official Warren Commission exhibit numbers, "Commission Exhibit Nos. 393, 394, 395" (p. 7). In stipulating that there be access, Section I(2) reads, "Access to the Appendix A materials shall be permitted only to:" There follow two categories, "(a), certain officials, and "(b)" is:

> (b) Any serious scholar or investigator of matters relating to the death of the late President, for purposes relevant to his study thereof. The Administrator shall have full authority to deny reports for access, or to impose conditions he deems appropriate on access, in order to prevent undignified or sensational reproduction of the Appendix A materials. The Administrator my seek the advice of the Attorney General or any person designated by the Attorney General with respect to the Administrator's responsibilities under this paragraph I(2)(b).

This fits me. There is no doubt that I am both a "serious scholar" and an "investigator into matter relating to the death of the late President," certainly by far the most prolific. The only basis on which I can be denied is by providing that it would be to prevent undignified or sensational reproduction."

The Archives' official and readily available pictures show nothing but blood and gore. They hid the damage. I wanted pictures which show the damage to the garments, not the blood with which they are drenched.

The contract does have a provision by which I could be denied permission to examine the actual clothing, but then limited to a showing that I would damage them. It is Section III:

> (1) In order to preserve the Appendix A materials and the Appendix B materials against the possible damage, the Administrator is authorized to photograph or otherwise reproduce any of such materials for purposes of examination in lieu of the originals by persons authorized to have access pursuant to paragraph I(2) or paragraph II(2).

There is no possibility that I could damage the clothing with my eyes, but I was denied permission to see the clothing so I could specify the few pictures I wanted taken. This provision re-

quires that as an alternative, the only contractual alternative. By "photographs or otherwise," the Archivist is required to provide what "any serious scholar or investigator" considers that he requires for purposes of his study.

Moreover, the Archives' own regulations, a copy of which they did not supply me or the court and denied the existence of to someone else I had request them (I had not obtained a copy of a copy from another source, an Archives use in court half a continent away), places a further imposition on the Archivist. These are and were titled "Regulations for Reference Services on Warren Commission items of Evidence."

The second declares, without any ifs or buts; "Still photographs will be furnished researchers. Copies will be furnished on request for the usual fees."

The last part of the fifth reads:

> To the extent possible, photographs of these materials [i.e., those not to be touched] will be furnished to researchers as a substitute for visual examination of the items themselves. In the event the existing photographs do not meet the need of the researcher additional photographic views will be made. A charge may be made for unusually difficult or time-consuming photography. Photographs reproduced from existing negatives or prints will be furnished for the usual fees.

So, not only did the Kennedys require exactly the opposite of suppression, but this and other Archives regulations require the providing of copies of the pictures at my cost. For this purpose I have maintained a non-interest-bearing deposit account at the Archives for six years.

When I had made so many requests, all turned down, I finally appealed under the regulations. In violation of the law, the appeal was ignored. Not until several months had passed in silence did I file the complaint in this suit. Thereafter, I did hear from the appeal. It was turned down in language eludicated to make it seem that I had neither appealed nor had my requests been rejected. To give a bit of the flavor, the rejection of the appeal admitted that identical pictures had been taken for the Columbia Broadcasting System and would be shown to me. After the end of the last working day before my last response to government arguments

CHAPTER 42:

HUMPTY-DUMPTY EVIDENCE, or WHEN TO LOSE IS TO WIN

Considering that my first written request for pictures was in June 1966 and that he had steadfastly maintained that the contract prevented the taking of pictures for research, perhaps I should have felt a sense of accomplishment when, after no more than four years and two months, the Archivist, under date of August 19, 1970, said he could take pictures showing this damage but would not give me prints. After I filed suit, he wrote me again, under date of September 11, saying he could make further pictures.

He did not. My opinion of him will be higher if he regrets this for the rest of his life.

But what happened to his legal misinterpretation already quoted, his four-months-earlier ruling of April 16, 1970, that, because of the contract, "we do not take special photographs of the clothing for researchers"?

Too bad he argued and refused to for so long and after saying he would, did not. Some are now impossible!

The hearing and the in-court promise to take the pictures I needed was on June 15, 1971. The next morning I marked a simple list of four pictures I wanted taken for me, saying I would not ask for more than my research indicated I needed:

1. A side view of the knot of the tie, taken from the wearer's left and showing nothing but the knot. As of my last knowledge, there was no such picture.
2. A view of the back of the knot from as close to 90 degrees as presents no problem for the photographer.
3. A picture of the back of the damage to the front of the shirt, showing nothing but this damage, hence making, as in the other cases, as large as possible negative.
4. A picture of the tie in place underneath the collar, with the collar button buttoned, choosing no more than the complete shirt tabs in width, going a little above the collar and however far below it would come with the greater dimension of the film in the same plane as the collar.

