

5/28/69

Dear John,

Your airmail letter of the 25th, which should have been here two days ago, arrived this a.m. I've read it hastily, will make a few comments on what I recall, and will then go over it again. I'll also send copies to Paul, Gary and Dick for any interest each may have or comment he may want to make.

It is my recollection the Archives made duplicate negatives from the pictures Tom Molesworth took for us 5/16/ This, in any event, was the arrangement compromised upon. I'll return to "arrangements". So, you can get identical pictures from them. I urge you to ask for precisely those, whether or not you want them to take pictures for you, and that you then compare the quality of these pictures with the prints Tom made. If Dick does not have a set for you, which it is my recollection he does, you can have mine. My point here is to illustrate for the court the inadequacy of pictures as supplied by the government when what the law and courts term "best evidence" is available. I think a demonstration of needlessly poor photography is important to your case. For this purpose I point out Exhibit 150, which I reproduce in the back of WHITEWASH, as an example of the photography on clothing, or the meaningless pictures of the President's garments as published and put into evidence when compared with the one Liebelier called to Epstein's attention or gave him (which even then needed art work to be comprehensible). Compare the Oswald Shirt 150 with the picture of the same shirt from a newsphoto in PHOTOGRAPHIC WHITEWASH, where the photography was not the FBI's (and I think this comparison important because the FBI took the official photographs and this proves they had the purpose of hiding the information you/we seek or are so incompetent their pictures cannot be used/depended upon.

Paul's letter: there is no secret. He got it from the government. I referred you to him because my copy machine is about pooped out and he can give you a clearer one and more important, he can tell you where he got it so you can duplicate it from the same official source.

Dick's letter/mine: I do not recall whether he or I made a point of Frazier not finding microscopic markings (didn't notice, I think he put it) on the shell heads. I think this is important and Dick is tracing it when he can through standard sources.

Ejection: While we could get the dent with my rifle, it was what experts anticipated. I had arranged with the friendly local chief of police for use of the range. The rangemaster told me he would introduce me to real experts, and he did. One got there while we were there. As soon as he saw what we were interested in learning, he proceeded to demonstrate how it came to pass. Aside from the defect in Dick's weapon, where we had tried it we did dry runs where the ejection was apparently less violent than in actual firing. I have taken but have not yet processed 8 mm movies of this (with my duplicate of the Zepruder camera). If you do take pictures, K'd appreciate being able to use stills at some later date, when I get to AGENT OSWALD and the framing again, for your's will undoubtedly be better than mine, which will take but little enlarging from 8mm.

Affidavit: I'll draft that after I finish this letter so my wife can type it decently when she gets home from work. Tomorrow morning I'll get it notarized and will mail, not much after 9 a.m. However, I think the affidavit you have in mind is much less than I can swear to that is relevant to your suit, which is but one of the reasons I suggested we sue jointly. I will come to them and you can take them up with your lawyer. I think if you have a hearing you may want me as a witness. I am, of course, ready and willing, and I regret to say if you do I do not have the dough for my actual expenses. I'll do all I can in writing, though. I can testify to the regular violation of their own regulations, all in the same direction, by the government; of their refusal to even permit me to go through the proper chain of appeal, as with the freedom of information law, will not tell me how to or supply the necessary papers, and this is in writing, including with the Department of Justice; how they have reclassified what I have asked for once it was declassified; how they have repeatedly withheld from me what they subsequently gave to others on what amounts to a basis of exclusivity, which is in clear violation of the regulations (and I cannot get any meaningful explanation, having asked again ~~xxx~~ yesterday, after more than a year of getting no explanation, etc. Even on the picture-taking two weeks ago, they tried to institute special regulations against us. They were not going to let us take our own pictures. Now I knew they had let CBS use their own cameras, and I persisted, so they let Tom get the picture set up and their photographer did nothing but use the cable release. They also were not going to let us use our own photographer, insisting they had to do all of it. I asked for citation of the regulation which, of course, does not exist. So, if your lawyer wants these other things, I suggest that from what I send you, including the affidavit, he prepare what he wants and send it to me for notarizing.

I knew Paul's father is a doctor, but I didn't know what kind of his mother's special competence.

In the tests we made, I have all the empty casings. Dick marked them and they are as he left them. I have not touched them. I also have (poor) pictures, but I think you'll have no need for these. You are welcome. I've not tried to enlarge. They are on 127 film.

