

GENERAL SERVICES ADMINISTRATION ROUTING SLIP											
TO	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC.					
1.	MND										
2.											
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<input type="checkbox"/> ALLOTMENT SYMBOL <input type="checkbox"/> APPROVAL <input type="checkbox"/> AS REQUESTED <input type="checkbox"/> CONCURRENCE <input type="checkbox"/> CORRECTION <input type="checkbox"/> FILING <input type="checkbox"/> FULL REPORT <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF				<input type="checkbox"/> HANDLE DIRECT <input type="checkbox"/> IMMEDIATE ACTION <input type="checkbox"/> INITIALS <input type="checkbox"/> NECESSARY ACTION <input type="checkbox"/> NOTE AND RETURN <input type="checkbox"/> PER OUR CONVERSATION <input type="checkbox"/> PER TELEPHONE CONVERSATION				<input type="checkbox"/> READ AND DESTROY <input type="checkbox"/> RECOMMENDATION <input type="checkbox"/> SEE ME <input type="checkbox"/> SIGNATURE <input type="checkbox"/> YOUR COMMENT <input type="checkbox"/> YOUR INFORMATION <input type="checkbox"/>			
REMARKS											
<p><i>Mr. Williams suggested that the phrase "of me" after "permission" in paragraph nine should be eliminated. The affidavit is all right otherwise.</i></p>											
FROM	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC.					
M. Johnson						TELEPHONE			DATE		
									9/25/70		

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ~~KANSAS~~ COLUMBIA

HAROLD WEISBERG,
~~JOHN NICHOLS,~~

Plaintiff)

2569-70
No. ~~F-4536~~

U.S. GENERAL SERVICES ADMINISTRATION and
U.S. NATIONAL ARCHIVES AND RECORDS SERVICE,
~~THE UNITED STATES OF AMERICA~~
and ~~JAMES B. RHOADS, ARCHIVIST~~
~~OF THE UNITED STATES, GENERAL~~
~~SERVICES ADMINISTRATION,~~

Defendants)

AFFIDAVIT OF JAMES B. RHOADS

DISTRICT OF COLUMBIA)

SS

CITY OF WASHINGTON)

James B. Rhoads, being duly sworn, deposes and says:

1. I am the duly appointed Archivist of the United States and, as such, I am the head of the National Archives and Records Service, one of the five operating services of the General Services Administration, an agency of the United States of America. My office is located in the Archives Building, 7th Street and Pennsylvania Avenue, N.W., Washington, D.C. The following statements are based upon information acquired by me in connection with my services as Archivist and Deputy Archivist.

2. As Archivist of the United States, pursuant to authority delegated to me by the Administrator of General Services ^{1/}, my responsibilities include the custody and preservation of all documents and other articles on deposit in the Archives of the United States, including the clothing ^{and personal effects} of former President John F. Kennedy, consisting of a coat, shirt, ~~and necktie,~~ ^{shoes, socks,} ~~the x-rays and photographs~~

1/ The Administrator of General Services by general GSA Order ADM P 5450.39 (Chap. 8, par. 1a(3) and (6)), dated May 5, 1964, has delegated to the Archivist of the United States all responsibility for the care and custody of documents and other articles on deposit in the National Archives and Records Service.

trousers, belt, handkerchiefs, comb, lock brace,
~~items in connection with the autopsy of former President John F. Kennedy, and *miscellaneous* certain bullets and bullet fragments (Exhibits 399, 573, 842, 843, and 856 of the President's Commission on the Assassination of President Kennedy), all of which are referred to in the complaint filed in the above-entitled action.~~

3. Said clothing, ~~x-rays, and photographs~~ ^{and personal effects were} transferred to the United States of America for deposit in the National Archives of the United States by the executors of the estate of the late President John F. Kennedy by letter agreement dated October 29, 1966, executed by Burke Marshall, on behalf of the executors of the estate of John F. Kennedy, and by Lawson B. Knott, Jr., Administrator of General Services, on behalf of the United States of America. A copy of said letter agreement is attached hereto as Exhibit A. As authorized by section 507(e)(1) of the Federal Property and Administrative Services Act of 1949 (44 U.S.C. 397(e)(1)), said letter agreement, the validity of which has never been challenged by the Government of the United States, contains restrictions on the inspection of or access to said clothing, ~~x-rays, and photographs.~~ Said restrictions having been accepted on behalf of the United States of America, compliance therewith is required by the letter agreement and by law.

