

copy, New, Burke Marshall, F. Kennedy (Burke)

April 7, 1969

Dr. James B. Rhoads
Archivist of the United States
The National Archives
Washington, D.C. 20405

Dear Dr. Rhoads,

I am deeply grateful that you could inform me the memorandum of transfer of the pictures and X-rays of the John F. Kennedy autopsy "is not the property of the United States" on the 82nd day following the first of my many requests for access to and a copy of it. Such expeditious response to inquiries is a boon to research, as you no doubt intended, and is typical of the government's dedication to freedom of information as it is of the loudly and often declared policy of keeping no unnecessary secrets about the murder of the President or its official "investigation". The scholarly concern of the National Archives under your leadership is nowhere, to my knowledge, more clearly reflected.

However, your letter does present a few problems, for me and if I may suggest it, for you and the government. You may recall that in our personal conversation in Judge Halleck's court and in letters I told you I knew about this memorandum of transfer. That date exactly coincides with the date on which one of the then ranking officials of the Treasury Department says these pictures and X-rays of the autopsy were turned over to the Kennedy family. Until the date of the memorandum this film was in the custody of the United States Secret Service, which is part of the Treasury Department. On that date the Secret Service surrendered possession of these same film.

Are you telling me that the representative of the Kennedy family gave the representative of the Kennedy family a receipt for the film given him by the Secret Service, or that he wrote himself and only himself a memorandum covering the transaction? Are you also telling me that the Kennedy family is so lacking in confidence in itself, its lawyers and the Kennedy Library that "for safekeeping" this "private paper" was merely "left at the Archives building"? This, no doubt, is a thought the import of which would not be lost upon those who have made or might be called upon to make financial contributions to the Kennedy Library.

If I assume with you that the particular copy of this memorandum of transfer to which you allude is "not the property of the United States", permit me to address myself to other copies. This film was the property of the United States (and in my belief never was the property of anyone else). Someone, with or without the sanction of law, undertook to give away the property of the United States. There must be a record, an accounting, of the disposition of all federal property. So, for the moment let us not concern ourselves over whether or not the particular copy of the memorandum is "not the property of the United States". Instead, let us concern ourselves with other copies. I have been repeatedly assured by the head of the Secret Service that his agency has turned every record relating to the assassination

to your agency. I will not quibble over which copy you supply me. I will be quite content with a copy of one of the copies of the Secret Service. I note with approval there is no other restriction, that this document is not classified under the Guidelines or anything like that. It is merely that the Kennedy family copy is, in your view, private property. At some point there should have been consideration of how government property could be given away. I would like to have copies of any and all memoranda or records of any kind or character dealing with this. If, by any chance, government property was dealt with so lightly that there are no such records, I would appreciate your assurance of it.

And if you could respond to this simple request in something appreciably less than almost three months, it would be helpful to me. It would not reflect unfavorably on the government's record in this and related matters, either. If at the same time you could tell me why it required this time, almost three months, to learn that the particular copy of the memorandum is government property, I believe I would find that worthwhile knowledge.

In all of this I have additional query after reading your affidavit filed in Judge Halleck's court and that filed in the case of Dr. John Nichols, in Topeka, Kansas. In each you suggest it is vital for the government to be able to accept papers for Presidential archives so that such papers may be preserved and available for research. Here you say exactly the opposite, that the papers are accepted so they can be unavailable for research. If you could take the time to resolve this seeming conflict in purpose, that under oath being given as for availability and that not under oath for unavailability, I might be able to understand the whole thing a little better.

One additional sentence in your letter is of great interest to me, partly because it relates to what has never, to the best of my recollection, been the subject of discussion or correspondence between us. You say, "For your information, I understand that the black and white and color negatives referred to in the 1968 panel review are the same negatives listed in Appendix B in the Kennedy family deed of gift of October 29, 1966." If you can supply the source of your understanding, I would welcome it. Comparison of the two documents of reference tax my understanding, and I am fascinated at your awareness of it. How, may I ask, did this come to your attention?

I do appreciate your kindness in passing along your understanding, especially because it is unsolicited and I encounter so much difficulty in getting so much of what I do seek.

However, the panel report mentions but seven "negatives" as distinguished from other film. Its Inventory is described as of "prints and transparencies". In a paragraph after the eight-part listing it says "negatives corresponding to the above were present", without saying to all of the above or how there happened to be (if there were) negatives corresponding to transparencies, which, as I understand it, are made with positive film.

I am further perplexed by the failure of both documents, where a precise record seems to have been the overt purpose, to give a total number of pictures and subtotals of each kind and size. I cannot add any combination of numbers from the panel inventory and arrive at either the announced figure for pictures taken or that recorded by the FBI agents present at the autopsy and the picture-taking (it will perhaps simplify things for you if I do not raise the same question about the X-rays). If the tabulated film identified in parenthesis

with the letters "JB" is identical with the unlettered, different numbers, in itself confusing enough, there seems to be a total of 45 pictures. If the seven referred to at the bottom of this tabulation are different, there then are 52. If these, when numbered "19 through 25 (JTB)" by the panel are not identical with "#48 through 52", of which the panel reports says merely that they "appear to represent the same views", do we have an additional seven? And if those identified with the letters JB and different numbers than those adjoining them in the list are different pictures, have we an additional 18? No combination of addition and/or subtraction yields for me the FBI or the announced number of pictures.

Study of Appendix B (and I have, indeed, studied it) provides only more and new confusion. It has four items of pictures, not one of which contains a single meaningful number. To list "envelopes" without reference to their content is as best a subterfuge and at worst a conscious deception. Do all the envelopes have any pictures of any kind in them? Does #87 have more than a single film? There are other obvious questions, but these illustrate the point. But numbers of envelopes only are given in the first three "itemizations" of film in Appendix B and as meaningless as designation is in the remaining one, where the description "I roll" is used. Rolls are of varying lengths and within any given length varying numbers of exposures are possible. So Appendix B also extends itself to give no number, nothing from which meaning can be derived. If two batches (from the list) are "with no image", in itself a remarkable, entirely unexplained situation, there is even less likelihood of making any kind of meaningful comparison between the two listings of supposedly identical film of the single autopsy, each represented as complete and untainted.

Other existing records make this even more baffling to me. I refer to these because they are the two to which you restricted yourself. The bewilderment, which I make no effort to hide, is further complicated by analysis of your choice of words. You refer not to total pictures and film of any and all kinds, never to prints or transparencies, merely to "negatives". You say those of the panel report "are the same negatives listed in Appendix B". What you do not say is that there are no others, either negatives, positives or transparencies. Is this merely an oversight. Do the numbers of both "lists" exactly coincide? Does either have what is not in the other? How is that film "with no image" included in the supposedly definitive panel-report list or text?

From this I hope you can understand I do, sincerely, welcome any clarification. Your letter does not convey it, but I do, very much, want it. Perhaps you here see an additional reason for my anxiety to obtain what I am confident I am entitled to, a copy of the memorandums of transfer and everything relating to it. I certainly would appreciate any meaningful explanation of the above you can provide, whatever its form. I am no less sincere in hoping you will respond within the reasonable time we both know is possible and presents no hardship to your or your staff.

Once again, if unsolicitedly, I again urge upon you consideration of what such a record says and records for posterity of the government and of every individual in any responsible capacity, especially when our concern is with the murder of a President and its official investigation.

Sincerely,

Herold Weisberg