

The Assistant Administrator
Attn: Director of Information

January 24, 1967

Archivist of the United States

Biweekly Report to the President

The following information is furnished for the Administrator's biweekly report to the President:

Since the records of the President's Commission on the Assassination of President Kennedy were transferred to the National Archives in November, 1964, the following actions have been taken to make them available for research use.

Investigative Records

During the Summer of 1965 all agencies that had furnished records to the Warren Commission were requested by the Attorney General to review them in accordance with guidelines approved by the Honorable McGeorge Bundy (see copy attached). The stated object of this review was to open for research use as many of the records as possible without endangering the national security, the integrity of investigative sources or techniques, or the rights of privacy of innocent individuals. About two-thirds of the records in this class, consisting mostly of investigative files, were opened to researchers as a result of this review. The guidelines provide for periodic agency reviews until all records are opened.

Items of Evidence

The need to settle the question of the ownership of items introduced in evidence before the Commission, and to prevent the possible commercial exploitation of certain of these items such as the Oswald guns, led to the enactment of Public Law 89-318 on November 2, 1965. This law provided that within one year the Attorney General should determine which items of evidence were to be retained by the Government. Owners of items vested by the Government would then be permitted a year in which to bring suit in the Federal courts for recovery of damages. The items themselves would be placed in the custody of GSA. On October 31, 1966, the Acting Attorney General vested all items of evidence not already the property of the Government. These items are available for research use.

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Autopsy Materials

Just prior to the vesting action, negotiations carried on by the Department of Justice with representatives of the Kennedy family resulted in a gift to the Government of the clothing worn by President Kennedy at the time of his death and the x-rays and photographs made at his autopsy. These materials were accepted under provisions of the Federal Records Act, as amended, that permit donors to prescribe the conditions under which the items may be used. The agreement of gift (1) prohibits any public exhibition of these materials during the lifetime of President Kennedy's immediate family (including his children), (2) provides that after a period of five years they may be inspected by pathologists and other classes of persons whose scientific training enables them to evaluate and interpret materials of this kind, and (3) authorizes access at any time to persons authorized to act for a committee of the Congress, a Presidential commission, or any other official agency of the Federal Government having authority to investigate matters relating to the death of President Kennedy.

Commission-Created Records

As a rule, the National Archives enforces restrictions placed on the records by the agency of origin. In this case the creating agency ceased to exist at the time the records were transferred, and it was not possible to secure instructions from the Commission prior to its dissolution. The advice of the Attorney General was therefore sought on this matter. In a letter dated August 17, 1966, from the Assistant Attorney General, Office of General Counsel, the Archivist of the United States was vested with authority to make decisions on access to Commission-created records, using the guidelines previously developed for use by the agencies in their review of investigative records furnished to the Commission. This necessitated a careful document-by-document review which was begun during September 1966. The increasing public interest in access to the records of the Warren Commission led to a determination by GSA and the Department of Justice early in January 1967, that this review must be expedited. A task force of GSA archivists has therefore been established with the objective of completing the review by March 31, 1967.

It is our intention, upon the completion of this final phase of the review of the records of the Warren Commission, to issue a press release describing the records that are now open to research use, and the considerations involved in the withholding of those that cannot be opened at this time.

Enclosure

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