

clothing file

To JL, EH, PH, RF, EF from LW

3/15/83

Today I received from DJ, in response to a 1997 request, the attached two pages along with a draft of the GSA-Kennedy estate letter agreement, which I do not send.

It is obvious that none of this information ever qualified for any FOIA exemption. So, I wonder why it was withheld for so long and what review prompted its disclosure now.

What is clear is that earlier disclosure could have seriously embarrassed the government.

Among the potentially embarrassing elements is the unexplained great urgency in obtaining possession of both the clothing and the autopsy materials.

Among the possibly embarrassing evidentiary items is the shirt collar, which makes it clear that those alits were not and could not have been caused by a projectile of any kind, whether exiting, the official story, or entering.

For those who did not believe me when, on the basis of private information, I stated that Buckley did not have possession of this stuff, please note that the letter prepared for RFK's signature is explicit in confirming what I stated and published, that the Secret Service had had it all along.

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

OCT 4 4 30 PM '66
TO : Mr. Frank Wozencraft
Assistant Attorney General
Office of Legal Counsel

DATE: October 4, 1966

FROM : ~~Mr.~~ 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

Superseded

129-012-3
DEPARTMENT OF JUSTICE
1 DEC 5 1966
R.A.O.
RECORDED

060811

~~DRAFT~~ 10/4/66

Dear Dr. Bahmer:

129-012-3 BSB.

The family of the late President, Kennedy shares ~~in~~ ^{John F.}

the concern of the Government of the United States ~~of~~
~~Agree~~ that the personal effects of the late President
which were utilized as evidence before the Warren Com-
mission, as well as certain other materials relating to
the assassination, ~~of the late President,~~ should be de-
posited, 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 ~~or display~~
^(such as 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 ^{and} ~~or~~ 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

operators
estate of the
successors of the late President, with the approval of the

members of his family, named in paragraph (2), hereby
transfer and deposit with the Archivist of the United States
to the United States of America all the personal

*their
right, title
and interest*

clothing of the late President now in the possession of

the United States Government and *identified* enumerated in Appendix

A, together with those x-rays and photographs connected

with the autopsy of the late President *identified* as listed in

Appendix B, and the Archivist of the United States,

in accordance with the provisions of 44 U.S.C. 397(a) ⁽¹⁾ and ADM-

P 5450.39 dated May 5, 1964, ch. 8, para. 1, accepts *therein*,

~~that~~, for and in the name of the United States, for de-

posit in the Archives of the United States, subject

to the following *restrictions as to their use:*
~~conditions:~~

During the term of this agreement,
(1) ^{to} Access and inspection of the material referred

to in Appendix A and Appendix B shall be *permitted only* made available to

(a) Any *person authorized to act for a* 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 ^{the} ~~his~~ investigative jurisdiction, ^f

~~and any person authorized to act for such com-~~

mittee or agency.

(b) Any recognized expert in the field of medicine,

ballistics, textiles or any other area of science

or technology, ^{for purposes} 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 techni-

cal organizations in making such determination. The

Archivist ^{shall} may limit the scope of access and inspection

^{by} of any expert to that portion of the materials re-

ferred 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.

Access to and inspection of the material shall be

any of referred to in Appendix A and Appendix B

subject to such restrictions and limitations as may be

legally imposed by the Archivist ~~(or his successor)~~ and

which as he may deem appropriate for their safekeeping and

preservation, for the proper administration of the National

Archives, or for the effectuation of his obligation under

paragraph (2) hereof.

During the term of this agreement,
(2) ~~None~~ of the materials herein *transferred* given to the Govern-

~~ment of the~~ United States *and deposited with the Archivist* shall be placed on public dis-

play, nor shall photographs or other reproductions of any of

such materials, *the same are* (unless heretofore published as part of the
Warren Commission report or otherwise publicly distributed),

be published or otherwise publicly distributed or displayed,

the survivors or survivors of
during the lives of Jacqueline Bouvier Kennedy, ~~(Mrs. John F.~~

