

Attachment 6 -- Correspondence re Resolutions of
Leo Harvey Oswald



DEPUTY ATTORNEY GENERAL

WASHINGTON

December 27, 1963

Dear Mr. Rankin:

Does the Commission have any thoughts with respect to the attached letter?

Sincerely,

Nicholas deB. Katzenbach

Enclosure

Mr. J. Lee Rankin
President's Commission
4th Floor
200 Maryland Avenue, N.E.
Washington, D. C.

XERO
COPY

XERO
COPY

XERO
COPY

PLEASE ADDRESS ALL MAIL TO
UNITED STATES ATTORNEY
P. O. BOX 188

United States Department of Justice

UNITED STATES ATTORNEY

NORTHERN DISTRICT OF TEXAS
DALLAS 1, TEXAS
75221

December 10, 1963

*Assassination
of Oswald*

AIRMAIL

Honorable Nicholas deB. Katzenbach
Deputy Attorney General
Department of Justice
Washington, D.C. 20530

Re: Remains of Lee Harvey Oswald

Dear Nick:

Enclosed please find photo copies of two letters which I have received concerning the captioned problem which you and I have had occasion to discuss recently.

With regard to the statement in the second paragraph of the Brownlee letter that I have made a request in behalf of the government that these remains be preserved pending decision by the Warren Commission, I have made no such request of the Fort Worth Police Department nor of any one else. As you know, I did discuss the matter with the Secret Service here on Friday, November 29th, and Saturday, November 30th, and I assume that somehow or other in their conversations with the Fort Worth Police that the latter got the impression that the government was making some sort of official request. In any case, I had occasion on Thursday, December 5th, to deny to the Associated Press that the government had made any request whatsoever concerning the preservation of this body.

I understand that you are working closely with the Warren Commission. Do you think it would be appropriate for you to mention this matter to the Commission so that we might ascertain once and for all that the Commission has no interest in having these remains preserved? If it does not, then I will so advise Mr. Dubar, author of the enclosed letters, and will also see what I can do, as indirectly as possible, to have the Fort Worth Police encourage Widow Oswald and Brother Oswald to have these remains cremated.

XERO
COPY

XERO
COPY

XERO
COPY

Hon. Nicholas deD. Katzenbach

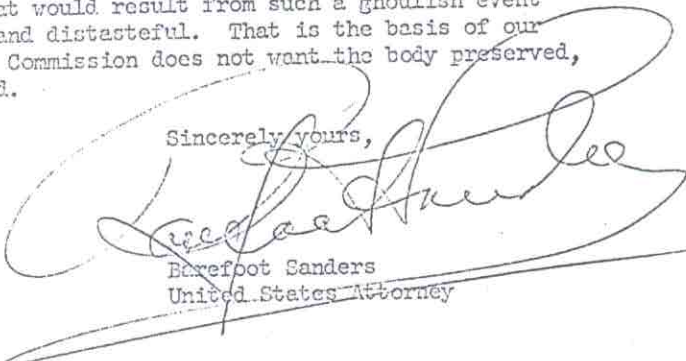
- 2 -

December 10, 1963

After our conversation last Tuesday, December 3rd, there was some publicity to the effect that Oswald's body might be cremated but this publicity was pretty well overshadowed by some statements which Mother Oswald was making at that time on other subjects. Since then I believe that Mother Oswald has publicly announced that the remains are not going to be cremated, but in the final analysis it will be the widow and brother, and not the mother, who will make this decision - at least, so far as the cemetery and funeral home authorities are concerned.

Although this is essentially a local police problem and not ours, still, desecration of the grave is a real possibility and the publicity that would result from such a ghoulish event would be widespread and distasteful. That is the basis of our concern that, if the Commission does not want the body preserved, that cremation be had.

