

memo of 8/28 missing. in Arch files

August 28, 1969

Dr. James Rhoads, Archivist
The National Archives
Washington, D.C.

Dear Doctor Rhoads,

Yesterday Mr. Johnson informed me you do not have the original negatives from which FBI Warren Commission Exhibits in the series beginning in the 500 range were made. I asked him to have you ask for these so that I may, as soon as possible, examine them. My re-examination of the prints yesterday convinces me this is necessary for my purpose. For all purposes, however, I believe these are required to be in your archive.

None of these negatives can fall within the exclusions permitted by the "guidelines". My reading of the executive sessions convinces me it was the Commission's intention that all such original evidence was to have been in this archive. My reading of the Department of Justice opinions in your files also confirms this. Over and above this, I believe public policy requires it. It is, from the point of view of evidence, intolerable that the only real evidence illustrated by the prints you do have is not in your possession. There is nothing in the files or testimony of which I am aware that certifies the authenticity of the prints, either. Particularly when this deals with basic evidence about the murder of a President is this inconceivable to me.

Aside from this, what you have is too far removed from the original. First the negatives were exposed. Then a print was made, then pictures were made from the prints, etc., each process causing a diminution in clarity.

The testimony indicates the prints used as exhibits were made from negatives exposed through a comparison microscope. I am not persuaded my examination permits acceptance of this.

When I asked to examine both the prints and the negatives in May, I was shown the offset negatives and not told these were not the original negatives. These are even further removed from the original evidence.

I believe also that the executive order of Attorney General Clark requires these negatives and all such other government evidence to be in your custody and freely accessible to me and others.

Will you please request this evidence and let me know you have or, if you decline, your reasons for refusing to?

In speaking with Mr. Johnson yesterday I explained my desire to have a picture of Exhibit 399 made on a scale. It is that we do not and cannot know the weight of this exhibit at any particular time. It is understandable that a small fragment may have fallen off in necessary handling, but that fragment remains and can be weighed. The testimony about the weight does not identify the time at which it was weighed.

Therefore, we cannot know whether the weight given in the testimony and used in a certain fashion in the Report is the weight before or after the sample was removed for spectrographic analysis.

I believe the reason you gave me for refusing to take this picture for me is not a proper reason, is not seriously presented but is an excuse by which the government seeks to deny me information it cannot properly deny me. However, as an alternative, to avoid the situation that exists, I will accept any certified statement of the weight of this Exhibit at any specified time before it was transferred to the National Archives. Or, there is an alternative picture you can make for me: the bullet and any fragments that may have come loose, in their cases, plus a picture of the cases and packing materials only, in each case on the same scale. Thus you are not weighing the bullet removed from its case but the cased bullet and the casings.

I use this occasion to call to your attention the proper requests I have made to which there has not been response after many months. One of these recently came to mind when I needed what I so long ago requested: the page of the Oswald Marine manual that is annotated. I have asked for this in writing and verbally on a number of occasions. I still want it, please.

Yesterday's newspapers contain Ralph Nader's complaint that other agencies, in taking several weeks to respond, are frustrating the purposes of the Freedom of Information Act. What is the case, then, when so many months elapse and there is no response?

Sincerely,

Harold Weisberg