

11/30/69

Dear John,

I have just finished making notes on the papers on which I was working and which must return tomorrow, so I will respond to your letter of 11/22, enclosing the four sets of papers.

Now that I have a chance to look at it with a fairly clear mind, it seems to me I have read the first three before and given you a rather lengthy rebuttal-analysis of the second and third items, the government's arguments, though these seem to be a different set.

I have read and will make a few suggestions about the incomplete draft of the reply. Tomorrow I expect to see Bud and will take this up with him before mailing so if he has any further suggestions I will be able to make them promptly on my return home.

When you send the rest, please give me a schedule or deadline.

Page one: do you want to raise the question whether, when the assassination of an American President is the issue, there can be any such "right to privacy" about the alleged evidence of the murder?

Your concede "There is, of course, a certain need for confidentiality in some aspects of government operations and these are protected specifically", in quoting the Senate Report 813. I think you might want to add that in no way is the need for certain and carefully-delineated confidentiality intended to be misused by the government as a disguise for suppressing what is embarrassing to the government and the Freedom of Information Act says the opposite. Confidentiality is not license to suppress by spurious interpretations of the meaning or contents or character of what the government is suppressing.

Page 2: were the pictures and X-rays ever the property of or in the possession or custody of the Armed Forces Institute of Pathology? Can they, unless this is clarified, not say the request of 8/21/66 was an improper request and is thus without meaning?

Page 2: request for "the X-rays and photographs made during the autopsy". Some were made, technically, before it and some, without doubt, after it was completed and the protocol filed (and suppressed) - you may want to note somewhere that the protocol was entirely suppressed for a very long period - until the report was issued - save for government leaks. An example of after, brain sections, microscopic studies - supplemental report.

Page 3: Bullet 399 is not "alleged to have fallen from Governor Connally's clothing". A more precise formulation would be alleged to have, in some mysterious way and unassisted, to have removed itself from the Governor Connally's thigh, after lodging in it, attached to the tibia, where it deposited a fragment, and then to have no less mysteriously appeared under the mattress on a stretcher on which there is no chain of possession, a stretcher then cannot and has not been associated with him, beyond reasonable doubt..

Page 4, where you discuss the official claim that the imposed restrictions are alleged to be for the protection of this evidence, you might want to add that while in such custody the only damage known to have been suffered by this evidence has already been sustained (film and 399, in case you didn't know it - and if you want me to, I'll prove it in court), so that this custody, rather than being

protective, has resulted in irreparable damage, exactly what the government alleges it alone can, will and had avoided. You might also urge that with this history of damage under such "protective" custody, it is also essential that an independent inspection be made before other such ~~xxxxxxx~~ "protective" tragedies occur.

Page 5: was the film in the archives possession 18 months before the Marshall letter-contract? This is what you say in the first paragraph. I do not believe it to be the case.

At the end of this paragraph is an imprecise formulation, "the agreement entered into by Burke Marshall and accepted by the General Services Administration". There is no doubt in my mind this agreement was prepared by the government and accepted in toto, without any change, no matter how minor, but the later-selected representative of the estate, Marshall. There is a big difference,

Page 6: Not James Garrison (end first paragraph). I think rather than say Garrison was "attempting to link a Clay Shew to an alleged conspiracy" it would be better to say that Clerk released his carefully-angled report (the selection of alleged evidence used therein being more important than the careful selection of the panel), in which what was not congenial to the government's position was ignored, where some of the evidence you seek was not examined, where contradictions ~~xxxx~~ with the Warren record are hidden, and where the issue in Louisiana was whether or not there had been a conspiracy, this evidence being sought as proof of existence of a conspiracy, proof that the assassination could not have been the work of a single man. The panel, with or without instructions and in contradiction to its alleged charge selected what it would and would not consider and what it would and would not report on, whether or not so ordered, and the result is contradiction with the autopsy report.

On the pictures of the clothing: These are inadequate, incompetent technically, hide rather than disclose the vital evidence the clothing bears, and contrary to the Freedom of Information Act, there has been no response to my request that they take for me the pictures I want (of the shirt), after a long, long time.

Pages 7-8: you say some of what you seek "are for the most part the property of the United States Government". I think what you here mean is that prior to the fraudulent alleged contract they were, not that, as of the time of your brief, they now are.

Page 8: This is not true of the rifle, although it once was. It is the subject of a confiscatory act of Congress, by which it became public property.

Your case of how to commit the perfect crime should be closer to the good formulation Bertel made in Judge Hellick's court, of the widow of Truman, had the Puerto Rican attempt succeeded, giving the weapon to the government, thus precluding its use as evidence. In any event, I think this part should be reformulated, and perhaps Bud can contribute a good one.

Page 9 (numbered 2): First line- is it not more than the "administering" of the alleged purpose that you are questioning, its misinterpretation to convert it into an instrument for illegal suppression, for denial of access when the purpose is for the guaranteeing of access? The purpose is not alone "preservation" but more, making them available. How else can they be used, in addition, for the claimed purpose of "reference" if they are denied? (last sentence).

At the end of the first paragraph, I think you should add a comment on the character of the panel report, that it was argumentative, disputatious and in pursuance of preconceptions, that it is not what the panel was charged with preparing, etc. Your argument here should be, I think, the government's misuse of the evidence, an ex parte culling of that which it wanted said and no more-with further reference to the timing and the long suppression of even it, the panel report.

This use is neither preservation nor reference but propaganda, where the government misused it in court while denying the other side even the possibility of checking the accuracy of this misuse, of comparing the conclusions with the evidence.

Denial of access you seek defeats the alleged purpose of acquisition, for reference and historical value, etc.

Page 10 (numbered 3): On the height of the seat, do you want to add that this was the subject of testimony before the Warren Commission by then Inspector (now Assistant Director) of the Secret Service, Tom Kelley, and that if he had no basis for his testimony the government manufactured or contrived or presented testimony that was without factual basis? This would at least leave a court record that this basis of the reconstruction is without support, hence the entire Report is without this much-needed support.

This, I regret, is too hasty. I hope it is helpful. If you have any questions, ask them. And when you want me to go over the rest, I'll be glad to. The one thing I'd like to see more emphasis on is the undependability of the government word which is, after all, what the court has to consider. I think on this you should be strong and forceful, and you do have and have available the proof. Remember, I've done a whole book on the panel report, and what was used of it in N.O. is but a small part. And while I will not permit use in any way before open court, believe me, I have irrefutable proof of the damages to the evidence referred to above- even of the loss of evidence. That's some way of "protecting" it, the essence of the government defense.

If, when you send me the rest, you can also send me a Thermofax that I can make up when I read it, I can respond faster and possibly more completely. I can also return it, if you'd like.

Sincerely,

Harold Weisberg