

6/11/69

Dear John,

You correctly understand my feeling on my unpublished material and its importance to what I want to accomplish.

I'll think about it, but let me give you immediate response because you are pressed for time.

What I have in mind is a compromise. You have already asked for this and have been told it doesn't exist. You can take the stand in the trial and produce that letter. You can then produce me and my copy which proves that it does exist, was in the Archives, had been removed from every file where it was required to be (I have asked for and have copies and have the written assurances under the Archivist's name), and I think a real courtroom bombshell, proof that the government is lying and does, in court, in letters, etc. This will, I think your lawyer will agree, add point to your suit, tend to undermine, if not destroy, the government's posture, etc.

It is also better to keep this quiet, without even letting the government know we have it, until we get into court and there is a chance the press may cover.

I do recommend that you make no reference at all in your court papers because we do have it. You have already requested it and been told it doesn't exist. We'll catch them by surprise, and it is very basic, in law and in fact.

This has the added advantage of putting us in the further position of being able to take them to Globbersville in other parts of the same area when I am questioned.

I think this is much more important than getting a duplicate copy of what I have.

And I think it will be a serious tactical error to do otherwise. You have more than enough for satisfactory response to their pleadings. Keep some surprises for court, and let's do a real job on them there.

One of the problems of working in an archive, as you know, is that anyone can duplicate the same work by marking the same requests. However, I think in this case your own interest is best served by what I recommend. What do you think?

Sincerely,

Harold Weisberg



UNIVERSITY OF KANSAS MEDICAL CENTER

RAINBOW BOULEVARD AT 39TH STREET
KANSAS CITY, KANSAS 66103 • AREA CODE 913 • ADams 6-5252

SCHOOL OF MEDICINE
DEPARTMENT OF PATHOLOGY AND ONCOLOGY

June 8, 1969

Harold Weisberg, Esq.,
Route 8
Frederick, Maryland

Dear Harold:

Bernabei's affidavit arrived and yesterday I had a very brief talk with one of my lawyers in Topeka. The other two were visiting a murder scene so our meeting was largely non-productive. However he was delighted with both affidavits and it appears that neither will require to be rewritten. He seemed to think that part of the value of yours was the fact that you composed it and you go into considerable detail on some things and touch on things not bearing exactly on the point.

Yes, I know about the autopsy permission form SF 523. This Standard Form 523 is used by the Army, Navy, Air Force, Veterans Administration and Public Health Service. We intend to take advantage of the phrase: "...for permanent file." and will reproduce one of our blank forms with letter of submission by Commander Lynch, U.S.N. Oct 1967. However, I mentioned to my lawyer that you have a copy of the autopsy permission (SF 523) and we debated whether or not to ask your permission to use your form or sue the government to produce the original. What would be your views on this? Of course, I know your copy has considerable value to you, especially, as long as it is unpublished.

Sincerely,