

United States District Court

2 P. 110

FOR THE District of Columbia

OSBELL, J.

2569-70

CIVIL ACTION FILE NO. \_\_\_\_\_

FOR THE United States District Court	HAROLD WEISBERG	Plaintiff	v.	U.S. GENERAL SERVICES ADMINISTRATION U.S. NATIONAL ARCHIVES & RECORDS SERVICE	Defendant	SUMMONS
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To the above named Defendant : U.S. NATIONAL ARCHIVES & RECORDS SERVICE

You are hereby summoned and required to serve upon

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

HAROLD WEISBERG, Pro Se

Complainant's attorney, whose address

is Route 8, Frederick, Maryland

answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

ROBERT M. STEARNS  
Clerk of Court.  
*Robert M. Stearns*  
Deputy Clerk.

Date: August 26, 1970

[Seal of Court]

Note:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

I hereby certify and return on the \_\_\_\_\_ day of \_\_\_\_\_ 1970

RETURN ON SERVICE OF MAIL

I received this summons and served it together with the complaint herein as follows:

Date: \_\_\_\_\_

[Seal of Court]

*[Signature]*  
Deputy Clerk  
Clerk of Court

taken against you for the relief demanded in the complaint

and MARSHAL'S FEES on execution of the day of service if you wish to go to the United States Marshal.

Travel Service \_\_\_\_\_ By \_\_\_\_\_  
Deputy United States Marshal.

Subscribed and sworn to before me, a \_\_\_\_\_ this

day of \_\_\_\_\_ at \_\_\_\_\_

[SEAL]

Note:—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

You are hereby summoned and required to appear upon

to the above named Defendant: \_\_\_\_\_

No. _____	United States District Court FOR THE	Defendant	SUMMONS IN CIVIL ACTION	days	Returnable not later than _____ after service.	Attorney for Plaintiff FPI-89-3-20-89-275M-3998
		Plaintiff				

CIVIL ACTION FILE NO. \_\_\_\_\_

5200-10

FOR THE

United States District Court

SUMMONS IN A CIVIL ACTION

(Continued on back cover sheet) (Rev. 1-1-80)

.....:  
HAROLD WEISSBERG :  
Route 8 :  
Frederick, Maryland :  
Plaintiff :  
v. :  
U.S. GENERAL SERVICES ADMINISTRATION: :  
Between 18th and 19th Sts. NW :  
and :  
U.S. NATIONAL ARCHIVES AND RECORDS :  
SERVICE :  
Pennsylvania Ave. at 8th St. NW :  
Washington, D. C. :  
Defendants :  
.....:

2569-70

Civil Action No. \_\_\_\_\_

C O M P L A I N T

(Pursuant to Public Law 89-487; 5 U.S.C. 552)

1. Plaintiff brings this action under Public Law 89-487; 5 U.S.C. 552.
2. Plaintiff is a professional writer, living and working in Frederick County, near the city of Frederick, in the State of Maryland. Plaintiff has published a number of books dealing with political assassinations and currently is devoting his full time and efforts to researching and writing additional books on this same subject.
3. The Defendants are the General Services Administration of the United States Government and its subsidiary, the National Archives and Records Service.
4. The Defendant National Archives is the repository for the official evidence relating to the assassination of President Kennedy. In this capacity, the National Archives is charged with the duty of making said evidence available, without favoritism or prejudice, but in accordance with the applicable laws, regulations and practices.
5. Mr. Burke Marshall, executor of the estate of President John F. Kennedy, entrusted some of this evidence to the care of the

National Archives under the terms of a Letter Agreement dated October 29, 1966, and signed by both Mr. Marshall and Lawson B. Knott, Jr., Administrator of General Services. (Exhibit A)

6. The clothing worn by President Kennedy on the day of the assassination was among the evidence transferred to the custody of the General Services Administration under the terms of the October 29 Letter Agreement.

7. Said Letter Agreement classified the clothing of President Kennedy as Appendix A material and provided that such clothing could be made available to certain classes of persons, among them:

(b) Any serious scholar or investigator of matters relating to the death of the late President, for purposes relevant to his study thereof.

8. Prior to August 6, 1967, Plaintiff verbally requested that he be allowed to examine the President's clothing. On and subsequent to that date, Plaintiff has requested in writing that he be granted access to said clothing.

9. In hopes of avoiding both a dispute over access to this evidence and unnecessary court litigation as well, Plaintiff proposed as an alternative that photographs of the President's clothing be taken for him and at his expense.

10. Plaintiff's requests that he be allowed to examine the President's clothing or have it photographed for him were first ignored by the General Services Administration; later they were denied.

11. In denying Plaintiff's requests, the National Archives referred to restrictions in the Letter Agreement which were for "the stated purpose of preventing the undignified and sensational use of the materials presented to the Government ..." (Exhibit B) This is the sole justification which has been advanced by the Defendant National Archives as grounds for the suppression of these materials.

12. Plaintiff submits that his requests are capable of being granted in such manner as to preclude the possibility of any undignified or sensational use of the materials.

