

7/9/61

When I wrote Jim about the enclosed records, especially the signed agreement, I had not read it. I made copies for me last night and before bed I did read it, 2517.

I'm sending these copies to you alone among the critics because so many have become so irresponsible and this is the kind of thing that so many of them enjoy misusing. What is normal can be interpreted as abnormal, for example. However, I am fascinated by I think it is Faith, i.e. I'd like your opinion and Sylvia's on it. I am inclined to think that the ultimate letter agreement is an expansion of it, perhaps not necessary.

Of course I do not intend any of this to be secret from Sylvia.

I'd like to have time to go over the various drafts but at the moment I can't. I have too much work to do on the spectro case and its importance has grown considerably.

The Kilty deposition has not been signed and filed so it can't be quoted yet but we did get him to admit that there was no quantitative spectroscopy, that the qualitative ones were done in such a way as to make quantitative ones impossible. If one were to do them now, which is possible, starting from scratch, he'd have to worry about the integrity of his specimens. But the big thing is that this is how they boxed the Commission in - and it was willing to be boxed in. Eisenberg knew from the Tippit spectroscopy that they could and did do quantitative. He got the qualitative first. I've not found any record of delivery of the quantitative. Without them there is no positive ID possible because bullets are bullets, with, essentially, the same components. and it wasn't necessary to test the fragments to determine whether they were parts of bullets because that was known without testing.

Best to you both,

The complete file is in Bureau no files, 129-012-3, #2517 etc
Enclosure 4

Dear Jim,

7/8/81

Today I got the newest batch from DJ/Criminal under the old 5/21/77 request. Because I've been working since very early morning on spectro case preparation and wanted to get my mind on something else, I started to go over these records and put them in file folders for permanent filing as I did. There may be something important that I noted and I can't take time to read carefully and see if I can find out.

What is called "Enclosure 4 of DJ File 129-012-3 is entirely on the GSA-Kennedy estate executor letter agreement. There were at least five drafts. But ~~which~~ what I suspect may be of importance is an earlier form of this, as best I can determine from the copy undated, signed by Jackie, Bobby and Teddy. However, I do not know that the final form abrogated any earlier agreements or statements of intent.

When I can make copies I'll have some for you, in some instances only the first pages, for identification purposes, but of this it will be complete.

What was sent is not what the covering letter says. All of the promised 7th enclosure is missing and without the list for it I can't tell if some of the 6th is. I'll write Buckley when I can.

If you or Bud believes that as a matter of law or fact there is any significance in the earlier signed agreement, please get a copy to George Gardner. If I can I'll speak to him about this. If he has no interest, Bud can do anything he'd like.

Sorry I can't take time to read all this carefully now but what I'm doing is much too large and too important a job.

Hurriedly,

31 DRAFT 10/11/66

Dear Dr. Bahner:

The family of the late President Kennedy shares in the concern of the Government of the United States of America that the personal effects of the late President which were utilized as evidence before the Warren Commission, as well as certain other materials relating to the assassination of the late President, should be deposited, safeguarded and preserved in the Archives of the United States as materials of historical importance. The family desires, and the Government, we know, is determined, to prevent the undignified or sensational use or display of these materials or any other use which would tend in any way to dishonor the memory of the late President or to cause unnecessary grief or suffering to the members of his family or those closely associated with him.

In consideration of the mutual interest of the family of the late President and of the Government of the United States in achieving the aforesaid objectives,

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DEPARTMENT OF JUSTICE	R
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File 42m

HFR/br

cc Dr. Bahmer
Mr. Wozencraft ✓
Mr. Stephenson
Mr. Reis

October 5, 1966

Personal

Burke Marshall, Esquire
c/o Commission on Selective Service
Room 174
Executive Office Building
Washington, D. C.

