Dr. John Nichols is the man who suspected President Kennedy had been a victim of Addison's disease. He investigated, established the fact, proved that it was improperly suppressed from the autopsy, and remained with nagging doubts about the remainder of that report. Because he is a qualified, certified ~~[illegible]~~ pathologist, a professor of pathology at the University of Kansas Medical Center, Kansas City Kansas, and ~~the [illegible]~~ a pathologist for that metropolitan area, he is in a unique position to do work and understand the medico-legal requirements others of us researching in the field cannot. He has had long experience i n autopsies in crimes of violence going back to his post-graduate days, ~~when he worked in the Allegheny County, Pa. (Pittsburgh) coroner's [illegible].~~ And withall he has a competence in ballistics, having been a life-long rifle buff and a member of his college rifle team as an undergraduate. He has designed and performed an extensive and complex series of tests and experiments with duplicates of the Mannlicher-Carcano rifle allegedly used in the assassination. They convince him that the medico-legal "explanation" of the President's murder is false and untenable.

When the government denied him access to the vital evidence of the murder, made it impossible for him to make and have made the tests the government had avoided, refused him permission to make a personal study of that evidence he is so qualified to examine and evaluate, on January 17, 1969, he filed suit in federal district court, Topeka, Kansas.

On March 21, waiting until long after the end of the suit in the Court of General Sessions in Washington, the government made response. Five federal attorneys signed and were part of it: the United States Attorney for that district and his assistant, an Assistant Attorney General of the United States and two Department of Justice staff attorneys. If these legal eagles were earlier unaware of it, the Washington proceedings and decision informed them better and other than they allege in their motion and argument.

assistant Attorney General William D. RUCKELHAUS and

Two of them, Jeffrey F. Axelrad (right ), worked on that case and signed the government's brief in it.

As in the Washington case, the government's legal pleadingx in response to the Nichols suit is a masterpiece of semantics, where the skilled use of words deceives and ist intended to deceive those not having the most intricate knowledge of the facts, made more complex than necessary by the xxxix unending and utterly inappropriate federal dissembling. It misrepresents in a way that cannot be accidental, is based upon false statements and inadequate and knowingly inadequate ones, contrives unrealities and presents them as fact and by the trickiest selection of words avoids what it cannot get around in any other way. As it is a masterpiece of semantics, it is also of dissembling, for the government does not eschew pretending it enacted nonexistent laws to cover the points in question, is not reluctant to present sworn statemtns by the wrong witnesses, addressed to the wrong points, saying the wrong things and omitting those that are right, all to deny the plaintiff and through him the people of the United States those suppressed and entirely misrepresented facts of the murder of the President without which the government could not have fashioned and foisted off the false solution to the crime of the century, the assassination of the President.

So bankrupt is the government's legal posture that it without shame proclaims it lacks the basic evidence without which there can be no possible acceptance of the Warren Report. Yet in making this shocking admission, carefully misrepresented so the reader will not recognize its true significance, the government is no less careful to make inadequate response in a manner no lawyer or judge, including the most skilled and the canniest, is likely to detect.

The form of the government's response is a motion to dismiss the Nichols suit or, as an alternative, a request for a summary judgement against him. The very first paregraph of the body if this brief begins with two deceptive impositions on the trust of the court, two examples of the semantics

substituted xf for law and fact that amount to out right lies:

An affidavit executed by James B. Rhoads, the Archivist of the United States, has been filed in support of this motion which shows that the clothing, X-rays and photographs sought are specifically exempted from disclosure by statute and that Warren Commission Exhibits Nos. 399, 573, 842, 843, and 856 may be viewed but their release fromxhis custody is precluded by statute.

In each case, there is no such law, to the knowledge of the government. In each case the government makes the false pretense to accomplish with the misuse of words what cannot be achieved by other means. Were therex such a law, it would not be necessary to say that the affidavit of a non-lawyer "shows that" the items sought "are specifically xxxixxx exempted from disclosure by statute". Were there such a law, its exact language would be cited by the signatory federal attorneys in their own names, on their own authority.

