MFR:BS:dp

129-11

FEB 11 1969

cc: Files
Mr. Hoffman
Mr. Richman
Mr. Schmidt
Mrs. Copeland

Honorable George Murphy
United States Senate
Washington, D. C. 20510

Dear Senator Murphy:

This is in response to your letter of January 17, 1969 concerning the call you received from [redacted] 7C
7C [redacted] asks why the Government has not released the x-rays and autopsy photographs taken in connection with the assassination of President Kennedy.

These pictures were transferred to the Archives by President Kennedy's family pursuant to 44 U.S.C. 397(e)(1) (since codified as 44 U.S.C. 2107(1) by P.L. 90-620). This provision authorizes the Archives to accept historical materials relating to a President subject to reasonable restrictions as to their use. The Kennedy family desired to prevent the undignified or sensational use of these materials (such as public display) or any other use which would tend to dishonor the late President or cause unnecessary suffering to his family.

Accordingly, the Kennedy family, with the agreement of the Administrator of the General Services Administration (which has jurisdiction over the National Archives), set certain restrictions on the use of these photographs. Basically, the use of these materials was limited to official Federal investigating bodies and to serious pathologists and scientists investigating the assassination, except that non-official pathologists and experts should not have access to the materials for five years after the transfer, which took place October 29, 1966, unless the Kennedy family granted permission.

Because of the continuing controversy about the x-rays and autopsy photographs, Attorney General Clark

in February, 1968 officially requested an impartial panel of medical experts to review these materials to determine the accuracy of the original autopsy report. That report had concluded that President Kennedy had been struck by two bullets, both fired from a position behind him. This was the basic conclusion of the Warren Commission. The 1968 panel, the members of which were selected by the Presidents of Stanford, Johns Hopkins, and Michigan State University, and the President of the College of American Pathologists, reviewed the materials and reported unanimously that they were in agreement with the conclusions of the original autopsy report.

The United States opposed the request of District Attorney Garrison that these materials be released for a state criminal proceeding. The opposition was primarily on the ground that such disclosure would not comply with the conditions of the agreement whereby the materials were transferred to the Archives and would hence violate the authorizing statute.

I hope that this information is of interest to [redacted] 7C

Sincerely,

William H. Rehnquist
Assistant Attorney General
Office of Legal Counsel