

NR_key_name: 39C2EFCF12758FA68525664000729C3E**SendTo:** CN=Joseph Freeman/O=ARRB @ ARRB**CopyTo:** CN=Jeremy Gunn/O=ARRB @ ARRB**DisplayBlindCopyTo:****BlindCopyTo:** CN=R ecord/O=ARRB**From:** CN=Douglas Horne/O=ARRB**DisplayFromDomain:****DisplayDate:** 07/13/1998**DisplayDate_Time:** 5:19:14 PM**ComposedDate:** 07/13/1998**ComposedDate_Time:** 4:51:51 PM**Subject:** Re: Autopsy Materials Deed of Gift

THE ACT OF NOVEMBER 2, 1965 (WHOSE NAME/TITLE I DO NOT KNOW) did indeed require that government title to Warren Commission materials had to be vested, if at all, no later than November 2, 1966; but this only applied to physical items and documents the Warren Commission used as exhibits, such as a rifle, a shell (CE 399), empty brass, etc., and records. However, in the case of the Kennedy autopsy materials, there was a problem. In April of 1965, prior to the passage of the "Assassination Materials Act" of November 1965, the Secret Service transferred custody of the autopsy materials to the Kennedy family. (This occurred on April 26, 1965 at the request of Senator Robert F. Kennedy.) Therefore, not only did the Warren Commission not formally introduce either the photographs or x-rays as evidence, but they were no longer in possession of the government in November of 1965 when the legislation was passed. As Justice saw its problem, if it did not exercise vesting power over the items by November 2, 1966, it would not thereafter be able to exercise it because of time factor alone, regardless of other considerations. Justice apparently felt obligated, in spite of the Warren Commission's failure to use these materials as evidence, to vest title in the autopsy materials, and to do so in as friendly a manner as possible (i.e., in a non-adversarial manner) with the Kennedy family, which had demonstrated a zealous interest in safeguarding these materials from open publication in the interests of good taste and privacy. The Justice Department's self-expressed interests in attempting to ensure preservation of the materials was that, if they were ever forever suppressed, or destroyed, by the Kennedy family, charges of conspiracy and cover-up could never be disproved. Justice felt that with the Deed of Gift negotiated, each side had the best of both worlds--the government had preserved the materials in its custody, and the family could control the right of which non-governmental persons could examine them and (theoretically) prevent their publication. [Source of all of the above is a November 4, 1966 memo to the Secretary of the Treasury by David C. Acheson.] I have another document that is dated June 14, 1966 from Secret Service (Burill A. Peterson) to Sec. Treasury's office (Robert Jordan, III) that indicates that as of June the general shape of the Deed of Gift arrangement had already been worked out, including the proposed press release that would respond to specific inquiries of the media. Of course, Burke Marshall's Deed-of-Gift letter was dated October 29, 1966 (rather late in the game); the physical transfer was on October 31, 1966; and the inventory was on November 1, 1966--presumably driven by Justice's desire to remain within the timeframe of the Act, for safety's sake. [One Carl Belcher was the Justice representative at the inventory.] This is what I know about the situation. I trust it will answer your questions.

Body: Freeman/ARRB Date: 07/12/98 09:58:00 PM Subject: Another question for the in-house expert
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