

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
National Archives and Records Service
Washington, DC 20408



August 10, 1977

Mr. Howard Roffman
5885 Edenfield Road, Apt. B-29
Jacksonville, FL 32211

Dear Mr. Roffman:

This is in reference to your letter of June 15, 1977, to the United States Secret Service requesting copies of records relating to the efforts of Mr. Harold Weisberg and others to obtain copies of the "memorandum of transfer" of materials relating to the autopsy of President Kennedy and citing the "Freedom of Information Act" (5 U.S.C. 552 as amended).

The Secret Service has referred copies of three letters relating to the memorandum of transfer to the National Archives and Records Service for action. We are enclosing copies of these letters and have charged your deposit account \$2.00 for the cost of the copies.

Sincerely,

(MISS) JANE F. SMITH
Director
Civil Archives Division

Enclosures



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November 13, 1970

Mr. James B. Rhoads
Archivist of the United States
National Archives and Records Service
Washington, D. C. 20408

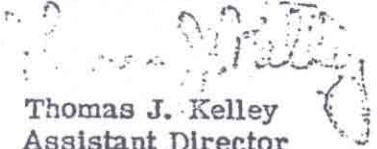
Dear Mr. Rhoads:

In connection with the civil action Weisberg vs The National Archives, Civil Action 2569-70, Mr. Weisberg called at this office recently and displayed a copy of the proceedings in the case. He stated that since the Government's answer reflected that the Archives should not have been a party to some of the requests being made by Weisberg, he was notifying us that under the Freedom of Information Act he was requesting a copy of the Memorandum of Transfer to the Archives dated April 26, 1965, covering material then in the possession of the Secret Service, which memorandum reflected that Mrs. Evelyn Lincoln had receipted for the material set out in the Memorandum of Transfer.

There may be some validity in Mr. Weisberg's contention that since this paper is in the possession of the Secret Service, we are the proper people for him to sue or to subpoena to produce the item. However, since another Government agency has declined to furnish him a copy of the item, we are seeking advice as to what action we should take if a suit is brought seeking to force us to produce the document, or if a subpoena is received to produce the document for his examination.

The position of the Secret Service is that we have no grounds upon which to refuse making the item available to Mr. Weisberg if he should invoke the provisions of the Freedom of Information Act.

Very truly yours,


Thomas J. Kelley
Assistant Director

GENERAL SERVICES ADMINISTRATION

Office of General Counsel
Washington, D.C. 20405



DEC 10 1970

Mr. Thomas J. Kelley
Assistant Director
U. S. Secret Service
1800 G Street, N. W.
Washington, D. C. 20226

gjk

Dear Mr. Kelley:

This is in reply to your letter of November 13, 1970, to Dr. James B. Rhoads, Archivist of the United States, relating to Mr. Weisberg's interest in receiving a copy of the "Memorandum of Transfer to the Archives", dated April 26, 1965.

On November 10, 1970, Mr. Weisberg appealed a decision of the Archivist of the United States denying access to a copy of the memorandum of transfer which is in the possession of the National Archives and Records Service. This denial was based on the provisions of subsection (b)(6) of 5 U. S. C. 552 (the Freedom of Information Act), relating to "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.

Before responding to Mr. Weisberg's appeal, we conferred with representatives of the Department of Justice. With their approval, a final denial was issued, a copy of which is enclosed.

With regard to the copy of the memorandum of transfer in your possession, it would seem appropriate to deny access on the same basis as we did. In the alternative, you may wish to transfer all copies of the memorandum of transfer to the National Archives and Records Service. Arrangements for such a transfer can be made by contacting Mr. Marion Johnson, National Archives and Records Service on Code 13, Extension 23171.

Sincerely,

A handwritten signature in cursive script, appearing to read "Hart T. Mankin".

HART T. MANKIN
General Counsel

Enclosure



December 8, 1970.

Mr. Harold Weisberg
Coq d'Or Press
Route 8
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in reply to your letter of November 10, 1970, appealing from prior decision of the Archivist of the United States, not to make available to you a copy of the Government's copy of the "memorandum of transfer" of the materials relating to the autopsy of President Kennedy.

On August 19, 1970, you were advised by the Acting Archivist of the United States that this copy was 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.

A careful review of the document in question, in the light of the cited statute, its legislative history and subsequent interpretations, has failed to adduce any grounds to warrant upsetting the considered judgment of the Acting Archivist.

Under the circumstances, I have no recourse but to advise that your appeal is denied. However, in the event the Kennedy family or its authorized representative should advise me that release of the "memorandum of transfer" does not constitute an unwarranted invasion of their personal privacy, I will reconsider my decision.

Sincerely,

(Signed) W. L. Johnson, Jr.

W. L. JOHNSON, JR.
Assistant Administrator for Administration