

Artifacts Issue Research and Analysis

Briefing by Miriam Nisbet, Michael McReynolds (Textual Reference) -- National Archives
12/14/94

See transcript of remarks in public meeting minutes

Notes

Miriam:

NARA view based on experience and history with artifacts and preservation

Wide range of objects

Artifacts not records withing the meaning of the records laws

Documentary materials -- ones with informational value

Objects can be of some informational value but think it should be limited to media on which information is recorded

We view access under the act as requiring we make copies

1. Legal basis -- 2 court cases are only precedent
 - 1971: re Warren Commission materials
finds objects are not records
 - 1994: computer hardware is not a record
 - NARA's position is the position of other agencies too

2. Preservation issue -- excluding artifacts from the definition of assassination records for purposes of JFK act won't destroy public access; would continue limited access
 - concern re limited access
 - concern that staff was spending too much time showing materials to public solely on curiosity grounds

Michael McReynolds:

Went to Smithsonian for advice:

1. Leave objects in their present state
2. Don't clean or protect but do rehouse
3. Don't move or handle more than necessary

(windshield -- National Gallery of Art -- protective structure)

Dont want to have to show on demand, now is about one time weekly

Transfer of Warren Commission artifacts to NARA--PL 89-318

"[I]t is hereby declared that the United States acquire all right, title and interest, in and to, certain items of evidence, to be designated by the Attorney General . . . which were considered by the [Warren] Commission. . . and requires that those items be preserved by the United States."

Sec. 4. "All items acquired by the United States pursuant to section 2 of this Act shall be placed under the jurisdiction of [GSA] for preservation under such rules and regulations as [it] may provide."

Sec. 5. "All items acquired by the United States pursuant to . . . this Act shall be deemed to be personal property and records of the United States for the purposes of laws relating to the custody, administration, and protection of personal property and records of the United States. . ."

Oct. 31, 1966 Fed.Reg. notice -- lists materials to which title declared vested in US; appendix lists items included. Exception is for materials returned to individual providing them. [what was status of Zapruder film at that time?]

Matthews (W.D.MO., 1994) -- requester sought photocopy of computer hardware; court says "a piece of computer hardware is not a 'record' for the purposes of [the FOIA]."

Nichols v. U.S. (325 F.Supp. 130 (D.Ks. 1971)) --

Access to examine materials sought under FOIA
Jurisdictional issue is whether access is sought to "records"

