

This ~~XXXXXXXX~~ undated document filed in Judge Hallecks's court shows what can be interpreted as signs of government haste and uncertainty. The first two pages are without numbers. Both are considerably shorter than the long legal-sized pages lawyers use. This may indicate that in the last minute they were cut down, part of the argument abandoned. However, neither of the questions allegedly answered was new, neither is one the government should not have considered very carefully on a number of earlier occasions, and both are very much in point.

Evaded in the pretendedly legal gobbledegook is the basic fact that this was government property. its return to the government did not legally or morally permit the government to attach restrictive provisions having the effect of total suppression. Had this government property not been give away, in open and complete violation of the law, it would not have been subject to suppression. Giving it away provided the mechanism for invoking an inapplicable law and attaching the provision for suppression. Although illegal, the government has the greatest power int the world. Its abusive use here prevented examination of the pictures and X-rays in Louisiana court or in the Archives at the direction of Judge Halleck. In less polite language, the illegalities of what the government did in no way differs from what it charges against private citizens is a conspiracy when it enforces the laws it violates.

Item "I" is fiction, for the government could not accept "as property of the estate" what, under its own law, is not part of that estate. The estate is fixed as of the moment of death. This film came into existence hours later and were government property, not that of the President. For the government to say it could accept the "gift", "whether the papers technically belonged to the donor or not" is to say it can accept stolen property and defend the theft against the rightful owners, in this case the people of the United States. There is no question of "technicality". Actaully and in every other legal way, these tiems never stopped being the property of the United States, never at any time became the property of the estate or any Kennedy of Kennadys. Thus we have not only the government but the Department of Justice, the very agency whose purpose it is to protect and uphold the law, first engaging in an illegal, conspiratorial agreement and then upholding the theft of government property. *and on last page*

IN THE DISTRICT OF COLUMBIA
COURT OF GENERAL SESSIONS
CIVIL DIVISION

STATE OF LOUISIANA,)
)
Plaintiff,)
)
v,) Criminal No. 825-69A
)
CLAY L. SHAW,)
)
Defendant.)

MEMORANDUM

This Court has indicated its desire to be informed of the Archivist's position with respect to the following:

1. The proof of ownership of the autopsy x-rays and photographs.
2. The jurisdiction of this court to pass upon matters of privilege and the like.

The Archivist's response is, as follows:

I.

The Archivist received the materials covered by the letter agreement of October 29, 1966 as property of the

estate of John F. Kennedy, and never has challenged and does not now contest the original ownership of the materials as being in the Kennedy estate. The fact is that the letter agreement was executed on October 29, 1966, and on October 31, 1966 Burke Marshall, on behalf of the executors of the Kennedy estate, delivered possession of the materials to the National Archives, subject to the conditions contained in said letter agreement. Under the statute, 44 U.S.C. 397 (e)(1) the Administrator had the authority to agree to conditions for deposit, whether the papers technically belonged to the donor or not. Restrictions could be agreed to with respect to any materials of a President or former President, or "relating to and contemporary with any President or former President."

It is not now, and never has been, the policy of the Archivist to demand proof of technical legal ownership when such papers are received for deposit. Any such burden would serve to defeat, not implement, the purpose of the statute.