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12/10/77

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Dear Both,

In your appearance on Good Morning America this week you referred to an FBI record reflecting that a surgeon had given the FBI larger fragments than have been accounted for in the official account. It is not unlikely that there can be records showing more fragments than the WC admits. These records and other similar to them can be of significance in one of my FOIA suits, the longest-running of all, for the scientific tests. I'd appreciate copies of them and anything at all relating to them or such evidence. I believe there should also be records of interviews with the medical people not in the WC records, such as the Bethesda staff.

It is not possible for me to either buy these records or to get to the FBI to examine them.

While I cannot explain the entire legal situation in this case I think it will be comprehensible that any record can be of significance in court if you understand that first we did exercise discovery by direction of the court and anything the FBI withheld can be important; second, we have an exceptional mandate from the appeals court on remand, to establish the existence or the non-existence of the records sought in the nation's interest; and that one of the means by which we sought to approach this is by establish that records should exist but have not been provided.

To be able to develop what could be admissable on the last point I pointed Earl Golz toward Dr. Shaw and told him what Dr. Shaw could say. He did say exactly that, as I presume you know from the stories of several months ago. Nurse Audrey Bell ~~and~~ Trooper Harbeson added to what Shaw stated.

The question still before the courts after all these years is compliance. Any record of the nature you indicated can be relevant if not important, especially as it can bear on motive for withholding and non-compliance.

As I'm sure you are also aware the "solutions" of the FBI and the Secret Service, <sup>and</sup> independent of each other and not in precise accord on detail, are quite different than the later notion adopted by the WC. Any record now released bearing on this can have a number of importances. One enable us to reopen the case if we lose on appeal by "new evidence."

There should be more by Sibert and O'Neill, particularly of a back-channel nature. You may recall that I printed proof of this in Post Mortem.

I guess this really means that any record relating to the shooting, ballistics, tests and medical people or evidence can be of significance in court. It is my belief, shared by Jim Lear and Howard Roffman, that the courts provide a viable means of establishing truth.

We also have another case involving the still-withheld executive sessions. This also is on appeal. The session of 1/21/64 included material on defectors. That of 6/23/64 dealt with Nosenko. The 5/19/64 was on Ball and Redlich - Ford wanted them fired. So anything relevant to these subjects or the executive sessions can be of help in that case. Also records relating to the Ford-FBI relationship. I know there are such records. If you would like to use it I printed some in facsimile in WWII. I presume you are aware of WWIV and what Paul Hoch did for me in comparing the reality with Ford's misuses of the 1/27/64 transcript.

If you come across records on which you think I can be of help call me or, better, send me copies and I'll respond.

Sincerely, Harold Weisberg