It is not customary for non-lawyers, especially in the government, to prepare legal documents; it is customey for the large staff of federal attorneys to perform this function. It is reasonable to presume that Dr. Rhoads did not decide what should be included in his affidavit and what left out, that he xxxxxxx is expert in and aware of the details and intricacies of the enormous volume of the law. It is reasonable to assume that the federal attorneys, who are the experts, made these decisions, had this knowledge, and drafted the affidavit to which the Archivist of the United States swore and affixed his signature.

Now this presentation by the Department of Justice in the Kansas court, the same Department of Justice whose function it is to enforce the laws of the United States, to prosecute those who violate the laws, to set an example of probity all others should follow, actually says"that the clothingx" worn by the President when he was murdered and the "X-rays and photographs" of the autopsy "are specifically exempted from disclosure by statute". This is to say that Congress enacted a law that says the clothing, X-rays and photographs must not be disclosed, under any circumstances. That is entirely false. There is no such law. When, later, there is citation, it is

of a law having to do with Presidential libraries and things like that, one enacted before the crime, one that makes not the slighest reference to these items of evidence, not by the greatest, most remote indirection. And as will be seen, that law is at best inapplicable, especially to the film.

The simple truth is what the government daren not admit. It is that there is nothing it will not do to prevent any impartial, competent, scientific examination of this basic evidence of the murder of the President because its contrived official explanation of that murder cannot withstand examination of this same basic evidence the same federal government do thoroughly misinterpreted and misrepresented.

The best argument the government can make is insufficient, not nearly strong enoug. Therefore, it resorts to semantics as a substitute for law. The truth is that the government interprets an inapplicable law to give it the right to engage in what amounts to a fraudulent contract and that in this contract conditions can be stipulated that give it the right to withhold the evidence of the President's murder from any non-governmental examination. The law cited by the Rhoads affidavit is "section 507(e)(1) of the Federal Property and Administrative Services Act of 1949 (44 U.S.C. 397 (e)(1)". The Rhoads affidavit is in a separate document filed by the same crew of federal attorneys. But the "fine print" is overwhelmingly clear: the Congress did not in 1949 visualize that JohN Kennedy would become President of the United States twelve years later, that three years after that he would be murdered, and that his clothing would be "given" to the government of the United States, together with the pictures and X-rays of hiss autopsy, three years after that. Not the wisest, most foresighted Congress in American history could so clearly foresee 17 years into the future and "specificially" exempt the vital evidence of the coming murder from any unofficial examination. It likewise could not and did not know that the murder would be by gunshot and that the exhibits in the coming investigation not by a court of law but of a rare Presidential Commission proceeding in would be numbered "399,573,842,843, and 856". Neither that 1949 Congress nor any other "precluded by statute" the examination of this

thenOnone non-esitent evidence of a non-existent and unpredictable murder of an unelected President. The ~~tuh~~ truth is as simple as it is uncongenial to the arbitrary decision of the government to prevent such examination. It is that the government interprets its rights under the spurious contract under the inapplicable law to give it the power to preclude such examination.

The contract is a letter of agreement between the government and the representative of ~~them~~ executors of the estate of the murdered President. It was executed by both parties October 29, 1966. A copy is appended to the Rhoads affidavit. It is referred to as the ~~lettxxr~~ "letter agreement".

This federal contrivance is regularly incanted by the government throughout its pleadings.

Under the euphemism of serious intent, "Facts" beginning on page 3 of ~~the~~ the 21-page "memorandum in support" of its motion, on that page it is twice alluded to. The entire fourth ~~paxxxxx~~ and fifth and part of the sixth pages are devoted to quotations from it. It is, in addition, twice invoked on the sixth page.

A section entitled "Argument" begin on page 7, where it again is cited. Under other headings, this is repeated ~~xxxxxxxxxx~~ in various forms and formulations on pages 9,10,11,12,13,14,15,16,17,18,19, and 20. There are but 9 words of presentation of page 21.

