January 5, 1969

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

Dear Dr. Rhoads:

Your letter of December 26, of which Mr. Johnson told me January 2, arrived here yesterday, without postmark. I do thank you for it and the enclosures.

If you have not yet sent them, I do have copies of all the things you list under numbers 1 through 4 except one Kaack report. I assume the first two items are Secret Service Controls 703 and 109 and that the Garner affidavit is that dated May 5, 1964. Of the FBI interviews with Mrs. Garner, those by Kaack that I have are of his December 5 interview, page 418 of CD205 or vice versa, and CD302: 182. Because of the delay of your letter in the mails, it is possible these were sent pursuant to it. If there is anything else, of course, I would appreciate a copy.

Those things you said were enclosed were and I thank you for them, also. They corroborate what I had earlier reported, what I told Mr. Johnson on January 2.

With regard to the endorsement on the back of Garner Exhibit No. 1, the copy sent me has been cropped. At least, it seems to have been. It measures in length but 9-5/8 inches. Unless in writing on it Liebeler put the top of the "E" in "Exhibit" as close to the edge as humanly possible, which seems unlikely with all the blank space below, there would seem to be something cut off. The size also indicates this. What is missing includes the border normally shown in Xeroxing. I would appreciate a full copy of this endorsement, of the reverse side of the picture.

Mr. Johnson suggested to me that the May 1, 1964, letter to Mr. Jessie J. Garner, drafted by Wesley J. Liebeler April 28, might explain the apparent impossibility of an April depoisition by Mrs. Garner alluding to an "exhibit" not yet in evidence as an attachment to an affidavit of a month later. Your sending this letter to me is quite helpful and I dopappreciate it. It is a unique, if not, indeed, bizarre, concept of evidence to attach to an unprepared affidavit the intended witness might not have executed, indeed, might not have survived the rigors of modern society to execute, a photograph that might have and should properly have been offered in evidence during the deposing of the then-current witness. It would not, in any event, have been at all unusual had the same photograph been incorporated into the record in both cases. When Mr. Liebeler endorsed this picture "Exhibit No. 1 to affidavid of Jesse J. Garner - 4/6/64 New Orleans, La." (his initial and "J.J.G." being written below), he executed an endorsement of the nonexistent, for there then was no affidavit of Jesse J. Garner in any form. Particularly because Mr. Liebeler is a professor of law. whose superior had been Solicitor General of the United States, on a Commission headed by the Chief Justice, does this excite my curiosity. If you could search the unindexed staff papers further for any additional material on this, it would be very helpful and, I think, perhaps interesting.

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 prattice, 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.

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 mother 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 Iherewith renew each of my unanswered requests, all of which, as the result of considerable effort, are in writing. Sincerely, Harold Weisber