

CYRIL H. WECHT, M.D., J.D., F.C.A.P.
CORONER

CHARLES L. WINEK, Ph.D.
CHIEF TOXICOLOGIST

JUNE S. SCHULBERG, Esq.
CHIEF DEPUTY CORONER



County of Allegheny

542 FOURTH AVENUE • PITTSBURGH, PA. 15219

(412) 355-4460 355-4466

OFFICE OF THE CORONER

February 10, 1972

Bernard Fensterwald, Jr., Esquire
Fensterwald and Ohlhausen
905 Sixteenth Street, N.W.
Washington, D. C. 20006

Dear Bud:

Thank you for your letter of 7 February 1972. You have raised a very difficult question, which I do not have the answer to right now.

Please let me think about your recommendations, and perhaps we can further discuss them by phone within the next couple of weeks.

I am terribly disturbed and frustrated by Burke Marshall's obvious arrogance and obstreperous conduct in this matter, and sooner or later, I shall have to make some kind of move to keep the record straight.

With kind regards.

Sincerely,

Cyril H. Wecht, M.D., J.D.

CHW/mg

P.S. Dear Sylvia and Tink:

Please let me know what your thoughts are regarding Bud's suggestion.

Law Offices

FENSTERWALD AND OHLHAUSEN

905 SIXTEENTH STREET, N. W.

WASHINGTON, D. C. 20006

TELEPHONE (202) 847-8919

BERNARD FENSTERWALD, JR.

WILLIAM G. OHLHAUSEN

JAMES S. TURNER

NEW YORK ASSOCIATES

BASS & ULLMAN

342 MADISON AVENUE

NEW YORK, N. Y. 10017

February 7, 1972

Dr. Cyril H. Wecht
County of Allegheny
542 Fourth Ave.
Pittsburgh, Pa.

Dear Cyril:

Although there is probably no one who would support my position, it would be my view that you (and others) should knock off the demeaning pleas to Burke Marshall without further ado and sue the Administrator of GSA, the Archivist, and the Secretary of the Navy under the Freedom of Information Act.

The theory of the suit would be that the photos and X-rays were and are government records within the meaning of the FOI Act and are being wrongfully withheld.

At least, if this procedure were followed, it could be made clear in court that 1) the Kennedys never had a proprietary right to the photos and X-rays; 2) they were never shown to members of the the Warren Commission; 3) some of the photos and X-rays are missing; and 4) there is no reason they should be withheld.

All of this would be a plus in my view, as I have grave doubts whether Burke Marshall has any intentions of showing you the photos and X-rays under any conditions. Also, he can put restrictions on their accessibility that a federal judge might reject.

If, by chance, you decide to go this route, there is much we need to discuss about exhaustion of administrative remedies, bases of jurisdiction, etc., etc.

If you get down our way, please let's have lunch or dinner.

Warm regards, as ever,

Buil

Bernard Fensterwald, Jr.

BF:crr