

GENERAL SERVICES ADMINISTRATION ROUTING SLIP												
TO	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	
NAME/TITLE						CORRESPONDENCE SYMBOL						
1.	<i>NND</i>		<i>MW</i>									
2.	<i>WATZ</i>								<i>OK</i>			
3.	<i>A</i>								<i>OK</i>			
4.												
5.												
<input type="checkbox"/> ALLOTMENT SYMBOL <input type="checkbox"/> HANDLE DIRECT <input type="checkbox"/> READ AND DESTROY <input type="checkbox"/> APPROVAL <input type="checkbox"/> IMMEDIATE ACTION <input type="checkbox"/> RECOMMENDATION <input type="checkbox"/> AS REQUESTED <input type="checkbox"/> INITIALS <input type="checkbox"/> SEE ME <input type="checkbox"/> CONCURRENCE <input type="checkbox"/> NECESSARY ACTION <input type="checkbox"/> SIGNATURE <input type="checkbox"/> CORRECTION <input type="checkbox"/> NOTE AND RETURN <input type="checkbox"/> YOUR COMMENT <input type="checkbox"/> FILING <input type="checkbox"/> PER OUR CONVERSATION <input type="checkbox"/> YOUR INFORMATION <input type="checkbox"/> FULL REPORT <input type="checkbox"/> PER TELEPHONE CONVERSATION <input type="checkbox"/> <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____												
REMARKS Attached are drafts of a memorandum by N to L and an affidavit by N in the suit by Weisberg against NARS. In this suit Weisberg seeks the following: (1) to be allowed to examine Pres. Kennedy's clothing, (2) to be allowed to make photographs of the clothing, and (3) to have the Letter Agreement with the Kennedy family declared null and void.  I have added two paragraphs to the affidavit and cut out some material with Mr. Williams' approval.												
FROM	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	
NAME/TITLE						CORR. SYMBOL			BUILDING, ROOM, ETC.			
<i>M. Johnson</i> M. Johnson						NND			2E			
						TELEPHONE			DATE			
						23171			9/17/70			

UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION



Office of General Counsel  
Washington, D.C. 20405

DATE: September 8, 1970

REPLY TO  
ATTN OF:

Assistant General Counsel - LC

SUBJECT:

Suit of Harold Weisberg v. GSA, et al, USDC DC, Civil Action No. 2569-70  
Archivist of the United States - N

This is with reference to the subject suit, in which Mr. Weisberg is requesting the District Court to order NARS to allow him to examine and photograph certain articles of clothing of the late President Kennedy.

In order to properly defend the interests of the Government, your affidavit will be required to establish certain matters of fact pertinent to the case. The affidavit required will be very similar to that which you executed in connection with the case of John Nichols v. the United States of America, et al, USDC, D.Kan., Civil Action Number T-4536. Accordingly, I am enclosing a marked-up copy of that affidavit, marked to show the deletions and additions which will be necessary for this case. I am advised by Mr. Marion Johnson that the additions are consistent with the facts.

Please review the marked copy, particularly with reference to the accuracy of the facts recited, and if accurate execute and return a new affidavit to me not later than September 25, 1970. Your attention is especially invited to new paragraph 8. If true, its inclusion would significantly assist in the defense of the subject action; if it is not accurate or is misleading, its inclusion may prejudice the Government's case.

A handwritten signature in cursive script, appearing to read "Robert F. Williams".

ROBERT F. WILLIAMS  
Acting Asst. General Counsel  
Claims and Litigation Division

Enclosure

GENERAL SERVICES ADMINISTRATION  
ROUTING SLIP

TO	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME/TITLE						CORRESPONDENCE SYMBOL					
1.	NND					2-E					
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|---|---|---|
| <input type="checkbox"/> ALLOTMENT SYMBOL                         | <input type="checkbox"/> HANDLE DIRECT              | <input type="checkbox"/> READ AND DESTROY |
| <input type="checkbox"/> APPROVAL                                 | <input type="checkbox"/> IMMEDIATE ACTION           | <input type="checkbox"/> RECOMMENDATION   |
| <input type="checkbox"/> AS REQUESTED                             | <input type="checkbox"/> INITIALS                   | <input type="checkbox"/> SEE ME           |
| <input type="checkbox"/> CONCURRENCE                              | <input type="checkbox"/> NECESSARY ACTION           | <input type="checkbox"/> SIGNATURE        |
| <input type="checkbox"/> CORRECTION                               | <input type="checkbox"/> NOTE AND RETURN            | <input type="checkbox"/> YOUR COMMENT     |
| <input checked="" type="checkbox"/> FILING                        | <input type="checkbox"/> PER OUR CONVERSATION       | <input type="checkbox"/> YOUR INFORMATION |
| <input type="checkbox"/> FULL REPORT                              | <input type="checkbox"/> PER TELEPHONE CONVERSATION | <input type="checkbox"/>                  |
| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ |   |   |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ |   |   |