13. In this regard, Plaintiff points out that his original request was that he be allowed to examine the President's clothing, under the proper supervision of the officials at the National Archives. Such an examination would not be susceptible to "undignified or

sensational use (such as for public display)", since it is not capable of reproduction, much less reproduction for public display. Moreover, officials at the Archives have permitted Plaintiff to personally examine the clothing of Lee Harvey Oswald, thus establishing a precedent which should apply to the President's clothing as well.

14. Secondly, Plaintiff has requested that, as an alternative, photographs of the President's clothing be taken, at his expense, and delivered to him by the National Archives staff.

15. Plaintiff points out that prior to this date only such photographs of the President's clothing as depict gore and are capable of undignified and sensational use have been widely disseminated. Indeed, it was pictures of this sort which were made available by the Warren Commission itself, and under such circumstances as insured their widespread undignified and sensational use.

16. Further, Plaintiff wishes to emphasize that in an effort to eradicate any suggestion of possible undignified or sensational use he has submitted a request for a photograph of a very small area of damage on the front of the President's shirt. A photograph of this small area, measuring less than an inch across, is in no wise susceptible to undignified or sensational use. On the contrary, such a photograph is of value only to persons able to evaluate it through scholarly examination.

17. The Letter Agreement designated the following as Appendix A materials:

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.

Missing in this catalogue is FBI Exhibit No. 60, which could not be more relevant, as Paragraphs 18 - 34 of the attached addendum show, especially Paragraphs 29 - 34.

Under the terms of the Letter Agreement which pertain to Appendix A materials, the Administrator of the National Archives "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".

(Exhibit A)

19. By the same token, the Letter Agreement has vested the Administrator with authority to make available to the Plaintiff the materials he seeks. The discretionary authority of the Administrator to grant access to the clothing and to permit photographs of it has recently been reaffirmed by Burke Marshall in his letters to the Plaintiff dated April 30 and May 25, 1970. (Exhibit C).

20. Under the provisions of the Freedom of Information Act, Defendant National Archives has the burden of justifying its refusal to accede to Plaintiff's requests.

21. Thus far Defendant National Archives has failed to adduce any reasons for the suppression of this evidence which hold up under analysis.

22. Plaintiff has sought relief at all appropriate levels and has consistently been denied his requests by the responsible agency officials, where they have not ignored his requests and failed to respond to them.

23. Plaintiff alleges that the Letter Agreement between Burke Marshall and the National Archives constitutes a fraud upon the public and should be declared an illegal or void contract upon the following grounds:

1) That the Letter Agreement is contrary to sound public policy.

2) That as a contract the Letter Agreement is void for vagueness.

3) That the Letter Agreement is a legal nullity because its terms were broken in advance by the Warren Commission's publication of gory photographs of the President's clothing as well as having been waived later on by the executor of the Kennedy estate, Mr. Burke Marshall.

4) That some of the materials transferred under the terms of the Letter Agreement, specifically, the autopsy X-rays and photographs, were stolen property and could not be the subject of a valid contract.

24. Plaintiff alleges in the alternative that, should the Letter Agreement be held to be a valid contract, Plaintiff meets all legitimate requirements set forth by said Letter Agreement and has

wrongfully been denied his requests by the Defendant National Archives, in violation of the Freedom of Information Act.

25. Wherefore Plaintiff asks the court to grant relief in the following form:

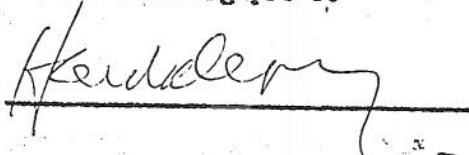
A. By ordering Defendant National Archives to allow Plaintiff to examine the President's clothing under proper supervision.

B. By ordering Defendant National Archives to allow Plaintiff to make photographs of said clothing at his expense.

C. By declaring the Letter Agreement between Mr. Burke Marshall and the Defendant National Archives null and void, and by restraining the Defendant from any further use of said Letter Agreement as a pretext for denying Plaintiff access to the previously described materials.

26. The above paragraphs lay the legal basis for Plaintiff's action against the Defendant. However, there is much background to the complaint, and in order to assist the court's understanding of this material and its significance as regards the national interest, Plaintiff has prepared a memorandum of fact and law which he hereby submits as a separate Addendum.

Harold Weisberg pro se



Dated: August 26, 1970

## I. THE IMPORTANCE OF THE CLOTHING AS EVIDENCE.

## A. What the Evidence Must Show to Support the Official Theory.

1. The Warren Commission alleged that one virtually pristine bullet, Commission Exhibit 399, inflicted all seven non-fatal wounds suffered by President Kennedy and Governor Connally. In its virtuoso performance, this bullet smashed bones in three parts of the Governor's body - after having passed through the body of the President - and emerged, as if by miraculous conception, almost wholly intact and virtually unmarred and undeformed. (Exhibit D)

2. Without this stellar performance by Superbullet, the crime could not have been committed as officially alleged; for if one bullet did not cause all seven wounds, then there had to be a second assassin.

