

June 13, 1969

Dr. John Nichols
School of Medicine
University of Kansas Medical Center
Rainbow Blvd. at 39th
Kansas City, Kansas 66103

Dear John:

The explanations in your letter of June 11 are very helpful.

On the navy regulations, I would suggest a check at the closest navy installation, and I know there is one in St. Louis, for all regulations are on file at all installations.

I am currently driving to Washington and my wife is taking this down.

Sometime ago, I asked a young man precisely this for me, and I will search my files when I get home and include it if I have it.

On the memorandum of transfer, agreed. Let me tell you what I have done pursuant to that. I have asked the Secret Service, and the Archives, each for the government copy, in each case specifying it cannot be private property, in each case specifying it is not subject to withholding, and have done the same thing to the Attorney General, and in each case asked for instructions on carrying it forward, including any forms, etc. I have sent Marshall copies of the letter and have undertaken to reason with him when he turned me down. You are welcome to copies of any of this I have not sent you. Let me know what you want, and you can use it; but I want to emphasize what I said in my last letters, that once you have enough for your pleadings, this will do you and all of us more good in open court, confronting the government lawyers who may not be prepared and having the possibility of getting press attention. There will then be a synergistic effect, each scandal magnifying the others.

Sincerely,

Harold Weisberg



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SCHOOL OF MEDICINE
DEPARTMENT OF PATHOLOGY AND ONCOLOGY

June 11, 1969

Harold Weisberg, Esq.,
Route 8
Frederick, Maryland

Dear Harold:

Many thanks for your letter of June 5.

I do not have to exhaust "administrative remedies" because Doctor Bahmer in his letter to me of October 5 (Exhibit -C-) specifically and explicitly told me that my appeal was to Mr. Burke Marshall. He further told me that Mr. Marshall would not make an exception for me. The "Administrative remedies" for me (and possibly for you also) are thereby precluded. The government cannot have it both ways. In any event the "administrative remedies" are at the discretion of the trial judge.

As to the "memorandum of deposit" mentioned in the Panel Review I, as well as one of my lawyers, caught this and Fensterwald has also drawn it to our attention. This was, of course, all after we had filed suit. We intend to raise the point about this either in our brief or in oral argument. We believe the judge will at least request it for his perusal in his chambers. Of course I was excited to learn from you that it is alleged, by the Archivist, to be a "private paper". If you do not want me to use this latter information from you we will, of course, not do so.

Harold, a "memorandum of deposit" is a two way thing and two copies must exist. The donor signs one copy or initials it and the recipient does likewise with the other and they are then exchanged. Two copies must be created. If not, then the Archivist must Xerox one copy to accompany the gift in order to establish legal ownership. It is like a title to an automobile. This must, of course, be available for inspection by the public, even if the original may be returned to the donor.

There is no law or citation for the purpose of a medico-legal autopsy as I put it. I believe I got this wording from the English Judge who lectured to us on Forensic Medicine while in Liverpool University. Assume that the late President Kennedy has an (apparent) natural illness and died in bed on

the top floor of the White House. The attending physician would insert on the death certificate his clinical diagnosis and could quite correctly sign the document without an autopsy. In the event Jackie should yield to requests for an autopsy the purpose of this autopsy would be:

1. To satisfy curiosity
 - (a) medical
 - (b) scientific
 - (c) academic

2. Teaching
 - (d) Educate the attending physicians about their possible mistakes
 - (e) Educate the pathologist and provide experience for pathologist in training
 - (f) Educate medical students etc.
 - (g) Completeness, as in providing data for statistics, future research etc.

Now, if during the course of this autopsy something would be found (possible ~~poison~~ poison) suggestive of unnatural death the pathologist must instantly stop because the autopsy permission signed by Jackie would at that instant become invalid. The pathologist must notify the coroner who then assumes charge of the case. The pathologist could or would cooperate with the coroner and the new purpose of the autopsy would be:

To learn if a crime had been committed and if so to acquire evidence with which to help apprehend ~~the guilty~~ and convict the guilty as well as acquit the innocent.

In other words the pathologist has to be completely indifferent, objective, and impartial. (A few suspects have been exonerated on my findings.)

One of my lawyers, Mr Wilkinson, is a former law partner of the anticipated judge. He will help compose the brief but will not argue. It has even been suggested that the judge might invite me to his farm for a personal trial of my weapon! I will send you a copy of the brief for your comments when we get a reasonable draft.

Harold, can you tell me where to find in the Navy Regulations instructions for care and preservation of clinical records of ill or deceased patients?

Sincerely,