REMARKS

FROM	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME/TITLE						CORR. SYMBOL		BUILDING, ROOM, ETC.			
N											
						TELEPHONE		DATE			
								10/7/70			

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff

No. 2569-70

U.S. GENERAL SERVICES ADMINISTRATION  
AND U.S. NATIONAL ARCHIVES AND  
RECORDS SERVICE,

Defendants)

AFFIDAVIT OF JAMES B. RHOADS

DISTRICT OF COLUMBIA )

SS

CITY OF WASHINGTON )

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

1. I am the duly appointed Archivist of the United States and, as such, I am the head of the National Archives and Records Service, one of the five operating services of the General Services Administration, an agency of the United States of America. My office is located in the Archives Building, 7th Street and Pennsylvania Avenue, N.W., Washington, D.C. The following statements are based upon information acquired by me in connection with my services as Archivist and Deputy Archivist.

2. As Archivist of the United States, pursuant to authority delegated to me by the Administrator of General Services <sup>1/</sup>, my responsibilities include the custody and preservation of all documents and other articles on deposit in the Archives of the United States, including the clothing and personal effects of former President John F. Kennedy, consisting of a coat, shirt, necktie, shoes, socks, trousers, belt, handkerchief, comb, back brace,

<sup>1/</sup> The Administrator of General Services by general GSA Order ADM P 5450.39 (Chap. 8, par. 1a(3) and (6)), dated May 5, 1964, has delegated to the Archivist of the United States all responsibility for the care and custody of documents and other articles on deposit in the National Archives and Records Service.

and shorts, which are referred to in the complaint filed in the above-entitled action.

3. Said clothing and personal effects were transferred to the United States of America for deposit in the National Archives of the United States by the executors of the estate of the late President John F. Kennedy by letter agreement dated October 29, 1966, executed by Burke Marshall, on behalf of the executors of the estate of John F. Kennedy, and by Lawson B. Knott, Jr., Administrator of General Services, on behalf of the United States of America. A copy of said letter agreement is attached hereto as Exhibit A. As authorized by section 507(e)(1) of the Federal Property and Administrative Services Act of 1949 (44 U.S.C. 397(e)(1)), said letter agreement, the validity of which has never been challenged by the Government of the United States, contains restrictions on the inspection of or access to said clothing. Said restrictions having been accepted on behalf of the United States of America, compliance therewith is required by the letter agreement and by law.

4. Pursuant to said agreement, access to the articles of clothing and personal effects is limited to certain Government officials and to serious scholars or investigators of matters relating to the death of the late President for purposes relevant to their study thereof, and the Administrator of General Services is authorized to deny requests for access, or to impose conditions he deems appropriate on access, in order to prevent undignified or sensational reproduction of the articles of clothing (paragraph I(2)). The agreement also provides that, in order to preserve these articles against possible damage, the Administrator is authorized to photograph or otherwise reproduce them for purposes of examination, in lieu of the originals, by such persons as are authorized to have access thereto (paragraph III(1)). In addition, the Administrator is authorized to impose such other restrictions on access to and inspection of said articles of clothing as he deems necessary and appropriate to fulfill the

objectives of the agreement and his statutory responsibility under the Federal Property and Administrative Services Act of 1949 to provide for the preservation, arrangement, and use of said materials transferred to his custody for archival administration (paragraph VI).

5. Paragraph VII of the letter agreement provides that all "duties, obligations and discretions" of the Administrator under the agreement may be delegated to the Archivist of the United States. As stated above, as Archivist of the United States, I have been delegated such authority. Pursuant thereto I have determined that serious scholars or investigators authorized to have access pursuant to paragraph I(2)(b) may view photographs of said articles of clothing, but may not inspect or examine the articles of clothing themselves.

6. The National Archives and Records Service, through the National Archives and the Presidential Libraries, for which it is responsible, performs a very valuable service both for important public figures who give their papers and other historical materials to the United States and for scholars who will eventually use these materials as basic sources for research. It provides secure storage for the papers and other historical materials and a professional staff to arrange and index such papers and other historical materials so as to make them more useful to scholars who will use them. The authority of the National Archives and Records Service to accept such gifts of papers and other historical materials subject to whatever conditions of limited access may be requested by the donor ensures that, during the period when a degree of sensitivity attaches to discussion of events and personalities, the rights of privacy of the donor and of persons discussed in the papers are fully protected. It also ensures that valuable collections of papers and other historical materials will be saved and, with the passage of an appropriate period of time, will be made available to writers,

scholars, and other interested persons for research use. To permit the confidential restrictions to be violated would completely destroy public confidence in the Federal Government's ability and willingness to honor its commitments to donors of papers, oral history transcripts, and other historical materials. If this confidence is destroyed, the validity of the whole concept of the National Archives and Presidential Libraries will be placed in question, and the future development of these and similar institutions will be imperiled. For, if public figures no longer can be assured that their interests will be protected when their papers and other historical materials are deposited in public institutions, they will cease to place important and sensitive materials in such institutions. The result will be a drying up of basic research resources in history, economics, public administration, and the social sciences generally, and consequent damage to the cause of education, culture, and public enlightenment.

