

XXXXXXXXXXXXXXXXXXXX 473-8186

New address: Route #7
Frederick, Md. 21701
January 17, 1968

Mr. Burke Marshall
General Counsel
International Business Machines Corp.
New York, New York

Dear Mr. Marshall:

Our previous correspondence relating to the pictures and X-rays said to be those of the late President Kennedy has been through Dr. Robert Bahmer, Archivist of the United States. I conferred with him as soon as the announcement of the deposit of these materials was made and immediately filed what I presume to be the first request for access.

Dr. Bahmer has provided a copy of the letter of agreement with Mr. Lawson B. Knott, signed by you. I write to ask questions and make a few comments that I intend for constructive purposes.

Generally, I think the arrangement that separates the pictures and X-rays from the rest of the evidence of the tragedy is one that, regardless of intent, is most likely to accomplish the opposite of the stated purposes. It is entirely meaningless to give access when it is too late only to those who a) have failed to use the evidence when it was their responsibility to do so or b) will have to examine it without the requisite knowledge of the rest of the events and evidence. This is an enormously complicated subject, now made more so by the official mishandling. So, while I am in accord with the desire to prevent undignified or sensational use and spare unnecessary grief and suffering, I want to record with you my belief that the ultimate effect will be the opposite. I think also that there is no one who has more knowledge of the total story than I. If you are familiar with my writing, which is unquestionably the most extensive, and my speaking, you must be aware of the fact that I have never asked for or suggested reproduction of the pictures or any undignified use of them.

The first paragraph also refers to "certain other materials relating to the assassination". Are these totally and explicitly described in the letter and its tabulation in the two appendices?

At the bottom of the first page, the word "connected" is used. I believe this is vague and indefinite and ask for your explanation. Does this mean that the pictures and X-rays are not the originals? Are these the original X-rays, the original negatives of all pictures and prints made from the originals only? And are these 100% of the original pictures and X-rays of the autopsy?

On page 2, I(2)(b) seems to say that "any serious scholar or investigator" may have access "for purposes relevant to his study". However, this language is contradicted and I suggest nullified by that appearing on page 3. I wonder about the inclusion of seemingly meaningless language if this document is only a legal document and has no other purposes. If my interpretation is incorrect, please advise me.

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II(2)(b) says, in effect, that only those not in a position really to understand what the pictures and X-rays show can see them. There are none you would recognize as "expert" who can or will take the tremendous amount of time required to know what they mean, for they cannot be separated from the vast amount of other evidence that is as pertinent or more so. When you add to this the exclusive right of the family representative to determine expert qualification, then add the reservation that after those you consider expert have had a chance to see this evidence you may foreclose all others, you have the mechanism for exactly the opposite of the declared purpose of the transaction, one of the greatest possible embarrassment to the family, now and in history. This language, in the present, justifies the deepest public concern and the most severe public comment. Regardless of what the intention may be, it is an instrument for suppression and continued misrepresentation.

III(1) makes no provision for impartial witnesses to observe and certify the photographing. With what is in the evidence of the Commission and the appendix of your letter, this is another request for trouble and complaint. Who is there to establish that the photographs are true, correct and entirely faithful? If you are unaware of the character of some of the official photography in this case, you cannot inform yourself rapidly enough. Some of it is so incredibly incompetent that, when he considers it is the product of "experts", the representative of the Kennedy family on this ground alone should be seized by the deepest misgivings. What, also, does "otherwise reproduce" mean as referring to other than pictures? 'Are you suggesting it would be proper, in effect, to counterfeit the garments? I think this, too, requires clarification and explanation.

III(2) also is subject to ambiguous interpretation that in such a document should not exist and in such a situation should be considered intolerable. What does "condition" mean, especially when it is followed by language that seems to say that the administrator, on his own, may deny access to some of the evidence?

IV(2) provided a space for the name of the family representative to be filled in, whereas the last page has your name typed in. For purposes of my own writing, I ask if this means either that you did not draft the original agreement, that you did not want to be the family representatives, or that another was considered? Again I point out that such questions that legitimately flow from this document - and you may be aware, it is I who demanded that it be made available - are designed for the achievement of the opposite from the declared purposes of the agreement. There is other language in this section that carries the same hazard. It is the indefiniteness of the designation of who may choose the family representative in the future. It does provide for what cannot now be foreseen, a conflict that may arise within the family; for example, between one of the late President's children and his sisters.

Does VI empower the administrator to further limit access? There is no statement of the "objectives of this agreement", certainly not one so headed and described. How could this oversight have occurred? And what does it mean to the rest of the agreement and its validity?

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With reference to Appendix B, page 7, how does what is listed here become the property of the family for it to dispose of? I believe it to have been federal property, as you know. Would you please explain to me the meaning of items 3 and 4? How is it possible that there is no image, and that this film is entirely unaccounted for in all the official versions of the meaning of the evidence and the files of it that I have examined - and I have asked for all the pertinent files? An accounting and explanation of all the conflicting, confusing and indefinite identification and description of all the film is needed.

Also, I raise the question, is this a legal contract, a legal transaction?

Perhaps from where you sit, you may believe I have other intentions; but among the things I also seek is the limiting of the suffering of the family and the desire to save it embarrassment. We may disagree on what will accomplish this and what will make for it. For whatever it is worth to you, I refer you to my writing in this field and to my public appearances. I think you will see, from any honest examination, that I am sincere in this representation. And I strongly encourage you to a reexamination of this entire affair, for you have made what inevitably will cause unnecessary suffering and unnecessary embarrassment for the family.

I would also like you to understand my belief that, important as this is, the immediate consideration of the family is not of primary importance. That is establishing the truth and fact of the assassination. This agreement is not consistent with that end. Regardless of what you or the family had in mind at the time of its execution, it guarantees the opposite here, too.

Should you want to question me further about this, or if there is any way in which I can help with what I would like to believe we all want, I am at your service.

And I would appreciate forthright, unambiguous answers to the questions I have raised. I have already written a book relating largely to the autopsy and what is pertinent to it.

Sincerely,

Harold Weisberg