

JW, LF, HE, MF

CONFIDENTIAL

~~October~~ 7/13/72

Dear Bud,

Jim phoned yesterday to say that the Court of Appeals had asked for copies of citations and to give his opinion that this request might be expanded into a means of providing it with just a bit more. My initial reaction was agreement with Jim and more.

I can't tell you that as the phrase is ordinarily understood I have thought this through. In addition to the things that usually keep me pretty busy and one that has been the cause of particular concern and some emotional turmoil, this coincides with two very disturbing things. Although we pay about \$800 a year for supposedly complete medical coverage, I have just had to apply for public assistance for the first time in our lives. I fear the property ownership alone will make it unlikely. And on our helicopter-damage suit, strange things have been happening. In more than a half year, my lawyer has provided me with nothing he was supposed to, has yet to retrieve from the government only copies they borrowed to copy, and hasn't begun to discuss with me or prepare our interrogatories, with the case set for after Labor Day. I have written him about all these things and more repeatedly with no response as of a letter that came yesterday. That was only in response to my sending him a certified letter because of his silence. He wrote me more than a month ago to tell me that unless he got promptly what I was supposed to provide for him to use as answers for some of the questions in the government's interrogatories he'd have to withdraw from the case. But I had sent him this months ago. I began it March 27 and completed it in April. I sent him a copy a month ago with a list of the letters between us, asking him to let me know which he had not gotten, and it turns out that he did have this all along. Naturally, I cannot regard this kind of a situation without some apprehension. He had lunch with Judge Kaufman the day after the CA hearing, by what I am sure is coincidence.

I recognize that the combination of all these things at least impedes detached consideration of whatever question there may be involved in this new request and if there is disagreement between you and Jim on the approach.

As you know, I have let you do whatever you wanted in this spectro suit, even when I disagreed with it. When there has been mistake not corrected after I caught it, mistake made simply because I wasn't consulted, I was without serious complaint and there was no recrimination. This will not change. I told you you could handle this suit whatever way you want because you said you would take it to the Supreme Court, I think of those possible it may well be the best to take there whatever the CA outcome, and this will not change. However, I do want to express some opinions. You are quite free to disregard them.

As a generality, I think all court records on anything having to do with political assassinations also become historical records. In the long-range view, I think this is a value and a responsibility we cannot ignore. So on this basis alone I have a predisposition to make the court records as meaningful as possible.

As I have told you, I have a considerable amount of "new" information on this aspect of the subject and would be prepared to release whatever is necessary at any time. After what I will now discuss, understand I have significant reserve for the Supreme Court if you then need or want it.

Jim suggested using pictures of 399 to accompany the answer. I agree and go farther. First of all, this is my suit therefore I think it appropriate and I do desire that my pictures and mine alone be used for this purpose. All were designed for what is at issue in this suit. I think it also better that the court understand these were taken for me and the dates on which the Archives took each. This will tend to show the considerable effort I went to to gather public information and how long I sought to eliminate the need for filing a suit. For the longest time the Archives insisted they had taken no picture of the base for me, for example, whereas I am the first for whom they did. I suggest this is not accidental, that they correctly understood where I was going.

I finally got them to take a second base picture for me. The second has millimeter scales at right angles. The first two are side views of 399, showing the flattening and the complete lack of even the tiniest scratching through that incredible history of seven wounds. Now I have a number of different and developing interests in these pictures. But long ago I learned the exact dimensions of the fragment remaining in Connally's tibia. It is 3.5mm long. It is a physical impossibility for this relatively short length to have come from

any part of 399, including the base, the official conjecture. This is clear from my first base picture, but to make it easier to show, I had the photo remade with scales running both ways. It is thus easy to lay a straight-edge in either direction and establish that no piece 3.5 mm long can be missing.

So, what I suggest is that in addition to the two side views of 399, which are already a matter of court record in my clothing/pix suit, we include at least the second base picture and the official reading of the Connally X-rays that I have. Without taking the time to dig everything out, I think that may well be reducible to a single page because of the series of reports I have that constitute a chain of possession, there is, I think, either a single paragraph that gives these measurements or one that is part of two pages.

So, there is here a separate and total destruction of the Report. It should be comprehensible to the judges and the press. If 399 has to have gone everything except hit the President's head and the fragment still in JBC's leg can't have come from it, there has to have been another shot at the very least and the defendants and the Commission staff has to have known this. If you had read the first part of Post Mortem when I loaned it to you 2 1/2 years ago you'd know all this and how Rankin sought to get around the knowledge he had that disproved the fiction before they started creating it. I have and use all the relevant material.

Whether or not the press uses this, whether or not we call it to their attention, is separate from making it part of the court record, also historical record. I am quite prepared to use this in silence if that is your decision. I am also prepared for you to decide against it. I know there may be considerations outside my experience, such as how the judges will react if you stretch this opening too far.

However, I think this is so graphic and so simple that it may be the kind of thing that some of the press might go for, especially when it is part of a court record, and to that end I am prepared to, in effect, make public domain what is now my copyrighted property. I did assemble all of this enormous material and do have it copyrighted. I asked Jim to try to reach Paul Valentine toward the end of the day because I knew Paul was working on a major story and was busy. I will try to reach him later this a.m., not having heard from him. I will also try it out on Larry. I would be opposed to any use prior to after filing. Once it is filed, I see no legitimate objection to a reporter consulting the court record. It might be helpful, in fact, especially at this juncture.

It has been so long since I put the master of POST MORTEM together I don't know if all my copies are pasted up or not. If they are I will not be able to bring them with me tomorrow, when Jim is to meet me and get the Huie deposition.

While I can make duplicates from the copies I have, if you agree with this approach, I think it would be better to get them from the Archives and to have Johnson identify them on the back and to include the dates on which they were taken and the fact that they were taken for me. Jim was talking about three copies. I presume this is one for you to keep in the file on the case and two for the court. I suggest a fourth to be usable for such things as showing Paul and Bob Gruenberg and for me to take to the Hill.

It seems apparent when there is a request so long after the hearing that the court has some interest in this case and that there may be some disagreements. My view is that if there is disagreement anything that can prove official error and provide motive for official suppression and misrepresentation is helpful. I think this is one of the more comprehensible illustrations. It leaves no possibility of reasonable doubt of lying and of guilty knowledge and it thus provides a persuasive motive for the falsifications from the first and to and including this court. It says, in effect, that what is sought is not withheld for the spurious reasons alleged but to hide monstrous lies and protect those who manufactured and uttered the lies. And it puts you in a position to say so before the Supreme Court is it is entirely ignored today.

In haste let me add on other subjects that I have very interesting letters from John and Rife, one from James responding favorably to my explanation for the seeming delays, but I will not bring them for copying this trip. I will when next I am down town, so you can have a complete file.

Sincerely,

Harold Weisberg