7. The showing of photographs of the areas on the clothing of the late President Kennedy that were damaged by a bullet is adequate for research purposes, complies with the terms of the letter agreement with the Kennedy family, and avoids any possible violation of the letter agreement. It seems probable that requests to see the clothing itself would be for the purpose of satisfying personal curiosity rather than for research purposes. If the National Archives undertook to show the clothing itself, a determination would have to be made concerning each person who requested permission to see the clothing as to whether he was a "serious scholar or investigator of matters relating to the death of the late President" and whether his request was "for purposes relevant to his study thereof." This might have to be done on short notice and with inadequate information concerning the person involved, or in the alternative a procedure of requiring written applications and the submission of credentials by the applicant might have to be instituted.

8. In regard to the request of the Plaintiff to be allowed to take his own photographs of the clothing of the late President, this procedure would make it impossible for the National Archives to be sure of preventing violation of the terms of the letter agreement by "undignified or sensational reproduction" of the clothing. The Plaintiff already has photographs in his possession which should be adequate for any research purpose he may have in mind. This includes a photographic print of FBI Exhibit 60 in Commission Document 107, an electrostatic copy of which is attached hereto as Exhibit B. Referring to this exhibit, the Plaintiff says in paragraph 31 of the Addendum to his Complaint, "The Department of Justice has given Plaintiff prints of such pictures which are of the kind which permit enlargement without distortion."

9. Plaintiff has never specifically requested permission to examine the above-mentioned articles of clothing, nor has he specifically requested permission to photograph the above-mentioned articles of clothing. Consequently, the National Archives and Records Service has never denied such requests.

James B. Rhoads

Subscribed and sworn to before me this 28<sup>th</sup> day of September, 1970.

Francis J. Hypper  
Notary Public

My Commission expires August 31, 1974



Exhibit A

October 29, 1966

Honorable Lawson B. Knott, Jr.  
Administrator of General Services  
Washington, D. C.

Dear Mr. Knott:

The family of the late President John F. Kennedy shares the concern of the Government of the United States that the personal effects of the late President which were gathered as evidence by the President's Commission on the Assassination of President Kennedy, as well as certain other materials relating to the assassination, should be deposited, safeguarded and preserved in the Archives of the United States as materials of historical importance. The family desires to prevent the undignified or sensational use of these materials (such as public display) or any other use which would tend in any way to dishonor the memory of the late President or cause unnecessary grief or suffering to the members of his family and those closely associated with him. We know the Government respects these desires.

Accordingly, pursuant to the provisions of 44 U.S.C. 397(e) (1), the executors of the estate of the late President John F. Kennedy hereby transfer to the Administrator of General Services, acting for and on behalf of the United States of America, for deposit in the National Archives of the United States, all of their right, title, and interest in all of the personal clothing of the late President now in the possession of the United States Government and identified in Appendix A, and in certain x-rays and photographs connected with the autopsy of the

late President referred to in Appendix B, and the Administrator accepts the same, for and in the name of the United States, for deposit in the National Archives of the United States, subject to the following instructions, which shall continue in effect during the lives of the late President's widow, daughter, son, parents, brothers and sisters, or any of them:

(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 1(2)(b).

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:

(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 1(2)(b).

access, or to impose conditions he deems appropriate on access, in order to prevent such use of the Appendix 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 GURKE MARSHALL. A successor representative of the Kennedy family may be designated in writing to the Administrator from time to time by Mrs. John F. Kennedy. In the event of the death or disability of Mrs. John F. Kennedy, any successor shall be designated by Robert F. Kennedy. In the event of the death or disability of both Mrs. John F. Kennedy and

Robert F. Kennedy, any such designation shall be made by Edward M. Kennedy. In the event of the death or disability of all three of them, any such designation shall be made by any adult child of the late President John F. Kennedy or by any of the late President's sisters, with the advice of other members of the family. Any representative designated hereunder will serve until a successor is designated.

V

This agreement may be amended, modified, or terminated only by written consent of the Administrator and the Kennedy family representative designated pursuant to paragraph IV(2).

VI

The Administrator shall impose such other restrictions on access to and inspection of the materials transferred hereunder, and take such further actions as he deems necessary and appropriate (including referral to the Department of Justice for appropriate legal action), to fulfill the objectives of this agreement and his statutory responsibility under the Federal Property and Administrative Services Act of 1949, as amended, to provide for the preservation, arrangement and use of materials transferred to his custody for archival administration.