3. As a corollary, it is also true that, if the crime was committed as officially alleged, there would have to be a bullet hole in that portion of the President's shirt which corresponds to the lower right rear of the neck, two bullet holes in the overlap of the front neckband of the shirt, and a bullet hole through the knot of the tie, all caused by the bullet depicted in CE 399. (Exhibit D)

4. It is on this account that the shirt and the tie are among the most basic evidence relating to the assassination. Ultimately, they by themselves may provide proof as to whether the assassination was committed by one man alone, or by a conspiracy of two or more, a fact which may account for their suppression.

## B. The President's Clothing Was Never Properly Examined Before The Warren Commission.

5. The President's clothing was placed in evidence before the Warren Commission. Whether or not the Warren Commission realized the evidentiary importance of the clothing, and it is somewhat difficult to believe they did not, the Commission failed to have the relevant experts examine the clothing. No experts in forensic medicine were called by the Commission, though they were readily available, nor were the appropriate experts from the FBI and Secret Service summoned to examine this evidence.

6. Instead, the Commission drew upon the opinions of ordinary doctors whose skills were in laboratory work. Additionally, the



Commission called in one FBI ballistics expert, but his testimony in this area was both incompetent and equivocal.

7. In short, the conclusions reached by the Warren Commission are not justified by the testimony it heard.

C. Other Relevant Evidence Also Suppressed.

8. Unfortunately, suspicion of the Warren Commission's conclusions and even the possibility of their validity is further heightened by the suppression of other basic evidence.

9. Most notorious, of course, is the illegal suppression of what is - or perhaps was - the best available evidence, the X-rays and photographs taken as part of the autopsy done on President Kennedy.

10. In addition to this crude and blatant cover-up, the spectrographic analysis of the metallic traces on threads of the President's clothing was also suppressed; it still remains suppressed, although a suit has been filed to get it released.

11. The only testimony before the Warren Commission about spectrographic analysis was taken from a witness who specified his incompetence and designated his own testimony hearsay.

12. The spectrographer who performed the tests on the President's clothing was called before the Warren Commission, but he was never asked a single question about this spectrographic analysis.

13. The significance of spectrographic analysis lies in the fact that it permits an unequivocal statement as to whether the traces remaining on the President's shirt do or do not exactly coincide with the metallic content of the bullet known as CE 399.

14. The importance of this suppression of the spectrographic analysis assumes even greater proportions when it is understood that the testimony given before the Warren Commission indicates there were no metallic traces in either of the two holes in the neckband of the President's shirt or on the nick made on the extreme left-hand side of the knot.

15. Since this magic bullet, CE 399, left metallic traces on everything else it allegedly struck, as, for example, the back of the President's shirt, it is logical to infer that the damage to the neckband and tie was not caused by CE 399 or any other bullet.

16. This inference is strengthened by the fact that, while

this bullet is alleged - in the "official" version - to have gone through the President's tie knot, observation establishes that this was accomplished without a hole being made in it, since there is only a slight nick on the extreme lefthand side of the tie.

17. The suppression of the autopsy X-rays and photographs, taken in conjunction with the suppression of the spectrographic analysis and the refusal to let Plaintiff examine the President's clothing - these things suggest an obvious explanation: The basic evidence of the assassination is suppressed for the simple reason that it contradicts the official version of how that assassination was carried out.

## II. PHOTOGRAPHS OF THE CLOTHING AS EVIDENCE.

### A. Types of Photographs.

18. The photographs of the President's clothing which are contained in the Warren Commission's residual files are of a type known as reproduction copies. All photographs of the clothing delivered to the Commission by the FBI were of this type.

19. These reproduction copies are made from negatives which are designed for pictures used in offset printing, rather than as photographic pictures.

20. Such offset photos contain myriads of small dots called a "screen". These dots are invisible to the naked eye, but they are essential to the photoengraving process by which reproduction by printing is accomplished.

21. Unfortunately, upon enlargement the dots dominate and hide the content of the offset pictures, even when a simple magnifying lens is used.

### B. Types of Photographs Available to Public and Scholars.

22. There is no restriction upon the availability of or use of reproduction photos; although they show nothing but gore and cannot be properly enlarged, such photos were emphasized in the Warren Report and its supplementary volumes and were released by the Government in order that they might be widely disseminated, as they were.

23. Defendant National Archives informed Plaintiff that it had made its own photographs of the clothing, in order that the shirt could be studied by those doing research into the assassination.

24. It is obvious that the reproduction photos taken by the FBI and delivered to the National Archives by the Warren Commission were useless; had they been in any way adequate for study and research, then it would not have been necessary for the Defendant to take its own pictures for use in such research.

25. Defendant National Archives permits examination of the photographs it took of the President's clothing and has shown them to Plaintiff; however, the Archives refuses to follow its customary practice of making copies for sale to persons doing research.

26. The reason given by the Archives for refusing to make available its clear and usable photographs is the pretext given in the Letter Agreement: to prevent their undignified and sensational use. But the reason is spurious. Those photos which were released for widespread public distribution portrayed nothing but gore and have no evidentiary value. Those withheld, including Plaintiff's request for a photo of a very small area of damage, were of evidentiary value but not susceptible of sensational or undignified use.

