

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION



DATE: MAR 21 1975

National Archives and Records Service
Washington, DC 20408

REPLY TO
ATTN OF: Deputy Archivist of the United States - ND

SUBJECT: FOIA Request from James H. Lesar as Attorney for Harold Weisberg
Attorney Advisor - LRR

The attached Freedom of Information Act request of Mr. James H. Lesar as attorney of Mr. Harold Weisberg for disclosure of the "Memorandum of Transfer" to Mrs. Evelyn Lincoln of autopsy and other materials relating to President Kennedy should be considered in connection with the appeal of Dr. John Nichols from denials to him of items which included the "Memorandum of Transfer."

The memorandum relates to the transfer on April 26, 1965, to Mrs. Evelyn Lincoln as agent for Senator Robert Kennedy of the autopsy x-rays and photographs of President Kennedy now in the National Archives, a handle which was broken off of the bronze casket in which his body was brought to Washington, copies of the autopsy report and other documents, blood test materials, slides which may be tissue slides, and a box "containing gross material." The slides and the box may be the materials which Dr. Nichols and Dr. Cyril Wecht have tried to locate. The "Memorandum of Transfer" has been withheld from research as a result of requests made by Mr. Burke Marshall, representative of the Kennedy family, in conferences with members of L in 1969 and again about 1971. The National Archives does not have any written records of those requests, but L may have such records.

Most of the information in the "Memorandum of Transfer" is already well known and particularly well known to Mr. Lesar, Mr. Weisberg, and Dr. Nichols. Mr. Marshall's reason for objecting to release of the memorandum may be that he does not want to be bothered or to have Senator Edward Kennedy bothered with demands from people like Dr. Nichols and Mr. Weisberg that the autopsy materials still in the possession of the Kennedy family be turned over to the Government or opened for research. We believe that Mr. Marshall should be consulted and asked to agree to release of the memorandum or to designate any information in the memorandum that should be deleted in order to make the memorandum publicly available.

Accompanying the memorandum are a letter from Senator Robert Kennedy to Admiral George Burkley authorizing the Admiral to turn over any materials relating to President Kennedy in the Admiral's possession to Mrs. Lincoln and a transmittal letter for the materials from Admiral Burkley to Mrs. Lincoln. These should be considered for release along with the memorandum. LRR has copies of these documents.

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The attached draft reply to Mr. Lesar is to be used only if the memorandum is to be withheld.

James E. O'Neill
JAMES E. O'NEILL

D-R-A-F-T

Mr. James H. Lesar
Attorney at Law
1231 4th Street, S.W.
Washington, DC 20024

Dear Mr. Lesar:

This is in reply to your letter received March 18, 1975, citing 5 U.S.C. 552 as amended and requesting disclosure on behalf of Mr. Harold Weisberg of the "Memorandum of Transfer," a document about which he has written you previously. "This is a receipt which Mrs. Evelyn Lincoln gave in April 1965 for the conveyance of a number of items relevant to the assassination of President Kennedy and its investigation."

Your request on behalf of Mr. Weisberg for disclosure of the "Memorandum of Transfer" is denied. The "Memorandum of Transfer" is withheld from research under the sixth exemption of the Freedom of Information Act, which exempts from mandatory disclosure, "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy..." (5 U.S.C. (b) (6)). It has been the firm position of the Kennedy family representative that the release of this document will violate the personal privacy of the Kennedy family.

Sincerely,

NN