bureau to retain these exhibits.



Memorandum to Mr. Belmont  
RE: ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY

The General Investigative Division is of the opinion the Bureau should not interject or be pressed into the position of either objecting to or recommending the retention of evidence in this matter as we conducted the investigation at the specific request of President Johnson and were acting in the capacity of a fact-finding agency.

The Commission is aware the Bureau is acting only as a temporary repository until a determination is reached as to the ultimate disposal. We have, also, advised the Commission the Bureau would furnish the exhibits for permanent retention if they desired, to whomever would be designated by the Commission.

If the Department determines the various exhibits and evidence are to be retained by the Government, this is the decision that they must render and the Bureau should not be placed in a position to be criticized as to what is or is not to be retained. Further, it would appear necessary that appropriate agencies and individuals who furnished various evidence other than the FBI, be contacted by the Department regarding disposition.

The Department should be advised of the Bureau's desire to relinquish exhibits now in our possession and that such exhibits should be turned over to whomever is designated as expeditiously as possible in view of the fact the President's Commission's findings are now a matter of public record.

ACTION:

If approved, the attached letter to AAG Herbert J. Miller, Jr. be forwarded setting out views as outlined by the General Investigative Division.

*[Handwritten signatures and initials]*  
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*[Handwritten signature]*