

Dr. James B. Rhoads, Archivist  
National Archives  
Washington, D.C. 20408

Rt. 12, Frederick, Md. 21701  
11/24/76

Dear Dr. Rhoads,

Your letter stamp dated 11/22/76 says it is in response to my letters of 9/28 and 10/19 and 21, 1976.

Throughout you claim exemption (b)(5) "inter-agency or intra-agency memorandum or letter which would not be available by law to a party other than an agency in litigation with the agency."

I believe that the requests on which you invoke this exemption do not qualify for this exemption. It does not cover all inter- and intra-agency records. As you well know, the courts have held against your claim to exemptions with me with fair regularity - totality as I recall to now with one exception. I am appealing this claim and what follows both to you and through channels by a carbon in the hope that you will reconsider, face the embarrassment that is the real reason, and get it overwith. Besides, you have already waived the right to claim this exemption by providing such records.

With regard to your 1., pictures of President Kennedy's clothing, you provide two enclosures, misrepresenting both and ignoring those records you withheld improperly from me for so long that are applicable.

The letter agreement provides for the pictures for which I ask rather than ~~xxxx~~ prohibiting them.

The Regulations were rewritten after I made this request. You have deceptively sent me those that were not applicable at the time of this request. Those that were then applicable are quite explicit in specifying that you must provide me with such pictures.

The records you withheld despite early promises to provide them are clear on the intent of the letter agreement. That, too, says I am entitled to these pictures.

The intent to deceive is clear in the language at the top of page 2 where you pretend that the enclosed regulations are those in effect 10/29/66, the date of the letter agreement. The copy enclosed is dated 3/3/72. I ask for the copy in force 10/29/66 and any and all revisions prior to 3/3/72. These will make clear that the misrepresentation is deliberate.

The real reason you deny these when others are readily available is because these have evidentiary values the official ones were taken to hide and because you did not prevent or report the destruction of some of the most essential evidence in this terrible crime.

2. is a request for the records relating to the withholdings related to the medical/autopsy and scientific tests. In addition to (b)(5) you invoke (b)(6) in what I regard as further and deliberate misrepresentation and in open violation of decisions under the amended Act. There are no such considerations in these records and they are not in any sense personnel records, which have been defined by the courts in a manner making your representations spurious.

Moreover, other agencies maintain public records on such matters and have them available to all. The real reason again is embarrassment. You do not even state whose privacy is allegedly involved. I have not asked for medical or personnel records in this request.

You ask me to specify what is withheld. When I made that request you had not partially complied with it, as you did afterward. However, I do have written assurances from you personally after our dispute when you did not provide the autopsy and medical material when you released some executive session transcripts. At that time you assured me that as such records were released they would be sent me. You have not done this. I am asking for the belated keeping of your word.

Your 3 refusals are ~~in~~ terms of "correspondence with other researchers" when you use this device to twist my request, which relates to investigations of the destruction of evidence. You, for example, wrote me about the unknott~~ing~~ of the tie. I want any records relating to what you, not some other researcher, did to get to the bottom of this. If you did nothing I'd not be surprised. But there is no (b)(6) exemption possible here and I have already challenged and appealed your citation of (b)(5)

Your stock offer of access in your reading room would not mean anything to an American in Alaska or Hawaii and as you know means nothing to me because of the medical and physical limitations with which I must conform. Unless there is a great volume of records relating to the destruction and replacement of these records please just send me xeroxes. I am enclosing a check for \$100 to add to my deposit account.

4. also I appeal. My prior experience provides no basis for confidence that these exemptions are invoked properly. There is no case in which I have obtained anything previously withheld under them when the withholding was justified or the claim to exemption with any basis in fact.

Whether or not the exemptions are or even can be applicable, it is obvious that with regard to privacy claims the masking of the name is all that is needed to preserve privacy in correspondence in which my only interest, ~~per~~ specifically ~~is~~ stated, has to do only with "the release or withholding" of the records I seek.