#### C. The Photographs as Evidence.

27. The FBI is the major crime detection agency in the world's most technologically advanced nation. Consequently, the only photographs which the FBI delivered to the Warren Commission were reproduction copies made for use in offset printing; that is, the type of photographs with the lowest evidentiary value.

28. It should be pointed out here that reproduction photos are made from photographs capable of enlargement without distortion; thus, it must be remarked that the FBI went to some extra trouble in order to provide the Commission with reproduction copies, for it already had the kind of photograph suitable for enlargement.

29. One of the photos the FBI presented to the Warren Commission was a composite described as FBI Exhibit 60. The point at which Bullet 399 is said to have entered the President's shirt is enlarged and added as one of the inserts in FBI Exhibit 60. Plaintiff emphasizes that this FBI Exhibit 60 is not itemized in the appendix to the Letter Agreement, as quoted in Paragraph 17 of this Complaint.

30. Strangely, the damage to the shirt depicted in this enlargement does not coincide with that discernible in the picture of the entire back of the shirt, both the shape of the hole and its relationship to the vertical stripes in the pattern of the shirt being different.

31. The Department of Justice has given Plaintiff prints of such pictures which are of the kind which permit enlargement without distortion. These photographs make it possible to provide an "innocent" explanation of the discrepancy pointed out in paragraph 30 above; an explanation which could not be brought forth were Plaintiff restricted to the reproduction-type photographs the FBI provided to the Warren Commission.

32. For whatever reason, the fabled FBI, agency with a multitude of experts, possessor of arcane skills, developer and refiner of recondite sciences - said FBI reversed the vertical direction of the enlargement when making its composite picture for FBI Exhibit 60.

33. Plaintiff feels constrained to point out that he has no innocent explanation as to why the FBI furnished the Warren Commission with useless reproduction-type photos, or, for that matter, why the FBI considered it necessary to predigest evidence for the Commission by compiling a composite photo.

34. Whatever the FBI's motive may have been, the error was not detected by the Commission. Although this does not necessarily reflect on the competency of the Commission's staff, it does point up the special way in which the public interest requires an unofficial examination of all the evidence. For regardless of the competency of the Commission staff, or its integrity, Plaintiff has here uncovered an instance of an official agency providing the Commission with manufactured evidence, and at that, evidence which is essential to an understanding of the nature of the assassination, and who may have perpetrated it, and how.

### III. CIRCUMSTANCES SURROUNDING THE LETTER AGREEMENT AND AN EXECUTIVE ORDER.

#### A. Circumstance I: Time.

35. The Letter Agreement transferring the President's clothing to the Archives was dated October 29, 1966. That date is significant. It is somewhat more than two years after the Warren Report was filed.

36. By this date the Warren Report had come under severe criticism. Plaintiff had published the first book on this subject, Whitewash: The Report on the Warren Report. By October 1966, Whitewash and three other books were receiving widespread international attention,

and one of these books became a "best seller".

37. Thus, by the Fall of 1966 the Government which prepared the official account of the assassination was in distress. Under direct attack, the official version rapidly lost credibility; indeed, a Lou Harris poll revealed that two-thirds of the American public no longer believed it.

38. By the most accidental of coincidences, the Acting Attorney General of the United States picked this very moment to issue an Executive Order, stating:

.... I have determined that the national interest requires the entire body of evidence considered by the President's Commission on the Assassination of President Kennedy and now in the possession of the United States to be preserved intact. (Exhibit E)

39. Both the Letter Agreement and the Executive Order were accompanied by enormous public relations fanfare, and an accommodating press, not to say a handmaiden, heralded both events as meaning that no evidence was suppressed and that all the evidence confirmed the official story of the crime.

40. The alleged reason for the Executive Order and the Letter Agreement is the preservation of evidence. Had that been the real objective, one doubts that there would have been a lapse of more than three years after the assassination and more than two years after the issuance of the Warren Report before these actions were taken. Rather, they would have been done, at the very latest, prior to the ending of the Warren Commission, and not at a time when a government troubled by popular disbelief desired its myths to be buttressed by propaganda.

#### B. Circumstance II: Falsification.

41. If either of these acts had any relation to preservation, then it was to the preservation of a false and distorted picture of the assassination and of the availability of the important evidence in regard to it.

42. Thus, one of the provisions in the Letter Agreement "gave" the autopsy X-rays and photographs to the Archives. In this manner, the Government became the beneficiary of its own property and the bestower of stolen property gained a reputation for magnanimity. More important, this maneuver enabled the Government to pretend it could

receive back property stolen from it under restrictions which would give the Government a pretext for the suppression of basic evidence. Thus, even if the press did not bruit it about, the X-rays and photographs taken in the course of the autopsy - the best available evidence - received a burial ceremony.

43. Coinciding with the fanfare over the Letter Agreement was a statement attributed to the autopsy doctors, that they "confirmed" the authenticity of the autopsy pictures. Since these doctors had testified before the Warren Commission that they had never seen these pictures, either their testimony before the Commission was perjurious or the statement was false or falsely attributed to them. Similarly, another statement attributed to the doctors - that these pictures confirmed the accuracy of the autopsy - was also false.