Dear Burke:

Attached is the first draft of an agreement under which the executors of the Kennedy estate would donate the materials we have been discussing to the National Archives, subject to the conditions contained in the agreement. At this stage, the document is extremely rough. For example, we do not know whether the provisions relating to suit in the district court is either necessary or valid in its present form. We will continue to research this question. In addition, the document refers to items listed in "Appendix B"; however, that appendix contains a general description rather than a listing.

However, I believe that in its present form the draft represents an adequate basis for discussion and for pointing up the issues that are involved. I would appreciate your reaction at your earliest convenience.

Sincerely,

Harold F. Reis
Executive Assistant to the
Attorney General

Attachment

12-9-612-3

DEPARTMENT OF JUSTICE	
11	JUN 6 1968
R.A.O.	

[Handwritten initials]

2505

HFR/br

October 5, 1966

cc Mr. Wozencraft
Mr. Stephenson
Mr. Reis

Dr. Robert H. Bahmer
Archivist of the United States
Eighth Street and Pennsylvania Ave., N. W.
Washington, D. C.

Dear Dr. Bahmer:

Re: Warren Commission--Kennedy Materials

As you may have already been informed, Burke Marshall has been negotiating with Frank Wozencraft and me concerning the deposit of the Kennedy materials relating to the late President's assassination with the National Archives. Transmitted herewith is a copy of a self-explanatory letter from me to Mr. Marshall which forwarded to him a rough draft of an instrument under the terms of which the executors of the late President's estate would deposit the materials in the National Archives.

I should appreciate it if you could convey your reactions on this proposal to either Mr. Wozencraft or me or David Stephenson in the Office of Legal Counsel.

Sincerely,

Harold F. Reis
Executive Assistant to the
Attorney General

Attachments

129-012-3

DEPARTMENT OF JUSTICE	
11	JUN 6 1968
R.A.O.	

RECORDED

4th draft

Draft: 10/7/66

Dr. Robert H. Bahmer
Archivist of the United States
National Archives
Washington, D. C.

Dear Dr. Bahmer:

The family of the late President John F. Kennedy shares the concern of the Government of the United States that the personal effects of the late President which were gathered as evidence by the President's Commission on the Assassination of President Kennedy, as well as certain other materials relating to the assassination, should be deposited, safeguarded and preserved in the Archives of the United States as materials of historical importance. The family desires to prevent the undignified or sensational use of these materials (such as public display) or any other use which would tend in any way to dishonor the memory of the late President or cause unnecessary grief or suffering to the members of his family and those closely associated with him. We know the Government respects these desires.

In consideration of the mutual interest of the family of the late President and of the Government of the United

2510

*Final
(5/21/68)*

October 29, 1966

Honorable Lawson B. Knott, Jr.
Administrator of General Services
Washington, D. C.

Dear Mr. Knott:

The family of the late President John F. Kennedy shares the concern of the Government of the United States that the personal effects of the late President which were gathered as evidence by the President's Commission on the Assassination of President Kennedy, as well as certain other materials relating to the assassination, should be deposited, safeguarded and preserved in the Archives of the United States as materials of historical importance. The family desires to prevent the undignified or sensational use of these materials (such as public display) or any other use which would tend in any way to dishonor the memory of the late President or cause unnecessary grief or suffering to the members of his family and those closely associated with him. We know the Government respects these desires.

Accordingly, pursuant to the provisions of 44 U.S.C. 207(e)(1), the executors of the estate of the late President John F. Kennedy hereby transfer to the Administrator of General Services, acting for and on behalf of the United States of America, for deposit in the National Archives of the United States, all of their right, title, and interest in all of the personal clothing of the late President now in the possession of the United States Government and identified in Appendix A, and in certain x-rays and photographs connected with the autopsy of the

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DEPARTMENT OF JUSTICE
11 JUN 6 1968
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2501

Honorable Bernard L. Boutin
Administrator of General Services
Washington, D. C. 20405

Dear Mr. Boutin:

FIRST: The late John Fitzgerald Kennedy had said many times both publicly and privately that it was his intention to place certain of his papers and other historical materials in a Presidential archival depository in Massachusetts, in the form of a Library bearing his name, and had encouraged, and participated in, and arranged for the planning of such an institution.

