UNITED STATES GOVER. MENT

TO

Mr., Frank Wozencraft Assistant Attorney General Office of Legal Counsel L. ARTMENT OF JUSTICE

DATE: October 4, 1966

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FROM : F. Reis Executive Assistant to the Attorney General

SUBJECT: Warren Commission--Kennedy Materials

Transmitted herewith is a draft prepared by Stephenson after discussion with me. In general, I am in agreement with it. I am, in addition, very anxious to get your reaction so that we can get this matter moving by sending copies of whatever we wish to propose to Bahmer and Burke Marshall.

Attachment

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Dear Dr. Bahmer: 129-012-3 BJR. The family of the last

The family of the late President Kennedy share

the concern of the Government of the United States eff

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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 outisplay-(Auchas public display) of these materials or any other use which would tend in

any way to dishonor the memory of the late President or the cause unnecessary grief or suffering to the members of his family as 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, the

199.14 estele Atte s of the late President, with the approval of the members of his family, named in paragraph (2), hereby F and deposit with the mehinis to the United States of America all the personal the clothing of the late President now in the possession of ident fiel the United States Government and in Appen A, together with those x-rays and photographs connected iberthic with the autopsy of the late President en listed in Appendix B, and the Archivist of the United States, (1) in accordance with the provisions of 44 U.S.C. 397(e), and ADM-F 5450.39 dated May 5, 1964, ch. 8, para. 1, accepts the same, them, for and in the name of the United States, for deposit in the Archives of the United States, subject restructions as & their use: to the following cen g the ten of this agreement, (1) Access and inspection of the material referred to in Appendix A and Appendix B shall be made avail (a) Any committee of the Congress or the other official agency of the United States Government having appropriate authority to investigate matters

relating to the death of the late President, for purposes within its investigative jurisdictions f

mittee or agency.

(b) Any recognized expert in the field of medicine, ballistics, textiles or any other area of science

or technology relevant to the investigation of

matters relating to the death of the late President, provided, however, that the decision of the Archivist shall be final as to who may qualify as a recognized expert and provided, further, that the Archivist may consult with appropriate professional and technical organizations in making such determination. The Archivist may limit the scope of access and inspection of any expert to that portion of the materials referred to in Appendix A and Appendix B as may in the judgment of the Archivist be of legitimate technical 

or professional concern to such expert.

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refinedte Access to and inspection of the material shal ٩., subject to such restrictions and limitations as may be legally imposed by the Archivist (dr his siccessor) and 10. 2 .... p.·L as he may deem appropriate for their safekeeping and preservation, for the proper administration of the National Archives, or for the effectuation of his obligationfunder paragraph (2) hereof. Mone of the materials herein given to the Gen and deposited with the archivist with of the United States shall be placed on public display, nor shall photographs or other reproductions of any of the same sere unless heretofore published as part of the such materials Warren Coumission report or otherwise publicly distributed be published or otherwise publicly distributed or displayed the survivor during the lives of Jacqueline Bouvier Kennedy, (Mrs. John F. -Rennedy, Robert F. Kennedy, Edward Moore Kennedy, Patricia Kennedy Lawford, (Mrs. Peter Lawford), Eunice Kennedy Shriver (Mron Gargant Chainer) and Jean Kennedy Smith (Hro. the withindu als years prayage (1) They without the written consent of all of the

designated pursual transport (7). et & representative the obligation of the Archivist to exercise his best and, in fatherine efforts to enforce the foregoing restrictions, there 1,5 obligation the Archivist small obtain advance agreement to the foregoing restrictions from all persons permitted access to or inspection of the materials in accordance with conditions いいたい ちょうちょう ちょうろう set forth herein, and to take such further actions, on 14 impose such further restrictions and conditions upon access and inspection, as he may deem appropriate. 22.00 (9) In the event of a wilful violation of this agreement by any official acting or purporting to act on behalf of the United States, 100 the undersigned executors or any of the porsons named in paragraph may sue in the district court of the United States for the District of Columbia, for the purpose of enforcing the provisions of this agreement. - 5 3) All clutters, obligations and descelling being State shall with the Ulm

service in a service of Reto the Gen are acceptable and a set of the set of the United States, please execute this agreement by 3-1-14 signing on behalf of the Government the approval clause set forth below, and this agreement shall become effective upon the deposit in the Archives of all the materia listed in Appendix A and Appendix B, and shall remain Sincerely, Executors of the estate of John F. Kennedy Approved : United States of America by Robert H. Bahmer Acting Archivist of the United States This agreement may be awarded, wolified or terminated only witter invest of the archivist and witter all of the lonand in purposed () then living a the Kerning family ith Finall entitle The Are watative designated Ne itte y upon his -ኟ N N the Ke New na instruction 0.049479423 a Eret 

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## Memorandum

Mr. Frank Wozencraft Assistant Attorney General Office of Legal Counsel

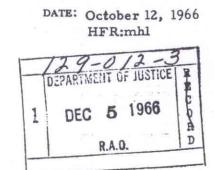
FROM : Handle F. Reis Executive Assistant to the

Attorney General

SUBJECT:

TO

Agreement with President Kennedy's Executors



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In the event you have not seen it, I am attaching a copy of a memorandum prepared in the Civil Division concerning the provision relating to a judicial remedy by the executors to enforce the conditions of the agreement. As I read the memorandum, it concludes (1) that, absent a provision for reverter, it is extremely doubtful that the executors could in fact sue to enforce the conditions of the contract, but (2) if a reverter provision should be inserted and a breach occur, the executors could sue for return of the property.

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Assuming these conclusions are correct--and I assume they are--I think we have two possible courses available to us. The first is to attempt to convince the executors that, even though the conditions are not judicially enforceable, there is no reason they should not rely upon the good faith of the Government. If this is not satisfactory to the executors, I would not be averse to the insertion of a reverter clause.

With respect to the latter conclusion, I believe that the most important job we have to do is to get possession of the X-rays and photographs and that the insertion of a reverter clause is not too high a cost if necessary to obtain possession. While, as you have pointed out, future recapture of these items by the estate might cause substantial problems, I think as a practical matter the likelihood is remote. I am led to this view by the belief that a breach by the Government so flagrant as to justify reverter is highly unlikely and, even if that should occur, institution by the executors of a suit to replevy is even more remote. The whole course of conduct of the executors has been to avoid any undignified display or notoriety with respect to these materials. The institution of suit would be wholly inconsistent with that course.

Attachment

