

LAWYER

Route 12 - Old Receiver Road
Frederick, Md. 21701

August 28, 1977

Dr. Malcolm Perry
Dr. Charles Carrico
University of Washington Medical School
University of Washington 98105

Dear Drs. Perry and Carrico:

When I was in Dallas several years ago, I interviewed both of you, Dr. Perry for the second time. Thereafter I reported these interviews briefly in my most recent book, POST MORTEM. In each case I trust you have heard, fairly, accurately and sympathetically.

As you may not remember my telling you, I have been engaged in a diligent effort to bring to light all the existing and suppressed corpus delicti evidence in the JFK assassination. I did invite you both to see what I have obtained if you were ever near here. I am sorry neither of you was able to accept this invitation because I have been able to obtain much that the Warren Commission did not have or use. You would find that all I have obtained entirely supports what you both told me. It also goes further.

One of the means by which I have pursued my efforts is vigorous use of the Freedom of Information Act. Another, in connection with federal efforts to interfere with my work, is the Privacy Act. From the latter I have come to a much better understanding of the behind-the-scenes pressures, although I had assumed them and had known of some as applied to some Dallas doctors.

Coinciding with my efforts to obtain all the medical evidence that exists and can properly be released, I have been endeavoring to obtain the withheld ballistics-related scientific evidence. With the spectrographic examinations this effort is now almost 12 years old. I am in court on it now. In the past I have been to the Supreme Court with it. The Congress was motivated by the official corruption in that case to cite it as one of the four cases that required the amending of the FOIA in 1974 in an effort to deter if not end official dishonesties under that Act. My present suit is the first filed under the Amended Act. In connection with it I was in Dallas in June to obtain affidavits to use in that case. It was then that I learned of your having left Dallas.

At least in part as a result of the evidence I have been able to obtain and make available, there has been a considerable change in some official attitudes toward the official investigation of the JFK assassination. As manifested in the case for which I was hoping to obtain affidavits from both of you in June, the federal court of appeals in Washington issued a firm remand decision in my favor. It held that establishing the existence or nonexistence of the records I seek serves the nation's interest. It gave me a mandate to seek to establish this by taking first-person evidence from those with knowledge of the events. (I'll be glad to send xeroxes if you would like a copy.) It specifically ordered that I depose former FBI Laboratory agents who just happened to retire at ages younger than mine when I refiled this suit under the amended Act.

To the best of my knowledge or that of my lawyer, this decision is without precedent.

While they were anything but honest and forthright, I believe that we did obtain from these former agents proof of the existence of still-secret records.

One part, not yet known publicly although the depositions have been filed in court and now are public records, I think will interest both of you. It relates to the wound in the front of the neck.

Former FBI SA Robert Frazier directed that there be an examination of the front of the collar. The reason is that the slits in it do not coincide. While you and I know that this damage was done by a scalpel, the official story is that it was done by an exiting bullet. To hide these facts, the FBI gave the Warren Commission only very unclear pictures of the shirt. I obtained FBI original pictures, not given to the Warren Commission, by earlier FOIA action. In another FOIA action I forced the government to make good photographs of the knot of the tie. It then turned out that, although nobody knew it, the tie was unknotted after the Warren Commission used it. There could not, therefore, be any new photograph of the knot. However, as should not surprise Dr. Carrico, the pictures I do have of the knot before it was undone show the nick on it to be much higher than the slits in the neckband and to the side of them.

The FBI has not produced the results of the examination of the shirt to determine whether or not the damaged areas in the front overlap and coincide. They will not, of course, because the damaged areas are in no way alike, in length or location.

This has special relevance in the litigation because the spectrographic examination of this area of the shirt and of the nicked part of the tie show no bullet traces. Yet the FBI has not yet produced any report on this or, for that matter, on any other spectrographic of what was kept secret, neutron activation analysis.

The suit is for the reports. The need is to establish their existence or nonexistence. Because of the legislative history of the amending of the Act, which amounts to the Congress directing the FBI to give me these reports, there is no question now - such reports cannot be withheld. Any I receive, of course, I make public.

So the FBI, without providing any first-person affirmative, pretends they do not exist.

One of the possible means of addressing this is to establish that they should exist or to establish motive for their not being produced or both. Both can be established by other evidence. One example of this is that the anterior neck wound was above the shirt collar, as Dr. Carrico testified it was. Another is that this shot appeared to be from the front, from what could be observed at the time in the emergency room. This is what Dr. Perry - and not he alone - said at the White House-sponsored press conference November 22, 1963. While he was told by the Commission that it could not locate any transcript or tape or news account, there was a transcript and I have obtained it.

Dr. Shaw has recently made statements he regards as new. He has forgotten his testimony. I learned this and more when I checked his recent statements against his testimony. Most of what he said he had testified to. This includes that Governor Connally's wounds led him and other doctors to believe whatever caused them behaved as though it had not struck anything else or been in another body. What was new was his belief that the fragments of bullet found in the rear seat of the limousine could be associated with Governor Connally's wounds. In checking this through his testimony, I saw what I had forgotten, that he and other doctors who tended Governor Connally urged a search of where he had been. This did not happen until the car was back in Washington. On two searches, the first being inadequate and incomplete, three and then two fragments were found, under the jump seats and in the front seat area. When I checked further, on the damage to Governor Connally's clothing, I learned what I had also forgotten, that there were two holes in the back of his shirt, not one. The FBI did not report this to the Commission. It was the Commission's own observation when it had this clothing.

In some areas the official Washington medical evidence is so barren it does not include the fact that Dr. Perry was consulted on Governor Connally's leg wound because of his expertise with arterial damage. The Commission has him as not present at or participating in Governor Connally's surgery or treatment. But then it also does

not have in its Report or testimony the size of that fragment. Consistent with this it did not take testimony from Dr. Perry about his examination of the X-rays or his expert opinion on the nature of the wound or what could or could not have caused it or how it could or could not have been caused.

