

Rt. 12, Frederick, Md. 21701
9/10/75

Mr. Tom Susman, Counsel
Administrative Practises Subcommittee
New Senate Office Bldg.
Washington, D.C.

Dear Tom,

A reporter's inquiry about them yesterday informs me that FBI Agent Courtland Cunningham is one of the panel of experts agreed upon in the new RFK inquiry in L.A. A simplification of Cunningham's Warren Commission testimony in his expertise, firearms identification, is that he identified as the JFK murder weapon what he had every reason to believe could not have been and the evidence I now have leaves beyond any doubt could not have fired all if any of the shots. (My last suit was anything but a defeat, except for the new law.)

As a possible reflection of the man this story: I spoke at the University of Maryland during the summer. One of those who came up to me privately identified herself as the daughter of a retired FBI agent who is a friend of Cunningham's. She told me that Cunningham took a print of the Zapruder film to her home and showed it. The propriety of making pirated copies of evidence or taking the evidence itself from the FBI is questionable to me, particularly when that film alone, while by no means positive proof, casts considerable doubt on the thrust of his testimony in more ways than the ones recently sensationalized.

I am not in touch with what is going on in L.A. I lunched with Al Lowenstein several weeks ago and then again expressed my concern about hanging everything on the firing of the weapon. Regardless of what the truth may be, there can be no answer to all questions from this one test. There is the most substantial doubt about the fullness and the sanctity of the evidence used and there is an enormous amount not used in the trial simply because the ill-advised defense did not contest the charge. While I have not specialized in that case I have collected enough evidence to speak with certainty about this. The integrity of the evidence was relevant to an addition to Post Mortem that I have written so this is fresh in my mind.

I have now completed an addition to this too-long work based on what I did get in C.A.226-75. If I had no other proofs I'd say this alone is enough to justify an investigation by Congress. As I told you, there was repetitious perjury. I am not using the word lightly. There was materiality to what was at issue in the court at that stage. There was also the greatest materiality to the JFK investigation at least two ways: what the FBI did not do and had to have done and the results of what it could not have avoided doing.

Clarence Kelley lied in reporting what testing was done and an FBI agent repeatedly swore falsely about it. I include only two of the proofs of this in the new book. There are more. Those I have in documentary form, actually given to me in the FBI's formula for circumventing the new law.

Although a minor industry has grown up among them who promote themselves with the assassinations and they get what I get simply by writing letters after they learn that I use the law, in this case I have obtained what they do not have because they did not know how or what to ask for. It is pretty definitive. To keep it from being used in these self-promotions and to preserve it for my own contextual use I have let only a few trusted friends know about it. I also have a copy out of my possession.

One of these elements of evidence is the neutron activation analyses on the paraffin tests made on Oswald. In court they would have acquitted him of firing a rifle. Understand that this test is so fine it is capable of picking up traces from a ten-millionth of a gram. It is not generally known but there were as I recall seven comparisons made in firing the rifle and then making cheek casts and testing them. In

each test there was a strong positive reading. With Oswald there not only was not but the traces of the essential elements on the side of the cast away from his face was greater than was picked up from his face. Even though in the course of his work he handled and that day had handled materials that cause the identical deposits, books.

I will be printing Post Mortem. I don't know how soon because of my limitations. In an effort to avoid going further into debt to do this I have made an offer of some of the ancillary rights. I have not had a final response but there has been approval on all editorial levels. What remains is a policy decision. If it is negative I'll go farther into debt and bring the book out anyway. I have obtained firm offers from printers and it is possible for me. I also believe I have no real choice and that this is an obligation I must meet.

The writing is completed. The index is the major remaining non-mechanical detail. Subject to its size the appendix, an enormous one, is completed. I'll be adding documents as the size of the index and the mechanics of economical printing permit. For the indexing I'll be making a xerox of the existing appendix. The original copy for it must remain clean and unhandled. I think it would be a good idea if you could find time to read it, not the entire work, prior to publication or ancillary use. It is now thoroughly annotated. I had one of the few solid people working in the field do this completely independently. The man who did this is an honors graduate in history who has turned to the law. He has been working in this field at least eight years and in my belief is the best person possible to have done this. Comprehending the meaning of this appendix alone will not require consulting the many cross references in it.

We have filed for the two remaining withheld executive sessions (C.A.1448-75). Whether or not you read the long one of 1/27/64 in WHITWASH IV if you can find time I encourage you to read the short one of 1/22/64. (It is also in this appendix.)

We will be appealing C.A.226-75. I think much will depend on the panel. I also think that while we'll have financial problems with the appeal we will make an unusual and very strong record. It will include proof of perjury. (There came a point in the last calendar call, after Pratt had indicated he was dismissing, when he actually asked Jim of one of the several documentary proofs we offered, "Did you get that from the FBI?" They actually did provide us with proof of perjury.) It will include two different proofs of non-compliance: not giving me a single paper for which I sued bracketed with proof that it existed; and not giving me what they had in their substitute for what I sued for while swearing I was given all.

Sincerely,

Harold Weisberg