

Regulations for Reference Service on
Warren Commission Items of Evidence

1. Documents (paper records) will be furnished to researchers in the research rooms of the National Archives Building. Items of particular value or fragility may, at the Archivist's discretion, be photocopied and the copies furnished to researchers in lieu of the originals. Copies will be furnished on request for the usual fees. Copyrighted material will be reproduced for research only after receipt of a release from the copyright holder.
2. Still photographs will be furnished to researchers in the research rooms of the National Archives Building. When negatives are prepared incident to filling a request for copies, the negatives will be retained. Copies will be furnished on request for the usual fees. Copyrighted materials will be reproduced for researchers only after receipt of a release from the copyright holder.
3. Motion picture films and sound recordings will be made available to researchers on appropriate equipment in the National Archives Building. Use copies will be prepared and the original materials withheld from normal reference use as a protective measure. Copies will be furnished on request for the usual fees. Copyrighted materials will be reproduced for researchers only after receipt of a release from the copyright holder.
4. Oversize charts, graphs, diagrams, and other means of two-dimensional presentation will be furnished to researchers in the research rooms of the National Archives Building. Copies will be furnished on request for the usual fees. Copyrighted materials or items incorporating copyrighted materials will be reproduced for researchers only after receipt of a release from the copyright holder.
5. Three-dimensional objects and materials that have been subjected to techniques of detailed scientific examination (the aforesaid provisions notwithstanding) will be withheld from researchers as a means of protecting them from possible physical damage or alteration and in order to preserve their evidentiary integrity in the event of any further official investigation of the assassination of President John F. Kennedy. The National Archives will prepare special cases of varying sizes, constructed in part or entirely of translucent materials, in which objects or materials that do not present unusual problems of size or shape may be viewed by researchers. The Archivist reserves the right to limit the number of such items that may be shown to a researcher within a given period of time, as it will be necessary for a member of the staff of the National Archives to be present at all times during the viewing of such items. Researchers will not be permitted to view the incased items unattended or to touch or handle in any way the items themselves, either manually or with instruments. To the extent possible, photographs of these materials will be furnished to researchers as a substitute for visual examination of the items themselves. In the event that existing photographs do not meet the needs of the researcher additional photographic views will be made. A charge may be made for unusually difficult or time-consuming photography. Photographs reproduced from existing negatives or prints will be furnished on request for the usual fees.

Arch - Hunt

Exhibit 2

6/20/70

Director of Information
Office of the Administrator
General Services Administration
Washington, D.C.

Dear Sir,

Over the months, I have made requests for documents in National Archives files relating to the assassination of President John Kennedy, anticipating these requests would be rejected. I asked that if rejected, to save time, which your agency wastes for me as a routine matter, the request be forwarded to you as my appeal under your regulations, as a necessary prerequisite to invocation of 5 USC 552. In addition, I addressed a letter drawing together some of these requests, with the understanding that if the decision was not changed following review it would be forwarded to you as my appeal.

I shall interpret failure to respond as waiver of the requirement, unless there is immediate response, now that there is no doubt you have been informed. I believe the long delays are in themselves waiver of this requirement, when considered with the language of the law, its legislative history and clear Congressional intent.

Herewith I appeal a subsequent decision, to refuse me photographic copies of photographs in these files. I have been provided with utterly meaningless copies of photographs of some of the President's garments, those showing no detail, nothing but gore, or those the magnification of which, for proper study, is automatically prevented by their having been made from photoreproduced copies, the screen of which appears as data upon magnification.

The National Archives has made its own photographs of these garments, for the alleged purpose of making them available for study rather than permit the study of the garments. When I sought permission to examine the garments, under a precedent whereby I was permitted to examine Lee Harvey Oswald's shirt, I was refused. I was given photographs of which I was denied copies.

One of these was of the front of the President's shirt. It is the only such photograph in the Archives of which I have knowledge that can serve research purposes and can be used for other than undignified or sensational purposes. I ask you for it or an enlargement of the area showing the damage to the shirt.

There is no existing photograph of the side of the knot of the tie. I have asked that it be made for me and have been refused. I ask you for this. For purposes of my research and, I believe, any genuine research, such a side view of the damage to the knot is essential.

I have obtained from the Department of Justice a print of that part of the front of the shirt shown in FBI Exhibit 80. I believe this effectively refutes any allegation or claim such photographs not showing the photoreproducing screen can

be withheld with propriety. The now obviously spurious pretense has been that not to withhold such pictures would permit undignified or sensational use. To this I add that Mr. Burke Marshall has informed me of no other ground for withholding under the provisions of the alleged agreement.

I also want a photograph made from the original negative, not a photoengraving negative, of the back of the shirt, preferably the largest clear enlargement of the area of damage and including the top of the collar, from the Archives pictures rather than those included in FBI Exhibit 80 or CR394. If there is more than one such picture, I would like this one made from whichever picture the Archives photographer considers best shows the damage. I would like to be informed of the existence of any others.

With regard to CR394, I would like the largest clear enlargement of the area of damage the photographer can make, if necessary, from the existing negative. Here is it not necessary to include the collar area.

It is my understanding that the Columbia Broadcasting System was permitted to make its own photographs of this clothing and I know for a fact that they were permitted to make their own photographs of CR394. Regulations require these to be non-exclusive and to be available to everyone. I would like to be informed when I may examine these pictures so that I may determine whether or not I desire prints of them. My interest in the bullet is now in the base only. If CBS was permitted to photograph the clothing, then there is adequate precedent for your photographer making for me those pictures I want.

In the past, it has been the official practice to delay responding to those of my requests that were not completely ignored. Both, I believe, are contrary to the spirit as well as the letter of the law and the clear Congressional intent. I have reason to believe your legal office has been kept fully informed of my requests and what responses have been made. There thus seems no reason for inordinately ^{delay in} response to this letter. Therefore, if I have not heard from you by July 8, 1970, I will assume you do not intend to reply and will be guided by this belief in any future actions I may take.

Sincerely,

Harold Weisberg

Inventory of Material Examined

Black and white and colored prints and transparencies

Head viewed from above

#5(9JB), 8(7JB), 13(8JB), 16(10JB), 32, 33, 34, 35, 36, 37

Head viewed from right and above to include part of face, neck, shoulder and upper chest

#3(14JB), 4(13JB), 11(6JB), 12(5JB), 26, 27, 28, 40, 41

Head and neck viewed from left side

#6(3JB), 15(4JB), 17(2JB), 18(1JB), 29, 30, 31

Head viewed from behind

#7(16JB), 14(15JB), 42, 43

Cranial cavity with brain removed viewed from above and in front

#1(18JB), 2(17JB), 44, 45

Back of body including neck

#9(11JB), 10(12JB), 38, 39

Brain viewed from above

#50, 51, 52

Brain viewed from below

#46, 47, 48, 49

The black and white and color negatives corresponding to the above were present and there were also seven black and white negatives of the brain without corresponding prints. These were numbered 19 through 25 (JTB) and appeared to represent the same views as #46 through 52. All of the above were listed in a memorandum of transfer, located in the National Archives, and dated April 26, 1965.

X-ray films. (The films bore the number 21296 and an inscription indicating that they have been made at the U.S. Naval Hospital, Bethesda, Maryland on 11/22/63.)

Skull, A-P view

#1

Skull, left lateral

#2, 3

Skull, fragments of

#4, 5, 6

Thoraco-lumbar region, A-P view

#7, 11

Chest, A-P view

#9

Right hemithorax, shoulder and upper arm, A-P view
#8

Left hemithorax, shoulder and upper arm, A-P view
#10

Pelvis, A-P view
#13

Lower femurs and knees, A-P view
#12

Upper legs, A-P view
#14

Bullets

CE 399 - A whole bullet

CE 567 - Portion of nose of a bullet

CE 569 - Portion of base segment of a bullet

CE 840 - 3 fragments of lead

Motion picture films

CE 904 - Zapruder film

CE 905 - Nix film

CE 906 - Muchmore film

Series of single frames (215 through 334) from Zapruder film

Clothing

CE 393 - Suit coat

CE 394 - Shirt

CE 395 - Neck tie

Documents

The Warren Commission's Report and the accompanying volumes of Exhibits and Hearings. (Study of these Documents was limited to those portions deemed pertinent by The Panel.)

Neck Region: Films #8, 9 and 10 allowed visualization of the lower neck. Subcutaneous emphysema is present just to the right of the cervical spine immediately above the apex of the right lung. Also several small metallic fragments are present in this region. There is no evidence of fracture of either scapula or of the clavicles, or of the ribs or of any of the cervical and thoracic vertebrae.

The foregoing observations indicate that the pathway of the projectile involving the neck was confined to a region to the right of the spine and superior to a plane passing through the upper margin of the right scapula, the apex of the right lung and the right clavicle. Any other pathway would have almost certainly fractured one or more bones of the right shoulder girdle and thorax.

Other Regions Studied: No bullets or fragments of bullets are demonstrated in X-rayed portions of the body other than those described above. On film #13, a small round opaque structure, a little more than 1 mm. in diameter, is visible just to the right of the midline at the level of the first sacral segment of the spine. Its smooth characteristics are not similar to those of the projectile fragments seen in the X-rays of the skull and neck.

Examination of the Clothing

Suit Coat (CE 393) A ragged oval hole about 15 mm. long (vertically) is located 5 cm. to the right of the midline in the back of the coat at a point about 12 cm. below the upper edge of the coat collar. A smaller ragged hole which is located near the midline and about 4 cm. below the upper edge of the collar does not overlie any corresponding damage to the shirt or skin and appears to be unrelated to the wounds or their causation.

Shirt (CE 394) A ragged hole about 10 mm. long vertically and corresponding to the first one described in the coat, is located 2.5 cm. to the right of the midline in the back of the shirt at a point 14 cm. below the upper edge of the collar. Two linear holes 15 mm. long are found in the overlapping hems of the front of the shirt in a position corresponding to the place where the knot of the neck tie would normally be.

Tie (CE 395) In the front component of the knot of the tie in the outer layer of fabric a ragged tear about 5 mm. in maximum diameter is located 2.5 cm. below the upper edge of the knot and to the left of the midline.

Discussion

The information disclosed by the joint examination of the foregoing exhibits by the members of The Panel supports the following conclusions:

The decedent was wounded by two bullets both of which entered his body from behind.

One bullet struck the back of the decedent's head well above the external occipital protuberance. Based upon the observation that he was leaning forward with his head turned obliquely to the left when this bullet struck, the photographs and X-rays indicate that it came from a site above and slightly to his right. This bullet fragmented after entering the cranium, one major piece of it passing forward and laterally to produce an explosive fracture of the right side of the skull as it emerged from the head.

...the out of context. In addition, before the Commission, numerous sworn depositions and affidavits were taken, as well as other evidence, always be taken in logical and fair manner. The partial publication of testimony was impractical and could be misleading.

THE COMMISSION'S PURPOSE

The Commission's primary purpose has been to uncover all the facts surrounding the assassination of President Kennedy and to determine whether any detected or encouraged by unknown persons or persons. In this process, its objective has been to identify the person or persons responsible for both the assassination of President Kennedy and the killing of Oswald through an examination of the evidence. The task has demanded unceasing appraisal of the evidence by the individual members of the Commission in their effort to discover the whole truth.

