

7 January 1968

The Hon. Theodore R. Kupferman  
U.S. Congress  
Washington, D.C.

Dear Ted,

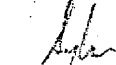
I am sure that your staff will brief you, on your return from Micronesia, on the story that appeared in the New York Times on 6 January 1968, page 1, regarding the exact terms of the agreement under which the autopsy photographs and X-rays were transferred to the Archives. The text of the agreement, which appears on page 15 of the Times, is somewhat inconsistent with Burke Marshall's version of the restrictions imposed on access to the autopsy photographs and X-rays in his letter to you of 25 January 1967.

It seems clear now that Mr. Marshall does have authority, and has had such authority since November 1966, to permit experts in the field of pathology such as Drs. Helpert and Wecht to examine the autopsy materials in question, but that he has arbitrarily decided to "not authorize any private persons to see them until October 29, 1971."

The story in the Times nevertheless refers to unnamed "persons who have seen" the X-rays and photographs--presumably before they were placed in the Archives--and who "say they give strong support" to the Warren Commission's conclusions. The only persons known to have viewed the X-rays and photographs are Drs. Humes and Boswell, on whose part such an opinion would not be surprising, nor perhaps relevant. It is noteworthy in this respect that William Manchester solicited but was refused permission to view this material, before the onset of his dispute with the Kennedys (see "Manchester Unexpurgated" by Edward Jay Epstein, in Commentary, July 1967). It is also noteworthy that the claim that Chief Justice Warren had viewed the X-rays and photographs which appeared in the New York Times story by Fred Graham on November 2, 1966, has not been renewed in the 6 January 1968 story, perhaps because the original allegation is erroneous.

Finally, one must be struck by the curious fact that in the itemization of the X-rays and photographs items 3 and 4 consist of "exposed film containing no image" and "exposed film from a color camera entirely black with no image apparent." The damage or destruction by accident or negligence of material of such crucial historical and forensic importance would constitute a misfortune of incalculable magnitude. The nation surely is entitled to a full explanation of this and the other mysteries which continue to attach to the chain of possession, protection, disposition, and significance of the autopsy photographs and X-rays.

Yours very sincerely,

  
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cc: Dr. Cyril H. Wecht,  
Edward Jay Epstein, et al