In short, the crux of the government's argument is this letter agreement, which is cited on almost every page of the legal papers in one way or more, and the law under which it was executed, 44 U.S.C. 397. ~~It is thxx by this authority, and pages 3,4,9,10,11,12,13,14,15,16,17,19 the government argues, as in paragrpah 3 of the Rhoads affidavit, page 3 xf of the memorandum of support,~~

It is by this authority alone, the government argues, that the "clothing, x-rays and photographs were transferred to the Unoted States of America" (paragraph 3 of Rhoads affidavit and page 3 of the memorandum of support for the motion". In short, the government claims that ~~itxx~~ by this argeement, under the cited law, this property became government property. Other citations are pages 3,4,9,10, 11,12,13, 14,15,16,17 and 19 of the memoranddum, paragraph 9 of the affidavit,

"Ehibit "Exhibit B" and

appended "Exhibit C", x letters from former Archivist Robert H. Bahmer to Nichols,

This means that the items of evidence sought were the property of the alleged donor, that the alleged donor had the legal right to give this preperty to the government of the United States. While the government prefers to and does describe the alleged donor as "the Kennedy family", this, technically, is not the case. It may, politically and in a public-relations sense, be expedient to use this description, but in actuality the alleged donor is the executor of the estate of the latex President. The agreement was signed by Burke Marshall, former Assistant Attorney General of the United States, as the representative of these executors. But in the memorandum on supporting the government redundantly states explicitly "the materials" were "property of the estate of John F. Kennedy". At the same point it repeates itself, saying "the original ownership of the materials as being in the Kennedy estate".

In either formulation, this is flasehood. Neither as "the original ownership" nor as the "property of the estate" were the pictures and X-rays of the autopsy ever part of the estate of the murdered President. As better than anyone else the Department of Justice knows, the estate of the deceased is fixed at the moment of death. The pictures and X-rays did not then exist.

Moreover, law and regulation determined that they were the property of the United States Government. The autopsy was performed in a government institution. The law is that whoever purchases the unexposed film remains the owner of the exposed film. As laymen who may have had experience in these matters when X-rays are taken, they do not become the property of him who pays for the X-raying. Further, Naval regulations controlling autopsies require that they remain in permanent Navy file. (Navy SF-523; Manual of the Medical Department, U.S. Navy, Chapter 17, paragraph 18(4). The standard text in the field is the "Hospital Law Manual", by the Health Law Center of the Graduate School of public Health, University of Pittsburgh. In the "Administrator's Volume", on page 11, under "Ownership and control of the Record" it is stated;XX :

It is the consensus that the records of the hospital including the medical records are the property of the hospital

So, in any form, under any formulation, the "original ownership" or the "property", those pictures and X-rays of the autopsy were and remained the property of the United States Government. There is no means by which they could be given to anyone. Who ever did, did so illegally. Whoever accepted them likewsie likewise did so outside the law. Wherever they were, in whoe whatever custody they may have been, they remained the property of the Government of the United States. No one knows this better than the lawyers of the Deaprtment of Justice.

In its various representations and misrepresentations, the government is careful not to let it be known how, when and under what circumstances this property of the government passed into other hands, how it got into the physical possession of the executors of the President's estate, even whether there were copies and whether it is the originals or copies that the executors held. This is a significant question, as was involuntarily disclosed in a report by the xxspecial panel convoked by Attorney General Clark for a limited evaluation of a limited selection of some of the autopsy evidence. On page 17 it refers to "a memorandum of transfer, located in the National Archives, and dated April 26, 1965".

Now it happens that the Archives had repeated assured me that I had had access to all the available documents and evidence relating the to autopsy. This had never been shown me. Its existence had never been acknowledged, officially or by those officials with whom I dealt, from the Archivist personally down through the table of organization.

It also happens I was not without unofficial knowledge of this transfer.