The procedure followed by the Commission in developing and assessing evidence necessarily differed from that of a court conducting a regular trial of a defendant. It is, since under our system there is no presumption for a defendant's trial. If Oswald had had his trial by American standards of justice where he would have been able to exercise his full rights under the law. A judge and jury would have presumed him innocent until proven guilty beyond a reasonable doubt. He might have furnished information which could have affected the course of his trial. He could have participated in and guided his defense. There could have been an examination to determine whether he was sane under prevailing legal standards. All witnesses, including possibly the defendant, could have been subjected to searching examination under the adversary system of American trials.

The Commission has functioned neither as a court presiding over an adversary proceeding nor as a prosecutor determined to prove a case, but as a factfinding agency committed to the ascertainment of the truth. In the course of the investigation of the facts and rumors surrounding these matters, it was necessary to explore hearsay and other sources of information not admissible in a court proceeding obtained from persons who saw or heard and others in a position to observe what occurred. In fairness to the alleged assassin and his family, the Commission on February 25, 1964, requested Walter E. Craig, president of the American Bar Association, to participate in the investigation and to advise the Commission whether in his opinion the proceedings conformed to the basic principles of American justice. Mr. Craig accepted this assignment and participated fully and without limitation. He attended Commission hearings in person or through his appointed assistants. All working papers, reports, and

other data in Commission files were made available, and Mr. Craig and his associates were given the opportunity to cross-examine witnesses, to recall any witness heard prior to his appointment, and to suggest witnesses whose testimony they would like to have the Commission hear. This procedure was agreeable to counsel for Oswald's widow.

THE COMMISSION'S REPORT

In this report the Commission submits the results of its investigation. Each member of the Commission has given careful consideration to the entire report and concurs in its findings and conclusions. The report consists of an initial chapter summarizing the Commission's basic findings and conclusions, followed by a detailed analysis of the facts and the issues raised by the events of November 22, 1963, and the 2 following days. Individual chapters consider the trip to Dallas, the shots from the Texas School Book Depository, the identity of the assassin, the killing of Lee Harvey Oswald, the possibility of a conspiracy, Oswald's background and possible motive, and arrangements for the protection of the President. In these chapters, rather than rely on cross references, the Commission on occasion has repeated certain testimony in order that the reader might have the necessary information before him while examining the conclusions of the Commission on each important issue.

With this report the Commission is submitting the complete testimony of all the witnesses who appeared before the Commission or gave sworn depositions or affidavits, the accompanying documentary exhibits, and other investigative materials which are relied upon in this report. The Commission is committing all of its reports and working papers to the National Archives, where they can be permanently preserved under the rules and regulations of the National Archives and applicable Federal law.

*Exhibit 4
Walter Report*



Exhibit 5

OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

July 6, 1970

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

Dear Mr. Weisberg:

This will reply to your letter of June 19, 1970 in which you request a photographic print of a composite picture showing President Kennedy's clothing. As you know, Exhibit 60 is a composite of several photographs showing various articles of the President's clothing. Since there is no single negative of this composite picture, there are attached prints made from three of the four photographic negatives from which the composite picture of Exhibit 60 was prepared. We have previously supplied you with a print of the fourth negative showing the tabs of the President's shirt.

Your letter makes further reference to my letter of June 12, 1970 and argues against the denial of certain requests previously made by you. In referring to the testimony regarding the spectrographic analyses of certain bullet evidence involved in the assassination, you state that the testimony was simply that all specimens were of lead, no more. This statement is not true since the testimony as set out in Volume 5, Page 74, Line 1 of the Warren Commission Report states specifically that the various items "were found to be similar in metallic composition."

TO MAKE A PROPER PARTY DEFENDANT.

Exhibit 6

5 U.S.C. 552(a)(3) expands the jurisdiction of district courts by providing that under certain circumstances a district court "has jurisdiction to enjoin the agency from withholding agency records and to order the production of agency records improperly withheld from the complainant." This consent to certain suits against Government agencies must, of course, be followed precisely. United States v. Sherwood, 312 U.S. 584, 586 (1941). Indeed, the jurisdiction of the court depends upon exact compliance with the terms of the statutory agreement. United States v. Sherwood; United States v. Mel's Lockers, Inc., 346 F.2d 168 (10th Cir., 1965). 5 U.S.C. 552(a)(3) grants jurisdiction only when plaintiff seeks to enjoin an "agency". It does not authorize suits against the United States eo nomine or against Government officers. Farrell v. Ignatius, 283 F. Supp. 58 (S.D. N.Y., 1968). Since plaintiff has not named any of the agencies whose materials he seeks as defendants in this action, it must be dismissed in that the complaint does not comply with the jurisdictional requisites set forth in 5 U.S.C. 552(a)(3).^{2/}

^{2/} 5 U.S.C. 552(a)(3) does provide that "the responsible employee" may be punished for contempt for noncompliance with an order of court. This points out Congress' intention to distinguish between proceedings to enjoin withholding of agency records which Congress determined should be filed against the appropriate agency and enforcement proceedings subsequent to an order against the agency. Only at that time did Congress provide for proceedings against officers of the Government.

Exhibit 7

2. As Archivist of the United States, pursuant to authority delegated to me by the Administrator of General Services, 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 of former President John F. Kennedy, consisting of a coat (CE 393), shirt (CE 394), and necktie (CE 395), the x-rays and photographs taken in connection with the autopsy of former President John F. Kennedy, and the rifle (CE 139), cartridge (CE 141), cartridge cases (CE 543, CE 544, CE 545), clip (CE 575), bullets and bullet fragments (CE 399, 573, 842, 843, and 856) which were Warren Commission exhibits, a copy of the Zapruder film, and a map of Dealy Plaza, Dallas, Texas, (CE 882), all of which were referred to in the complaint filed in the above-entitled action. I do not have the spectrographic analysis referred to in paragraph 5(h) of the complaint.

3. Said clothing, x-rays, and photographs 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

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Exhibit 8

vide 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 (a) 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; and (b) in no event shall said articles of clothing be released to the custody, temporary or otherwise, ^{of} any such scholars or investigators for any purpose.

6. Under the restrictions imposed in paragraph II(2) of said letter agreement, the plaintiff may not be permitted to have access to the x-rays and photographs referred to above, and custody of said x-rays and photographs, temporary or otherwise, may not be given to the plaintiff for any purpose.

7. 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.

Exhibit 9

letter agreement is attached hereto as Exhibit (A). As authorized by (pages 44 U. S. C. 2107 said letter agreement, the validity of which has never 12 - 18) been challenged by the Government of the United States, contains restrictions on the inspection of or access to said clothing, x-rays, and photographs. 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 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 who 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, as amended, to pro-

Exhibit 10

AFFIDAVIT

County of Frederick, }
State of Maryland } SS

Harold Weisberg, being duly sworn, deposes and says:

I live at Route 8, Frederick, Md., and am the plaintiff in C.A.2569-70 in Federal District Court for the District of Columbia.

Although in his certification of service of defendants' Motion to Dismiss or, in the Alternative, for Summary Judgement, dated January 13, 1971, Assistant U.S. Attorney Robert M. Werdig, Jr., certifies to having mailed me the attached "affidavits and exhibits", he did not and in response to two requests, has not.

Should they now reach me promptly, it will be physically impossible for me to respond within the time I have.

On January 18 I had phoned Mr. Werdig and left a number at which he could reach me with his secretary. After a long wait I phoned again. This time he, personally, answered the phone. He claimed not to have gotten the message. Because of this, when I discovered he had not sent me the above-described attachments, I asked a friend in Washington to phone Mr. Werdig and ask for these attachments for me. The same thing happened, a message was left, Mr. Werdig did not return the call, and the friend called back, then reaching Mr. Werdig, who again said he hadn't gotten the first message. Mr. Werdig, according to my friend, promised to send the attachments to me promptly. When they never arrived, I again asked the friend, who resides in Washington, to again ask Mr. Werdig. Mr. Werdig then confessed that these attachment had not yet been copied.

My purpose in phoning Mr. Werdig on January 18 was to obtain his approval for an extension of time for me to respond and to learn what the pertinent rules are. He then assured me there was no time limit, which seemed consistent with the rather long time he had for any response to my own Motion for Summary Judgement, and assured me he was agreeable to my having whatever time I required. The January 13 Motion was mailed to me when I had to be out of town, and it was not until after speaking to Mr. Werdig that I even had time to read it. However, when I phoned Judge Gesell's office and spoke to his secretary, I learned that there was a ten-day limit, of which six days had passed.

I am neither a lawyer nor a man of means. I cannot afford to hire a typist. My wife is employed during the income-tax season. Her working days begin as early as 6 a.m. and sometimes extend to 11 p.m. She provides the only typing services I have, so getting any typing done this time of the year is a considerable problem for me. My wife has to bring her office work home nights and on weekends, hence any typing for me during this season is difficult for her to arrange.

Mr. Werdig was aware that physical incapacity limited the amount of work I can do, for I informed him of this January 18 and subsequently by mail. While these conditions have improved, they still limit how much work I can do.

I feel that Mr. Werdig has knowingly taken advantage of me to the end that whatever I might be able to do pursuant to his Motion would be inhibited.

Harold Weisberg

I, _____, Notary Public in and for the County of Frederick, State of Maryland, do hereby certify that Harold Weisberg, personally known to me, appeared before me on the 8th day of February, 1971, to execute this affidavit and acknowledge the same to be his act and deed. Given under my hand and seal this 8th day of February, 1971.

My commission expires _____

Notary Public

Ej/hwt 11

2/8/71

Dear Mr. Werdig,

At 11:23 a.m. this morning I first saw the following itemized things I presume you mailed me. There was no covering letter and no postmark. However, because I had not had these exhibits, I had earlier executed an affidavit to attach to the papers I will file.

What I received is: Exhibit 1, 2 pp.; Exhibit 2, 1 p.; Exhibit 3, 13 pp.

The first two exhibits do not show the complete pages. I would appreciate full and unaltered copies of both as soon as possible. As we have only one incoming mail a day, so also do we have only one outgoing. I will take this into town to mail it so that it can reach you as soon as possible. There is no "special delivery" in the country, so the only way in which these can reach me at all promptly is by sending them promptly.

Your papers have made the notations eliminated by not sending me complete copies relevant. I should also like to be able to read these notations.

I am confident that your realization of the serious ~~problem~~ ^{problem} this long delay in dumping so much to which I must respond imposes upon me. It will be impossible for me to make full response within the time I have, which, unfortunately, when I talked to you, you did not represent to me with any accuracy at all. In addition, the typing available to me is quite limited. The part of what I will file to which these exhibits relate is already typed and it will not be possible for me to get it edited and retyped. Your failure to provide these papers as you certified on January 13 and your failure to send them in answer to my first request left me no alternative within my capacities, time allowance and the very limited facilities I have. Together with the rather considerable extent of irrelevancies I will have to address, otherwise the Court will not be able to evaluate them, this means a considerable addition to the length of what I must file. In turn, this is more than just a problem for me. It means a burden upon the Court that cannot but be prejudicial to my interests. Furthermore, this makes repetitiousness inevitable. I cannot imagine a judge not finding this unwelcome or that you are and were unaware of it.

