



UNIVERSITY OF KANSAS MEDICAL CENTER

RAINBOW BOULEVARD AT 39TH STREET  
KANSAS CITY, KANSAS 66103 • AREA CODE 913 • ADams 6-5252

SCHOOL OF MEDICINE  
DEPARTMENT OF PATHOLOGY AND ONCOLOGY

January 19, 1969

Harold Weisberg, Esq.,  
Route 7  
Frederick, Maryland

Dear Harold:

As promised enclosed please find Xerox copy of my petition to examine the X-rays, photographs, and submit various exhibits to Neutron Activation Analysis.

Originally I had planned to file about the time of Senator Kennedy's assassination but delayed on account of that and the unexpected discovery of blatant perjury and subrogation of perjury which, I suspect, will be somewhat different from your findings. I had planned to delay filing this action for about a month to further develop my perjury but Mr. Garrison's action forced me to move. It is apparent that Mr. Garrison does not intend to use my testimony. I had revealed more of my findings to him than to you. This was about two years ago and at that time was a mere fraction of what I have now.

Shall be writing to you again within a few weeks.

Sincerely,

  
John Nichols

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

JOHN NICHOLS,  
Plaintiff

VS.

THE UNITED STATES OF AMERICA  
and JAMES B. RHOADES, ARCHIVIST  
OF THE UNITED STATES, GENERAL  
SERVICES ADMINISTRATION,  
Defendants

No. T-11596

COMPLAINT

The plaintiff, for his cause of action against the United States of America, alleges and states as follows:

1. The jurisdiction is vested in this court under the provision of 5 U.S.C. Sections 1001-1011, and more particularly under the provisions of the Federal Public Records Law, Public Law 89-487, 80 Statutes 250 (1966); and venue is granted to this court under the provisions of 28 U.S.C. Section 1391 (e) (4).

2. The plaintiff is a physician duly licensed by the Kansas State Board of Healing Arts certified by the American Board of Pathology with previous experience in gunshot wounds and x-ray interpretation thereof.

3. Because of his interest in science, and more particularly pathology and to clear up confusion surrounding the death of our President John F. Kennedy and to try insofar as humanly possible, to write a book which would be accurate, the plaintiff has made numerous attempts to procure certain information held by the archivist of the United States. The plaintiff is entitled under the Federal Public Records Law to examine the items presently in the custody of the archivist.

4. After the death of John Fitzgerald Kennedy and after the taking of x-rays and photographs, both black-white

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CHARLES W. CAHILL, Clerk  
By [Signature] Deputy

and color transparencies, of John Fitzgerald Kennedy at Bethesda Naval Hospital, Bethesda, Maryland, the brother of John Fitzgerald Kennedy, Robert F. Kennedy, assumed control of the x-rays and photographs despite the fact that these x-rays and photographs belonged to the United States Government. Of course, at that time Robert F. Kennedy was attorney general of the United States and had at least some color of authority to keep and retain the x-rays. Later, however, the family of the late President John Fitzgerald Kennedy entered into an agreement with the United States Government, allegedly pursuant to the provisions of 44 U.S.C. Section 397 (e) (1), and transferred 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 the x-rays and photographs connected with the autopsy of the late President. A copy of this agreement, dated October 29, 1966, is attached to this complaint and made a part hereof as though fully set out herein.

5. On August 21, 1966, the plaintiff herein, John Nichols, Ph.D., M.D., sent a certified letter to Joe M. Blumberg, Brigadier General, M.C., USA, Director, Armed Forces Institute of Pathology, Washington, D.C., 20305, requesting that he be allowed to study, among other things, the x-ray films, and the photographs from the autopsy of the late President John F. Kennedy. That letter, on August 25, 1966, was forwarded to Vice Admiral George G. Burkley, M.C., USN, The White House, Washington, D.C. Vice Admiral Burkley claims that the pertinent facts concerning the late President Kennedy were supplied to the Warren Commission for their information and evaluation, and that the medical records have been placed in a permanent receptacle that will remain for reference at some future date, and that the medical files are being held under

the same conditions as the President's private papers. Later, on July 19, 1967, the plaintiff herein sent a letter to the former archivist of the United States, Robert H. Bahmer, requesting the opportunity to view the x-ray films. Mr. Bahmer answered this letter July 21, 1967, claiming that he was unable to grant access to the x-rays because of the conditions set out in the agreement entered into between the Kennedy Family and the United States and referred to in paragraph 4 above. On September 5, 1967, the plaintiff herein sent a letter to Senator Robert Kennedy requesting permission to view the x-ray films and photographs taken of the late President at the time of the autopsy. This letter was referred to the archivist of the United States and was answered by him on October 5, 1967. This answer denied the plaintiff's request.