Sincerely yours,



Barefoot Sanders
United States Attorney

Enclosures

XERO
COPY

XERO
COPY

XERO
COPY

DONALD C. BUBAR
ATTORNEY AT LAW
303 MUTUAL SAVINGS BLDG
FORT WORTH 2, TEXAS

December 5, 1963

Honorable Barefoot Sanders
United States District Attorney
United States Court House
10th and Lamar
Fort Worth, Texas

Dear Mr. Sanders:

Enclosed is a copy of a letter written by me on behalf of my client, Rose Hill Burial Park, to the City Manager of the City of Fort Worth respecting the control of the grave space occupied by the remains of Lee Harvey Oswald.

It is, of course, impossible for my client to furnish a guard or any other security for these remains now or in the future, but Mr. Seltzer is quite content to let the City of Fort Worth or the United States Government furnish whatever security to these remains is felt to be necessary under the circumstances.

Cordially yours,

Donald C. Subar

DCB/sdr

Enclosure

XERO
COPY

XERO
COPY

XERO
COPY

December 5, 1963

Mr. Jerry L. Brownlee
City Manager
City of Fort Worth
Fort Worth, Texas

Dear Mr. Brownlee:

Attention: Mr. Howerton

I am attorney for Rose Hill Burial Park, in whose cemetery, as you well know, the remains of Lee Harvey Oswald have been interred.

I am informed by Mr. Howerton of the police department that a request has been made by the United States District Attorney for the Northern District of Texas that the remains of Lee Harvey Oswald be protected at least until the investigating committee, appointed by President Johnson and headed by Chief Justice Warren, has seen fit to make a complete study of all of the matters related to the assassination of President Kennedy.

Mr. E. P. Seltzer, who is the general manager of Rose Hill Burial Park, is well acquainted with the efforts which the police department, with or without the assistance of members of the Secret Service, have made to safeguard Oswald's remains ever since the burial. It is clear that the guard maintained at the cemetery by the police department is a great public expense, and sooner or later it will have to be terminated.

Mr. Howerton consulted with Mr. Seltzer about the possibility of having Rose Hill Burial Park, at its expense, place a re-inforced concrete slab about six inches below ground level in order to protect the remains at least until after the presidential inquiry has been completed. Mr. Howerton has suggested that a slab six inches thick and approximately three feet by six feet in diameter would accomplish this result.

XERO
COPY

XERO
COPY

XERO
COPY

Mr. Jerry L. Brumby

-2-

December 5, 1963

It is, of course, impossible for Rose Hill Burial Park to undertake any such action on its own initiative. The grave space occupied by Lee Harvey Oswald's body belongs to his mother. I take it that under the law, the control of the remains is vested in his family, and no authority exists in law for Rose Hill Burial Park to do anything with respect to this or any other grave except furnish it the perpetual care which is provided for it, and for the plot of ground upon which the grave exists, and to enforce the restrictions with respect to the use of the burial plot.

It would be agreeable to Rose Hill Burial Park if the City of Fort Worth or the United States Government, with the consent of the mother of the decedent, chose to place such a protective slab below ground level over the remains of the decedent.

I remind you that no burial park has the responsibility of insuring in perpetuity that graves of persons interred in it are not desecrated by vandals. No cemetery in Fort Worth is surrounded by any wall. It happens that a substantial steel and masonry fence exists along the north line of Rose Hill Burial Park, and a portion of the east and west sides have chain-wire fences. The rest of the burial park has only hedges or open space. Of course, the gates are locked at night and automobile traffic is denied entrance to the park on the roads adjacent to the cemetery after sunset and until eight o'clock in the morning.

Please be assured that within the limits of my clients' authority we will do everything we can that this grave receives the same care and attention as any other grave in the cemetery, but beyond this they have no legal right to go.

Mr. Soltner has asked me to express his appreciation to the police department for the cooperative manner in which its officers have carried out the security duties imposed upon them at the cemetery.

Cordially yours,

Donald C. Eubar

DCE/sdr

CC: Hon. Sanford Sanders
U. S. District Attorney
United States Court House
10th and Lamar
Fort Worth, Texas

XERO
COPY

XERO
COPY

XERO
COPY