If, as now seems likely, my health will not indicate I should not drive to Washington, I will file what I have completed on the ~~my~~ last day I have. Otherwise, I will mail them. In either event, I will want an extension of time long enough to permit the retyping of what by then cannot be retyped. I presume you will join in asking this for me. The volume of work and the time I have do not permit any reorganization of what I will have drafted, but I hope to have everything drafted by then and, if you desire it as evidence of good faith on my part, I will bring it with me and show it to you—even permit you to xerox it.

These pressures will make it impossible for me to make extra copies of those things you already have, but I will provide copies of anything you do not. If this is not satisfactory to you, please let me know.

Sincerely,

Harold Weisberg

Exhibit 12

December 1, 1962

Dr. James Rhoads, Archivist of the U.S.
The National Archives
Washington, D.C.

Dear Dr. Rhoads,

It has now been quite some time since I asked Mr. Johnson about access to President Kennedy's shirt and tie. When he said he presumed it could not be seen I asked about having pictures taken for me. There has been no word since. I am therefore writing to ask that a closeup picture of the button-hole area of the collar be taken for me in such a fashion as to clearly show the slits, and, if you keep the negative, to get a duplicate negative. I would also like a closeup picture of the knot area of the tie, from the front end showing the cut and a picture directly from the side of the cut, showing the nick. Here also if you keep the negative, I would like duplicate negatives. I would like the Speed-Graphic camera used and 8x10 prints. I would also like one 8x10 print of CES95, the tie (FBI C 31) and CES94, the front of the shirt (FBI C32). In each case I want to be certain the print is not made from the reproduction negative, which includes a screen, but is from the original photographic negative, if you have it, or from the photographic print.

I would appreciate a written answer to my inquiry about Admiral Barkley's copy of the Supplementary Autopsy Report (CE391). When I was told there is nothing you can so identify I asked for any record that a copy had been sent him and, if you can find no such record, in the Commission files or any others, that I also be notified of this in writing.

Unlike the protocol, there appears to be none of the raw material of this report in the published evidence. I would like to know, whether in the relevant files of the Warren Commission or any other, there are any notes of any kind or nature relating to this, whether there are any other drafts of it, holographic or other, and whether the evidence, such as the slides, are in the archives or, if not there, anywhere else, to your knowledge or as reflected in the files. If you do not have these things, can you direct me to the agency that does? The Navy has informed me they have none of this.

In the past I have, without response, reminded you of proper inquiries I have made that have long remained unanswered. It is my understanding this is in open violation of the Freedom of Information Act. I have just looked at the President's statement on signing it and the Attorney General's Foreword in his memorandum on it. I wish you would find time to read them (pp. 11,111).

Sincerely,

Harold Weisberg

Exhibit 13

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Washington, D.C. 20408



January 2, 1970

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

Dear Mr. Weisberg:

This is in reply to your letters of November 4 and 24 and December 1, 4 and 12, 1969.

You have requested that we treat all your letters and requests as your appeal under the Freedom of Information Act (5 U.S.C. 552). Since your letters and the necessary responses now comprise a large file, it would be administratively difficult to do this. Moreover, we feel the administrative burden is upon you to determine which records you are still interested in reviewing. Consequently, we are advising you to submit or resubmit a numerical list of these desired records, with accurate and sufficient identification, to us for our processing. Those records that can be released at this time, if any, will be made available to you forthwith. Those records that must still be restricted for some reason will of course be denied to you with the appropriate explanation. Once this process has been accomplished you will be in a position if you so desire, to appeal to the Director of Information, Office of the Administrator, General Services Administration, Washington, D. C. 20405, with appropriate documentation, as to any documents to which you have been denied access. If the Director of Information concurs in the NARS determination, then the final determination will be made by the Assistant Administrator for Administration pursuant to 41CFR105-60.404.

In regard to your other questions contained in your letter, please be advised that all materials relating to the assassination of President Kennedy that we have received from the Secret Service are listed in one of our two letters to you dated November 18, 1969, and the enclosures to that letter. If you will furnish a citation to any parts of the Guidebook for Marines given to Carlos Bringuier by Lee Harvey Oswald that were published or copied by the Warren Commission, we will make a search for this material.

Your requests for lists to which you refer have been for lists of individual documents that have been made available for research. We do not have such lists except the list of numbered documents of the Commission ("List of Basic Source Materials"), of which you have a copy. The offer to correct your copy of the list of numbered documents was made in response to your specific statement that your copy of that list was not up to date. The staff member who made the offer had previously agreed to correct your copy of the list when you suggested it at the time additional documents were made available following the death of Jack Ruby.

There are four memoranda by Arlen Specter to J. Lee Rankin relating to the autopsy of President Kennedy in the "John F. Kennedy 4-1 Autopsy" file. Two of these memoranda are dated March 12, 1964, and relate to interviews with the autopsy surgeons and with FBI agents present at the autopsy. These two memoranda were first made available to you and other researchers as part of the folder of green copies of internal memoranda dated from December 1963 through March 1964 addressed to J. Lee Rankin. This was before the first Dell printing of Richard Warren Lewis's The Scavengers and Critics of the Warren Report (New York: "First Dell printing-May, 1967") in which, as you say, the two memoranda are quoted on pages 113-116. The other two Specter memoranda are dated April 30 and May 12, 1964. They concern the photographs and X-rays relating to the autopsy of President Kennedy and were made available to you and other researchers when the remaining folders of green copies of memoranda addressed to J. Lee Rankin were made available for research, after the first Dell printing of the Lewis book.

The material you have requested, which we informed you is not known to be among the records of the Warren Commission, to the best of our knowledge is not in our possession. We do not know where it is. This includes Admiral Burkley's copy of Commission Exhibit 391 and the related material you mention.

Enclosed is a copy of page 284 of Commission Document 7. We have not found a copy of a receipt attached to any copy of CE 387.

We have no information concerning the letter dated November 26, 1963, concerning "laws and regulations regarding the confidential nature of the events" except the information in the covering letter we received from the Secret Service and of which you have a copy.

We do not prepare special photographs of President Kennedy's clothing for researchers. Enclosed are the prints of Commission Exhibits 394 and 395, made from the Commission's file copies of exhibits, which you requested.

An examination of the "John F. Kennedy 4-1 Autopsy" file has shown that it does not contain a copy of the certification reproduced in XVII Hearings 48 of the Warren Commission. Enclosed is a copy of this certification made from the copy which is part of CE 397. We have also sent a copy of this certification to Dr. John Nichols.

We have identified the photograph of which you sent us an electrostatic copy as a photograph which we took for Dr. Nichols. We have sent a print of the photograph to Mr. Bernabei.

The Secret Service has sent us a WDSU-TV film. We have made a copy of this film which we can show you if you will let us know the day and hour you wish to see it.

Sincerely,



JAMES B. RHOADS
Archivist of the United States

Bl'd, Gary, Paul

Exhibit 14

1/27/60

Dr. James M. Rhoads
Archivist of the United States
The National Archives,
Washington, D.C. 20408

Dear Dr. Rhoads,

Your letter of the 22nd., with enclosures, has just arrived. I am not well and cannot now make full response, but I will soon.

With regard to your last paragraph, dealing with the WDSU film just supplied by the Secret Service, I hope to be able to get to Washington on Friday, the 30th. I would like to see this film then, if this is possible. I should be able to get there about 11 a.m., which should permit viewing without interference with the lunch schedule of your employees. If you can arrange to have the WDSU original there at the same time, I would like to be satisfied that it is without splices. And, if my recollection is correct, there should be three separate WDSU films, not just one. If this is an exact duplicate of the film I have seen, obtained at the same time, there is no point in my seeing it. I should also like to have copies of all the correspondence and other records relating to this film, as supplied by the Secret Service and as between your agency and the Secret Service. I would appreciate being able to pick them up the same time.

As our previous correspondence shows in detail, there are still-missing still pictures from this film, made for and used by the government in the investigation. I would appreciate it, if this matter is not conclusively handled in the communications resulting in this new film being deposited with you, if you could establish, one way or the other, whether the Secret Service has them. If they do, I presume they also will be provided you. I know the FBI has at least some of them, but you appear to be reluctant to ask the FBI for what is supposed to be in your archive and is not.

When I originally requested a page of the Bringer handbook, referred to at the bottom of the first page of your letter, I also provided the page number. It is now beyond my capacity to search this out. If you cannot now find that record, it will have to await the time I can duplicate this work. However, I remind you that the FBI was the official repository of all Commission evidence, that it was to make photographic copies of each, and that, to the best of my knowledge, this was done.

With all the other responsibilities you have, I presume you have made no personal examination of the photographs of GEs 394 and 395 you made for me. Perhaps you may yet find the time to do this. The reason I asked to examine the originals is because these pictures are utterly without meaning. They do not disclose, to careful examination, what is testified to. My purpose is simply to be able to do this. I regard this as quite proper. I would also prefer that to enable this to be done is the purpose of preservation of such archives. I also suggest you might want to consider what you are really saying in this sentence, "We do not prepare special photographs of President Kennedy's clothing for researchers".

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If the originals are without meaning and you will not make those then can have meaning, are you not saying you are seeing to it that no one can have any meaningful access to this most basic evidence? I am reluctant to believe this is your personal intention. I am not without understanding of the reluctance of any bureaucracy to depart from what it has made its norm. And, of course, it is obvious that no cheap use should be made of such evidence. Therefore, I have this suggestion to make, one that may cause you no problem at all. I ask that you have your own lab make suitable enlargements of parts of these negatives for me and that you provide a simple statement that also should present you with no difficulties. On CE 394, my sole interest is in the slits that are the subject of testimony, the points where the bullet is said to have transitted the garment. It is of these that I would like 6x10 enlargements, as large as can be made with clarity, two points of each. With CE 395, the same, plus a statement that the other whitish marks on the tie are not nicks of any kind. Here, if there are any other views already recorded in photographs, I would like to be able to examine them. It should be obvious to you that any proper assessment of this evidence, whether or not it was made by the Commission, requires consultation with at least one other view, that from the side.

I spell this out for you because I am anxious to avoid any unfair inference that the government is hiding anything, of which there are already too many such inferences.

You have not responded to my request that you duplicate the picture of the rear end of the bullet you did take for me long ago. It is a view taken from as close as possible to a right angle, with a millimeter scale along the flattened side of the bullet. I still want this, with two prints and a negative. I would also like a print of the picture you now say you took for Dr. Nichols, together with a copy of his order (assuming this is not improper), which will identify the time of the picture-taking.

I will address the other matters as soon as I can. I also remind you of existing unanswered requests I have made.

Sincerely,

Harold Weisberg

(Exhibit 15)

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service
Washington, D.C. 20408



March 12, 1970

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

Dear Mr. Weisberg:

This is in reply to your letters of December 24, 1969; January 4 and 27, 1970; and three letters of February 4, 1970.

