

February 27, 1970

Dr. Russell S. Fisher
Chief Medical Examiner
111 Penn St.,
Baltimore, Md. 21201

Dear Dr. Fisher,

Your panel report is a brilliant exercise in the specialized use of words to make them appear to say what they do not. This may also be said of your letter of February 19.

One example is "report" in the first sentence. I have no doubt that the panel submitted but a single, final, official "report". This is what it was directed to do. But this is not the nature or point of my inquiry. The panel, without doubt, had other records that cannot be encompassed by this specialized meaning imparted to the word "report": measurements; requests for data; preliminary or preparatory opinions on the meaning of some of the evidence; tentative or other interpretations. My request, a perfectly proper one that, in addition, has the sanction of law, was for what lies behind the report as finally - and belatedly - made public. This is in no way addressed by your language. It seems, like so much of the language of the Report itself, to be carefully calculated to seem to be responsive when it is not and to be interpreted as saying what, in fact, it neither says nor addresses. Therefore, I ask a responsive reply, having to do with what happened to the raw materials, the working papers of various kinds, the names and notes, etc. You use and emphasize a word I did not: "report".

There is the possibility of conflict between your next sentence and the second sentence of your third paragraph. In the first instance you say, "It is my understanding that this is the same report that was subsequently released by the Justice Department." Have you not read it? Can you not say whether it was altered in any way, with or without the approval of all members of the panel? Then you say, "It was subsequently edited and rewritten." Perhaps you meant exclusively by the panel alone, but you do not say this. When considered with the indefiniteness of the first reference, doubts are raised. This prompts me to ask these questions: If you know, by whom, when, where and for what purposes was any and all the editing done? Were any items eliminated, in part or full? Were any added? Were there changes in any of the conclusions or opinions, changes a critical reviewer might consider to be substance?

I am not aware that I asked you for copies of the report as issued by the Department, therefore I am at a loss to understand your emphasis on this. I think it proper, especially because you served an official purpose, at official request, that you address yourself not to what I did not ask but to what I did. You understood I wrote you only after seeking this identical data from the Department of Justice, which suggested you gentlemen might have it. They say they do not. Neither they nor you say what happened to it.

This leads to your statement, "but the intermediate drafts were not preserved". Now you are a man of forensic science. One of the needs for the convention of the panel of which you were part, apparently the dominant part, is precisely this dubious practice with regard to the papers of the original autopsy. You do not say who destroyed them. However, you do use unequivocal language, so I presume you know who got rid of them. I ask you who, I ask you why, especially in the context of your work, and I ask for your professional opinion, as one of the eminent experts in your field, of the propriety. With the purposes of your panel - and you can select any of the contradictory purposes officially stated - how can you justify destroying these drafts (and other working papers?), permitting it, or remaining silent in the face of it?

If you were a writer or a legal adversary, could you regard this with any but the most serious misgivings, the deepest, most troubling doubts? Could you believe the final product of either panel or department is entirely consistent with and includes everything in the drafts? Without the drafts to show, how can you possibly establish there are no substantive changes, no serious errors or omissions? Is this not precisely the problem with the autopsy you were to deal with?

I am at a loss to understand the gibberish of your second paragraph, unless you expected it to deceive or divert me or to blame your former colleagues or the Department, you having sent copies to them. Despite whatever you are referring to, if indeed, you refer to anything, ~~your~~ report is in evidence in that trial. It was suppressed for about a year, to surface in this case. So, what you can possibly mean in saying "there is no such report so far as this panel is concerned" escapes me. It does not, however, escape me that you here say you speak for the entire panel. Having had no response from any of them or your legal adviser is consistent with their agreement, for this purpose or in the past, that you are spokesman or leader, the report indicating no chairman.

Your assurance that you did, meet, deliberate and report, your unnecessary support of the obvious, is not needed to affirm the meaninglessness of Mr. Rolapps' words.

If you "take exception to your charges of 'conspiratorial operations'", as you pretended to quote me, why do you write letters like this, twisting and contorting words, giving them special meanings, evading the obvious, being unnecessarily secretive and, with 100% success, being entirely unresponsive to a perfectly proper inquiry? It is my obligation as a writer to make this kind of inquiry. It is properly addressed to you and your silent associates, not only because this is indicated in Mr. Rolapps' letter to me but because you performed an official function that is in no way immune to the provisions of the law. I am, under the law, entitled to what I asked of you. Unless you have something to hide, I fail to see why you write such nonsense as a substitute for answering my letter. That you "agreed at the outset not to maintain individual private files, notes or other information" likewise is at best evasive and at worst designed as deception. The character of or title to whatever working papers you had is not what I asked for or about. Nor is the reason or their present location.

But for the record, I quote the entire sentence you here distort. Your colleagues, all of whom have copies of my letter, can compare what you say I said and what it means with what I did say and mean. In reference to Mr. Rolapps' statement that not a scrap of paper of any kind or character (since reaffirmed to me), remains with the government, I said, "Inherent in it is what I am entirely unwilling to assume, that yours was some kind of conspiratorial operation in which all records were either destroyed or not kept to begin with."

Yours was a difficult, complicated, technical job, complete with all sorts of facts, many measurements, interpretations and opinions, among other things beyond the capacity of even the most gifted mind to preserve, completely and without complete accuracy. You needed certain evidence for this job. You and the government should have been concerned about the possibility of accidental error. I would hope it is not expecting too much to believe you would have been concerned about the rather significant discrepancies and differences between your work and that which you evaluated. Besides, is it other than normal and proper in your discipline not only to make notes but to preserve them in the event they need be consulted, or in the event this work might be questioned? With this particular job you undertook, one as important in the national history, one so vital to the national integrity, is it not even more necessary that every scrap of paper of whatever kind and character be preserved? Yet there is no direct statement from you on this, nothing but equivocation, avoidance, and a phoney indignation that ill suits a man in your position or a response to such an inquiry.

It is you, sir, who label your work conspiratorial, not I. Especially because of your eminence in your field, the respect and position you have earned. You know your business as few men. You teach it. You author books about it for others to learn and be taught from. You are accepted in court as one of the country's outstanding experts in forensic medicine. You are utterly without innocence when you write such a letter as that to which I respond.

As I told you, I am a writer, and I have written and am still writing in this particular area. I renew the request you have so painstakingly ignored, contained in my letter of the 12th. I hope you will make the most direct and specific response, unless you are willing to take and assert the position all of this is secret, all outside the law.

That Child's play at the end of your first paragraph, telling me you "have no copies" of your report for distribution (I didn't ask you for them), but that it could be obtained from the Department of Justice, is particularly inappropriate when bracketed with your distortion about "conspiratorial operations". I asked one of the Department lawyers for a copy at the hearing in Judge Halleck's court. He said he would give me one after lunch. He didn't. He then said he'd mail me one. He didn't. Of course, this is subject only to the interpretation he welcomed close scrutiny by one who, to his knowledge, had an understanding of the fact. However, despite what one might interpret as his lack of pride in or satisfaction with it, I have a copy. I have gone over it carefully.

I hope you will not again resort to semantic devices in what I hope will be a direct, unequivocal, responsive answer to my letter. To do so now would be to defame and further demean yourself, your associates and your work.

Because I do not have Mr. Bromley's address, I cannot send him a copy of this letter.

Sincerely,

cc: Drs. Moritz, Carnes, Morgan, ²u es,
Finck, Boswell

Harold Weisberg