SECOND: Accordingly, in fulfillment of such stated intention and arrangement, it is our desire to give and deliver to the United States of America for the purpose of ultimate deposit in the said Presidential archival depository in Massachusetts, the papers, documents, historical materials, mementos, objects of art, and other memorabilia, including books, motion pictures, still pictures and sound recordings, hereinafter called "Materials," formerly belonging to and relating to the life and work of John Fitzgerald Kennedy, and which he intended should be so deposited.

THIRD: Therefore, we, the undersigned Jacqueline Bouvier Kennedy, and the Executors and Trustees of the estate of John Fitzgerald Kennedy, deceased, hereinafter called the "Donors," hereby convey, assign, give, and donate to the United States of America, hereinafter called the "Donee," effective as of November 22, 1963, and subject to the conditions and restrictions hereinafter set forth, all of our right, title, and interest to the Materials above described, hereinafter called "Materials," as our right, title, and interest may appear, including but not limited to those Materials now stored at the White House, the Executive Office Building, The National Archives Building, or at such other place or places where such Materials may be found, subject, however, to the specific understanding and agreement that:

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[Handwritten signature]

(i) This gift and transfer shall not and is not intended to apply to or embrace such items as John Fitzgerald Kennedy had not intended to be deposited in said Presidential archival depository, or which are determined by the Donors to be of special or private interest to the personal, family and business affairs of John Fitzgerald Kennedy, his wife and children, parents, brothers and sisters.

(ii) The Donors shall have and specifically reserve the right to retain title and possession and to regain possession of any items that the Donors in their sole discretion may determine in accordance with this paragraph the Third are excluded from the purview of this gift, irrespective of the fact that such items may have been theretofore delivered to the Donee.

(iii) For the purposes of effectuating the provisions of subparagraphs (i) and (ii) of this paragraph the Third, the Donors shall have and specifically reserve the right to examine, at any time or from time to time prior to January 1, 1967, either themselves or through authorized representatives, any Materials from time to time in the possession or custody or under the control of the Donee, and wheresoever the same may be situated, for the purpose of determining and designating any such Materials as being excluded from the purview of this gift, provided, however, that examination of security-classified information shall be in accordance with applicable law or Executive Order relating to security-classified defense information.

(iv) The Donee shall, as soon as is reasonably possible, and upon written notice from the Donors of such designation, deliver to the Donors any items so designated by the Donors pursuant to subparagraph (iii) of this paragraph the Third as excluded from the purview of this gift.

(v) Mrs. Jacqueline Bouvier Kennedy shall have and specifically reserves the right to borrow from the Donee without formality such materials to which this transfer applies as she may wish for her personal use, examination, or display either by herself or by anyone she may select or approve, and any Material so borrowed shall be returned to the Donee within a reasonable period of time.

FOURTH: All Materials to which this transfer is applicable shall be maintained by the United States and stored at such place or places as may be designated by the Administrator of General Services until the completion and acceptance by the United States, pursuant to section 507(f) of the Federal Property and Administrative Services Act of 1949, as amended, of the proposed John F. Kennedy Library, at which time the Materials shall be deposited in that Library and administered in accordance with the pertinent provisions of that Act.

FIFTH: It is the Donors' wish that all Materials donated to the Donee hereunder be made available for research use as soon as possible and to the fullest extent possible. The Donors, however, desire to guard against the possibility of the Materials being used to injure, embarrass, or harass any person and otherwise properly to safeguard the interests of the United States. Therefore, all Materials to which this transfer applies are accepted and shall be held by the Donee subject to the following restrictions and conditions:

(i) The Donors shall have and hereby reserve the right to restrict the use and availability of any Materials to which this transfer applies, and irrespective of the time when such Materials may have been, or may be delivered to the Donee, for such time or times as the Donors in their sole discretion may from time to time or at any time specify, and such restrictions shall be adhered to and observed in all respects for as long a period as the Donors shall have specified or until such restrictions are revoked or terminated by the Donors or by persons legally qualified to act on their behalf with respect thereto. Any Materials so designated in writing by the Donors as restricted shall be known and are hereinafter referred to as "Donors' Restricted Material," and shall be placed under seal, it being understood, of course, that Donor Restricted Materials shall be accessible to the Archivist of the United States or designated members of his staff for the performance of such archival work processes as may be requested by the Donors, but not otherwise.

