

KENNEDY ASSASSINATION
INQUIRY COMMITTEE
G.P.O. BOX 2691, NYC, 10001

January 16, 1968.

AN OPEN LETTER TO: The U.S. Navy
The Kennedy Family
Mr. Burke Marshall
The Warren Commission
The National Archives
The New York Times

On Friday, January 5th, the National Archives made public the text of the agreement between the Kennedy family and the General Services Administration, regarding the "personal effects" of the late President, John F. Kennedy, this including the photographs and X-rays of the late President. Subsequently, the text and an article appeared in the New York Times on Saturday, January 6th. This letter is addressed to that agreement, its execution, and the Times article.

The agreement divides the evidence into an Appendix A category, which includes the actual personal effects of the late President, and an Appendix B category, which includes the photographs and X-rays. (Under a general heading in the Times, all of this evidence is referred to as "the personal effects of President Kennedy ... deposited by the Kennedy family in the Archives of the United States"). Under no circumstances can the photographs and X-rays be referred to as the late President's "personal effects", as they did not exist until after his death, and they were taken, and presumably processed, by the United States Navy, with the money of the U.S. taxpayer. These photographs are rightfully the property of the U.S. Navy, and should be claimed by them as such. The Kennedy family did not have the right to them, and as such their place in the National Archives is a dishonorable inheritance.

The material in both Appendix A and B is available to "Any person authorized to act for a committee of the Congress...a Presidential committee or commission...other official agency of the United States Government, having authority to investigate matters relating to the death of the late President, for purposes within the investigative jurisdiction of such committee, commission or agency". No such organization exists at present, the Warren Commission having retired; the Commission was the only authority that would have access to the evidence under this clause. The accompanying Times article informs us that the photographs and X-rays "for reasons of taste were not included among the Warren Commission's evidence." A possible case could have been built for not publishing this evidence at the time of the Report's issue, but how can the Commission itself refrain from examining such crucial evidence "for reasons of taste"? Taste is related to the fulfillment of the Commission's duties; not to examine this evidence is the worst possible legal indiscretion.

The material in Appendix A is available to "Any serious scholar or investigator of matters relating to the death of the late President, for purposes relevant to his study thereof." But the material in Appendix B requires "Any recognized expert in the field of pathology or related areas of science or technology, for serious purposes relevant to the investigation of matters relating to the death of the late President...". What is to be the determination of "recognized" and "serious purposes"? We are informed that Mr. Burke Marshall has been appointed the Kennedy representative in this area, and the decisions will be his - for the arbitrarily selected period ending Oct. 29th, 1971, and after. This latter paragraph is supposed to pertain to the period after Oct. 29th, 1971, with exceptions possible prior to then through Mr. Marshall. It is possible now for an appropriate expert to be cleared by the Kennedys

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through Mr. Marshall, based on their individual merits. But the Times tells us "Mr. Marshall said he would not authorize any private persons to see them until Oct. 29, 1971". This is a direct contradiction of the possibilities inherent under the agreement. In Josiah Thompson's book, Six Seconds in Dallas, a letter from Mr. Marshall to Theodore R. Kupferman, a Congressman, is reproduced. Mr. Kupferman had requested permission to examine the Appendix B material with the "informed judgement" of Dr. Milton Helpern, New York City's Chief Medical Examiner, and Dr. Cyril H. Wecht, the Chief Deputy Coroner and Chief Forensic Pathologist of Allegheny County (Pittsburgh), Penn., as well as Sylvia Meagher, a critic of the Warren Report, whose judgement he sought on the "various factual matters available". He was denied this right by Mr. Marshall, who quoted only the "authorized federal government agency" as acceptable. He conceded he could waive this provision, but refused to do so on the grounds that "It would then be at least very difficult to refuse other requests...". The Kennedy agreement makes the possibility of permission or refusal clear, so Mr. Marshall's evasion, and his pretence that he would be required to do something troublesome, again points up his closed mind on the issue. If the aforementioned experts are not acceptable to Mr. Marshall, who could possibly please him? He also stated in the Times interview that, in the words of the Times, "after the material had been available to experts for some time and their findings had been made public, the Kennedy family could possibly reject some requests on the grounds that it believed the applicants' motive was not a 'serious purpose' but just morbid curiosity." This leaves the door open to Mr. Marshall to reject anyone who might disagree with the findings of the Warren Commission.

Sylvia Meagher, author of *Accessories After the Fact* ("Act" in the Times), was quoted as saying that "the terms of the transfer of this evidence to the Archives were such that the photographs and X-rays will not be made available to any individual or organization except a new governmental investigatory body, if one is appointed to further investigate the assassination". In the light of the performance of Mr. Marshall, this statement holds true. We have been thrown a bone with no meat on it. (And if the Times are prepared to quote Mrs. Meagher when it suits their purpose, then they should review her book, and Mr. Thompson's book, as most other papers have done).

