

[Please send copies of incoming and outgoing letters to  
the Office of Legal Counsel of the Department of Justice.]

D R A F T  
2/7/73

Dear Mr. Weisberg:

This is in reply to your letter of February 2, 1973.

As we do not have the original of the "Report of Inspection by Naval Medical Staff on November 1, 1966 at National Archives of X-rays and Photographs of Autopsy of President John F. Kennedy," we are referring a copy of your letter to the Department of Justice in regard to your request for a copy of the report made from the original.

As you know, the report of the Naval Medical Staff was previously withheld from research under the terms of 5 U.S.C. 552, subsection (b) (6), as a part of "medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" of the family of the late President Kennedy. On a subsequent review of the report, it was found that the provisions of ~~5 U.S.C. 552~~ <sup>this subsection, as interpreted</sup> were no longer applicable. <sup>by recent judicial decisions, were no longer applicable. However,</sup> <sup>as no time was this document security classified, as your letter</sup> <sup>would imply your understanding.</sup> We are not aware of any other documents that contain information concerning the actions of the Secret Service agent in seizing and exposing a film at the autopsy. If you know of any relevant documents that have been published, we shall be pleased to make them available to you.

Enclosed are copies of an unsigned draft of the report of the Naval Medical Staff and a memorandum from the Department of Justice to the

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National Archives dated January 13, 1967, entitled "Authentication of Kennedy Autopsy Pictures." Additional documents leading to the report of the Naval Medical Staff are withheld from research under the terms of 5 U.S.C. 552, subsection (b) (5), as "inter-agency or intra-agency

memorandums or letters which would not be available <sup>by law</sup> to a private party ~~in~~ <sup>other than an agency</sup> in litigation with the agency," *or are working papers which are not records for the purposes of the Freedom of Information Act.*

If you will specify the materials denied to you that you want reviewed, we shall be pleased to consider your request for a review.

Sincerely,

JAMES B. RHOADS  
Archivist of the United States