C. Circumstance III: Discrimination.

44. On November 1, 1966, in the aftermath of the sensational publicity surrounding the Letter Agreement, Plaintiff requested a copy of said Letter Agreement. The National Archives refused Plaintiff's request. The reason given was that any use would constitute sensational or undignified use. If genuine, as it was not, this condition would never change.

45. Thereafter, one Fred Graham arranged an exclusive release of said Letter Agreement to him and his newspaper, the New York Times.

46. In this regard, Defendant National Archives violated its own regulations, which would require that Plaintiff have had equal access to said Letter Agreement as Mr. Graham, in order that he could have not less than an equal opportunity for first use. Instead, the National Archives did not properly notify Plaintiff or even mail him a copy of what had been withheld from him, so that no one could act until after an erroneous interpretation had been foisted off on the people and fastened upon history. (Exhibit F)

47. In this fashion, Defendant not only discriminated against Plaintiff but also abetted the sensational and undignified misuse of the Letter Agreement by making propaganda, which is entirely inappropriate in Government, especially on such a subject and by an agency of allegedly only scholarly interests and purposes.

48. The clear inference from this is that to Defendant National

Archives "sensational and undignified use" is "only a cover for suppression, until such time that the documents sought can be assured sufficient pre-government coverage.

49. Plaintiff has challenged both Mr. Burke Marshall and the Defendant to show how any but the proscribed use could be made of the reproduction photos so widely disseminated. The challenge was not accepted. Conversely, Plaintiff has challenged Mr. Marshall and the Defendant to show how the photographs he seeks could conceivably be used for sensational and undignified purposes. Again, the challenge was declined.

#### IV. Summary.

50. The documents which Plaintiff seeks have been refused him on the grounds that the Defendants wished to prevent their "sensational and undignified use". The details which give this claim the lie have been outlined above.

51. There is, however, a shorter and less complicated test. It is simply this: Has not the continuing suppression only served to foment wild speculation, ugly rumor, suspicion and distrust of the Government?

52. The answer is obvious. One need cite only a single instance: the morbid rumor that President Kennedy is still alive, as a vegetable, in Parkland or Bethesda Hospitals.

53. The question before the Court is whether the Government and its agencies are to be allowed to suppress information about the assassination of President Kennedy. Essentially, the Court must decide whether it is going to allow free reign to every bureaucratic subterfuge in order that a lie may be protected.

54. The question is one of great importance, for the nation is in deep trouble. At issue is whether or not it can be cleansed by lies, have its problems solved through deception.

55. The fact is that the official record set forth above is exactly what Public Law 89-487; 5 U.S.C. 552 was conceived, designed and promulgated to prevent, suppression disguised with prettily phrased but false and deceptive language.

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



the 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

bert 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.

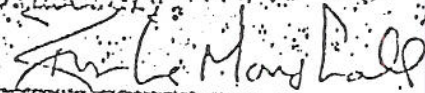
#### VII

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

of 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.

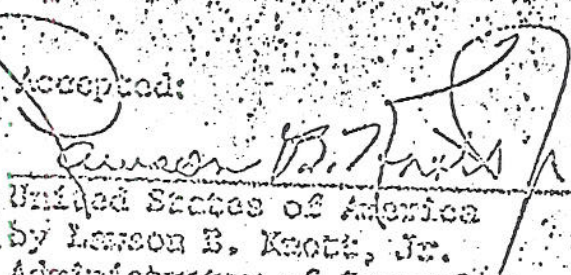
Please indicate your acceptance on behalf of the United States of America by executing the acceptance clause below.

Sincerely,



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

Accepted:



Larson B. Knott, Jr.  
United States of America  
by Larson B. Knott, Jr.  
Administrator of General Services

WDR

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 13 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

Exhibit B

GENERAL SERVICES ADMINISTRATION



National Archives and Records Service

Washington, D.C. 20540

August 4, 1957

STANDARD FORM NO. 64

Mr. Harold Weisberg  
Coq d'Or Press  
Kyattotowa, Maryland 20734

Dear Mr. Weisberg:

This is in reply to your letter of July 23, 1957.

We have received several requests similar to yours to make individual items of records available to researchers in advance of the time when we could make the chronological files to which those items belong available. We have not complied with those requests because we wanted (1) to make the records available in an orderly way rather than in a haphazard and piecemeal fashion and (2) to treat all researchers equally. We have kept a list of those who have made such requests in order that we could notify them when the records are available. We have added your name to the list.

We expect that we will be able to make available by September 15, the files of correspondence and internal memoranda of the Commission that can be released under the guidelines. This will include records in which you are interested. You will be notified at the time. Our usual procedure will be followed. We have no plans to publish any of these records, and copies will not be furnished to anyone who does not order them on his own initiative.

We have made a search in relevant files for records which you say should be in the autopsy file. A signed carbon copy of the autopsy report with the original and a carbon copy of the Herley memorandum attached has been located. This has been placed in the autopsy file since it bears the file number for that file. A copy of it will be furnished to you. You will then have copies of everything in the autopsy file except the two memoranda to which you refer. Copies of these will be furnished to you when the files of correspondence and internal memoranda are made available for research.

