

AFFIDAVIT

DISTRICT OF COLUMBIA)
CITY OF WASHINGTON) ss.

James B. Rhoads, being duly sworn, deposes and says:

1. I am the duly appointed Archivist of the United States and, as such, I am the head of the National Archives and Records Service, one of the five operating services of the General Services Administration, an agency of the United States of America. My office is located in the Archives Building, 7th and Pennsylvania Avenue, N. W., Washington, D. C. The following statements are based upon information required by me in connection with my services as Archivist and Deputy Archivist.
2. As Archivist of the United States, pursuant to authority delegated to me by the Administrator of General Services, ^{1/} my responsibilities include the custody and preservation of all documents and other articles on deposit in the Archives of the United States, including the photographs and x-rays referred to in the certificate of Judge Edward A. Haggerty, Jr. of the Criminal District Court, Parish of Orleans, State of Louisiana.
3. Said photographs and x-rays were transferred to the custody of the United States of America by the executors of the estate of the late President John F. Kennedy by letter agreement dated October 29, 1966, executed by Burke Marshall on behalf of the executors of the

^{1/} The Administrator of General Services by general GSA Order No. ADM P 5450.39 (Chap. 3, par. 1a(3)) dated May 5, 1964, has delegated to the Archivist of the United States all responsibility for the care and custody of documents and other articles on deposit in the National Archives and Records Service.

estate of John F. Kennedy, and by Lawson B. Knott, Jr., Administrator of General Services. A copy of said letter agreement is attached hereto as Exhibit A. As authorized by section 507(e)(1) of the Federal Property and Administrative Services Act of 1949 (44 U.S.C. 397(e)(1)), said letter agreement contains restrictions having been accepted on behalf of the United States of America, compliance therewith is required by the letter agreement and by law.

*No
Reference
to Crim
Proceedings*

4. Under the restrictions imposed in paragraph II(2) of said letter agreement said photographs and x-rays may not be made available for use in the criminal proceedings referred to above.

*Not during
Texas*

5. The National Archives and Records Service, particularly through its Presidential Libraries and the National Archives, performs a very valuable service both for important public figures who give their papers and other historical materials to the United States, and for scholars who will eventually use these materials as basic sources for research. It provides secure storage for the papers and a professional staff to arrange and index the papers so as to make them more useful to scholars who will use them. The authority of the National Archives and Records Service to accept such gifts of papers subject to whatever conditions of limited access may be requested by the donor ensures that during the period when a degree of sensitivity attaches to discussion of events and personalities,

the rights of privacy of the donor and of persons discussed in the papers are fully protected. It also ensures that valuable collections of papers will be saved, and with the passage of an appropriate period of time will be made available to writers, scholars, and other interested persons for research use. To violate the confidential restrictions would completely destroy the public confidence in the Federal Government to honor its commitments to donors of papers, oral history transcripts, and other historical materials. If this confidence is destroyed, the validity of the whole concept of Presidential Libraries will be placed in question, and the future development of these and similar institutions will be imperilled. For, if public figures no longer feel assured that their interests will be protected when their papers are deposited in public institutions they will cease to place important and sensitive papers in such institutions. The result will be a drying-up of basic research resources in history, economics, public administration, and the social sciences generally, damaging to the cause of education, culture and public enlightenment.

6. It would be a great and undue burden on me as Archivist of the United States to travel to and from Louisiana to appear as a witness in the Criminal District Court for the parish of Orleans in the criminal proceedings in the case of State of Louisiana v. Clay L. Shaw. I am personally involved in a number of tasks

relating to the transition in the office of President of the United States from President Lyndon B. Johnson to President-elect Richard M. Nixon. Among such tasks are: (a) the transfer of papers, films, and museum objects, as well as staff, to Austin, Texas, incident to the establishment of the Lyndon Baines Johnson Library, and (b) working with high level officials of the incoming Administration on matters involving archival and paperwork management. These special problems, which are of a continuing nature requiring high priority, are in addition to my normal responsibilities for administering an organization of approximately 2,100 employees in some 26 locations throughout the United States. These responsibilities include (a) administration of the National Archives of the United States, involving the selection, preservation, and administration of Federal Government records of permanent value; (b) direction and coordination of Federal Government programs for records management; (c) administration of Federal Records Centers for storage and administration of noncurrent Federal records; (d) administration of Presidential Libraries; and (e) administration of the Office of the Federal Register.

*Division
Medical
Records*

7. As outlined above, said photographs and x-rays are held in my custody as part of my official duties as Archivist of the United States, pursuant to and subject to the terms, conditions, and restrictions of the aforementioned letter agreement. I had no

part in, and was not present at, the taking, development, or production of said photographs or x-rays, and I would be completely unable to testify as to their meaning or interpretation.

James B. Clouse

Subscribed and sworn to before me this 4 day of January,
1969.

Audrey Ann Crump
Notary Public

My commission expires August 31, 1971.

Exhibit A

October 29, 1966

Honorable Lawson 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:

I.

(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 I(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.

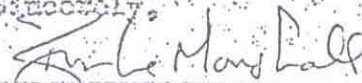
VII

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.

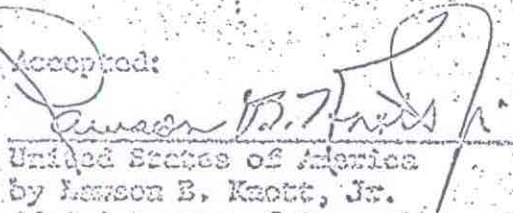
Please indicate your acceptance on behalf of the United States of America by executing the acceptance clause below.

Sincerely,



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

Accepted:



United States of America
by Lawson B. Keott, Jr.
Administrator of General Services

WRC

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 8 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