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The Administrator - A

October 28, 1966

General Counsel - L

Kennedy Gift

Attached is a xerox copy of the proposed letter to you; the original and three copies of this have been dispatched this morning to Burke Marshall in New York, who will either sign it on behalf of the Executors of the Kennedy Estate or will obtain the signature of all three Executors. This draft contains two minor changes from what you saw last night:

1. The sentence beginning six lines from the bottom of page 3 last night read, "No access shall be authorized pursuant to this paragraph II(2)(b) during the life of this agreement . . ." Since the agreement has no stated life, the sentence was changed to read, ". . . during the lives of the individuals referred to in the second paragraph of this agreement . . ."
2. The first complete sentence on the top of page 5 last night read, "In the event of the death or disability of all three of them, any such designation shall be made by the oldest living adult child of the late President John F. Kennedy or of any of the late President's brothers and sisters, . . ." To avoid including the nieces and nephews of the late President and because a reference to the President's brothers was unnecessary in this sentence, it has been changed to read, ". . . shall be made by any adult child of the late President John F. Kennedy or by any of the late President's sisters, . . ."

The future procedure contemplated by the Department of Justice is as follows:

1. The Appendix A and Appendix B material will be delivered personally by Burke Marshall on Sunday or Monday. Harold Reis of the Department of Justice will inform Dr. Rhodes when Mr. Marshall is to arrive, and Dr. Rhodes will meet or arrange to have Messrs. Marshall and Reis met at the Archives. Mr. Marshall wishes to inspect personally the specific places where the Appendix A and Appendix B materials will be deposited, since he feels that Senator Robert Kennedy wants his personal assurance that the depositories will not be available to the general public or to casual employees of NARS.

2. At the same time, Dr. Rhodes will make arrangements to have the proposed letter of gift delivered to you for your signature.
3. Harold Reis feels that steps must be taken right away to obtain authentication of the Appendix A and Appendix B materials. This should be done by the pathologists who performed the autopsy and who are identified in the Warren Commission records. I suggest that Dr. Rhodes deal with Mr. Reis on this point. It is possible that color photographs taken during the autopsy have not yet been developed; in that case, the authentication must extend to the development as well as to the photographs themselves.
4. The vesting order for other materials designated by the Attorney General will be published in the Federal Register on Tuesday. At least at that time we must be prepared for press inquiries respecting whether the vesting order includes the Appendix A and Appendix B materials. Assuming the letter of gift is signed, the vesting order will not include those materials, but it is clear that there should be agreement between GSA and the Department of Justice with respect to the method in which any of these facts, including the terms of the gift itself, may be made public. If you wish, I will take responsibility for dealing with Mr. Reis in this matter.
5. Under the letter of gift, GSA is authorized to take photographs of the Appendix A and Appendix B materials, and in many circumstances only these photographs will be made available to inquirers. If there is to be a press release as discussed in point 4 above, I should think that GSA should begin promptly to prepare the photographs which it will make available, since I would anticipate that there may be requests for them. I suggest that NARS take responsibility for this matter.
6. It also seems desirable to me that we begin promptly to prepare a written statement of rules to guide NARS in executing your responsibilities under the letter of gift. If you wish, I will assume responsibility for working with NARS and coordinating with the Department of Justice in this matter.

What are your wishes with respect to the matters set out above?

Harry R. Van Cleve

Enclosure

cc: Official File - L  
AD N  
L LL

L:HRVanCleve:jw