

Dear Roger,

1/27/82

Hasty response to your 1/22 because I've two affidavits to do.

I don't buy your investigative thesis. It may be less sinister and I see no reason for GSA to convey anything back. If it had, there should have been a record.

Can you conceive that the two latter documents cover what was not in the physical possession of the family at the time of the first? Could government lawyers have raised any questions about physical possession?

The date of the memo of transfer is interesting, whether or not there is a connection with what makes it interesting to me. It followed upon the reading of Whitewash at Raeger, which was then sleeping with the CIA. The 10/29 letter agreement coincides with enormous attention to Whitesash, Inquest and Rush. The 10/29 letter agreement covers what was evidence before the Commission and the film that should have been wasn't but was discussed. I'm not clear on the attention to these materials in the other two books but it is considerable in mine.

When the clothing was transferred to the Archives, it came from the FBI. The film had been in the hands of the Secret Service until about then. Dick Whalen was promised a look at it by the appropriate Treasury Undersecretary but didn't get around to doing it. His article appeared the end of that year, SatEvePost.

Actually, it appears that Nutkley possessed nothing but a convenience for those on whose behalf he signed receipts and agreed to transfers.

I have no reason to believe that Bobby ever had possession or ever looked at anything. I believe the opposite.

I did send a copy to Hochp with restrictions, so maybe you and he would like to discuss the possibilities.

We are OK, thanks. The weather here has been about as up there, consistently cold and long below freezing, down to and below zero on occasion. With as much snow as I want to see at my age and condition. We manage to get around without any real problems. Most mornings I still go to the nearby mall to walk, without getting cold, which is a mono now.

Still providing our heat with wood, too! About the only exercise I get besides walking and exercycling.

Hope you've thrown your nasty cold,

best regards,

1-22-82

Dear Howard,

Thanks for your latest note. Sue came down with a rotten cold -- the first that Sue had in several years. The weather here is really beating down. I hope that means a good summer ahead.

If your interpretation of the earlier gift is correct (and I see no reason why it is not), I am nevertheless puzzled as to why the date of 10/29/66? It has to have been done, for more reason than simply attacking conditions, because it seems to me that the Kennedy family could have done that with the GSA's concurrence under the gift instrument which you recovered from the Criminal Division inventory, a copy of which you sent to me earlier this past year. This is the crucial issue raised by the documents at hand. One is hard pressed to ignore the logical supposition that, since a gift is a gift, the only difference between them (practically speaking) must be the subject matter. Obviously, the 10/29/66 letter agreement purports to convey to the U.S. a part of what the Kennedy family had already given!

There has to be another mechanical step here which we are missing. I propose as an investigative hypothesis that, after Buckley transferred the autopsy materials to Jensen, and either just before or just after Nowell packed them up, there must have been a written conveyance from the GSA back to the Kennedys. Of what? An interesting question. However, the terms of the conveyance may have been negotiated and agreed upon even before Buckley's transfer of the materials.

Without such an intermediate step, I don't understand

what legal force the 10/29/66 letter was intended to have:  
a true "gift"? mere restrictions? Both?

The documents which you have offered lay a very heavy burden on the US and CIA to explain precisely the disposition of the now "missing" materials. I can't imagine that they would not have been aware of this problem -- or that it could be a choice in the future -- at the time that the autopsy materials were supposedly transferred to the Kennedys. There must have been some way in which they sought to cover their asses.

Let's discuss this. Until we do, and until more facts come up, I agree with your decision not to circulate the 2/65 gift instrument.

Of course, wouldn't it be wild if written evidence negated the assumption that the missing materials were even in RFK's possession?

I hope that this letter finds you and Lillian both well.  
Stay warm.

Best,

Roger

P.S. The paper check is over in my FOIA suit, and it's now up to the judge whether I own or lose.