As we have previously informed you, we do not have a list of all records relating to David W. Ferrie and did not furnish such a list to you. The name file for Ferrie, however, contains the following pages in Warren Commission Document 75 that are withheld from research: 284-304, 309-311, 320-323, and 341-343. The name file for Melvin Coffey contains pages 225-228 and the name file for Layton Martens contains pages 302-304 from CD 75 that are withheld from research. The November 1963 interview with Frederick S. O'Sullivan is in CD 75, pages 341 and 342. All these pages in CD 75 are withheld collectively under Guidelines 3A, 3B, and 3C.

Enclosed are copies of records that you requested that we have located. We do not furnish copies of the photograph of a passport in CD 1307 but will show it to you in the National Archives.

We are preparing the enlargements of Commission Exhibits 394 and 395 you requested. We will send you one print of each. If it is satisfactory, we will make another print for you. There is only one nick in the knot of the necktie (CE 395). We have two photographs of CE 394 that we prepared that we can show you. We do not furnish copies of these two photographs.

To the best of our knowledge, we have never taken a special photograph of CE 399 for you. If you will send us an electrostatic copy of the photograph to which you refer, we may be able to identify the negative just as we identified the negative we took for Dr. Nichols. If you do not have the photograph, please send a rough sketch of the picture you have in mind. We are preparing a negative of the photograph we took for Dr. Nichols for you. This photograph was taken on or about May 28, 1968. We do not feel that we should furnish a copy of the order for the photograph.

We do not have any raw materials, separate reports, special memoranda, letters, observations, comment, or notes relating to the reports of doctors concerning the X-rays and photographs taken during the autopsy of President Kennedy.

Enclosed is a copy of our inventory of the records of the Warren Commission in response to your request for a list of the files.

The rest of the file of green copies of internal memoranda of the Commission was made available for research on September 21, 1967.

As there is now no balance in your deposit account, you should send additional funds if you wish to order additional copies of records.

Sincerely,



JAMES B. RHOADS
Archivist of the United States

Enclosures

Exhibit 16'

March 12, 1970

Dear Dr. Rhoads,

Your letter of January 22 recommended that I review the history of the denied requests I have made, resubmit them and thus be in a better position to appeal if I am again denied. Since then I have addressed a number of perfectly proper requests to you. You have, apparently, interpreted your suggestion that I waste an additional, enormous amount of mental time as a license to make no response at all. I think this is highly improper, and I think your failure to make response after two months is but another manifestation of what by now is clearly a conscious, deliberate misuse of the raw power vested in government functionaries.

This has, indeed become clear as a consequence of review of the entire correspondence between us. I have completed it. No ¹ in your position and I had I the slightest regard for my personal reputation or that of the agency I head, I would do the same thing, regardless of the time it takes. I do not expect you to, but I feel I owe it to you to make this suggestion for, as you should know, I have every intention of pursuing this matter in court should that become necessary.

Among the things I find are countless requests for being informed about your agency's requirements so I might invoke the "Freedom of Information Act". For the longest time, despite constant repetition, there was no response at all. If your agency requires the use of any form, to this date you have not responded. This is hardly the intent of Congress in passing that law, is anything but consistent with the spirit of the law, and is, I believe, both churlish and an insult to the reputation of your agency.

I find that I regard as perfectly proper requests to which there has been no response after an interminable period, as much as about two years. I find contradictory explanations of the same thing, at best casting the most serious doubt on the word of the Archives. I find cases in which response was not made until more than 18 months had elapsed. I find deviousness in the employment of deceptive language followed by silence when you were questioned, addressed directly.

The one thing I do not find is a complaint from you that I have asked a single improper question, asked for a single thing anyone ¹ in my position would not assume is in your custody,

I have the advantage over you in having done all my own work and having written all my own letters. I can read this file and see and understand what you may not. I nonetheless encourage you to make as close an examination of it as you can, for I think it possible that there are things in it you will find quite interesting if you face them for the first time in court. If you think about this for a moment, perhaps you may come to understand that this suggestion does not serve a selfish interest, which would be best served by causing you such embarrassment on the stand. If you do as I suggest and maintain the inflexible position you have adopted personally or under instructions, you will be in a better position to stand over such things. But my intent is not embarrassment and I have been evenly-patient in not filing suits, for my purpose was to have access to what I properly should and to make our government function as our decent one should in a democratic society.

at the very least in accord with its own regulation and laws and with accepted principles of scholarship.

I will submit a list, with references. This will take additional time you succeed in wasting for me. Increasingly I wonder if this is not at least part of the design, for on a number of occasion, I asked that you forward specified requests as appeals and it is obvious the almost undeviating long delays in any kind of response are in no case necessary. As soon as I can complete this and decide which I might want to abandon simply because this will in any event be rather complicated, I will submit it.

However, I here call some things to your attention, with the until-now futile hope you will deal with them promptly. I also call a few things from the past to your attention and again ask the responses you have never made.

I made what I presume is the first request for the Kennedy family- GSA agreement and what is relevant. You refused me, giving very specific reason. Now if this reason was a genuine one, it eliminates the possibility of the explanation I was given when you gave this, in violation of your own regulations, to another, one known not to have the background required to understand it. Dr. Bahner did not respond to my request for a full explanation. I have repeated it countless times to you, I believe it is more than proper, especially because it entails a clear violation of your own regulations. In not one case did you in any way acknowledge any of these inquiries, now extending over a period of about two years. I therefore renew this inquiry, ask for a meaningful explanation and whether you caused any investigation to be made to determine how your regulations and my rights could be so grossly violated.

It has been months since I asked for access to some of the late President's garments. Ultimately, I was refused. I then asked that pictures be taken for me, by you, and you again refused. This is passing strange for a number of reasons, not the least of which is your own confirmation of the total absence of the essential one with regard to the tie, a side view of the neck said to be on the side. I then asked that you take the negatives you already have and do a very ordinary, simple thing, enlarge this part of the view of the tie and the tabs on the collar of the shirt. Your silence on this after so long a lapse of time is not less than unconscionable. I cannot regard it as accidental. This is not the first time I have reminded the Archives about this. I again ask that you do this, which is entirely in accord with your own practice, and promptly. And I remind you how inconsistent this is with your claims, especially that it is your intent to prevent "morbid" use of this most basic research materials. The only uses to which the pictures you have can be used precludes scholarship, for they are meaningless, and constitute an unseemly and unnecessary display of the late President's blood. It is gory. That is not what I want. However, you insist I use this, pretending it is other than it is. You have yet to dispute my statement to you that the pictures you supplied are utterly without value or meaning.

In some manner I cannot begin to understand, you claim you do not have certain pictures you did take for me. You now claim one of these was taken for Dr. John Nichols. I want to unravel this. I asked that you do certain things, including sending me a copy of his order and duplicate the photographs you did take for me, with negatives in each case. I was handed a set of duplicate prints, entirely unidentified, and nothing else. Despite my reminders, you have let it rest here. There is nothing in this that need go to higher authority. I hope you will order it done as soon as possible. May I remind you of your claim that certain things cannot be done because they endanger the evidence and ask you to square this with your inability

to take care of a photographic negative or keep competent records of it? You see, when you wrote me you could find no "record" of having taken this picture for me, I wrote you and told you you did have such a record (at the very least in the charge against my account) and that at the very least two of your employees knew about this, Mr. Johnson, who made the arrangements and supervised, and the competent photographer. Your silence and the deliberate ignoring of this proper request is consistent with neither honesty of purpose nor any concept of scholarship. It is consistent only with frustrating my work, to the degree you can, and in this you have succeeded. I renew this request and ask explanation of what happened to the negative of the picture taken for me. I also ask that this one be dated on the negative so that the prints and my duplicate negative will be properly identified.

For more than a year we have been in communication over the memo of transfer of certain items, including the pictures and X-rays of the autopsy, which were and are government property. It took you 82 days to determine this memo is a "private paper". It is close to a year since I asked you for a copy of the government's copy. You have at no point indicated a) that there is a government copy, as I know beyond doubt there is; or b) whether or not you have it. For my immediate purposes in this letter, I ask you simply to tell me whether or not you have or have had a) a government copy of this paper and b) the other documents relevant to it. If it seems necessary, I will thereafter carry this farther.

It is now more than four months since I asked the total number of pictures and X-rays of the autopsy in your possession, together with an identification by type and size of film, the identifications on each, and records of damage or destruction. Your response to this proper inquiry is one I will not further embarrass you with by repetition. I renew this request. You must certainly recognize that nothing in it relates in any way to the content of any of the film.

When you declined to give me a list of the documents relating to the late David W. Ferris, either as incompletely released by your agency when he was in the news or as they in actuality exist, I wrote asking for both. I also asked that the reason for withholding each be given. You said you'd make the files available to me. I went to the Archives, asked for and examined them. I thereafter wrote you that they are gutted, that they do not contain the documents not withheld and also contain no record of what is withheld. I do not regard it as a favor to entrap me into such a futility, for this wasted both money and time for me. However, it has been a long time since I wrote you. You have ignored my letter and my request, which I herewith renew. At the same time, particularly because you claim to be required to do certain things for the security of what is in your care, I ask an explanation of just how these files did get gutted and by whom, especially a special file set up, the folder of which you still have. And I remind you these are as much my property as yours, the distinction being you are the custodian, with an added responsibility to me.

It has been too long since I asked for the date on which the first two of four memoranda ~~was~~ by Arlen Specter were made available for research. Mr. Johnson is well aware of this matter. I would still like to know.

I ~~had~~ add a new request with regard to Ferris, one I had earlier overlooked. You have certain cards to which you deny access. I would like every citation on them to him and those associated with him in the correspondence on this matter.

You have not responded to my question whether you have the raw material of the panel reports on the autopsy or know where it is located if you do not.

In connection with your entirely inaccurate claim that the authorization for the autopsy had always been in the JFK 4-1 file, I again ask the file from which

this copy was obtained, when and by whom it was added to the JFK 4-1 file, and I call your attention to my denied requests for this document going back to the middle of 1966. If it was, as you now claim, there all the time, there certainly was no excuse for your not providing it the many times I asked for it.

I have asked, without any response, who had been shown or permitted to see the autopsy pictures and X-rays and related withheld material.

My request for the Kennedy-family- GSA contract was phrased to include all attachments and related papers. You have never mentioned any related papers. Nor have you provided them. I still want them.

You have never responded to two of my requests about the executive sessions: for a list of what was discussed 1/27/64, which will, I am confident, establish that withholding is for reasons other than alleged; and for access to that of 6/24/64, which was made available to another writer.

With regard to Frederick O'Sullivan, I have asked the date of the withheld FBI interview with him and how the alteration in his testimony was made when it does not appear in the typescript sent to the printing office. There has been no response of any kind, after a rather long interval. Also, the CD identification.

I believe there has been no response to my inquiry about an Admiral Burkley file, its existence and contents, if it exists.

As soon as I can I will decide what to request again of the specific items already identified by you and refused by you and will incorporate them in a separate letter. Meanwhile, I hope that you will depart from the sad record of the past, respond to this promptly and constructively, and forward as an appeal through proper channels whatever you may refuse me. I believe there is nothing extraordinary about any of the forgoing requests, except the treatment they have received by your agency. I would ~~not~~^{hope} you don't refuse any of it.

