

Scientific
Schwartz
Work

January 5, 1969

Dr. James B. Rhoads
Archivist of the United States
National Archives and Records Service
Washington, D. C. 20408

Dear Dr. Rhoads:

It occurs to me that the organization of the Warren Commission files, titled "File Classification" and apparently prepared by your agency in May 1964, may not encompass all categories that, during the course of the Commission's life, turned out to be necessary or desirable.

Two of the possible categories are Oswald's literature distribution or picketing activities and the apparent falsification or counterfeiting of him. Both of these subjects were looked into by or for the Commission at some length. For neither does there seem to be any appropriate file heading.

Especially with the Oswald file, with editorial determinations apparently controlling, broken into Pre-Russian, Russian and Post-Russian parts, is this true. There is not one of the eight subdivisions of his "Post-Russian Period" that could properly contain data on these subjects. For example, were his pamphleteering to be included under 2, "Political and Subversive Activities" (and no subversive activities were alleged or reported by the Commission), not one of the four breakdowns is appropriate and accurate.

If these numerous reports of men using the name Lee Harvey Oswald when it could not have been the real Lee Harvey Oswald were included under "aliases", this would be erroneous for it was known and the Commission concluded in these cases it evaluated that these were not and could not have been him.

Particularly because experience has shown that such files as "MP", designed to include all "photos" and "films", rather clearly does not, does this concern me. It also makes access to the Commission's materials more difficult and perhaps, with their enormous volume, impossible.

I therefore ask if you have discovered or made any breakdowns other than those initially provided me in this file classification to which, under date of August 10, 1967, there was "Supplementary information added" by Marion Johnson.

Especially because of the vastness of the files is declassification a problem. Is there any way in which we can know that material we have requested and been denied has subsequently been released for research? If you have made no provision for this you have, to all practical purposes, effectively denied in perpetuity what was once classified and asked for by researchers, for it is impossible to keep in mind and to keep asking for what was originally classified. Where records are said to have been kept in some cases, they were without meaning.

On the other hand, if you have, as I think the government should, kept a list of what has been declassified, I would like a copy, to be charged to my account, as I would with any periodic additions to it. I understand the David Ferris file is one of these now under review.

If this has not been and will not be done, I think the government is open to and justifies the charge of suppression of information by simple bureaucratic manipulations.

Sincerely,
Harold Weisberg

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Although I will not make an issue of it, for the record I do protest your refusal to provide a copy of Garner Exhibit No. 1. Although the officially published evidence does not identify its source - in fact, the Commission permitted what it knew to be an incorrect identification of it to remain uncorrected in the sworn testimony - it is, as you write and as I informed Mr. Johnson, from the WWL-TV footage. Your previous and I believe proper policy was to provide copies of copyrighted material marked with the notification of copyright. Your refusal to provide copies of copyrighted photographs, regardless of intent, is a serious interference with research, for it is only in the closest-to-original version of pictures that the necessary detail can be seen. This picture was widely published, commercially, won prizes in competitions, and was published by the Commission. Anyone with the intent of using it improperly has no problem in so doing. What you have done with your change of policy accomplishes one thing only: an interference with research. If this is not your intent, it is the result. In this particular case, the owner of the copyright has been very cooperative. I have seen what remains in his files on several occasions. To eliminate unnecessary trouble for him and me, I suggested a compromise to Mr. Johnson, that he copy this picture, charge it to my account, and mail it to me c/o the copyright owner, for I intend returning to New Orleans soon and want to use the picture there. Quite obviously, if WWL did not want me to have the picture, they would then not give it to me. I even gave Mr. Johnson the name of the proper person, the news director. Mr. Johnson refused. I think this is foolish, accomplishes nothing but delay, interference with research, and makes unnecessary work.

