

Arch-Regulations

Dear Jim,

3/30/79

This relates to the changing of regulations to withhold what could not be withheld under existing regulations. It parallels the FBI's using FOIA to withhold what it did not withhold prior to FBI.

You will recall that I was ~~xxx~~ in C.A. 2569-70, that I used my copy of the then current Archives regulations in it and when I asked the Archives for a replacement copy they sent me instead the version they promulgated after the suit. I could never get the original from the Archives and it was too much for me to go through all the records in that case to get a copy of the copy I filed.

The reason the regulations were changed became obvious in the litigation: the existing regulations required that I be given copies of the pictures of which I was refused copies. Before Axelrad no DJ lawyer worried about lying to a Gesell, as they did in that case and about the regulations.

I have just found a copy of the regulation in effect prior to and at the time of the suit. It is attached, FBIHQ 62-109060 -6879.

"5. Three-dimensional objects" is explicit in stating that "photographs of these materials will be furnished to researchers as a substitute for visual examination of the items themselves," with no exceptions or exemptions claimed.

It even requires the taking of special pictures if those available do not meet researchers' needs.

You may recall that when DJ promised to take the pictures I wanted and let me see them but not have copies and on this basis Gesell dismissed, no pictures were taken until I complained to Gesell. They they copied! So sorry. The knot of the tie no longer existed. No, there would be no investigation of this destruction of evidence.

Because Baden testified to the knot of the tie before HSCA I asked him if he saw it knotted. He said he did.

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Magic in the spookery, which appears now to include the Archives.

EXHIBIT E

Regulations for Reference Service on
Warren Commission 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. Over-size 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 National Archives will prepare special cases of varying sizes, constructed in part or entirely of translucent materials, in which objects or materials that do not present unusual problems of size or shape may be viewed by researchers. 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 incased 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.