Sincerely,

Harold Weisberg

DICK, HOWARD, 300, 6 ARX, JANE

Exhibit 17

5/19/70

Dr. James B. Rhoads, Archivist
The National Archives
Washington, D.C. 20408

Dear Dr. Rhoads,

I have just received, by registered mail, a negative identified as "Photograph of base of bullet in CE #99 taken for Dr. John Nichols" and three enlargements of CEs 394 and 395, for which I thank you.

It does not require close examination of this negative to establish it is not that of a picture you took for Dr. Nichols but is identical with that which you took for me the year before, one of three taken for me.

The enlargements, unfortunately, are a complete waste, for they disclose nothing but gore and, as I tried to tell you, gore is something in which I have no interest at all. I have examined these enlargements with an engraver's lens. It is not possible to identify the slit, for example, in the collar.

I do not believe there was any technical problem involved in what I asked of you, and enlargement of this part of the collar only and of the knot of the tie only. My interest, as I believe I explained with some care and detail in correspondence and in person, is to be able to examine this evidence in connection with the verbal evidence. I have measured the enlargements and the original prints. With the shirt, where the collar is 1 3/4" wide in the original print, it is but 5" wide in the enlargement. Magnification of the tie is approximately the same but a trifle greater.

Not only is it, as it should be, a reasonable safe presumption that the technical competence of the FBI is such that great enlargement of their photographic negatives is possible, but the fact that I can magnify this greatly with a lens supports the belief that what I asked of you is possible and presents no unusual problems.

If you cannot supply me with a picture that even shows the damage to the shirt, I fail to see how you can refuse to take such a picture for me. And there remains the same question about the damage to the knot of the tie, we have only one view of it and there should be at least two, preferably three: one from the front, one from the side (which is what I asked), and one from the back.

When to this is added your refusal to permit visual examination of the garments, are you not inviting conspiratorial interpretations? And are you ^{very} ~~sure~~, with complete effectiveness, suppressing the best, the only really meaningful, evidence?

I will phone to arrange to see the other pictures when I am in Washington.

Sincerely,

Exhibit 18

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service
Washington, D.C. 20408



April 16, 1970

• Mr. Harold Weisberg
Route 8
Frederick, Maryland 21701

Dear Mr. Weisberg:

Enclosed are copies of electrostatic copies of documents concerning films relating to the autopsy of President Kennedy which we recently received from the Secret Service.

The area on the collar of President Kennedy's shirt which you pointed out to Mr. Johnson, in the photograph of the shirt which he showed you, is a wrinkle. We prepared the photographs of the shirt and the coat to show to researchers instead of the clothing itself. We do not furnish copies or enlargements of these photographs for the same reasons that we do not take special photographs of the clothing for researchers - to avoid any possible violation of the agreement with the Kennedy family.

Sincerely,

A handwritten signature in cursive script that reads "James B. Rhoads".

JAMES B. RHOADS
Archivist of the United States

Enclosure

Exhibit 19

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service
Washington, D.C. 20408



August 19, 1970

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

This is in reply to your letters of March 13, 16, 19, and 20, April 24, May 18, and July 2, 1970.

We have an electrostatic copy of the Government copy of the "memorandum of transfer" of the materials relating to the autopsy of President Kennedy. This copy is withheld from research under the terms of 5 U.S.C. 552, subsection (b) (6), as part of "medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" of the family of the late President Kennedy.

The published information concerning procedures under the "Freedom of Information Act" which we sent you does not prescribe the use of a form in requesting documents under the act. We have no form for this purpose. Any request which clearly identifies the document desired is sufficient.

The Secret Service index, which we assume you have in mind in your reference to cards, lists Secret Service Control Nos. 61, 127, 407 (p.19; "Dave Farrie"), 449, 620, 712, and 916 (p. 85-86) for David W. Ferrie. The index lists Control Nos. 620 and 712 for Alvin Beaubouef and Melvin Coffey and 916 for Beaubouef alone. There is no entry for Layton Martens. Control Nos. 127, 712, and 916 have not been found among the records in our custody. Control Nos. 61, 407, 449, and 620 are in Commission Document 87.

The first two of the four memoranda by Arlen Specter relating to the autopsy of President Kennedy were made available for research in December 1966. We do not have any raw material for the panel reports on the material relating to the autopsy of President Kennedy, nor do we know where any is located.

The X-rays and photographs relating to the autopsy of President Kennedy have been made available to the doctors who performed the autopsy and to those who reviewed the materials for the Attorney General in 1968.

Related papers received with the deed of gift of the autopsy materials and clothing of President Kennedy by the Kennedy family consisted of the Kennedy family's copy of the "memorandum of transfer" and two other papers. These three papers are the property of the Kennedy family and are in the National Archives Building for safe-keeping until they are transferred to the Kennedy Library. Requests for access to them should be addressed to Mr. Burke Marshall.

You stated in your letter of March 13 that you intended to submit a numerical list of records concerning which you wish to appeal to the Director of Information of the General Services Administration. We have not received this list. You may send your list to the Director of Information if you wish. We shall appreciate it if you will send us copies of the newspaper stories of February 24, 1967, or any other date, which contained a report attributed to this agency that there was a total of 40 pages relating to David W. Ferrie in our custody. This information was not furnished by anyone connected with this agency. The only report containing this information that we have found quoted a statement by District Attorney Garrison of New Orleans that there were 40 pages relating to the interrogation and report on Ferrie in the National Archives (New York Times, February 23, 1967). As you know, this information was available to Mr. Garrison's researcher in the index to CD 75.

As we informed you in our letter of March 12, we sent you copies of records that you requested that we located. The copies included the entire Burkley name file. As we have often stated, we will make records available to you in our research rooms, to the extent that we can, to do the document-by-document searching for additional material or information which we cannot do.

It is not clear what you wanted from Commission Document 1140 if you did not want any of the pages we sent you. These pages, with pages 2 and 3 which were the only pages you specified you did not want, compose the entire document. The document relates to the investigation of Dr. Penabaz's statement that he had seen a Cuban cartoon which depicted the death of President Kennedy about a week before the assassination. We have credited 40 cents to your account for the two pages in CD 301 and two in CD 1107 which you already had.

As we have informed you, we do not have the original FBI negatives for Commission exhibits. If you want enlargements from the FBI negatives, your request should be addressed to the FBI. If 5" x 7" prints showing enlargements made from negatives we prepared from prints of Commission Exhibits 394 and 395 will be satisfactory, we can furnish

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these to you. Our photographer thinks that 8" X 10" prints would not be satisfactory. We will also prepare photographs of the damaged area on the knot of the necktie in CE 895 which we will show you in the National Archives Building without furnishing prints to you.

The following numbered Commission documents are missing: 61; 102 except parts o, t, u, w, z, aa, and bb; 369; and 1458 except the attachments. Because the time expended by our staff on the records of the Warren Commission is already extensive, we do not feel that we can undertake the additional task of securing documents that are not in our custody from other agencies.

There is no list of the files described in entry 10 of the inventory of the records of the Commission.

Enclosed are a print and a negative of a photograph of the base of the bullet in Commission Exhibit 399 that we prepared for Dr. John Nichols. It was the similarity of photographs we had prepared for him to the photograph of which you sent us an electrostatic copy with your letter of December 12, 1969, that caused us to believe that the photograph shown in the electrostatic copy was one we had prepared for Dr. Nichols. We think now that photograph was taken for you. We regret this error very much.

You have copies of all covering letters you request except one dated March 6, 1970. This letter is withheld from research under the terms of 5 U.S.C. 552, subsection (b) (5), as an inter-agency letter, because of references to confidential data.

Nothing has been removed from the name file for David Ferrie except the pages in the file that are withheld under the guidelines relating to the Commission's records. These pages, all in Commission Document 75, were listed in our letter to you of March 12, 1970.

The memorandum of January 15, 1964, had been removed from the file of memoranda concerning staff meetings and conferences before your examination of the file.

In regard to your letter of July 3, we have nothing to add to what we said in our letter of July 1.

Some questions you ask have been answered in previous correspondence. Enclosed is a copy of the Regulations for the Public Use of Records in the National Archives and Records Service in our custody. As you will note on page 8, it is our policy to furnish information concerning records when the time required to do so is not excessive.

The time required to furnish the remaining information requested in these letters combined with the time required to furnish the information you have requested in the past is excessive. We regret that we cannot continue, in fairness to other researchers, to correspond with you to the extent that you apparently desire. It appears that your continuing interest in matters relating to the assassination of President Kennedy is so extensive that your research purpose could be best accomplished by an examination or reexamination of the basic records that we will make available to you in the National Archives.

We will continue to furnish you copies of records by correspondence when we can do so without spending too much time in locating the records. We will also notify you when specific documents you request are withheld from research, with the reason for withholding, and when specific documents you have requested later become available.

If you wish to send us long letters for purposes of comment or argument, we have no objection to receiving them but cannot undertake to answer them. Merely to read these letters is time-consuming. Your specific requests for copies of documents, instead of being scattered through these letters, should be listed separately and as briefly and clearly as possible.

Sincerely,



HERBERT E. ANGEL
Acting Archivist of the
United States

Enclosures

Exhibit 19A

August 26, 1970

Dr. James B. Rhoads
Archivist of the United States
National Archives and Records Service
Washington, D. C. 20408

Dear Dr. Rhoads:

The picture of the base of CM 399, taken for Dr. John Nichols in duplication of the one you had earlier taken for me, has arrived, with a rather extensive accumulation of creases, wrinkles, crimps and minor punches, the more readily accomplished by omitting all backing and not sealing the envelope. It is one of the more original, if petty, ventings of spleen. Fortunately, the negative seems undamaged so I can, if necessary, have a better print made locally should I require it, thus relieving the enormous burden the ordinary housekeeping chores of tending an archive to an assassinated president imposes upon your overtaxed and apparently understaffed agency, as Dr. Angel's letter of August 19 makes so apparent.

Were it not that I have for so long had your personal assurance that there was and is no manpower shortage, I would start a campaign to see that Congress and the Bureau of the Budget treat you better. Of course, your assurances are not entirely consistent with the time required for simple responses to normal inquiries. However, is it not rather extraordinary, for an agency not suffering a manpower shortage, to begin an August 19, 1970, letter with the statement that it is in response to seven letters, the first four written five months earlier, in March, one in April, one in May, and the most recent a month and a half old?

It does, of course, require a slight amount of time to read a letter. But does it not take much longer to write a letter than to read it? Therefore, it is meet to address why I have to write such long letters. The first thing in your letter provides a convenient and appropriate case in point. In passing, I note the falsehood inherent in it, which is one of the additional reasons I have had to write so often and at such length, and the known and total departure from the law and the most pertinent, established precedent (*American Mail Line, Ltd. v. Gulick*, 411 Fed. 696 (1969)). It has become necessary to research the law to research your precious archive on the assassination of a president and the official investigation of it, such is the tender feeling with which the purity of the archive is preserved, the dedication with which you adhere to the executive order finding that the "national interest" requires that everything be in your custody and available. Here is a true reflection of an official policy that nothing be suppressed. But to the point that is most relevant, the need

Dr. Rhoads - 2

for writing letters: It required about a hundred days for you to "answer" my first request for this "memorandum of transfer". Surely, it did not take so long a time for the lawyers to read and research the law, if that is what they did prior to your response. Could it have taken them 100 days to "learn" that this is a "private paper", which it is not?