VII

All duties, obligations and discretions herein conferred upon the Administrator shall inure to each holder of the office of Administrator of General Services from time to time, and to any official of the United States Government who may become successor to the functions of archival administration vested in the Administrator under

APPENDIX A

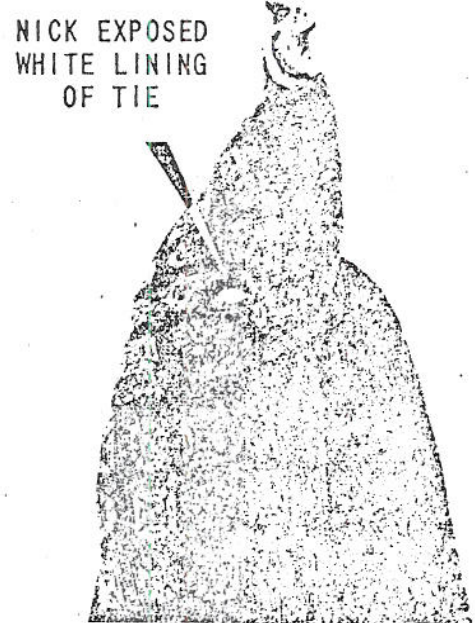
Clothing and personal effects of the late President, identified by the following exhibit numbers relating to the President's Commission on the Assassination of President Kennedy:

Commission Exhibit Nos. 393, 394, 395.

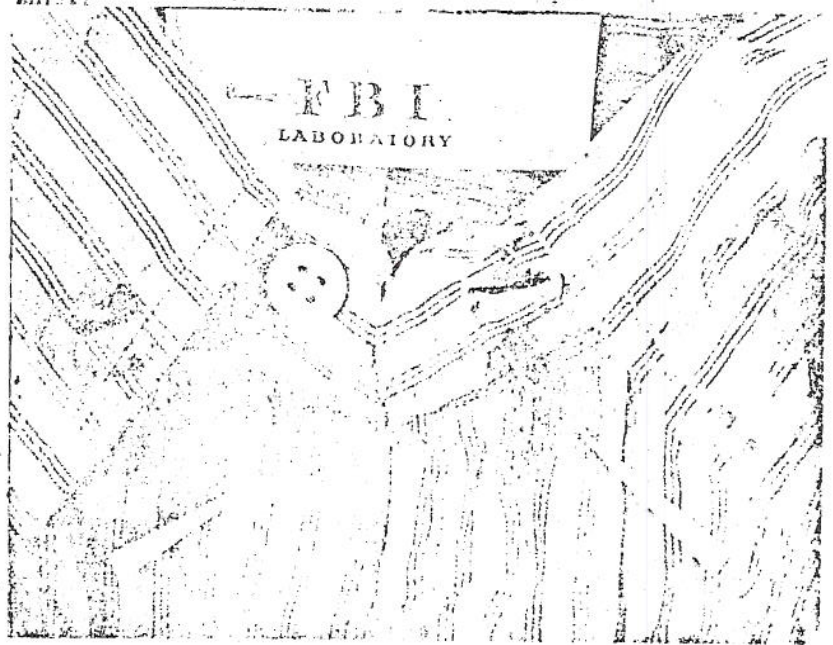
FBI Exhibit Nos. C26, C27, C28, C30, C33, C34, C35, C36.

APPENDIX B

1. Envelopes numbered 1 to 18 containing black and white negatives of photographs taken at time of autopsy
2. 7 envelopes containing 4 x 5 negatives of autopsy material
3. 5 envelopes containing 4 x 5 exposed film containing no image
4. 1 roll of exposed film from a color camera entirely black with no image apparent
5. Envelope containing 8 X-ray negatives 14" x 17"; 6 X-ray negatives 10" x 12"; 12 black and white prints 11" x 14"; 17 black and white prints 14" x 17"; all negatives and prints pertaining to X-rays that were taken at the autopsy
6. 36 8" x 10" black and white prints - autopsy photos  
37 3 1/2" x 4 1/2" black and white prints - autopsy photos  
27 color positive transparencies 4" x 5"  
1 unexposed piece of color film
7. 27 4" x 5" color negatives of autopsy photographs  
55 8" x 10" color prints of autopsy photographs



NICK EXPOSED  
WHITE LINING  
OF TIE



VIEW OF THE BACK OF PRESIDENT KENNEDY'S SHIRT WITH CLOSE-UP  
OF BULLET ENTRANCE HOLE. LOWER TWO PHOTOGRAPHS SHOW PRO-  
JECTILE EXIT HOLE IN COLLAR AND NICK IN RIGHT SIDE OF TIE.