In late 1966, Richard J. Whalen, author of the best-selling biography of Joseph P. Kennedy, "The Founding Father", was working on an article on the autopsy for the "Saturday Evening Post". Dick had run into some problems that even an experienced investigatuve reporter could not surmount in several months of diligent investigation and research. I helped him with his piece. Dick was then with the

Center for Strategic Studies at G

Center for Strategic Studies of Georgetown University, in Washington. In addition to his own good connections an those of his influential magazine, he was able to draw upon and did use the influence of his university associates. Thus he was seen and spoken to by government officials who would not respond to other writers and investigators.

Dick told me that the pictures and X-rays of the autopsy remained in government possession until April 26, 1965. He added that his source of information was an undersecretary of the Treasury. To this I add that the Secret Service, which immediately got possession of this film, is part of the Treasury and under an assistant secretary. It thus would be a most remarkable ~~coincidence if the memorandum of transfer dated April 26, 1965 and relating to~~ ~~the pictures and Xrays of the John Kennedy autopsy did not cover the turning~~ ~~over of exactly this film on exactly that date of all the days in history to~~ ~~someone connected with the Kennedy family.~~

"coincidence" if the memorandum of transfer dated April 26, 1965 and relating to the pictures and Xrays of the John Kennedy autopsy did not cover the turning over of exactly this film on exactly that date of all the days in history to someone connected with the Kennedy family.

There is also significance in the date. It means that for more than a year after the Warren Commission completed its autopsy testimony these film so essential to it and entirely unused in it remained in government possession. It means that for seven months to the day after the Warren Commission ended its official existence with the issuance of its Report the same conditions obtained. It therefore also means that Robert Kennddy could not have denied that Commission access to this evidence, as official and unofficial government spokesmen have diligently and endlessly announced as justification of the failure of the Commission and its expert witnesses to use this suppressed evidence so vital ot its considerations, that evidence defined by lawyers as "best evidence." Furthermore, we here have confirmation of the fact that all applicable regulations, laws and practises were violated until ~~that date~~ then and that on that date the illegality of letting federal property pass out of federal hands was consummated.

official
Once I discovered this until-then unknown fact of the existence of the official memorandum of transfer I requested if of the National Archives. It has been consistent in suppressing such evidence, hence I anticipated the request would be rejected. I therefore asked that if it were denied, I be given the reason or reasons in writing. This was promised me by Marion Johnson, the man in immediate charge of that archive and the author of those letters filed in the Topeka court under the signature of the Archivist. I phoned him from New Orleans the afternoon of January 22, 1969.

When I read the passage from the panel report and asked for that memo, Johnson had replied, "Okay; I'll see what I can do about it." This was to say less than that he would supply it. I asked if the memo were classified. The man in immediate charge, the man who should know, said only, "I don't know". It was this formulation of his answer that prompted me to say, "I presume if I am denied it I will be told in writing why," to which he had answered that I would be.

I wasn't. Time passed and I spoke to him by phone and in person, without direct response, without getting the document. I saw the Archivist personally in court in Washington Friday, February 14 and asked him why I had not had an answer. He content himself with saying I would, soon. Several times thereafter I wrote him, without answer.

The very day this is being written, I did get a letter from him. Under date of April 4. This is the operative part:

Although left at the Archives building for safekeeping, the memorandum is a private paper which is not the property of the United States. It belongs to the Kennedy family, and requests for permission to see it should be made to the Honorable Burke Marshall, Old Orchard Road, Armonk, New York 10504.X

This is preposterous nonsense. As I told him the government executed the memorandum and kept a copy ~~as a receipt.~~ as, if not, its receipt

It certainly didn't take the erudite Archivist of the United States 82 days to learn who owned the piece of paper "left" with him so seemingly casually, so haphazardly, "for safekeeping". Have the Kennedys no safes, no banks, no lawyers who can be trusted - no Kennedy library? Can it be believed that this wealthy, powerful, so well-connected a family, including the Majority Whip of the United States Senate and the United States Ambassador to Paris at that moment, had to leave a piece of paper "fpr safekeeping"? Or that if they did just "leave" it there, it was not in the Archive to the President, but just somewhere, desn't make any difference where, "in the Archives building"? This is exactly what the Archivist of the United States says, "left at the Archives building for safekeeping".