4. Pursuant to said agreement, access to the articles of clothing ^{and personal effects} is limited to certain Government officials and to serious scholars or investigators of matters relating to the death of the late President for purposes relevant to their study thereof, and the Administrator of General Services is authorized to deny requests for access, or to impose conditions he deems appropriate on access, in order to prevent

undignified or sensational reproduction of the articles of clothing (paragraph I(2)). The agreement also provides that, in order to preserve these articles against possible damage, the Administrator is authorized ~~to photograph~~ or otherwise reproduce them for purposes of examination, in lieu of the originals, by such persons as are authorized to have access thereto (paragraph III(1)). In addition, the Administrator is authorized to impose such other restrictions on access to and inspection of said articles of clothing as he deems necessary and appropriate to fulfill the objectives of the agreement and his statutory responsibility under the Federal Property and Administrative Services Act of 1949 to provide for the preservation, arrangement, and use of said materials transferred to his custody for archival administration (paragraph VI).

5. Paragraph VII of the letter agreement provides that all "duties, obligations and discretions" of the Administrator under the agreement may be delegated to the Archivist of the United States. As stated above, as Archivist of the United States, I have been delegated such authority. Pursuant thereto I have determined that ~~(a)~~ serious scholars or investigators authorized to have access pursuant to paragraph I(2)(b) may view photographs of said articles of clothing, but may not inspect or examine the articles of clothing themselves, ~~and (b) in no event shall said articles of clothing be released to the custody, temporary or otherwise, to any such scholars or investigators for any purpose.~~

~~6. Under the restrictions imposed in paragraph II(2) of said letter agreement, the plaintiff may not be permitted to have access to the x-rays and photographs referred to above, and custody of~~

~~said x-rays and photographs, temporary or otherwise, may not be given to the plaintiff for any purpose.~~

67. The National Archives and Records Service, through the National Archives and the Presidential Libraries, for which it is responsible, performs a very valuable service both for important public figures who give their papers and other historical materials to the United States and for scholars who will eventually use these materials as basic sources for research. It provides secure storage for the papers and other historical materials and a professional staff to arrange and index such papers and other historical materials so as to make them more useful to scholars who will use them. The authority of the National Archives and Records Service to accept such gifts of papers and other historical materials subject to whatever conditions of limited access may be requested by the donor ensures that, during the period when a degree of sensitivity attaches to discussion of events and personalities, the rights of privacy of the donor and of persons discussed in the papers are fully protected. It also ensures that valuable collections of papers and other historical materials will be saved and, with the passage of an appropriate period of time, will be made available to writers, scholars, and other interested persons for research use. To permit the confidential restrictions to be violated would completely destroy public confidence in the Federal Government's ability and willingness to honor its commitments to donors of papers, oral history transcripts, and other historical materials. If this confidence is destroyed, the validity of the whole concept of the National Archives and Presidential Libraries will be placed in question.

and the future development of these and similar institutions will be imperiled. For, if public figures no longer can be assured that their interests will be protected when their papers and other historical materials are deposited in public institutions, they will cease to place important and sensitive materials in such institutions. The result will be a drying up of basic research resources in history, economics, public administration, and the social sciences generally, and consequent damage to the cause of education, culture, and public enlightenment.

~~8. The Warren Commission Exhibits referred to above were transferred to the National Archives pursuant to the Act of November 2, 1965 (Public Law 89-318, 79 Stat. 1185), and the order of the Acting Attorney General, dated October 31, 1966 (31 F.R. 13968), issued pursuant to that Act. Section 4 of the Act of November 2, 1965, provides that these items, together with others, shall be placed under the jurisdiction of the Administrator of General Services for preservation under such rules and regulations as he may prescribe. Pursuant to the authority delegated to me by the Administrator, as stated above, I have determined that (a) three dimensional articles held in the National Archives pursuant to the Act of November 2, 1965, including the bullets and bullet fragments referred to above, may be viewed by researchers but may not be handled either manually or with instruments, (b) none of said articles shall be taken from the Archives building for any reason by anyone except an authorized employee of the Federal Government, subject to my approval; and (c) in no event shall custody of such articles, temporary or otherwise, be given to any other person.~~

7. I think that the showing of photographs of the areas on the clothing of the late President Kennedy that were damaged by a bullet is adequate for research purposes, complies with the terms of the ~~Letter~~ Agreement with the Kennedy family, and avoids any possible violation of the ~~Letter~~ Agreement. It seems probable that requests to see the clothing itself would be for the purpose of satisfying personal curiosity rather than for research purposes. If the National Archives undertook to show the clothing itself, a determination would have to be made concerning each person who requested permission to see the clothing as to whether he was a "serious scholar or investigator of matters relating to the death of the late President" and whether his request was "for purposes relevant to his study thereof." This might have to be done on short notice and with inadequate information concerning the person involved, or in the alternative a procedure of requiring written applications and the submission of credentials by the applicant might have to be instituted.