6. Because the x-ray films and photographs were taken on United States Government film and at a government hospital, the ownership of the x-rays and photographs is vested in the United States Government; and the only way that the Kennedy Family could have rightfully possessed these films was to have entered into a contract with the government for their purchase. Insofar as the plaintiff knows, the Kennedy Family came into possession of these films by virtue of Robert F. Kennedy's position as attorney general of the United States, and what in effect has happened is that the Kennedy Family has given the government its own film to preserve for self-keeping. Consequently the conditions and restrictions imposed for examination of these x-rays and photographs are not valid nor enforceable, and plaintiff is entitled to have disclosed to him these x-rays under the Federal Public Records Law of 1966.

7. For the same reasons set out in paragraph number 3, plaintiff has requested of the archivists of the United States



of America, James B. Rhoades, and of the attorney general of the United States of America as late as January 17, 1969, that he be furnished for study the x-ray films and other photographs made at the autopsy of the late President Kennedy and the Warren Commission exhibits numbered 399, 573, 842, 843 and 856 together with the President's coat, shirt and necktie for submission to neutron activation analysis. The plaintiff requested these things because of the reasons as set forth in paragraph numbered 3 and plaintiff is entitled to have disclosed to him these things under the Federal Public Records Law of 1966. The plaintiff's request has been denied.

8. For the same reasons set out in paragraph numbered 3, plaintiff has made numerous requests to ascertain the distance that the seats in the vehicle in which our President was riding were from the floor of the vehicle. This information is basic in order to more accurately align the path of the alleged bullet (CE 399) with respect to the President and Governor Connally. The United States of America, through its Secret Service Agents, has refused to provide this data.


9. For the same reasons set out in paragraph numbered 3, plaintiff has made a request to examine the results of certain spectrographic studies on the bullet (CE 399) that allegedly struck our President as well as certain articles of our President's clothing. The Warren Commission makes reference to these tests but the results of these tests have not been divulged and have been denied by the United States of America through their various employees and agents of the Federal Bureau of Investigation.


WHEREFORE, the plaintiff prays that this honorable court issue an order to the archivist of the United States of America as follows:


1. Permitting the plaintiff to study the photographs and x-ray plates as was afforded the recent panel of experts consisting of Dr. William H. Carns, Dr. Russell S. Fisher, Dr. Russell H. Morgan and Dr. Alan R. Moritz.
2. Allowing plaintiff temporary custody of and permission to submit Warren Commission exhibits numbered 399, 573, 842, 843 and 856 to neutron activation analysis together with the President's coat, shirt and necktie also in order to submit the margin of the bullet holes to neutron activation analysis.

Plaintiff further prays this honorable court to issue an order requiring the United States Government to divulge the height of the President's and the height of Governor Connally's seat from the floor in the assassination car.

Plaintiff further prays that this honorable court issue an order requiring the director of the Federal Bureau of Investigation to divulge to the plaintiff the results of the spectrographic test on Warren Commission exhibit number CE 399, and the results of all other spectrographic analyses conducted by the Federal Bureau of Investigation.

  
Sam A. Crow, Attorney at Law  
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John E. Wilkinson, Attorney at Law  
First National Bank Building, Topeka,  
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M. C. Slough, Attorney at Law,  
St. Mary's, Kansas 437 2707





October 20, 1966

Honorable Landon 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. 397(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



late President referred to in Appendix B, and the Administrator accepts the same, for and in the name of the United States, for deposit in the National Archives of the United States, subject to the following restrictions, which shall continue in effect during the lives of the late President's widow, daughter, son, parents, brothers and sisters, or any of them:

(1) None of the materials identified in Appendix A ("the Appendix A materials") shall be placed on public display.

(2) Access to the Appendix A materials shall be permitted only to:

(a) Any person authorized to act for a committee of the Congress, for a Presidential committee or commission, or for any other official agency of the United States Government, having authority to investigate matters relating to the death of the late President, for purposes within the investigative jurisdiction of such committee, commission or agency.

(b) Any serious scholar or investigator of matters relating to the death of the late President, for purposes relevant to his study thereof. The Administrator shall have full authority to deny requests for access, or to impose conditions he deems appropriate on access, in order to prevent undignified or sensational reproduction of the Appendix A materials. The Administrator may seek the advice of the Attorney General or any person designated by the Attorney General with respect to the Administrator's responsibilities under this paragraph E(2)(b).

II

(1) None of the materials referred to in Appendix B ("the Appendix B materials") shall be placed on public display.

(2) Access to the Appendix B materials shall be permitted only to:

(a) Any person authorized to act for a committee of the Congress, for a Presidential committee or commission, or for any other official agency of the United States Government, having authority to investigate matters relating to the death of the late President, for purposes within the investigative jurisdiction of such committee, commission or agency.