This is no easier to believe that that for the three months he and his subordinates kept promising me either a copy of the memo or a written explanation for denying it he didn't know, if it was, that this was the private property of the Kennedy family.

In response I also reminded him that I had been assured by the head of the Secret Service that he had given the Archives everything he had on the assassination. I asked for a Secret Service copy of the memo instead of the "private property" one. And, I said, with government property thus being disposed of in an apparently illegal manner, I'd like copies of all the memos on this, citations of the law imvoked for the apparent crime, who made the decision, etc.

Regardless of this frivolity with history and evidence of a Presidential murder, the simple, inescapable fact is that at no time did this film of the President's autopsy ever cease being the property of the government. Giving it away was like sweeping the dirt under the rug. That no more changed the ownership than stealing a car does. It is the same Department of Justice that enforces the laws against stealing cars that here argues theft changes ownership and is legal. And, setting such high standards of respect for the law, ponders aloud about the marked increase in crime in the nation.

Robert Kennedy, who had been Attorney General of the United States, was then the recognized head of the Kennedy family. Can it be argued that the Attorney General is ignorant of the law? He was party to the illegality of this improper disposing of government property. He can no longer explain it. This, of course, is to assume he was aware of it. The tragedy of the important who became ensnared in the improprieties and illegalities of the murder and its investigation is that each had to accept on trust what he was told by others. Each also had to assumed he was informed of what he should have known. There is no reason to believe the underlings knew all the fact to report, knew what was true and what was not, and reported everything that should have been. If this may explain how such a transaction could have been made without the knowledge of any Kennedy, it does not justify it, for all subsequently became aware of it when this film so improperly in their possession was returned to the government. At that time each had to know about the "deal" for its return.

When this was a young and weak country it went to war not to pay tribute to the Barbary pirates. When it became the most powerful country in history it made dishonorable "deals" to recapture its pictures and X-rays of the autopsy of a murdered President! Imagine that! Try and believe it!

This is what the "explanation" of the government, in the Topeka court as everywhere else, requires us to believe.

It is a falsehood so demeaning it would insult the intelligence of a pre-puberty child to conceive it.

The truth is that the whole things was engineered by the government, including its trading on the Kennedy name, for a single purpose. That purpose was to contrive the deal. Without this fiction of a freudulent "contract" under the law permitting accepting papers for Presidential Archives - a law that does not visualize President murders or ~~the~~ its misuse for the dequestering of evidence - there was no way on earth the government could hide, totally suppress, the essentials evidence of the murder of the President and ~~it~~ with it preserve the false account of that murder it had prefabricated, for whatever purpose.

These film disprove the entire "solution" of the crime. In the doing they also prove misrepresentation, distortion and assorted other improprieties ans illegalities by government employees, including perjury and the subornation of perjury. Thus we find explanation for the illegality of giving away the essential evidence of then murder and for the disgraceful cheap conspiracy by which it was retrieved under the only possible device for continuing to hide it, to deny it to the people, to keep it from being used to demolish the fictitious "solution" of the crime of the century. At the time the film was returned, the Kennedys were under such public pressure they could no longer be used to hide the film. Their interest in keeping it secret was personal, not criminal. They wanted no more suffering, nothing they might consider undignified, no sensational use of the film, which is understandable. But by the first of November 1966, so much pressure had built up behind attacks on the Warren Report the Kennedy-family position had become intolerable with their possession of this purloined evidence.

Nowhere in the world was the complete illegality of this ~~xxxxrexx xxxpx~~ Aesopian interpretation of "law" and "contract" better understood than in the Department of Justice which, in the Topeka court as it had in Washington, invoked its own criminality as a defense against it.