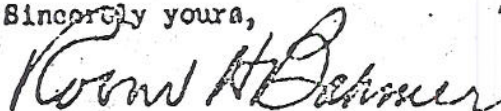
We are preparing for you copies of the records relating to Governor Connolly's injuries that have previously been made available. There is a file classification manual used by the Commission which you may examine to determine whether it is what you have in mind in speaking of a file chart of the Commission's records.

Keep Freedom in Your Future With U.S. Savings Bonds

Documents relating to the gift of President Kennedy's clothing and the photographs and x-rays concerning the autopsy are not available for research. The restrictions in the deed of gift for the stated purpose of preventing the undignified and sensational use of the materials presented to the Government are understood to apply also to the selected documents.

I wish to report that it has consistently been our policy to provide access to records on a basis of complete equality for all. You will be notified promptly if any records in which you are interested become available.

Sincerely yours,



Robert H. Bahmer  
Archivist of the United States



Exhibit c

Burke Marshall

916 Orchard Road, Armonk, New York 10504

April 30, 1970

Mr. Harold Weisberg  
Coe d'Or Press  
Route 8  
Frederick, Md. 21701

Dear Mr. Weisberg:

The terms of the agreement by which the Kennedy family gave the autopsy photographs and related materials to the United States gave the Archivist full authority to handle requests for access to the clothing in such a manner as to prevent undignified or sensational reproduction. This included authority to use photographs of the clothing as he saw fit. There is no requirement that the Archivist consult with me on each individual request, and he has not done so. As far as I am concerned, the Archivist is and has been acting properly and appropriately on all such matters.

Sincerely,

*Burke Marshall*



YALE LAW SCHOOL  
NEW HAVEN, CONNECTICUT 06520

May 25, 1970

Mr. Harold Weisberg  
Coq d'Or Press  
Route 8  
Frederick  
Maryland 21701

Dear Mr. Weisberg:

Your pictures are returned herewith. As I have previously told you, this is a matter on which the Archivist is not required to consult me, and he has not done so. I repeat that as far as I am concerned, he is fulfilling his obligations under the agreement with the Kennedy family with care and honor.

Sincerely,

Burke Marshall

Exhibit D



Exhibit D

## DEPARTMENT OF JUSTICE

Office of the Attorney General

## PROVIDING FOR THE ACQUISITION AND PRESERVATION BY THE UNITED STATES OF ITEMS OF EVIDENCE PERTAINING TO THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

Under the authority vested in me by the Act of November 2, 1965 (Public Law 89-315; 79 Stat. 1195), I have determined that the national interest requires the entire body of evidence considered by the President's Commission on the Assassination of President Kennedy and now in the possession of the United States, to be preserved intact.

Accordingly, pursuant to section 2(a) of the Act, I hereby determine that all of the items of evidence not owned by the United States which were considered by the Commission, and were not returned by the Commission to the person who furnished them, should be acquired by the United States and be preserved together with all of the items of evidence already owned by the United States.

The items acquired hereunder are more particularly described in the appendix annexed to and made a part of this notice. This notice and appendix shall be published in the FEDERAL REGISTER, and title to the items acquired pursuant to the foregoing determinations shall thereupon vest in the United States pursuant to section 2(b) of the Act.

Dated: October 31, 1966.

RAMSEY CLARK,  
Acting Attorney General.

## APPENDIX

## 1. The following weapons:

(a) One 6.5 mm. Mannlicher-Carcano rifle, with telescopic sight, Serial No. C2766, including sling and cartridge clip. (Commission Exhibit No. 139.)

(b) One .38 Special Smith and Wesson revolver Serial No. V510210, Assembly No. 65248, with appurtenances. (Commission Exhibit No. 140.)

2. (a) All other items of evidence which were assigned exhibit numbers by the Commission or its staff (such items being listed, described, and reproduced in Volumes XVI through XXVI of the Hearings before the President's Commission on the Assassination of President Kennedy, United States Government Printing Office, 1964, hereinafter referred to as the "Commission's Hearings"), other than those items which were returned by the Commission to the person who had furnished them.

(b) For the purposes of the preceding paragraph, the term "exhibit numbers" shall be deemed to include (1) Commission exhibit numbers 1 through 3154, including all such numbers with suffixes, listed in Volumes XVI through XXVIII and Volumes XXII through XXVI of the Commission's Hearings, and (2) all exhibit numbers listed in Volume XIX through XXI of the Commission's Hearings under the names of specific individuals beginning with the name "J. U. Allen" and ending with the name "Ralph W. Yarborough."

3. Other items of evidence collected for the Commission by the Federal Bureau of Investigation, as hereinafter described, designated by the exhibit numbers originally assigned to such items by the Bureau. Items originally assigned FBI exhibit numbers which were subsequently given Commission exhibit numbers are generally omitted from the list below since they are included in the items covered by paragraph 2 of this Appendix. Unless marked with an asterisk, items listed below were collected under circumstances indicating they were in the possession of or attributable to Lee Harvey Oswald or his wife, Marina.