What Mr. Johnson did show me on January 2, pursuant to earlier arrangement, is not the film referred to in Secret Service Report 200, helpfully enclosed with your letter. The film Mr. Johnson showed me is dated as having been copied December 3, 1963. However, the Secret Service and FBI had earlier obtained the film of the New Orleans TV stations for the Commission. This report is dated earlier than December 3 and refers to the film having been obtained before the date of the report (paragraphs 5 and 6). I call to your attention a description of the content of the WDSU film (paragraph 6) not in the copy dated December 3 shown me. Here is one of my reasons for insisting on access to the original film described in Secret Service Report 200. I believe under law, regulation and practice, I am entitled to this and I herewith renew my request, the identical film the forwarding of which is recorded in this report. I have already a duplicate of the film, obtained from the owner, as it today exists in his files, and I have signed the proper releases. While this may be immaterial, and I believe it is entirely so, I nonetheless inform you of it. You can confirm this with Mr. Ed Planer, News Director, WDSU-TV, 520 Royal Street, New Orleans, 504/525-4371.

Further bearing on this, Mr. Johnson informed me you do not have this film. Also relevant is the repeated reference in the FBI reports to the displaying to witnesses of six different stills from the WDSU footage. Mr. Johnson showed me two from your files. The third one he showed me is clearly described in Secret Service Report 200 as from the WWL-TV film.

While your "search" may be, as you say, "limited to records which are in the custody of the National Archives and Records Service", your responsibility, in my view, is not limited to that. What I address is not an alleged inadequate search but the absence from your files of what is required to be there. It is this responsibility that I herewith again call to your attention. It must be obvious that, for example, should a dishonest person steal something from a file, it is not the responsibility of a researcher to arrange its replacement, nor is it within his capability. That is your responsibility.

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However, I have, repeatedly, done as you suggest, "your request should be made to such agency". (In this case, I have written both the Department of Justice and the Secret Service. I did not write the Federal Bureau of Investigation because Mr. Hoover has yet to answer a single letter, reserving that special dispensation, apparently, for sycophantic missives.) In not a single case has a single thing been provided. In not a single case have I received either a full or a responsive answer - in those cases where I have been answered at all. I have been lied to. I have been deceived. I have received misrepresentations.

And I have received silence.

I have been written by the heads of other agencies what, if true, makes you out to be a liar. While I do not believe it, for I do not believe you have what you tell me you do not, nonetheless, I report it to you for what it is worth, for it is a record of your administration of your agency, of your custody of those sacred records of the official investigation of the murder of a President that are legally and historically so important, of which this record now exists.

As the National Archives knows, to suggest this to me is to encourage me to engage in futilities. Let me cite one example. The day the transfers under the Attorney General's order of October 31, 1966, was announced in the papers, I was at the Archives, discussed this with Dr. Bahmer, and thereafter requested the spectrographic analysis of the bullet and fragments said to have been used in the assassination. Mr. Johnson phoned the FBI, spoke to Mr. Cunningham, said you did not have this, and asked for it. Mr. Cunningham said you did have it and gave Mr. Johnson a reference. I asked for that file. It quite obviously was neither this spectrographic analysis nor any meaningful quotation of it, as I showed Mr. Johnson. He then phoned the FBI, which never thereafter changed its false representation or supplied this most essential item of evidence required to be in your custody. In citing this as an example, I also leave a record that you, too, were deceived. While the deception is not the responsibility of your agency, in my opinion the acceptance of it is when these imperishable records are required to be in your possession and required to be available to researchers, of whom I am but one.

This bureaucratic buck-passing is unscholarly and, worse, it is a national scandal, more so because of the subject matter.

It is complicated by other things of which I have complained in the past. Here I cite the example of my repeated and unanswered request for an explanation of how and why you made available to the New York Times what I had earlier requested and been denied, the contractual arrangement between the government and the executor for the Kennedy family, covering the pictures and X-rays said to be those of the murdered President's autopsy, and your subsequent denial of this to me until long after you had made it available to the New York Times on what amounts to an exclusive basis. This is set forth in considerable detail in earlier correspondence to which I have yet to receive meaningful answer.

When I saw Mr. Johnson January 2, I called to his attention the existence of requests I have made that have not yet been responded to. I told him I expect to be in Washington again January 9 and would appreciate having all of this then available for me to pick up.

We begin a new year and a new administration. I would like to hope that with it the agency of the government that is custodian of our national heritage, the agency of scholarship and research, will cease its participation in what amounts to official covering up and will do what is necessary to assure the sanctity of its records and their availability for research.

And herewith renew each of my unanswered requests, all of which, as the result of considerable effort, are in writing. Sincerely, Harold Weisberg