I send the began analysis herewith. I have not read it so you will have to work your way through the passion, typos, polemics, etc. I had planned to be able to use parts in my own writing. It is the only copy I have, so please register it when you return it. Well, no, you won't have to because there will then be copies. When you do, I'd appreciate a xerox so I can lend it to others who may want to read it and so that ultimately, I can use parts without destroying the original. I think I have covered much of it in the tome I sent. However, there are things in it from my unprinted and unpublished work, in the event they are essential, in your lawyer's opinion. You apparently did not get my first letter on this, because I told you in early April that I had done this and asked your deadline. If Beul or Gary want copies, fine. Or Dick.

The cited law 17 years old is in their memorandum. They cite it, I refer to their claimed authority. Is it the one on Presidential papers? Their memo will give you the date. The same is true of the House Committee Report. It is in their memo. If you want the complete thing, I do not have it. Your Congressman or Senator can supply.

The spectrographic analysis was used by the Warren Commission in Frazier's testimony. I cite the place in WHITE WASH. Although the government was careful to keep this analysis out of the record, it is indispensable to their conclusions, and their deliberate misrepresentations of Frazier's testimony at

this point is the only basis for the essential interpretation of the identical source of the bullet and the various fragments. You may want to reread WHITEWASH beginning on page 160. There I find the Frazier citation 5H67-74. It is my recollection Frazier testified only that the bullet and fragments were of lead, not a bit more, which is meaningless. He was not even asked the essential questions, another argument for your having the spectro, one of the reasons I have been demanding it for three years (WW164). That the spectro is part of the FBI's permanent record as backstopping of the Warren report is my interpretation of what you will find on 5H69. John, I'm hasty on this because I've been delayed in returning to my own writing and I'm pressed for time. If you want me to trace this all out for you, I'll take the time, but I think it is better, also for you and your lawyer to extract your own understanding, because you'll be handling it. I can, as a witness, give you chapter and verse on the suppression, including my efforts at the Archives, Johnson's efforts on my behalf the very day the transfer of the evidence was known, etc. I went to see Bahmer on this and the pictures and X-rays (undoubtedly mine was the first request and the first rejection and it is duplicated) the morning of the day it was in the morning papers.

In talking of the leaking I had a number of stories in mind, not just one, and no single one on the spectrographic analysis. For example, in leaking the FBI report, CD 1. Now I'd prefer that you not use this because I have already written that part of one of my books and it is something everyone seems to have missed. It is in the executive sessions. Katzenbach told the Commission it was inconceivable that, despite their strong denials, anyone but the FBI (meaning with Hoover's order or assent) could have leaked this. K was then assistant attorney general, right next to Bobby. Any statement that Oswald did all the shooting, and many were leaked by the FBI and, without doubt, Rankin, necessarily depends upon the spectrographic analysis. Any statement that Oswald is responsible for the injury to Connally entirely depends upon this, for no fragment from him was traced or could have been from rifling. Any statement that the fatal injury came from this rifle can depend on nothing else, unless the government wants to argue that instead of using what I called the "eenie-meenie-miney-moe" evidence they used nothing more than conjecture. They had completed this analysis before any of these leaks were made. They leaked the first report (as distinguished from the supplementary report of 1/13, before it reached the Commission. There was no possible source outside the FBI or D.J. from which it could have come. But, if you really require this, I'll copy the pages of the executive sessions that are pertinent and send them. If you have it, I'll cite them. Or, I'll also lend you the writing I have done on it. Among the other things so leaked were Oswald's "diary", some of the letters, etc. I think Paul would be a better source on leaks, for I cannot find some of the clippings, that part of my original files not being reorganized into useful condition. Another case is in PHOTOGRAPHIC WHITEWASH, involving the phoney investigation Ford asked be made of Ford as the source of the leak. Because the leaks never ended and the official information was not public, the only possible source was the federal government. Another case is the misrepresented autopsy findings (Washington Post and NY Times, as you may recall from POST MORTEM). Still another is to the Allen-Scott Column of November 20, 1967, as it appeared in the Shreveport "Times" (I happened to have referred to the illegible copy I have yesterday -this was on a declassification of some of the documents). Oswald's alleged purchase of the rifle is, I believe, another.

Tom Molesworth, the photographer, is out of town until next week. I'll ask him for the affidavits then. Mike Berlin was with the New York "Post", and I assume, but do not know, he is still there. I took him to the Archives, before Christmas 1966.

Draft affidavit sent Dick: It was Friday, May 16, at about 2 p.m., not the 15th.

Paul has been unable to get one particular copy of the Corliss Lemont pamphlet Oswald was giving out (there were many copies) because the Department of Justice held that particular one was part of a continuing investigation, if this is of value to you. I believe it is an entirely different reason for which they withheld this one. My recollection is that the Secret Service didn't even have it.

This is in too much haste so I can get to other things. I'll also include a carbon of the draft of the affidavit so you'll know what to expect.

Sincerely,

Harold Weisberg