FBI exhibit No.	Description
1-43	Photos and pictures.
44-84	Postcards.
85	Negatives.
86	18 Christmas cards; 5 envelopes; 5 folded note papers with flowered border.
87	Christmas card with picture of "mother."
88	Christmas card from "mother."
89	Photographs.
90	Oswald's Marine Corps class book.
91	Hammond Doubleday World Atlas.
92	Modern Postage Stamp Album.
93	Technika Russian magazine.
94-95	Russian books.
96	Russian book.
97	Copy of Militant (10-7-63).
98	Copy of Worker (10-20-63).
99	Copy of Friend's World News (4/63).
100	Copy of Pocketbook entitled "1984" by George Orwell.
101-104	Russian pamphlets.
105	Application for FPCC.
106	Handbills entitled "Hands Off Cuba! Join the FPCC."
107	Receipt for fine for 2d Mun. Court, New Orleans, 8-12-63 No. 21902 and newspaper clipping.
108	Pamphlets by Corliss Lamont "The Crime Against Cuba."
109	Road map "Eastern States" (Cities Service).
110	Texas Highway Map (Phillips 66).
111	Map of Moscow.
112	Map of Minsk.
113	Map of City of New Orleans.
114	Map of "Beautiful Russia."
115	Map of the world.
116	No Admittance sign.
117	Notebook with designs.
118	Red Russian stamp folder with stamps.
119	Pocket size blue book apparently identification booklet with small photograph of Oswald.
120	Brown billfold with Marina group photograph.
121	Fair Play For Cuba Committee, New Orleans Chapter ID Cards.
122	Sheets of English writing, both sides which appear to be a diary.
123 (D43)	Sheets of lined paper in green ink printing containing comments re CPUSA.
124	Negative offset print of Russian city.
125	Brown Manila envelope from Department of the Navy directed to Mr. Lee H. Oswald, Minsk, USSR.

FBI exhibit No.	Description
122	Single sheet in black ink printing entitled "The New Era."
123	Pages of blue ink handwriting numbered 1-11 on Holland-America Lane stationery.
124	Sheets of blue ink handwriting Holland-America Lane stationery, numbered 1A through 4A.
125	Sheets of blue ink handwriting on Holland-America Lane stationery, numbered 1B and 2B.
126	Folder captioned "Bloknots."
127-185	Letters in Russian script.
186	Withholding Tax Statements for 1955 and 1956 for Lee Oswald.
189	Withholding Tax Statements for 1955 and 1956 for Lee Oswald.
170	Deposit slip NO Public Service No. 424702, Dallas City Water Works Deposit Slip K33331 and Texas Employment Commission slip dated 4-16-63 (all in name of L. H. Oswald).
171	Rent receipt 8-9-63, signed I. Dawson (New Orleans).
172	Receipt from U.S. Department of Justice for \$5 (IRS) in name of Marina N. Oswald.
173	Birth certificate for Audrey Marina Rachel Oswald born 10-20-63, No. 19123, Dallas, Tex.
174	Social Security Receipt Oswald (Social Security No. 433-54-3937, 8/C3).
175	Withholding Tax for 1956 in name of Lee Harvey Oswald.
176	Invoice No. 13210 USA, Dept. of State, in name Oswald, transportation costs \$435.71.
177	A promise by Oswald to pay loan to Department of State.
178	Remittance slips, State Department Nos. 22249, 22251 and 22252, addressed "Oswald Box 2916, Dallas, Texas."
179	Receipts from U.S. Department of State, Nos. 1162090, 1162091, 1162095 and 1162098.
180	INS form I-69 in name of Marina Oswald.
181	Enclosure Form FDI-190 (INS) in name of Lee Harvey Oswald.
182	Russian language forms, one entitled "ABRETA."
183	Form FD-203, Application for Review of Discharge from Armed Forces of the United States (two sheets).
184	Booklets which appear to contain embroidery patterns.
185	Color slips.
186	Pack of 25 9/16 in name Sgt. Oswald, Eobya HCO, Open Minsk.
187	Empty envelope to Mr. and Mrs. Lee H. Oswald from Vernon, Tex.
188	Magazine wrapper addressed to Lee H. Oswald from Minsk.
189	Pamphlet No. 13 Russian document.
190	Hand sketches on plain paper.
191	One letter and envelope from John Connally to Lee H. Oswald.
192	Foreign language magazine pages.

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. 277(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) 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 as reporting the views of the Kennedy family, in connection with the construction or application of this agreement in a particular case.

or by 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.

or by 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.

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 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,  
/s/g/Burke Marshall  
Burke Marshall, on behalf of the executors of the estate of John F. Kennedy.  
Accepted:  
/s/g/Lawson B. Knott Jr.  
United States of America  
By Lawson B. Knott Jr.  
Administrator of General Services

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.

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 col or 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.

# OFFICE OF THE ARCHIVIST OF THE NATIONAL ARCHIVES

## Archives Releases Text of Agreement Transferring Records of the Autopsy

The text of Kennedy letter will be found on Page 15.