However, I do know of some cases of special treatment and the possibility of embarrassment to you. There is no exemption appropriate to this situation.

I sincerely regret that you continue to try to use an Act intended to make information available as excuse for refusing to make it available. I also regret that the deceptions and misrepresentations of the past have not ended.

Sincerely,

Harold Weisberg

UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION

*National Archives and Records Service*  
Washington, DC 20408



NOV 22 1976

Mr. Harold Weisberg  
Route 12  
Frederick, Maryland 21701

Dear Mr. Weisberg:

This is in further response to your letters of September 28 and October 19 and 21, 1976, in which you make certain requests concerning material relating to the assassination of President Kennedy, citing the Freedom of Information Act (5 U.S.C. 552) as amended. Because the requests in these letters are overlapping, we are making a combined response in this letter.

In your letters of September 28 and October 21 and in a telephone conversation with Mr. William Lewis of our staff you requested copies of National Archives and GSA correspondence with you which contains notations by staff members, as well as related internal memoranda, in our operating files. Copies of such correspondence in National Archives operating files will be furnished to you as soon as they can be prepared. Related intra-agency memoranda are denied to you under 5 U.S.C. 552 (b) (5), "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." Copies of your letters of September 28 and October 21 have been referred to the Director of Information, General Services Administration, for a separate reply.

At the end of your letter of October 19 you request the following:

1. Photographs and the original negatives of President Kennedy's clothing prepared by the National Archives to show you instead of the clothing, in connection with your lawsuit in 1970 for access to the clothing, as well as all relevant records.

These photographs and negatives are denied to you under 5 U.S.C. 552 (b) (3), matters "specifically exempted from disclosure by statute." The statute concerned is 44 U.S.C. Sections 2107 and 2108(C), which provide that the Administrator of General Services may accept for deposit the papers and other historical materials of a President or former President of the United States subject to restrictions as to their use imposed by the donors and agreeable to the Administrator. The photographs were prepared pursuant to the agreement between the Administrator of General Services and Mr. Burke Marshall, the representative of the



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Kennedy family, dated October 29, 1966 (copy enclosed). This agreement gives the Administrator authority (delegated to the Archivist of the United States) to impose conditions he deems appropriate on access to the clothing of President Kennedy (Paragraphs I (2) (b) and VI). Under the regulations adopted by the National Archives for reference service on Warren Commission material (copy enclosed), which state conditions on access to the clothing, we do not furnish to researchers copies of photographs of the clothing taken by the National Archives. We would be pleased to show these photographs to you in the National Archives and to furnish you photographs of the clothing among the records of the Commission.

Copies of relevant records concerning these photographs and your lawsuit in the possession of the National Archives will be furnished to you as soon as they can be prepared. Related intra-agency memorandums are denied to you under 5 U.S.C. 552 (b) (5).

2. Any and all records relating to any and all withholdings from you or anyone else of medical/autopsy records including your requests of 1966 relating to the scientific (spectrographic analysis) tests.

Copies of our correspondence with you relating to withholdings from you of medical/autopsy records, including your requests of 1966 relating to the scientific tests, will be furnished to you as soon as possible. Related intra-agency memoranda are denied to you under 5 U.S.C. 552 (b) (5). Our correspondence with other researchers is denied to you under 5 U.S.C. 552 (b) (6), "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

If you will identify the "correspondence on this (medical/autopsy material) going back to the earliest days of the investigation that have not been provided to me in response to my earliest requests," we shall be pleased to receive your request for that correspondence.

3. Any and all records "having to do with the destruction of any and all evidence, whether or not by accident. I mean this to include any inquiry into or investigation of how the tie came

to be unknotted after it was officially entered into evidence and any and all records of any and all complaints about the disappearances of records and evidence, including those made by me and any effort thereafter or at any time made to replace what could be replaced from other sources. I mean this also to be inclusive and to include in particular those records that were not provided me beginning with my first request for their replacement in 1966."

