

1/31/70

Gary and Dick,

This dismal addition to what I've felt I have to trouble the two of you only with:

You have copies of the letters I've written the Archives, thus far without response, asking that they duplicate one of my "lost" pictures. I had also written asking for two prints of the one they say they took for John, with a negative. Yesterday Simmons handed me two prints I immediately recognized as my own, but the negative was not indicated. I asked that he indicate on the back which I knew Johnson was in the office, for I'd spoken to him by phone, and I also recognized his handwriting. When Mike returned them they bore the identification of John's picture, which they most assuredly are not. Howard compared them with my print and confirms they are, in his opinion, identical. So we'll carry this further and see what eventuates.

John was not in Bud's office when I was first there yesterday a.m., a few minutes earlier than I'd indicated, and I stayed through the time I'd said. When I returned to pick Howard up he was not there, nor was there a message. But he called me last evening. He now says he is going to sue the Archivist for the authorization, for the Archivist, he also says, insists he doesn't have it. There are several very things here, of which I note a few: I simply cannot believe Rhode told him this, as Gary, at least, will recognize to be entirely opposite my own extensive correspondence on this. They not only tell me they have it but they insist it has always been in the JFK 4-1 files which I know is false for I have an inventory of that. But I just do not believe they are going to insist to me on the one hand that it has always been available and to John on the other that they do not have it. And, if John does sue for this it is a frivolity and jeopardizes his new suit, for the law can be used for serious purposes only. He has the authorization, having gotten it from me. Therefore, his purpose cannot be the one stated in the filed suit, to get it. Nor can it be to learn its contents, for that also he has had for several years. Here again, a smart defense (not that the government will be smart) would be to use me against John and to prove that he not only had that for which he sues but that it was readily available to researchers.

I am not more anxious than I was to get his order for the pictures, for Howard tells me he told John of the Tink fragmentation of 399. John said he ruined the copy of the letter Howard sent him and asked for another. I suspect this is what triggered what John now says is the "automatic" way he works, asking for what he has always intended asking for or repeating his request for what has been refused.

This brief note to update you. I leave for DC and dental appointments for us both soon, with Howard still sleeping. I'll feel better hearing from Gary, who has been silent for several weeks. All over your bug?

Best,