~~Kennedy),~~ Robert F. Kennedy, Edward Moore Kennedy, Patricia

Kennedy Lawford, ~~(Mrs. Peter Lawford),~~ Eunice Kennedy Shriver

~~(Mrs. Sargent Shriver)~~ and Jean Kennedy Smith, ~~(Mrs. Stephen~~

~~Smith),~~ without the *written* consent of all of them *the individuals named in paragraph (2) then living*

lost
page

the Kennedy family ~~designated pursuant to paragraph (2).~~
of a representative ~~empowered to act for them.~~ It shall be

the obligation of the Archivist to exercise his best
efforts to enforce the foregoing restrictions, *and, in furtherance*

thereof to
~~exercise of that obligation the Archivist shall be~~

~~required to~~ obtain advance agreement to the foregoing

restrictions from all persons permitted access to or

inspection of the materials, *pursuant to paragraph (1) or paragraph (2),*
~~in accordance with conditions~~

~~set forth herein,~~ and to take such further actions, *(including legal action to*
restrain violators of
said restrictions)

and to
impose such further restrictions and conditions upon

access and inspection, as he may deem appropriate.

(4) In the event of a wilful violation of this agree-
ment by any official acting or purporting to act on behalf

of the United States, ~~it is understood that the under-~~

signed executors or any of the persons named in paragraph

(3)
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.

(3) All duties, obligations and discretions herein
conferred upon the Archivist of the United States shall inure
to each holder of that office from time to time, and to any official of the
United States Government who may, hereinafter, become the successor to the

*with regard to the
Consent to Release of
Materials in the Archives by P. L. 89-318*

original terms
If these conditions are acceptable to the Government of the United States, please execute this agreement by 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 materials

listed in Appendix A and Appendix B, and shall remain in force

Sincerely,

Executors of the estate of
John F. Kennedy

Approved:

United States of America
by Robert H. Bahmer
Acting Archivist of the
United States

*for a three day
meeting of 4*

~~the terms of this agreement~~

- 6 -

(6) This agreement may be amended, modified or terminated only by the written consent of the Archivist and either all of the individuals named in paragraph (5) then living or the Kennedy family representative designated pursuant to paragraph (5)

(7) The Archivist shall be entitled to consult with ~~and to rely upon~~ the Kennedy family representative designated pursuant to this paragraph, and to rely upon his ~~state-~~ments in writing as representing the views of the Kennedy family in connection with the construction or application

APPENDIX A

Clothing worn by the late President at the time of his assassination, identified by the following exhibit numbers:

FBI No. C 26, 27, 28, 30, 33, 34, 35, 36.

~~FBI No. C 27~~

~~FBI No. C 28~~

~~FBI No. C 30~~

~~FBI No. C 33~~

~~FBI No. C 34~~

~~FBI No. C 35~~

~~FBI No. C 36~~

Commission Exhibit No. 393, 394, 395.

~~Commission Exhibit No. 394~~

~~Commission Exhibit No. 395~~

If this agreement in particular cases.
The Kennedy family representative shall

~~_____~~, provided however, that he or any successor designated as such may be replaced at any time by notice in writing

to the Archivist signed by all of the individuals named in paragraph (5) then living (and, if the estate of the late President shall not have been closed, by the exec-
utors).

APPENDIX B

Autopsy photographs and X-Rays.

[Number of each to be inserted]

Memorandum

TO : Mr. Frank Wozencraft
Assistant Attorney General
Office of Legal Counsel

DATE: October 12, 1966
HFR:mhl

FROM : ~~Wozencraft~~ Gold F. Reis
Executive Assistant to the
Attorney General

SUBJECT: Agreement with President
Kennedy's Executors

129-012-3	
DEPARTMENT OF JUSTICE	
1	DEC 5 1966
	R.A.O.
	RECORDED

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.

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

April 22, 1965

129-012-3
B.S.B.

Dear Dr. Burkley:

This will authorize you to release to my custody all of the material of President Kennedy, of which you have personal knowledge, and now being held by the Secret Service.

I would appreciate it if you would accompany this material personally and turn it over for safekeeping to Mrs. Evelyn Lincoln at the National Archives. I am sending a copy of this letter to Mrs. Lincoln with instructions that this material is not to be released to anyone without my written permission and approval.

Sincerely,

Robert F. Kennedy

Vice Adm. George G. Burkley
Physician to the President
The White House
Washington, D. C.

cc/Mrs. Evelyn Lincoln