Copies of the relevant records in our operating files will be furnished to you as soon as possible. Relevant files of the Warren Commission will be made available to you in our Central Research Room for you to review and to flag documents you want copied for you. Our correspondence with other researchers is denied to you under 5 U.S.C. 552 (b) (6).

4. All records "relating in any way to the release or withholding of all records in this particular archive or relating in any way to it."

Copies of these records will be furnished to you as soon as possible. The following material is denied to you:

- a. Related intra-agency memoranda; denied under 5 U.S.C. 552 (b) (5).
- b. Our correspondence with other researchers; denied under 5 U.S.C. 552 (b) (6).
- c. The deleted information in the letter from Lawrence R. Houston (CIA) to James B. Rhoads dated December 22, 1972; denied under 5 U.S.C. 552 (b) (1), matters "(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order."
- d. A letter of May 20, 1975, from Charles E. Savige for Robert Young (CIA) to James B. Rhoads; denied to you under 5 U.S.C. 552 (b) (1).

4

You have the right to file an administrative appeal of the denials to you in this letter. Such an appeal should be plainly marked "Freedom of Information Appeal" and addressed to the Director of Information, General Services Administration, Washington, DC 20405.

- Additional funds will probably be needed soon to meet the cost of your continuing orders for copies of records.

Sincerely,



JAMES B. RHOADS  
Archivist of the United States

Enclosures

October 29, 1966

Honorable Larson E. Knott, Jr.  
Administrator of General Services  
Washington, D. C.

Dear Mr. Knott:

The family of the late President John F. Kennedy shares the concern of the Government of the United States that the personal effects of the late President which were gathered as evidence by the President's Commission on the Assassination of President Kennedy, as well as certain other materials relating to the assassination, should be deposited, safeguarded and preserved in the Archives of the United States as materials of historical importance. The family desires to prevent the undignified or sensational use of these materials (such as public display) or any other use which would tend in any way to dishonor the memory of the late President or cause unnecessary grief or suffering to the members of his family and those closely associated with him. We know the Government respects these desires.

Accordingly, pursuant to the provisions of 44 U.S.C. 397(e)(1), the executors of the estate of the late President John F. Kennedy hereby transfer to the Administrator of General Services, acting for and on behalf of the United States of America, for deposit in the National Archives of the United States, all of their right, title, and interest in all of the personal clothing of the late President now in the possession of the United States Government and identified in Appendix A, and in certain x-rays and photographs connected with the autopsy of the

late President referred to in Appendix B, and the Administrator accepts the same, for and in the name of the United States, for deposit in the National Archives of the United States, subject to the following restrictions, which shall continue in effect during the lives of the late President's widow, daughter, son, parents, brothers and sisters, or any of them:

I

(1) None of the materials identified in Appendix A ("the Appendix A materials") shall be placed on public display.

(2) Access to the Appendix A materials shall be permitted only to:

(a) Any person authorized to act for a committee of the Congress, for a Presidential committee or commission, or for any other official agency of the United States Government, having authority to investigate matters relating to the death of the late President, for purposes within the investigative jurisdiction of such committee, commission or agency.

(b) Any serious scholar or investigator of matters relating to the death of the late President, for purposes relevant to his study thereof. The Administrator shall have full authority to deny requests for access, or to impose conditions he deems appropriate on access, in order to prevent undignified or sensational reproduction of the Appendix A materials. The Administrator may seek the advice of the Attorney General or any person designated by the Attorney General with respect to the Administrator's responsibilities under this paragraph I(2)(b).



## II

(1) None of the materials referred to in Appendix B ("the Appendix B materials") shall be placed on public display.

(2) Access to the Appendix B materials shall be permitted only to:

(a) Any person authorized to act for a committee of the Congress, for a Presidential committee or commission, or for any other official agency of the United States Government, having authority to investigate matters relating to the death of the late President, for purposes within the investigative jurisdiction of such committee, commission or agency.