(b) Any recognized expert in the field of pathology or related areas of science or technology, for serious purposes relevant to the investigation of matters relating to the death of the late President; provided, however, that no access to the Appendix B materials pursuant to this paragraph II(2)(b) shall be authorized until five years after the date of this agreement except with the consent of the Kennedy family representative designated pursuant to paragraph IV(2). For the purposes of this paragraph, the determination of whether such an expert has suitable qualifications and serious purposes shall be made by the Kennedy family representative. No access shall be authorized pursuant to this paragraph II(2)(b) during the lives of the individuals referred to in the second paragraph of this agreement for any purpose involving reproduction or publication of the Appendix B materials without the consent of the Kennedy family representative, who shall have full authority to deny requests for



access, or to impose conditions he deems appropriate on access, in order to prevent such use of the Appendix B materials.

III

(1) In order to preserve the Appendix A materials and the Appendix B materials against possible damage, the Administrator is authorized to photograph or otherwise reproduce any of such materials for purposes of examination in lieu of the originals by persons authorized to have access pursuant to paragraph I(2) or paragraph II(2).

(2) The Administrator may condition access under paragraph I(2) (b) or paragraph II(2) (b) to any of the materials transferred hereunder, or any reproduction thereof, upon agreement to comply with applicable restrictions specified in this agreement.

IV

(1) The Administrator shall be entitled to consult with the Kennedy family representative designated pursuant to paragraph IV(2), and to rely upon such representative's statements in writing as representing the views of the Kennedy family, in connection with the construction or application of this agreement in a particular case.

(2) The Kennedy family representative for the purposes of this agreement shall be BURKE MARSHALL. A successor representative of the Kennedy family may be designated in writing to the Administrator from time to time by Mrs. John F. Kennedy. In the event of the death or disability of Mrs. John F. Kennedy, any successor shall be designated by Robert F. Kennedy. In the event of the death or disability of both Mrs. John F. Kennedy and

Robert F. Kennedy, any such designation shall be made by Edward M. Kennedy. In the event of the death or disability of all three of them, any such designation shall be made by any adult child of the late President John F. Kennedy or by any of the late President's sisters, with the advice of other members of the family. Any representative designated hereunder will serve until a successor is designated.

V

This agreement may be amended, modified, or terminated only by written consent of the Administrator and the Kennedy family representative designated pursuant to paragraph IV(2).

VI

The Administrator shall impose such other restrictions on access to and inspection of the materials transferred hereunder, and take such further actions as he deems necessary and appropriate (including referral to the Department of Justice for appropriate legal action), to fulfill the objectives of this agreement and his statutory responsibility under the Federal Property and Administrative Services Act of 1949, as amended, to provide for the preservation, arrangement and use of materials transferred to his custody for archival administration.

VII

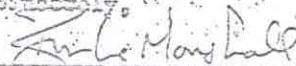
All duties, obligations and discretions herein conferred upon the Administrator shall inure to each holder of the office of Administrator of General Services from time to time, and to any official of the United States Government who may become successor to the functions of archival administration vested in the Administrator under



the Federal Property and Administrative Services Act of 1949, as amended. All such duties, obligations and discretions may be delegated to the Archivist of the United States, or to any successor to his functions of archival administration.


Please indicate your acceptance on behalf of the United States of America by executing the acceptance clause below.

Sincerely,



Burke Marshall, on behalf  
of the Executors of the  
Estate of John F. Kennedy

Accepted:



United States of America  
by Larson B. Knott, Jr.  
Administrator of General Services

WLR

APPENDIX A

Clothing and personal effects of the late President, identified by the following exhibit numbers relating to the President's Commission on the Assassination of President Kennedy:

Commission Exhibit Nos. 393, 394, 395.

FBI Exhibit Nos. C26, C27, C28, C30, C33, C34, C35, C36.

APPENDIX B

1. Envelopes numbered 1 to 18 containing black and white negatives of photographs taken at time of autopsy.
2. 7 envelopes containing 4 x 5 negatives of autopsy material.
3. 5 envelopes containing 4 x 5 exposed film containing no image.
4. 1 roll of exposed film from a color camera entirely black with no image apparent.
5. Envelope containing 3 X-ray negatives 14" x 17"; 6 X-ray negatives 10" x 12"; 12 black and white prints 11" x 14"; 17 black and white prints 14" x 17"; all negatives and prints pertaining to X-rays that were taken at the autopsy.
6. 36 8" x 10" black and white prints - autopsy photos  
37 3 1/2" x 4 1/2" black and white prints - autopsy photos  
27 color positive transparencies 4" x 5"  
1 unexposed piece of color film
7. 27 4" x 5" color negatives of autopsy photographs  
55 8" x 10" color prints of autopsy photographs