The Times also states in an early paragraph that "Persons who have seen the 65 X-rays, black-and-white photographs and color transparencies that were taken during the autopsy say they give strong support to the Warren Commission's conclusion that Lee Harvey Oswald acted alone in Killing President Kennedy." What kind of reporting is that? What people? Let us have names and dates. The same article, in a later paragraph, quotes Dr. Robert H. Bahmer, director of the Archives, as saying "no one had in fact seen them", although it is possible under the agreement.

The agreement also states, that to "preserve" the Appendix evidence, the "Administrator is authorized to photograph or otherwise reproduce any of such materials for purposes of examination in lieu of the originals by persons authorized to have access...". What are the limitations of "otherwise reproduce"? Could this include a drawing, such as some of those we have been subjected to in the Warren Commission Report? To examine anything in lieu of the originals, will only serve to further increase our suspicions that evidence is deliberately being withheld from us.

And quite shattering for its possibilities, is the list of materials included in Appendix B. In addition to the developed photographs and X-rays, there are "5 envelopes containing 4 x 5 exposed film containing no image, 1 roll of exposed film from a color camera entirely black with no apparent image, and 1 unexposed piece of color film". How can this be? This film was supposedly handled by Navy photographers, as was the actual taking of pictures; Navy photographs working in their own lab, with their own equipment. Until independent experts examine all of this suppressed evidence, we have no guarantee that there is a complete record of all wounds from all possible angles. We may someday be permitted the 'luxury' of examining the evidence, only to

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discover that the photographs showing the placement of the controversial back wound, or the equally important throat wound, somehow "did not turn out", and we are left with our questions unanswered, unless we care to exhume the body, as was ultimately done with Mr. Lincoln. Only by examination of all evidence, can our fears be answered.

And finally, under the terms of the agreement the evidence cannot be placed on "public display", which includes publication, during the lives of the late President's close relatives, including the youngest, his children. We are therefore at the mercy of those few who may ultimately receive approval, and who may not necessarily be as acceptable to the public as to the Kennedys.

We must also ask of the Kennedys, why have you chosen to release this document at this time, but not the evidence? It is strange that this document, which has been in the hands of the National Archives since 1966, should be released now, no doubt under instructions from the Kennedys. To what should we relate the throwing of this bone - the Jim Garrison case, the fact that Mr. Kupferman is currently away in Micronesia and replying is difficult, or the politics of 1968? It would be interesting and perhaps useful to have an answer from the Kennedys.

As for the New York Times, we must question the intent of their article of January 7th, following the release of the Kennedy agreement, which was headed "Arrests for Threats to the President Up Sharply Since the Assassination". The article quoted James R. Hendrick, a special assistant to the Secretary of the Treasury overseeing Presidential protection, as saying "All of this talk and publicity about assassinations has been bad. The more you talk about a thing like that, the more people want to do it themselves." This would seem to be a typical Establishment approach at stifling dissent on the assassination. Amidst the reasons given for an increase in threats, nothing is said of President Johnson's great unpopularity, and very little of the Vietnam war, both obviously contributing factors. Some specific threats are mentioned, and here anti-war sentiment is involved, plus one assassination threat from a man who believed President Johnson was implicated in Kennedy's death.

Where do we go from here? To begin with:

- 1- The Navy should take action to recover the photographs and X-rays, their property.
- 2- Mr. Burke Marshall should reconsider his blanket statement regarding the first five years, and he should reconsider the applications before him, and judge each on its individual merit.
- 3- Failing this, the Kennedy family should appoint a new representative, a possibility provided for in the agreement. Also, as the Times states they received the evidence "immediately after the autopsy", and turned it over to the General Services Administration on Oct. 29th, 1966, the Kennedys should tell us if they had anyone satisfactory to them examine it during that three year period, and if so, who, so we may go to them for information.
- 4- Those members of the staff of the Warren Commission who still care, should make individual application to view the evidence they themselves did not see.
- 5- Failing all else, we must immediately have a new investigative body sponsored by Congress, as outlined by the Kennedy Assassination Inquiry Committee, in our petition.

"Kennedy X-rays secret till 1971" was an inner headline in the New York Times. "Secret" is a word that has such synonyms as surreptitious, underhand, and clandestine. We shall continue to suspect the synonyms are true, until the day we may truly see for ourselves. If the facts of the assassination and evidence are as we have been told, then there is no reason to deny access to a "recognized expert" such as Dr. Helpert. The Kennedy Assassination Inquiry Committee welcome discussion with any and all parties involved, to the end of selecting the experts, so that the evidence, and the truth, shall see the light of day.

Trent Gough
National Chairman
Kennedy Assassination Inquiry Committee