I have the measurements of the fragment from the X-rays and pictures taken specially for me of the base of the so-called "magic bullet," with a millimeter scale. The fragment is longer than any dimension of the area of metal missing from the base of the bullet. In the depositions referred to above, I also established what is not in the Warren Commission evidence, that the FBI removed core material from the base of this bullet.

All of these matters and more relate to what was required by way of proof and what was required by way of laboratory work to seek to establish these proofs.

In this case, when faced with my detailed knowledge of the known facts and my proving in court and subject to both cross-examination and refutation that the FBI had sworn falsely, the FBI's response was to tell the court that I know more about the investigation of the JFK assassination than anyone now in the FBI. It is a non sequitur, of course, but it also constitutes unique credentials. Based on these credentials and the knowledge I have obtained, I have filed a lengthy factual affidavit, with numerous attachments of records once secret. To a degree this was hearsay, of course. But it does make an official record if for no other purpose for the future, a record that is subject to official attempts at refutation I do not expect. Official failure to address these facts in itself makes a stronger record for the future, whether or not it succeeds in forcing the suppressed scientific evidence public.

It is now beyond my capacity to write any more on that aspect. I am 64 years old. Two years ago, after the damage was irreversible, it was discovered that I had had acute thrombophlebitis in both legs and thighs. By the time I was in Dallas this June, it was apparent there were further medical problems. While not yet completely diagnosed, arterial problems are indicated. My purpose is to obtain and make the evidence public, not to use it in writing.

I have already begun the deposit of my records in a major university system where they will be public and permanent records. Whatever records I obtain from this litigation I will also give away, to the country, first by offering them to the press and then by including them in this university archive. I persist in this effort not for any literary or any other selfish purpose. I do it at the cost of other work I want to do, other writing I have not been able to do. I do it in the interest of the country, now with a judicial mandate that it serves this interest, and in the hope that it can strengthen our basic institutions. I believe the failure of these institutions in that time of crisis has weakened the country and the institutions themselves and has disenchanted many, particularly young people. I believe truth would be a powerful medicine in healing all of this.

I write to ask either or both of you to consider helping in this. If you decline, I will not be writing that or making any use of it in any way. I hope you will think about it and hope you will agree to executing affidavits to be filed with the court.

In the case of Dr. Carrico, unless he knows more than we discussed, it means no more than repeating what he testified to before the Warren Commission, particularly when Mr. Dulles asked him where he saw the anterior neck wound. I can send you xeroxes of this if Dr. Carrico does not recall it. And that he directed the nurses to engage in the usual procedures in such cases after he listened to the chest, to cut the clothing off.

In the case of Dr. Perry, I would like what he said at the press conference and what he told me, on which I made contemporaneous notes.

I realize that this can present some problems to Dr. Perry because of the nature of the leading questions he was asked before the Warren Commission. However, I believe the nature of those questions also eliminates any problem Dr. Perry can anticipate. First of all, his testimony was without benefit of the contemporaneous records. He was to have been provided them. From the existing record, he was not. With those records he now can know what he did say. There also are questions he was not asked, as about the Connally consultation. I believe these present no problem to him.

I recall Dr. Perry's indignation over the Bethesda allegations that the internal bruising was caused by his tracheostomy. I can now assure him that whatever caused the wound in this area did fragment. I have obtained and have published a once-secret report of a panel experts convoked in secret by the Justice Department. I believe I mentioned this to both of you. The Bethesda doctors, also in secret, filed such a statement. Despite semantical effort, it contradicts their testimony. The same experts' report shows the fatal wound was four inches higher than the Commission said. All this, by the way, is now in the court records.

Over the years I hope you have both observed that I am not one of those seeking to commercialize the tragedies. I seek rather to establish fact to the degree one can. I do this while maintaining a low profile, not seeking and exploiting cheap sensations. For these reasons I am having nothing to do with the sensationalism and irresponsibility of the House of Representatives committee. It has been irresponsible and it is not proceeding in a serious manner.

While I have not asked his permission, I believe Dallas District Attorney Henry Wade would give me a good character. He might even tell you that I gave him copies of records the FBI should have given him but withheld from him.

Because I have not commercialized this work more than for medical reasons, travel is not easy for me. I can travel as long as I can keep my legs elevated and walk around from time to time. The airlines do permit this. But if you are willing to consider such an affidavit or affidavits, I would go out there, with the assurance I would not ask anything of you that you would not be willing to say.

I hope you will believe as I do that this could serve personal and national interests both. If you agree, please let me know what of my records you would like me to bring to show you. Without your asking I would bring pictures of the clothing and of the so-called magic bullet that were not in the Warren Commission evidence, and such things as the reports of the panels I've referred to. I enclose a xerox of the original of what I think neither of you has seen, the remaining holograph of the autopsy protocol in which the substantive changes are astounding to me. My copy is made from that of the President's physician, Admiral Burkley. He approved the destruction of the original holograph and all the substantive changes in the existing one. This holograph also quotes Dr. Perry as saying the anterior neck wound was a puncture wound, a description then eliminated in the typing. All other uses of the word "puncture" describing wounds were eliminated in the visible rewriting, in Dr. Humes' hand.

While it is not relevant to the affidavits, it may interest you to know that after the first rewriting the fatal wound was described as "tangential to the scalp," not at the occiput.

I also enclose what the Commission did not have, the official death certificate. It locates the wound in the back at the level of the third thoracic vertebra, not in the neck.

I look forward to hearing from you, hopefully of your willingness to set the record straight and help heal this national trauma.

Sincerely,

Harold Weisberg