(ii) The Archivist of the United States or designated members of his staff shall review the Materials to which this transfer is applicable, except Donors Restricted Material, for the purpose of classifying such Materials. Any Materials which fall within the following categories shall be designated by the Archivist and are hereinafter referred to as "Archivist Restricted Material," and shall be placed under seal:

(a) Materials containing statements which may in any manner be used to injure, embarrass, or harass any person, or Materials which may in any manner be prejudicial to the conduct of foreign relations of the United States of America, or materials containing statements made by or to John Fitzgerald Kennedy in confidence.

(b) Defense information that has been security-classified pursuant to law or Executive Order: Provided that such information may be declassified or otherwise made available in accordance with the procedures established by law or Executive Order governing availability of security-classified information.

(c) Materials that relate to the personal, family, and business affairs of John Fitzgerald Kennedy and his family, including such affairs of Mrs. Jacqueline Bouvier Kennedy, and the mother, father, sisters, and brothers of John Fitzgerald Kennedy.

(iii) The review and classification of the Materials hereinabove provided for shall be performed by and in collaboration between the Donors or their designated representatives and the Administrator of General Services or his delegates and shall be completed within the shortest reasonable period of time after the Materials have been deposited in the John Fitzgerald Kennedy Library in Massachusetts.

(iv) Until such time as the review and classification of the Materials, as hereinabove provided for, has been completed, no person shall be permitted access thereto except the donors, persons given written authorization by the donors, and employees of the General Services Administration performing archival work processes on such Materials, provided, however, that access to Materials which are security-classified shall be in accordance with applicable law and Executive Order relating to security-classified defense information.

SIXTH: Except as otherwise provided herein, all Archivist Restricted Materials shall be available only to employees of the General Services Administration performing archival work processes on such Materials and to the Donors or other persons given written authorization by any of the Donors, provided, however, that access to Archivist Restricted Materials which are security-classified shall be in accordance with applicable law or Executive Order relating to security-classified defense information.

SEVENTH: The Archivist of the United States or his designated representative shall review from time to time Archivist Restricted Materials, and shall remove the restriction from such materials and make them available for research use as soon as the passage of time or other circumstances no longer require their being kept under restriction, provided, however, that notwithstanding anything otherwise or to the contrary in this instrument contained, no restrictions shall be removed in respect of the materials described in Article Fifth ii (c) without the prior written consent of the donors.

EIGHTH: The Donors hereby assign to the United States of America, all of their literary property rights in all Materials, excluding Donors'

Restricted Material during the period of restriction, except that the donors reserve to themselves (a) the right to make any use of such Materials and (b) all literary property rights in any manuscript or other writings that John Fitzgerald Kennedy wrote for publication, including the right to license the publication of such material.

NINTH: All competent persons interested in using the materials for purposes of serious research shall be granted equal access to unrestricted materials.

TENTH: As used herein, the word "Donors" shall mean Mrs. Jacqueline B. Kennedy, and the Executors of and the Trustees under the Last Will and Testament of John Fitzgerald Kennedy from time to time qualified and serving.

Jacqueline B Kennedy
Donor
Jacqueline B Kennedy
Richard M Kennedy
Donors

By virtue of section 507(e) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S. C. 397(e)), the foregoing gift of the papers and other historical materials of the late President John Fitzgerald Kennedy is accepted.

THE UNITED STATES OF AMERICA
Acting by and Through

J. Dawson B. [Signature]
Acting Administrator of General Services

Date: FEB 25 1965