(b) Any recognized expert in the field of pathology or related areas of science or technology, for serious purposes relevant to the investigation of matters relating to the death of the late President; provided, however, that no access to the Appendix B materials pursuant to this paragraph II(2)(b) shall be authorized until five years after the date of this agreement except with the consent of the Kennedy family representative designated pursuant to paragraph IV(2). For the purposes of this paragraph, the determination of whether such an expert has suitable qualifications and serious purposes shall be made by the Kennedy family representative. No access shall be authorized pursuant to this paragraph II(2)(b) during the lives of the individuals referred to in the second paragraph of this agreement for any purpose involving reproduction or publication of the Appendix B materials without the consent of the Kennedy family representative, who shall have full authority to deny requests for

access, or to impose conditions he deems appropriate on access, in order to prevent such use of the Appendix B materials.

### III

(1) In order to preserve the Appendix A materials and the Appendix B materials against possible damage, the Administrator is authorized to photograph or otherwise reproduce any of such materials for purposes of examination in lieu of the originals by persons authorized to have access pursuant to paragraph I(2) or paragraph II(2).

(2) The Administrator may condition access under paragraph I(2)(b) or paragraph II(2)(b) to any of the materials transferred hereunder, or any reproduction thereof, upon agreement to comply with applicable restrictions specified in this agreement.

### IV

(1) The Administrator shall be entitled to consult with the Kennedy family representative designated pursuant to paragraph IV(2), and to rely upon such representative's statements in writing as representing the views of the Kennedy family, in connection with the construction or application of this agreement in a particular case.

(2) The Kennedy family representative for the purposes of this agreement shall be BURKE MARSHALL. A successor representative of the Kennedy family may be designated in writing to the Administrator from time to time by Mrs. John F. Kennedy. In the event of the death or disability of Mrs. John F. Kennedy, any successor shall be designated by Robert F. Kennedy. In the event of the death or disability of both Mrs. John F. Kennedy and

Robert F. Kennedy, any such designation shall be made by Edward M. Kennedy. In the event of the death or disability of all three of them, any such designation shall be made by any adult child of the late President John F. Kennedy or by any of the late President's sisters, with the advice of other members of the family. Any representative designated hereunder will serve until a successor is designated.

V

This agreement may be amended, modified, or terminated only by written consent of the Administrator and the Kennedy family representative designated pursuant to paragraph IV(2).

VI

The Administrator shall impose such other restrictions on access to and inspection of the materials transferred hereunder, and take such further actions as he deems necessary and appropriate (including referral to the Department of Justice for appropriate legal action), to fulfill the objectives of this agreement and his statutory responsibility under the Federal Property and Administrative Services Act of 1949, as amended, to provide for the preservation, arrangement and use of materials transferred to his custody for archival administration.

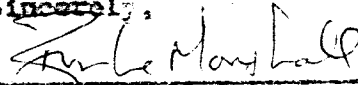
VII

All duties, obligations and discretions herein conferred upon the Administrator shall inure to each holder of the office of Administrator of General Services from time to time, and to any official of the United States Government who may become successor to the functions of archival administration vested in the Administrator under

the Federal Property and Administrative Services Act of 1949, as amended. All such duties, obligations and discretions may be delegated to the Archivist of the United States, or to any successor to his functions of archival administration.

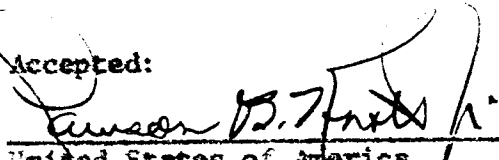
Please indicate your acceptance on behalf of the United States of America by executing the acceptance clause below.

Sincerely,



Burke Marshall, on behalf  
of the Executors of the  
Estate of John F. Kennedy

Accepted:



United States of America  
by Lawson B. Knott, Jr.  
Administrator of General Services

WJW

#### APPENDIX A

Clothing and personal effects of the late President, identified by the following exhibit numbers relating to the President's Commission on the Assassination of President Kennedy:

Commission Exhibit Nos. 393, 394, 395.

