

~~CONFIDENTIAL~~

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The Acting Attorney General is preparing to publish his determination under P.L. 89-318 that the national interest requires that title be vested in the United States to the entire body of the Warren Commission exhibits now in the possession of the Government. This determination will be published in the Federal Register on Tuesday, November 1 (the statutory deadline), and will be announced Monday afternoon, October 31.

The form of the determination is a notice incorporating by reference all of the exhibits which were given Commission numbers and are enumerated in the printed volumes of the Commission's hearings. The additional exhibits collected by the FBI for the Commission, which were given FBI exhibit numbers but did not receive Commission numbers, will have to be enumerated in the Federal Register, since there is no published source to which reference can be made for any description of these items. The list of these items will consist of brief descriptions based on the descriptions given the items by the Bureau, and will include the Bureau exhibit numbers in order to provide a more certain identification of the individual items.

The published list will show gaps in the sequence of the FBI exhibit numbers. As explained to us by Mr. Cortland Cunningham and Mr. Kenneth M. Raupach of the Bureau, these gaps are explainable as follows: Most of the gaps are caused by omission of the items which

were subsequently given Commission exhibit numbers. A few gaps result from duplication or non-use of some numbers and from a few instances in which items were returned to their owners at the direction of the Commission.

It seems likely that when the list is published, notwithstanding the reasonableness of the explanation for the missing numbers outlined above, critics of the work of the Commission and of the Bureau may seize upon the omitted numbers as a basis for speculation as to "missing exhibits." Accordingly, it seems advisable that a list be prepared to document disposition of each of the FBI exhibit numbers (as distinguished from the exhibits themselves). As we suggested to Mr. Cunningham (who indicated that such a list could be prepared, although it would take a great deal of work), this list might take the form of a separate line for each FBI exhibit number that was used, from the first to the last inclusive, with columns in which the disposition of each number might be described in accordance with one of the following categories:

10 1. Items on FBI list. A check mark would indicate that this is one of the items enumerated from pages 39 through 90 of the list prepared by the Bureau under date of September 15, 1966. That list is the basis for the enumeration of FBI-numbered exhibits to be published in the Federal Register.

10 2. Items that became Commission exhibits. Here the FBI numbers of items which were subsequently given Commission numbers would be accounted for. It is suggested that the Commission exhibit number be shown in this column in the applicable cases.

10 3. Items returned. This category would refer to those items which were returned to their owners at the direction of the Commission. It would be

7 helpful in each of these cases to note the date of the return and the name of the person to whom an item was returned.

10 4. Numbers never used. A check mark in this column would indicate that the number had never been used for an exhibit. In the Commission's lists of its numbered exhibits, numbers not used similarly are included in sequence and marked to show non-use.

10 5. Duplicate numbers. Here those few cases where an FBI number was given to an exhibit which already had an FBI number could be shown, by listing the other FBI number.

We would appreciate receiving copies of these suggested lists as soon as feasible.