Need I tell you how long thereafter it required for you to "answer" my request for the federal copy of this same paper?

Who, then, is responsible for the extent of this correspondence, and who causes waste of time, for whom?

You return to this at the top of page 2 and below the middle of page 3. There you repeat the falsehood about "private" papers, for the federal copy cannot, by even so flexible an imagination as you are, on occasion, able to draw upon, be so described. (May I ask a description and identification of the two other papers?) Where you refer to my having "copies of all the covering letters", if this is the case, some of the papers would appear to have been sent you without any. But what is of greater interest, would you please, since your letter seems to be designed for the making of the kind of record you or your lawyers desire, tell me when you informed me that the Secret Service sent you a copy of this memorandum in February for you to provide me with a copy thereof? That was in February, and your letter is dated August 19, more than a half-year later.

I cause your staff to waste time in letter-writing? With this record?

It is a year and a half since you informed me, face-to-face, that you had ordered a study made (unsolicitedly) to see if all my inquiries had been responded to. Then and thereafter, I informed you they had not been. With the character of the material of interest and the question being one of suppression (the pseudo-scholarly "withheld" that you prefer is not appropriate), let me remind you of one, involving a violation of your own regulations, an explanation of how you "leaked" a copy of the GSA-family contract exclusively to one whose ignorance of the material you could depend upon and whose syco-phantic predisposition was a safe assumption, after telling me it was impossible for this contract to be used in other than a "sensational or undignified manner", and then delayed sending me a copy until after his story, so congenial to official desires, appeared in print. Is it that you cannot explain this transparent propaganda activity - and not the only one, at that?

How many letters did I write in the futility of seeking an explanation? I can understand that you may find such letters uncongenial, but I asked neither you nor those who preceded you to take the responsibilities you hold or to violate the regulations under which you are supposed to discharge them. It should be obvious, even to you, that the abuse here, and real waste of time, is by you and of me.

Your next paragraph is in answer to an inquiry by me to put me in a position, as Congress intended and ordered, to use the "Freedom of Information Act" (how appropriate that you, too, use quotes!). The

Dr. Rhoads - 3

clear purpose of this law and its language requires reasonable speed in response. Did you comply with this? Yet if I depart from the regulations, would you not ask a court to throw out my suit? Heft again, who is responsible for the waste of whose time? And the denial of whose rights under the law?

Next you come to David Ferris and although, to your knowledge, I have sought every paper available on Ferris for almost four years, you here report the existence of some for the first time. Nor, as you say elsewhere, was it possible for me to have learned of them by using your search room, for this knowledge comes from materials you have already refused to let me examine. I asked years ago. Below the middle of page 3, you return to this to repeat a falsehood this correspondence long ago established as a falsehood. Your frivolity of suggesting I search the files in person is again limned. "Nothing was removed from the name file for Ferris except the pages of the file that are withheld under the guidelines ..." Rubbish! I went and saw, as you asked, and I reported to you that the file was gutted. For even those pages allegedly withheld under the guidelines, there was not one of your customary green slips recording and explaining the removal. There were, as I then, immediately, told you, either one or two items only, and a separate folder, identified as of file 75, as I now recall, was either empty or close to it. My letter makes all of this clear. You did not refute it or invite me back in to see a reconstituted file. Whereas your first page rattles off a long list of Secret Service documents, the files I saw did not contain them. I believe this is not because the Secret Service did not supply them nor because it refused to replace them, for the Secret Service is the one agency that seems disposed to help you have what you do not want to have, a complete archive.

I am not responding paragraph by paragraph for, in just about every case, there exists an adequate record and reading my letters is, of course, so uncomfortable for you, so time-consuming.

However, the second paragraph on page 2 opens with a fine sample of federal semantics, elevated to a new high state by the Presidential assassination and federal writing (not restricted to letters) on it. I note the intrusion of an unreality, the word "numerical". We will face that in due time and proper place. The rest of it has been responded to. Having appealed through your so-called channels of appeals, completely without response, I have no need to duplicate the experience.

The Ferris case already cited is enough to respond to your third paragraph on page 2. First you gut the files (and, although I shall not now go into it, deliberately misfile); you hold me responsible for not giving you information you make it impossible for me to have; and then, when I ask, you tell me what is not so, that the documents are available. Making a gutted file available to me is to give me nothing but the need to write you further.

Dr. Rhoads - 4

The last paragraph also offers me nothing. But, since you seem intent upon making a record, it would have been nice if you had set forth why your photographer "thinks that 8x10 prints would not be satisfactory". Can it be because these are not photographic negatives, that you do not have a normal photograph in the entire file and on the entire subject that is a normal photograph and is susceptible of ordinary enlargement, save for those this condition forced you to make, the same ones you refuse, in departure from your own practice and the law, to copy for me?

Page 3 begins with a fine representation of the condition of an archive to an assassinated president and an excellent reflection of the official attitude toward that crime and the archive. You do not have certain files. You know how to replace them. You simply refuse to do this. How great a "task" is this? Does it require more than the lifting of a telephone? Is it, indeed, the "task" that you shun? Is it that laborious? And is this your own characterization of your own and official concern for this archive, on this subject? If you are not to do this, who is? If not to you, to whom, then, does the executive order relate? As I have earlier asked, if this is not done, is this executive order any better than the most unseemly propaganda? Do you here treat it as anything other than propaganda?

The regret you allege feeling over the "error" by which you so long withheld from me the picture you took for Dr. John Nichols in duplication of that you earlier took for me explains nothing, even if it is "regret" you feel and "error" that this was. So that we can have a complete record where you seem to be intent upon making one to which you might later refer in a manner that you may find suitable for special purposes, why do you not record when this "error" was discovered and how long it took for you to inform me of it and provide the picture? Was it just a few days ago, as the misinformed reader of your letter might assume or, what is more in point, might by it be misled into assuming?

This instance also relates to who is abusing whom, who is responsible for the time consumed in reading - and writing - letters. For how long did you deny you had taken any such pictures for me, several members of your staff knowing better? For how long did you deny I had sent you an electrostatic copy when you requested that? For how long did you just refuse to duplicate the picture for me? And now aptly this addresses a separate matter, how well you tend your responsibilities, how carefully you do that with which a child could be entrusted. You invoke the need for preserving these materials as a disguise for suppressing them, yet you cannot do so simple a thing as keeping them filed? Is this how you "preserve" your archive? You here acknowledge that, in December 1969, you did have this really unnecessary electrostatic copy of the picture you took for me (the negative was clearly marked as having been made for me, whether or not you had a print in the file). How did it come to take eight months to correct this "regretted", as you describe it, "error"?

And what kind of research do you make possible with this kind of file-keeping? What good does it do a careful researcher to use your search room when you provide him with incomplete and misrepresented files?

Dr. Rhoads - 5

You say that "the memorandum of January 15, 1964, had been removed from the file of memoranda concerning staff meetings and conferences before your examination of the file." I note there was no record of this in the file, when your practice is to insert a slip-sheet, and I could not have been aware of the existence of more such documents without having seen them. This would not be the first case where something was denied me after I saw it, either. I ask you now if, to the knowledge of your staff, this is a complete file, if all such records are now in it or accounted for in it. And I also ask you what you do not say, why it was removed. The subject is one on which there is federal sensitivity, Oswald's federal connections. This is not subject to withholding under existing regulations. Why, I repeat, was it removed? And if the file is not now complete, why is it not now complete? Here I also note that your agency provided this house-keeping service to the Commission, so you should have all the requisite knowledge.

I have earlier alluded to your great desire for "fairness to other researchers", the compassionate concern so nobly expressed on page 4. As I have reported your expression of this lofty sentiment in giving non-researchers, exclusively, what you have denied me, I also use this appropriate point to record the considerable trouble to which you go to call to the attention of my competitors what my work alone has produced. If this is not clear to you, personally, without further explanation, there are those in your agency who can explain it to you. There is also the prospect that, in time, it may become clear to you by other means.

Had you discharged, or even intended to discharge, the obligations you voluntarily assumed in accepting your high office, neither the letter of August 19 nor this response would have been required. Where that letter is not false, it is deceptive. Where it does not openly misrepresent, it is carefully calculated to accomplish this purpose. And it is contrived to impose upon others who might at some time read it. Would it be wrong to anticipate that you might regard a federal judge as one such person?

So that you may be in the same position as I am to evaluate the federal word as I must, I encourage you to examine my correspondence with the Department of Justice relating to what was withheld from me concerning James Earl Ray. A portion of the earlier part only is attached to Civil Action No. 715-70, in Federal District Court in Washington. In that case, you will also find a summary judgment entered a week ago. If you read the entire file of this correspondence, you will find that there is no single truthful letter addressed to me - not a single one - aside from the quite proper inquiries that were ignored. The existence of the file that the Justice Department originated was denied. Possession of the copy it had confiscated was denied. I was also assured this file was required to be denied me under the provisions of 5 U.S.C. 552, another deliberate falsehood. And once I filed suit, there was no single one of the papers the Department filed in court that was not false and known to be false, the last one of which I have a copy being, in addition, perjurious.

Dr. Rhoads - 6

This is not the only case of federal perjury on this subject.

Nor is the record of the correspondence you have addressed to me inconsistent with this cited record. I can only hope that, at some point, its character will change.

Sincerely,

Herold Weisberg

Return with in
clothing file

Exhibit 120

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service
Washington, D.C. 20408



September 11, 1970

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

Dear Mr. Weisberg:

This is in reply to your letters of August 24 and 26, 1970.

Enclosed are (1) a copy of two pages in Commission Exhibit 1414 which relate to an interview with Ronny Caire and (2) a print showing an enlargement of the area on the back of President Kennedy's shirt (CE 394) which includes the bullet hole.

No other information concerning Caire has been found.

If the enlargement of the back of the shirt is satisfactory, we will prepare similar enlargements of the front of the shirt and of the necktie (CE 395) if you want these. The print was made from a negative which we prepared from a print in the exhibit files of the Warren Commission.

Our charge for 8" X 10" photographic prints is now \$2.00. Our charge for microfilm copies of records is now 10 cents per frame, with a minimum charge of \$10.00.

Sincerely,

A handwritten signature in cursive script, appearing to read "Herbert E. Angel".

HERBERT E. ANGEL
Acting Archivist
of the United States

Enclosures

Exhibit 21

9/12/70

Dr. Herbert E. Angel
The National Archives
Washington, D.C. 20408

Dear Dr. Angel,

Although your letter of September 11, which arrived this morning with an enclosed enlargement of part of OE 304 and two pages of OE 1414 makes no reference to it, I presume you know I filed Civil Action No. 2569-70.

I have no way of knowing that the files of the Warren Commission contain other references to Bonnie Cairre, but I do know they should. Mr. Cairre claims to have been interrogated for 100 hours. While you have consistently refused to do this in the past, I request that you ask the FBI to provide copies of their relevant reports. Unless you do this, you guarantee the inadequacy of the official archive on the murder of a President.

The print that you sent is valueless on several counts. Despite your contrary pretenses, you persist in making available for use only pictures that can be used for nothing but undignified and sensational purposes, pictures that show nothing but gore. This, I repeat, is not my interest. It is also perhaps the most indistinct such print I have ever seen.