FBI Exhibit Nos. C26, C27, C28, C30, C33, C34, C35, C36.

#### APPENDIX B

1. Envelopes numbered 1 to 18 containing black and white negatives of photographs taken at time of autopsy
2. 7 envelopes containing 4 x 5 negatives of autopsy material
3. 5 envelopes containing 4 x 5 exposed film containing no image
4. 1 roll of exposed film from a color camera entirely black with no image apparent
5. Envelope containing 8 X-ray negatives 14" x 17"; 6 X-ray negatives 10" x 12"; 12 black and white prints 11" x 14"; 17 black and white prints 14" x 17"; all negatives and prints pertaining to X-rays that were taken at the autopsy
6. 36 8" x 10" black and white prints - autopsy photos  
37 3 1/2" x 4 1/2" black and white prints - autopsy photos  
27 color positive transparencies 4" x 5"  
1 unexposed piece of color film
7. 27 4" x 5" color negatives of autopsy photographs  
55 8" x 10" color prints of autopsy photographs

Regulations Concerning Procedures for Reference Service  
on Warren Commission and Related Items of Evidence

1. Documents (paper records) will be furnished to researchers in the research rooms of the National Archives Building. Items of particular value or fragility may, at the Archivist's discretion, be photocopied and the copies furnished to researchers in lieu of the originals. Copies will be furnished on request for the usual fees. Copyrighted material will be reproduced for research only after receipt of a release from the copyright holder.
2. Still photographs will be furnished to researchers in the research rooms of the National Archives Building. When negatives are prepared incident to filling a request for copies, the negatives will be retained. Copies will be furnished on request for the usual fees. Copyrighted materials will be reproduced for researchers only after receipt of a release from the copyright holder.
3. Motion picture films and sound recordings will be made available to researchers on appropriate equipment in the National Archives Building. Use copies will be prepared and the original materials withheld from normal reference use as a protective measure. Copies will be furnished on request for the usual fees. Copyrighted materials will be reproduced for researchers only after receipt of a release from the copyright holder.
4. Oversize charts, graphs, diagrams, and other means of two-dimensional presentation will be furnished to researchers in the research rooms of the National Archives Building. Copies will be furnished on request for the usual fees. Copyrighted materials or items incorporating copyrighted materials will be reproduced for researchers only after receipt of a release from the copyright holder.
5. Three-dimensional objects and materials that have been subjected to techniques of detailed scientific examination (the aforesaid provisions notwithstanding) will be withheld from researchers as a means of protecting them from possible physical damage or alteration and in order to preserve their evidentiary integrity in the event of any further official investigation of the assassination of President John F. Kennedy. The Archivist reserves the right to limit the number of such items that may be shown to a researcher within a given period of time, as it will be necessary for a member of the staff of the National Archives to be present at all times during the viewing of such items. Researchers will not be permitted to view the items unattended or to touch or handle in any way the items themselves, either manually or with instruments. To the extent possible, photographs of these materials will be furnished to researchers as a substitute for visual

examination of the items themselves. In the event that existing photographs do not meet the needs of the researcher additional photographic views will be made. A charge may be made for unusually difficult or time-consuming photography. Photographs reproduced from existing negatives or prints will be furnished on request for the usual fees. The clothing of President Kennedy will not be shown to private researchers, except those researchers whose applications to examine the X-rays and photographs relating to the autopsy of President Kennedy are approved by the Kennedy family representative. Photographs of the clothing will be shown to other private researchers. No copies or enlargements of photographs of this clothing prepared by the National Archives will be furnished to researchers in order to avoid any possible violation of the provision of the letter agreement between the General Services Administration and the Kennedy family representative dated October 29, 1966 (page 2), in regard to preventing undignified or sensational reproduction of the clothing.

6. One photocopy or photograph of an item of evidence will be furnished without charge to persons presenting proof of prior ownership.

Rev. 3, March 13, 1972