

DEPARTMENT OF JUSTICE
Washington

OCT 8 1968

Honorable Russell B. Long
United States Senate
Washington, D. C. 20510

Dear Senator Long:

Your communication of October 3, 1968, concerning a letter of June 14, 1968 addressed to you by Jim Brown of New Orleans, Louisiana in which he seeks information pertaining to administrative decisions rendered under the Freedom of Information Act, 5 U.S.C. 552, has been referred to me for reply.

As you know, each agency is charged with the responsibility of determining for itself the applicability of the requirements contained in the Freedom of Information Act to the particular records in its custody. Accordingly, each agency would have to be consulted in order to determine what administrative decisions have been rendered under the Act.

A survey reflecting some of the information sought by Mr. Brown was conducted during this session of the Congress by the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary. The results of that survey are contained in a committee print entitled "The Freedom of Information Act (Ten Months Review)" and should be most helpful to Mr. Brown.

Sincerely,

Frank M. Wozencraft
Assistant Attorney General
Office of Legal Counsel

OFFICE OF THE DIRECTOR



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

December 30, 1968

Mr. Jim Brown
Post Office Box 15
Belhaven College
Jackson, Mississippi 39202

Dear Mr. Brown:

Your letter was received on December 23rd.

In connection with your inquiry, this Bureau does not have the authority to make final decisions concerning the disclosure of its records to the public under existing regulations. That authority is vested in the Deputy Attorney General, Department of Justice, Washington, D. C., and the procedures for obtaining such records are set forth in the July 4, 1967, edition of the Federal Register, 32 F. R. 9662.

Insofar as material relating to the work of the Warren Commission is concerned, the FBI did not establish any criteria relative to its public disclosure. For further information regarding this matter, you may wish to communicate with the Archivist, National Archives and Records Service, Eighth Street and Pennsylvania Avenue, Northwest, Washington, D. C. 20408.

Sincerely yours,

J. Edgar Hoover

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service
Washington, D.C. 20408



DATE: January 27, 1969
REPLY TO ATTN OF: RWD
SUBJECT: Warren Commission records. (Your letter of January 11, 1969).
TO: Mr. Jim Brown
P.O. Box 15
Belhaven College
Jackson, Mississippi 39202

Documents of the Warren Commission that were prepared by other agencies were reviewed by those agencies, and documents of this type that are withheld from research are withheld at the request of the agencies that prepared the documents. Documents of the Federal Bureau of Investigation in the Commission's file that are withheld from research are withheld at the request of the Department of Justice. As you probably know, the Bureau is a part of the Department.

Records of the Commission that are withheld from research are not withheld for 75 years. They are to be reviewed periodically until all are made available for research.

Sincerely,

A handwritten signature in cursive script that reads "Mark G. Eckhoff".

MARK G. ECKHOFF
Director
Diplomatic, Legal, and
Fiscal Records Division

Department of Justice
Washington

FEB 13 1969

Mr. Jim Brown
P. O. Box 15
Belhaven College
Jackson, Mississippi 39202

Dear Mr. Brown:

This is in response to your letters of December 18, 1968 and January 11, 1969 concerning the evidence relating to the assassination of President Kennedy.

The Warren Commission gathered a vast amount of material, much of it having only remote connection with the assassination. The bulk of the material that was before the Commission either was published in its 26-volume Hearings or is available to researchers at the National Archives. The relatively small portion which is not now available to the public consists primarily of national security intelligence or investigative reports--dealing largely with activities far removed from the assassination itself--which if disclosed might compromise confidential sources or techniques. All of the Commission material which has not yet been released will be reviewed periodically until all of it has been made available to the public.

With respect to the autopsy and x-ray pictures, these materials 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, 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 hence violate the authorizing statute.

Sincerely,



Leon Ulman
Deputy Assistant Attorney General
Office of Legal Counsel