You say of it only that it "was made from a negative which we prepared from a print in the exhibit files of the Warren Commission." You have previously assured me that these files contain only lithographic pictures, that is, those with the dots essential in the reproduction process. In addition, the exhibit files are the reproduction files. Therefore, on both counts, unless you have done what I presume you have, this print should contain such dots and it does not. These dots, called a screen, can be removed by offset equipment, but in so doing, several extra steps are involved, some cost, and lack of clarity is an inevitable consequence.

My exclusive interest is evidence. This picture is totally valueless as evidence, for it makes impossible even the certainty of the outlines of the hole. Were I to try and trace this hole, even that would be impossible.

Why you have clear pictures you cannot deny me without violation of the law, and especially after I have gone to court, with all that considerable trouble and expense, I regard this as a particularly shoddy and unbecoming trick. Having had the benefit of your dissertation on who is wasting time for whom, I resent this even more. However, I do welcome it as an exhibit to display in court.

I note your change in rates. I presume that when you provide these pictures I ordered before inflation also assailed research, therate at which I will be charged is that prevailing at the time of the original order.

Sincerely,

Harold Weisberg

(Exhibit 22)

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service
Washington, D.C. 20408



October 9, 1970

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

Dear Mr. Weisberg:

This is in reply to your letter of September 15, 1970, to me and to your letter of September 19, 1970, to the Director of Public Affairs of GSA.

At no time have we told you that the exhibit files of the Warren Commission "contain only lithographic pictures, that is, those with the dots essential in the reproduction process." No dots were removed from the enlargement of a portion of Commission Exhibit 394 that we sent you because there were no dots in the print of CE 394 from which the negative was made.

I hope that this will remove any misunderstanding that may have existed. If you are interested in obtaining a further enlargement of the bullet hole in the particular photograph of President Kennedy's shirt which is published as Commission Exhibit 394, we will attempt to make this enlargement. In the Addendum to the Complaint you have filed in your suit, you state in reference to FBI Exhibit 60 in Commission Document 107, "The Department of Justice has given Plaintiff prints of such pictures which are of the kind which permit enlargement without distortion." If you will send us the print or prints you received from the Department of Justice, we can prepare enlargements of these photographs of President Kennedy's clothing according to your specifications. You can, of course, obtain any enlargements you may want from a private photographer.

Sincerely,

A handwritten signature in cursive script that reads "James B. Rhoads".

JAMES B. RHOADS
Archivist of the United States

(Exhibit 23)

GENERAL SERVICES ADMINISTRATION



Office of Administration
Washington, D.C. 20405

FEB 11 1971

IN REPLY REFER TO:

Mr. Harold Weisberg
Coq d'Or Press
Route 8
Frederick, Maryland 21707

Dear Mr. Weisberg:

This is in reply to your letter of January 13, 1971.

I have been informed by the Archivist of the United States that CBS personnel were not permitted to see or examine President Kennedy's clothing, and that no photographs or motion picture film of that clothing were taken by or for CBS. Photographs of the following exhibits were taken by the National Archives staff with CBS equipment: Commission Exhibit 139 (rifle), CE 142 (bag), CE 399 (bullet), CE 567 (bullet fragment), and CE 569 (bullet fragment). As indicated by Mr. Vawter's letter of September 17, 1970, to you, these photographs will be shown to you in the National Archives on request, and copies of any you select will be furnished to you for the usual prices. I hope this clarifies the matters discussed in Mr. Vawter's letter.

If you have any further communications regarding matters in litigation, I suggest that you communicate with the attorneys handling the legal proceedings.

Sincerely,


W. L. JOHNSON, JR.
Assistant Administrator for Administration



Lillian & Harold Weisberg

Coq d'Or Press ROUTE 8, FREDERICK, MD. 21701

Code 301/473-8186

1/13/71

Mr. W.L. Johnson, Jr.
Assistant Administrator for Administration
General Services Administration
Washington, D.C. 20405

Dear Mr. Johnson,

This letter relates to my Civil Action No. 2569-70, to the extensive relevant correspondence, and most particularly to Mr. Vawter's letter to me of September 17, 1970. Mr. Vawter's letter was in response to my June 20, 1970 appeal. It was not written until a month after, having heard nothing from this appeal, I filed this action. All of this relates to permission to see and to have photographs of the President's clothing, in evidence before the Warren Commission.

In this suit I am my own lawyer. I have not been able to seek the full rights that I have because of the pressure of other matters and somewhat impaired health. Thus I have not, as I may, moved that this action be set at the head of the docket. During these months I have hoped that the Government would re-examine its position. Its position has been that it refused my request because not to do so would result in sensational or undignified use of the evidence I seek and seek to study. It may not be known to you, but identically the same spurious reason was given for denying me the Kennedy family-GSA letter agreement, which was then made available to a writer of known sycophantic predisposition, a writer not familiar with the details of the evidence, one who might be assumed to write in a manner congenial to the Government's interpretations.

If you will examine Item "(5)" in Mr. Vawter's letter, you will see that it reads: "permission for you to examine the photographs taken with CBS equipment by the Archives staff." And if you will think of this for a moment, you will understand that what this really says is that, contrary to the representation made to me in order to deny access to this public information to me, that any use would be sensational or undignified, the Archives did, prior to my repeated requests, permit to CBS exactly that which it denies me, permission to examine the clothing, and more than I have requested, the right to use their own equipment in taking the pictures denied me. I asked only for the pictures you already have and for you to take pictures for me with your own equipment.

I realize it is not my obligation to call this to your attention, but unlike the clear record of the Government, I have no desire needlessly to burden the courts, and I do not regard the law as a game to be played, involving whatever tricks a litigant thinks he can get away with. I regard this acknowledgement of having done for CBS - and for the largest possible audience - precisely what it refuses me for my research and writing, which can never reach so vast an audience, the Government has invalidated all of its alleged reasons and eliminated any question of fact.

Because of the delays in this case, not of my requesting, I intend to amend my motions to include this admission by the Government, unless I hear from you immediately that you will honor my requests, in which event I will move for dismissal, the questions then being moot. My phone is listed above.

Sincerely,

Harold Weisberg

Exhibit 25

2/5/71

Mr. Robert M. Werdig, Jr.,
Ass't U.S. Attorney
U.S. Court House
Washington, D.C.

Dear Mr. Werdig,

This is my third request for the exhibits attached to your motion of January 13 in C.A. 2369-70. I have not yet received them. As you know, I have made two requests by phone. Had they been mailed promptly in response to the second request, I would have had them in today's mail.

Your failure to provide these exhibits, despite the certification attached to your motion, creates additional and serious problems for me. I do not want to ask for another extension of time to respond, but you may have made this essential if I am to be able to make adequate response. As you must be aware, even without these exhibits, the papers you filed are detailed, requiring extensive research that would present time problems to a lawyer of some experience- and I am not a lawyer.

Nor do I have the other facilities of a lawyer's office. I have no typist. After I complete the response, just the simple problem of getting my papers typed will be a major problem for me. My wife is now working and working overtime. The only time she will be able to do any typing for me is parts of weekends. Without these exhibits, this coming weekend is out. That means I will have but a single weekend for getting this done. These papers are due right after next weekend.

It is not your fault that six days elapsed between the time the papers say they were mailed to me and the time I was first able to read them. You may remember that prior to seeking an extension of time I consulted you by phone. You then told me that I did not have to ask for more time, that I had plenty of it, until the time the judge began to organize his calendar, which was then not close. However, it turned out that as of the day we spoke I had but four days in which to respond and that had I heeded your word I would have defaulted.

When I then phoned you, as I told you, I was in Washington for medical reasons. While one of the two of them has improved somewhat, they still restrict the amount of work I am able to do. Since then I have had others, two attacks of dizziness, with a lingering impairment of my sense of balance. Thus, even if you had sent the exhibits promptly in response to my second request, even that delay would have meant a serious time problem for me. I have not driven to Washington since because it would, under the present conditions, be unwise and I suppose anti-social for me to get onto a superhighway in my present condition.

Thus you can see I am the captive of what you said you had done when you had not, said you would do and, apparently, did not. If I do not present this in the form of an accusation, you have nonetheless created a situation in which at the very best I will be severely handicapped in making response within the time I have, which I still hope to do. My response cannot possibly be as well prepared and as organized as I would like, which is an added handicap that in context amounts to the taking of an unfair advantage of me. And, there remains the possibility I cannot complete it in time. If this eventuates, I hope that you will ask for the extension of time for me. Up to this point, this is the one

time I have asked an extension of time in any of the related matters. I have extended this courtesy to the government, included when it was not essential but for personal reasons. While I am still hopeful of completing these papers in the time remaining, even though they may not be as well prepared as might otherwise be the case, and do not want any further delays, all others up to this point not having been my doing, I also want to avoid any suggestion of what might be prejudicial in my having to make this request of the judge.

On this subject, I tell you quite frankly, I very much regret anything which is reported in the foregoing that might, no matter how wrongly, either now or in the future be interpreted as in any way tainted.

I live in the country, where copying facilities are not convenient. My own equipment is old and slow. Because of the time already wasted for me, I anticipate there may not be adequate time for me to provide a complete set of photocopies of the attachments I think may be necessary. In no case will this involve anything of which you should not have copies already, for either they are of government origin or I have already provided them. In every case I will incorporate an adequate identification. However, if you find such copies are not attached to your set and feel you require them, if you will let me know I will provide them as rapidly as will be possible.

Sincerely,

Harold Weisberg

cc: Miss Doris P. Brown

(Exhibit 26)

2/8/71

Dear Mr. Wardig,

At 11:23 a.m. this morning I first saw the following itemized things I presume you mailed me. There was no covering letter and no postmark. However, because I had not had these exhibits, I had earlier executed an affidavit to attach to the papers I will file.

What I received is: Exhibit 1, 2 pp.; Exhibit 2, 1 p.; Exhibit 3, 13 pp.

The first two exhibits do not show the complete pages. I would appreciate full and unaltered copies of both as soon as possible. As we have only one incoming mail a day, so also do we have only one outgoing. I will take this into town to mail it so that it can reach you as soon as possible. There is no "special delivery" in the country, so the only way in which these can reach me at all promptly is by sending them promptly.

Your papers have made the notations eliminated by not sending me complete copies relevant. I should also like to be able to read these notations.

I am confident that your realize the serious problem ^{consequently} this long delay in dumping me much to which I must respond imposes upon me. It will be impossible for me to make full response within the time I have, which, unfortunately, when I talked to you, you did not represent to me with any accuracy at all. In addition, the typing available to me is quite limited. The part of what I will file to which these exhibits relate is already typed and it will not be possible for me to get it edited and retyped. Your failure to provide these papers as you certified on January 13 and your failure to send them in answer to my first request left me no alternative within my capacities, time allowance and the very limited facilities I have. Together with the rather considerable extent of irrelevancies I will have to address, otherwise the Court will not be able to evaluate them, this means a considerable addition to the length of what I must file. In turn, this is more than just a problem for me. It means a burden upon the Court that cannot but be prejudicial to my interests. Furthermore, this makes repetitiousness inevitable. I cannot imagine a judge not finding this unwelcome or that you are and were unaware of it.