8. In regard to the request of the Plaintiff to be allowed to take his own photographs of the clothing of the late President, ~~I think that~~ this procedure would make it impossible for the National Archives to be sure of preventing violation of the terms of the ~~Letter~~ Agreement by "undignified or sensational reproduction" of the clothing. The Plaintiff already has photographs in his possession which should be adequate for any ^{research} purpose he may have in mind. This includes a photographic print of FBI Exhibit 60 in Commission Document 107, an electrostatic copy of which is attached hereto as Exhibit B. Referring to this exhibit, the Plaintiff says in

paragraph 31 of the Addendum to his Complaint, "The Department of Justice has given Plaintiff prints of such pictures which are of the kind which permit enlargement without distortion."

~~for any purpose. The foregoing rules with respect to such articles are necessary to prevent loss, damage, destruction, or alteration to which such articles would be subjected if they were permitted to be handled, transported, or tested. Adherence to the foregoing rules and continued, uninterrupted custody of such articles by the National Archives is imperative in order to permit the full discharge of the responsibilities imposed by the Act of November 2, 1965, for the secure preservation of the articles. Shortly after the Warren Commission items of evidence, including the Exhibits hereinbefore referred to, were transferred to the National Archives, the National Archives and Records Service informally provided regulations for reference service on such items of evidence to those officials of the National Archives and Records Service having responsibilities with respect to those items. A copy of said regulations is attached hereto as Exhibit E.~~

~~7. The above-mentioned x-rays and photographs, articles of clothing, and Exhibits 399, 573, 842, 843 and 856 were acquired and are preserved, subject to all restrictions applicable thereto, solely for reference purposes as materials having permanent historical and evidentiary value.~~

9. PLAINTIFF HAS NEVER SPECIFICALLY REQUESTED PERMISSION ^{to examine} ~~to~~ ~~examine~~ ~~the~~ ~~above-mentioned~~ ~~articles~~ ~~of~~ ~~clothing~~ ~~and~~ ~~photographs~~ ~~were~~ ~~denied~~ ~~by~~ ~~the~~ ~~Archivist~~ ~~of~~ ~~the~~ ~~United~~ ~~States~~ ~~by~~ ~~nor~~ ~~has~~ ~~he~~ ~~specifically~~ ~~requested~~ ~~permission~~ ~~to~~ ~~photograph~~ ~~letters~~ ~~to~~ ~~the~~ ~~plaintiff~~ ~~dated~~ ~~July~~ ~~21,~~ ~~1967,~~ ~~and~~ ~~October~~ ~~5,~~ ~~1967.~~ ~~THE~~ ~~ABOVE-MENTIONED~~ ~~ARTICLES~~ ~~OF~~ ~~CLOTHING,~~ ~~CONSEQUENTLY,~~ ~~THE~~ ~~copies~~ ~~of~~ ~~which~~ ~~are~~ ~~attached~~ ~~hereto~~ ~~as~~ ~~Exhibits~~ ~~B~~ ~~and~~ ~~C,~~ ~~respectively.~~ ~~THE~~ ~~NATIONAL~~ ~~ARCHIVES~~ ~~AND~~ ~~RECORDS~~ ~~SERVICE~~ ~~HAS~~ ~~NEVER~~ ~~DENIED~~ ~~THE~~ ~~requests~~ ~~of~~ ~~the~~ ~~plaintiff~~ ~~to~~ ~~allow~~ ~~him~~ ~~to~~ ~~have~~ ~~Exhibits~~ ~~399,~~ ~~842~~ ~~and~~ ~~SUCH~~ ~~REQUESTS.~~ ~~843~~ ~~analyzed~~ ~~by~~ ~~neutron~~ ~~activation~~ ~~and~~ ~~to~~ ~~measure~~ ~~Exhibit~~ ~~856~~ ~~were~~

~~denied by the Acting Director, Diplomatic, Legal, and Fiscal Records
Division, National Archives and Records Service, by letter to the
plaintiff dated June 28, 1968, a copy of which is attached hereto as
Exhibit D. Plaintiff's request to study the autopsy x-rays and photo-
graphs and to have temporary custody of Exhibits 599, 573, 842, 843
and 856, together with the articles of clothing hereinbefore described,
for submission to neutron activation analysis was denied by the Archivist
on January 17, 1969, by a telegram which was telephoned to the Western
Union Telegraph Company for dispatch to the plaintiff.~~

[Handwritten signature]

Subscribed and sworn to before me this 11th day of March, 1976

[Handwritten signature]
Notary Public

My Commission expires 9-30-72