

Mr. Tom Susman, Counsel
Administrative Practices Subcommittee
U.S. Senate
Wash., D.C.

Rt. 12, Frederick, Md. 21701

Dear Tom,

I have come to a situation in C.A. 75-226, the refiled old spectro case now broader, of which I think you should know. What relates to the depositions that have not been filed is, I understand, confidential.

We have deposed two FBI agents, one retired. The retired one regularly tried to divert the questioning with demands for payment of fees as an expert witness. Once I had the transcripts of these two I found proof of the conducting of tests related to the JFK case that have not been provided. Not only not to me - not to the Warren Commission (which may not have wanted to know about them). We are scheduled to depose two more, both retired (all retired early in the litigation) on Monday.

I asked Jim to subpoena from the Archives only the tie of the clothing, the pictures they took for me to prevail in C.A. 7-2569 (I think that's the number) and the records that are relevant to the discovery that the tie was unknotted after use by the Commission. I had been assured of pictures of the tie to my specification in the compromising of that case. Jim phoned me a little while ago to say that counsel for GSA had phoned him and indicated this will be resisted on Burke Marshall's direction.

I continue to assume that Marshall is unquestioning and does exactly what the government asks of him without regard to the interests of his client. In this case there is no possibility of serving the client's interest and no possibility of conforming to the intent if not the letter of the agreement in the refusal.

The tests in question were on the tie and shirt. I did not ask for the shirt, even for use without anyone present, because it is bloody. It is quite relevant but I wanted to reduce the chances of what has happened to the minimum. These are the examinations ordered, rather on them, and the coming witnesses are the agent who took the pictures and the one in charge of the spectro and NAAs. Or they have already handled it, as I will not under any circumstances. There also would be no display of any kind, etc.

The tie had to be unknotted for the same reason these tests are withheld: the destruction of the official "solution." Neither the tie nor the front of the shirt was hit by a bullet. Hoover's initial way around this, believe it or not, was to totally ignore that wound in his supposedly definitive 5-volume report ordered by LBJ before he appointed the Warren Commission. That wound was above the shirt collar.

(Only two people in the Archives had the combination to the safe in which the clothing is kept. Prior to that it was in the hands of the FBI.)

I believe this is necessary in this litigation. I have never asked to see the clothing. I asked for pictures instead, the provision of the contract misrepresented to the Court. I refused an invitation to have the autopsy material examined by a medical proxy on the accurate forecast that it would be converted into anti-Kennedy propaganda as in every case it was. I refused when the invitation was repeated. In writing. I think these show the nature of my interest and exclude sensationalism.

If I am refused this evidence as the basis of testimony only I have no choice. I've been fighting this case for a decade. I'll have to present the issue to the judge in open court. I'd prefer not to. Jim had to ask me and I've given him this answer. He is going to speak to the AUSA. Remember the mandate of the appeals court and its opinion that I do not serve my interest only. In fact I am past this point in my writing. Please excuse the haste but ask any questions you want, of me or of Jim. He thinks we may have to go to court Friday.

Sincerely,

Harold Weisberg