~~With this, the entire defense against the Nichols suit falls apart. However, the remaining, unimaginative contrivances with which the court was abused must be analyzed and exposed.~~

At no time was this same Department of Justice, including two of the signatories to the response to the Nichols suit, more aware of this than in the time they were preparing that answer, for it was precisely then that a court of proper jurisdiction in Washington rules on just this issue. It ruled against the government and ordered that the pictures and X-rays be made available for examination by a competent pathologist so he could testify in the then ongoing trial in New Orleans. The government's appeal, as it well knew, would render this decision moot. But the decision remains, not overturned. The government does

not have the rights and power it here claims.

It does have the power to toy with the law, to exploit the available devices to frustrate the law and court decisions. While it was elaborately going through the motions of "deliberating" whether or not it would appeal Judge Halleck's decision in Washington, a pretense by which it wasted a few more days of precious time, made it more impossible for the pictures and X-rays to be examined and cross-examined in a court of law in Louisiana, it was, clandestinely, arranging what was necessary for this appeal behind the scenes. The clerk of the Court of Appeals told me that for several weeks the Department's lawyers, not the U.S., had been warning him to be prepared for their appeal.

Once Judge Halleck ruled, whether or not against the government, as he did, there was no way this film could be produced in court. The government had so many devices for delay available to it the Louisiana trial could not possibly last that long. If by any remote chance the Appeals Court could have decided while that trial was still in process, the Government need only appeal again, to the Supreme Court, if necessary. It will continue to frustrate by whatever proper or improper means at hand, any effort to have this essential evidence of the murder examined by impartial experts. Its illegalities and improperties have succeeded for more than five years. The national interest requires that this come to an end. The immediate possibility it in this suit by a competent forensic pathologist.

What examination of this film will show is no longer secret, for in defending the action in Judge Halleck's court the government had to disclose a reading of what it there said was this precise film. That evidence, without any possibility of doubt, establishes, among others, these two things:

There was perjury in the testimony about the film.

It preserved evidence contrary to the official representation made of that evidence.

In short, the President was shot other than where the government

say he was shot and he was not wounded as the government says he was wounded. The reading of the film by the government's hired partisans in itself destroys the government's integrity and the entire prefabricated official "solution" to the crimes.

With this, the entire defense against the Nichols suit falls apart.

However, the remaining contrivances with which the court and the law are abused must be analyzed and exposed. Each is,invalid, each a facile attempt to further delay the official disproof, in a court of law, of the falacy of the federal explanation of the muder of the President.

Not that the governments misues of the fraudulent contract in its response has been exhausted above. It is still the inappropriate basis of other pleadings, including the defense of theft and tacit acknowledgement that there was what amount to theft, and openly arguing against the clear national interest and requirement

The claimed purpose of "preserving" the evidence intact is defeated, not furthered, by denying it to the people, especially those in a position to evaluate it. The government visualizes an unreality, that the preservation of the evidence considered by the Commission will in itself support the conclusions allegedly based on that evidence. It cites the House Committee report of August 19, 1965 as recommending that "these critical exhibits" considered by the Commission "shall be permanently retained so that "allegations and theories concerning President Kennedy assassination" that "might serve to encourage irresponsible rumors undermining public confidence in the work of the President's Commission" would not be "encouraged". Preserving this evidence and making in entirely unavailable in any meaningful way, some of it, the most crucial, in no manner at all, does anything but inspire confidence in those who deny access to the evidence. Rather it does "encourage" the "undermining of public confidence in the work of the President's Commission". If the evidence supports the conclusions allegedly based upon it, confidence in those conclusions requires that those knowledgeable by given, not denied, access to that evidence. Failure- in this case, refusal to the point of contesting in court - to permit experts to see that evidence, persuades only that the evidence does not support support the conclusions and that the government is only too well aware of it.

In the brief, the conclusion of the government is that the House Committee which wanted to stifle "rumors" wanted to "exempt" from examination that evidence