Special to The New York Times  
WASHINGTON, Jan. 5—The National Archives made public today the text of the agreement under which autopsy photographs and X-rays of President Kennedy's body will be held secret until Oct. 29, 1971.

Robert H. Bahner, director of the Archives, released the text of the agreement under which the Kennedy family turned the autopsy materials over to the Archives.

Persons who have seen the 67 X-rays, black-and-white photographs and color transparencies that were taken during the autopsy say they give strong support to the Warren Commission's conclusion that Lee Harvey Oswald acted alone in killing President Kennedy.

### Given to Family

They were given to the Kennedy family by the State Service immediately after the autopsy and for reasons of taste were not included among the Warren Commission's evidence.

The agreement, dated Oct. 29, 1966, provides that only official Government investigative bodies and private experts approved by the Kennedy family can see the material for the first five years.

After that period, "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 President" may see the 67 photographs and X-rays.

The agreement specifies that a representative of the Kennedy family will determine which records have the qualifications and access purposes.

FOR IMMEDIATE RELEASE  
JANUARY 5, 1971  
THE NATIONAL ARCHIVES  
COLLEGE PARK, MARYLAND  
20740

WASHINGTON, Jan. 5—Following is the text of a letter on the personal effects of President Kennedy gathered as evidence after his assassination and deposited by the Kennedy family in the Archives of the United States:

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. 210101, 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) 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.

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).

of or any person designated by the Administrator 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 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.

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 in 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

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,  
/s/Burke Marshall  
Burke Marshall, on behalf of the executors of the estate of John F. Kennedy.  
Accepted:  
/s/Lawson B. Knott Jr.  
United States of America  
By Lawson B. Knott Jr., Administrator of General Services

Appendix A  
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Commission Exhibit Nos. 393, 394, 395.  
FBI Exhibit Nos. C26, C27, C28, C30, C33, C34, C35, C36.

- 2. 7 envelopes containing 4x5 negatives of autopsy material.
- 3. 5 envelopes containing 4x5 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.
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Persons who have seen the 27 X-rays, black and white photographs and color transparencies that were taken during the autopsy see them with strong support to the Warren Commission's conclusion that Lee Harvey Oswald acted alone in killing President Kennedy.

Given to Family  
They were given to the Kennedy family by the State Service immediately after the autopsy and for reasons of taste were not included among the Warren Commission's evidence.

The agreement, dated Oct. 29, 1966, provides that only official Government investigative bodies and private experts approved by the Kennedy family can see the material for the first five years.

After that period, "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" may see the 63 photographs and X-rays. The agreement specifies that a representative of the X-

Dr. Palmer said in an earlier view that it was not intended to be in the possession of the Kennedy family at the time of the assassination.

# KENNEDY X RAYS

## SECRET TILL 1971

Continued From Page 1, Col. 2

material would be made without authorization. Unless there are special circumstances, he said, any qualified pathologist who is studying the assassination will be allowed to see the items.

Burke Marshall, who is acting as the Kennedy family's representative, confirmed this interpretation in a telephone interview.

Mr. Marshall, who is general counsel for the International Business Machines Corporation in New York, said, however, that after the material had been available to experts for some time and their findings had been made public, the Kennedy family could possibly reject some requests on the ground that it believed the applicants' motive was not a "serious purpose" but just morbid curiosity.

### Files with Description

The text of the agreement and the interpretations given today jibe with the description of the document that was given by Justice Department spokesmen when they announced the arrangement on Nov. 1, 1966.

However, the exact wording of the agreement was not made public until today, and some critics of the Warren Commission's findings had implied that the autopsy material would be kept from scholars for many years.

The agreement was drawn by Mr. Marshall in a letter to Lawson B. Knott Jr., Administrator of the General Services Administration, the Government agency responsible for the maintenance of records and property.

It provides that a successor representative of President Kennedy's family may be named by Mrs. John F. Kennedy. In the event of the death or disability of Mrs. Kennedy, a successor may be designated by the President's brother, Senator Robert F. Kennedy, Democrat of New York.

The succession continues through another brother, Senator Edward M. Kennedy. Should all three die or be disabled, the designation of a representative shall be made by any adult child of the late President or by any of his sisters with the advice of other members of the family.

### Book Says Report

In a recently published book that criticizes the Warren report, "Accessories After the Fact" Sylvia Mesgher, the author, charged that "the terms of the transfer of this evidence to the Archives were such that the photos of the X

*RAY'S WILL NOT BE MADE AVAILABLE*

posed a public display during the life of the President's widow, children, parents, brothers and sisters.

Although Government investigators and persons approved by the Kennedy family could have been permitted to see the autopsy during the first five years, Dr. Bahater said no one had in fact seen them. No Government agencies have asked, he said, and Mr. Marshall said he would not authorize any private persons to see them until Oct. 29, 1971.

Even after that time, scholars will not be permitted to reproduce the items. They will be allowed only to examine them and take notes.

... to find  
... the investigation  
... X-rays and photographs  
... delivered to the Archives  
... together with  
... of the President's clothing  
... wearing a  
... killed.  
... of the items of the autopsy  
... of the items will be