These are simple pictures, modest requests, and, if the official accounting of the assassination were in any sense tenable, pictures that should have been taken and published to begin with. I knew in asking for these pictures that the government would not and could not possibly comply. I saw absolutely no possibility that the fourth, in particular, would ever be taken for any picture showing the slits in the shirt front covered by the tie and no coinciding hole in the tie is the living death of the whole seamy, sordid, sickening rotten mess like nothing before in our history.

The same day I initiated effort to appeal Judge Gesell's dismissal of the suit without a hearing on the merits. That there be no dispute as to any material fact is prerequisite for this decision, and that requirement, abundantly, the government did not meet, as it had not met other requirements for his decision to be correct.

Predictably, Rhoads did not reply. I waited more than three weeks and on July 10 wrote the judge a letter saying the government had not kept its in-court promise, sending a carbon copy to Rhoads.

That did it. Rhoads replied July 15 saying the pictures would be ready for my "examination in two or three days."

I did not press him. I waited a week, until July 22, before going to see them and then telephoned as soon as I got to Washington, giving several hours notice before appearing.

Had I not written Judge Gesell, I would never have seen the pictures when I did. Although he ruled against me, and I think

erroneously, Judge Gesell is anything but a rubber stamp for the government. Rhoads and every other official knows this. Marion Johnson, the man in immediate charge of that Archive, was on vacation. With any choice, Rhoads would have delayed this until Johnson returned.

Those pictures taken earlier to which I have been promised access do not include any of the knot, no doubt because I made specific request for that and the Archivist changed his interpretation of the contract to say he could do it, implying he would

The three manila envelopes Simmons had were all marked "NOT TO BE COPIED FOR ANYONE." The prints themselves had no identification on them, so he handed me each one I asked him to number them.

The first two, marked 1 and 2, are of the tie, front and back. The envelope is labeled "Picture of Front and Back of Tie." The pictures are are brilliantly clear. The back of the tie is entirely unmarked. There is no hole in or through it, thus no bullet thataway!

Goodbye, Warren Report!

Once again, "Who killed the President?"

The "nick" is just as clear, as is the underlying lining. The lining is entirely undamaged. And, this is the "nick" after FBI removal of a sample of unknown size of the present hole seems to eliminate any other possibility. This is not and cannot be a bullet hole.

The knot, however, no longer exists!

The tie in which the knot was imperishable evidence entrusted into the care of the Archivist for "preservation"—the same Archivist who claims that the Kennedy family felt he is, according to him, more secure than any other repository available to it—now has only tainted, destroyed evidence!

Careful examination of that hoked-up FBI tie picture in its Exhibit 60 can lead to the belief that it was then untied. I am pretty certain it was. But can the Archives have accepted, without protest or record, a knotted tie that was unknotted, knowing, as everyone there did, that the tie in evidence was a knotted tie, the knot being its evidentiary part?[31]

Rhoads did, in writing, knowing I was going to court, promise

31Knotted when examined by Clark panel.

to take pictures of the knot. Johnson drafts these letters for him. Could they have written they would take pictures of a knot they knew did not exist? And have all this wash out in court?

The FBI did not have to take the knot apart to see if metal was embedded in it. Visual examination could have disclosed no more than a cut on the side. But, if anyone suspected metal might be inside there was always X-ray, which would show it.

What seems like the most probable explanation is that the knot was untied for the FBI's fake Exhibit 60 picture, when the ultimate disposition of the clothing was unknown but the FBI was the official repository of all the official exhibits (including the missing fragment from CE840). This is not publically known, but it was the case. Hoover knew it. The FBI kept the originals and automatically provided the Commission with a minimum fixed number of photographic copies. This secret is in two of the Commission's unnumbered files, GAI FBI and INV 5. On March 12, in a memorandum on "procedure" to the staff, Rankin concluded (As best I can decipher this, it reads):

> The originals of all Commission exhibits are to be kept in the custody of the FBI. The FBI will make three (3) photographs of each exhibit for our use. One set of photographs should be given to Mrs. Eide for use by the Commissioners, one set should be laced in the files, and the third set should be kept by the person who prepared the exhibits. Attached to this memorandum is a copy of a letter which was sent to the FBI in connection with first 145 exhibits. Attorneys who have been responsible for identification of exhibits to be picked up by the Bureau and filed with the Commission exhibits, and should address a request in writing to the FBI for photographs of the exhibits in accordance with the procedure set forth in the attached letter. These requests should be channeled through Mr. Willens. Each attorney should also prepare a list of such Commission exhibits with a phrase describing each item which should be laced with the Commission's set and in the file set.

Note that this means Specter should have had a complete, personal set of all the exhibits with which he worked, including all pictures of the clothing.