If, as now seems likely, my health will not indicate I should not drive to Washington, I will file what I have completed on the day last day I have. Otherwise, I will mail them. In either event, I will want an extension of time long enough to permit the retyping of what by then cannot be retyped. I presume you will join in asking this for me. The volume of work and the time I have do not permit any reorganization of what I will have drafted, but I hope to have everything drafted by then and, if you desire it as evidence of good faith on my part, I will bring it with me and show it to you—even permit you to Xerox it.

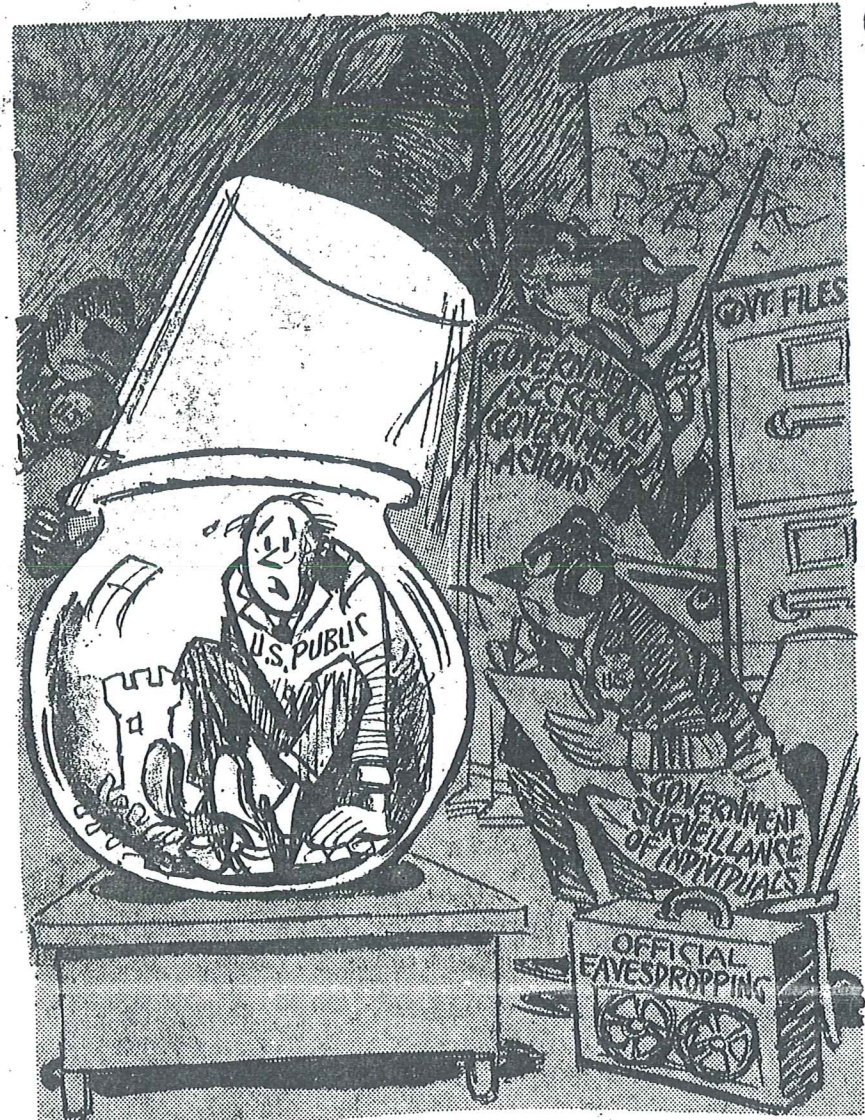
These pressures will make it impossible for me to make extra copies of these things you already have, but I will provide copies of anything you do not. If this is not satisfactory to you, please let me know.

Sincerely,

Harold Weisberg

Chart 27

"There's Something Wrong About This"



©1971 HERBLOCK 2/7/71

NOTICES

Exhibit 28

13971

FBI exhibit No.	Description	FBI exhibit No.	Description	FBI exhibit No.	Description
B1	Wallet belonging to Lee Harvey Oswald containing—Con. 9. ID card, US Forces in Japan. 10. Dallas Public Library card. 11. Three photographs. 12. Slip of paper with three addresses, The Worker, The Worker and Russian Embassy.	B26	Pages 7 through 10, of section 6 of "The Times-Picayune" newspaper, dated 8-22-63.	C324*	Piece of metal found in Dealey Plaza.
B3	Envelope containing: 28 35 mm negatives. Six 2 1/4" x 3 1/4" negatives. 1 positive of building. 1 negative of Oswald's wife.	B27	8 newspaper clippings, 1 instruction sheet for child's car seat and 1 film maller bag.	C326*	Piece of wood from window ledge on 6th floor of Texas School Book Depository building.
B5	Imperial brand hunting type knife with sheath.	B28	Manila envelope with notation "Grand Jury Hall," small photograph of Oswald and 8 1/2 U.S. airmail stamp.	D2*	Known paper and tape samples from Klein's.
B7	Two "Fair Play for Cuba" handbills stamped "L. H. Oswald 4907 Magazine St. New Orleans, La."	B33	3 prescriptions in Russian and Arlington Heights Senior High School student identification card for Lee Oswald.	D4	Letters by Oswald to Secretary of Navy and USMC.
B8	Set of Flash Cards, Russian alphabet and numbers.	C 26 - C26, C30, C33-C36*	Clothing and personal effects of President Kennedy.	D6	Eleven payroll checks and insurance record card of Oswald.
B9	Set of Flash Cards, German phrase—sentence.	C41 A-G*	Seven paraffin casts from Oswald, with related items.	D10	Application for immigration visa, fingerprint card and application for new alien registration card (all signed Marina Oswald).
B10	Set of "School Aid" Flash Cards, phonics.	C61-C70*	Ten cartridge cases, 6.5 mm Japanese caliber, recovered at gun range, Dallas, Tex.	D11	Twenty-six checks, questionnaire, etc. in handwriting of Oswald.
B11	Negative bearing: "Join The Socialist Workers Party fight for a better world! write Box 2915 Dallas, Texas."	C71-C136*	Sixty-six 6.5 mm Mannlicher-Carcano cartridge cases from gun range, Dallas, Tex.	D14	Employment application by Oswald.
B12	Slip of paper bearing "The attached 1 Promissory Note (S) for financial Assistance Loans totaling 435.71 are hereby returned marked Paid as final payment of 106.00 is acknowledged. Remarks: L. H. Oswald Box 2915 Dallas, Texas."	C139-C147	Belt, tie, tan sweater, blue-gray shirt, red and gray sport shirt, blue shirt, blue sport shirt, white shirt, olive sweater.	D15	Three magazines.
B13	Envelope postmarked 12:00 p.m. 11-4-63, Washington, D.C., with return address "Embassy of the Union of Soviet Socialist Republics, Washington 6, D.C."	C149-C151*	Three cartridge cases from A. R. Papurt, Barr's Gun Shop, Dallas, Tex.	D17	Post Office box application in three parts.
B14	Envelope addressed to "To Whom It May Concern" with return address Peter P. Gregory, 1503 Continental Life Building, Fort Worth 2, Texas."	C152*	6.5 mm cartridge case made available by Mrs. Lovell T. Penn.	D18	Post Office change of address form dated 5-12-63, letter to Leslie Welding Company from Oswald, Selective Service registration card, DD Form 214 and two applications for employment.
B15	Envelope marked "Passports and health certificate."	C153-C156*	Four 6.5 mm cartridge cases from Irving, Tex., Police Department.	D21	P.O. Change of Address form.
B16	Envelope postmarked 12M 8/2/63, Mobile, Ala., addressed to Mr. Lee Oswald, 4907, Magazine St., New Orleans, La., return address "Paul Piazza, S. J., Jesuit House of Studies, Spring Hill Station, Mobile, Ala."	C157-C160*	Four 6.5 mm cartridge cases from Mrs. Virginia Goodwin.	D22	Post Office box application (in two parts) and change of address form.
B19	Top of yellow box stamped inside "R-42 Mar 24 '55."	C161-C225*	Sixty-five cartridge cases from gun range, Dallas, Tex.	D23	Electric and/or gas service order signed by Oswald.
B20	Two Manila envelopes.	C227-C248	Clothing.	D25	Three FPCC handbills.
B21	Envelope marked "Personal Military Papers and Birth Certificates."	C249*	Five-page typewritten summary of speech given by Lee Harvey Oswald on July 27, 1963.	D26	Hand printed application for employment by Oswald in July 1963.
B22	Blue loose leaf binder containing Manila envelope, 6 Fair Play for Cuba Committee handbills, piece of cardboard, 3 celluloid insert pages, postal card photograph of Karl Marx and photograph of a building.	C254-C305	Clothing.	D29	W-4 Form dated February 5, 1955, signed by Lee Harvey Oswald; W-4 Form dated February 5, 1955, signed by Marguerite Oswald; A-1 Employment Service, New Orleans, Louisiana; application for employment signed by Lee Harvey Oswald; and referral card of employment consultant H. La Roche.
B23	Two frames of 35 mm negatives found in item 75 (Russian book).	C306*	Hunting knife black and silver striped handle in sheath received from Imperial Knife Company, Incorporated, Providence, R.I.	D31	Layout, job ticket and handbills obtained from Jones Printing Co., New Orleans, La. FPCC card, etc., obtained from Mailers Service Co., New Orleans, La.
B24	Unaddressed American Greetings Corps, Christmas card with envelope.	C308*	Hunting knife black and gold-striped handle, in sheath, received from Imperial Knife Company, Incorporated, Providence, R.I.	D32	Passenger immigration questionnaire dated 9-16-59, signed by Oswald.
B25	Unused Post Office Change of Address form.	C300*	Box of 20 6.5 mm Mannlicher-Carcano cartridges from John Thomas Mason, Mason's Gun Shop, 7402 Harry Hines Boulevard, Dallas, Tex.	D33	47 photographs recovered by Dallas Police Department.
		C310*	Box of 20 8.5 mm Mannlicher-Carcano cartridges from John H. Brinegar, The Gun Shop, 11488 Harry Hines Boulevard, Dallas, Tex.	D34*	Liberty Hotel, New Orleans, registration signed by Oswald.
		C315	One girls' hand-engraved expansion identification bracelet.	D35	Bus transfer, bracelet inscribed "Lee," key, ring, narrow black belt with buckle and property receipt.
		C316	Gold paper-covered box.	D36*	Photocopy Mexico City hotel register book signed by Oswald.
		C317	Metal plate bearing the engraved names "Marina" and "Lee."	D37*	Four-page interview record signed by Oswald.
		C318	Metal plate bearing engraved name "Marina."	D38*	"Cotton pickin" application signed by Oswald.
		C319	One men's hand-engraved expansion identification bracelet from H. L. Green Company, 1623 Main Street, Dallas, Tex.	D39*	Two envelopes obtained from property of Oswald and Mrs. Paine.
		C323*	Bottle cap found in Dealey Plaza.	D40	Envelope and letter to New Orleans Public Library.
				D41	Chamber of Commerce Map of Dallas.