

Bud, Paul, Gary,

10/17/69

After Bud and I separated today, there were other things I had to do in DC and after I got it. It thus is late and I have done the attached memo on our visit to the Archives in haste. I am sending copies for information, for Bud's confirmation, correction of supplementing, and for suggestions from the others of you. I also gave Bud a copy of Paul's recent letter on this. He read it prior to our going to the Archives.

If there are any developments, I'll let you know.

Meanwhile, I noticed in the course of a hasty perusal of a small part of CD 87, which I have not looked at since the Spring of '68, several things I do not recall from the past and I have ordered them. One is the translation of a letter to Oswald postmarked in Cuba a week after his murder. I merely glanced at it, knowing I would want it. I anticipate asking for the original, with envelope.

When Bud was scanning CD205, he noticed a slip where some pages are missing. It said merely "Lifton". He wondered if this could mean Lifton could have requested those pages when declassified. He had never encountered this situation before. I had, where the pages had been charged to me for two months or more without my getting them. I have little doubt this was because those pages were removed for copying for Dave. I therefore would not look at even the page numbers, knowing the villainy of which he is capable.

Because it was not possible to make notes, I may have forgotten what Bud may consider significant. His recollections may also be other than mine. I will assume, however, that in the absence of correction by him, he will be agreeing to the overall accuracy and it without suggestion of significant omissions. If there are any, I do hope he will note them.

After examining this and other materials, Bud is also of the opinion there should be no distribution of any of these materials in any form because they can be of considerable significance in court. He also agrees that this line of endeavor carried out properly and blessed with a little good fortune, may open entirely new avenues to us, new opportunities, new sources - many benefits.

He has heard from the DJ lawyer only that he has drafted the response. Cells did not indicate the character or content of the response and did not indicate it would be sent in the form in which he drafted it.

Bud and I will be getting together again the 24th. If any of you has any suggestions, please send them in duplicate, one to him, one to me, in the event my copy is in that day's mail, for then I would not have it, leaving as I will by 7:30 a.m.

By the way, I also asked to see the missile described in the letter and asked to be given its official identification. I have not been able to check the FBI list (Federal Register with Clark's 10/31/68 order) to see if it is one of the items therein contained, or if it can be. Request of both Simmons and Angel, in each case saying I'd be back for that purpose a week from today.

HW

Memorandum on visit to Archives, conference with Deputy  
Archivist Herbert Angel

10/17/69

By prearrangement, I met Bud early this morning in his office, preparatory to taking him to show him the originals of Exhibit 397. Not, understand, of the or any autopsy file, not of CD 371, which is the origin of Exhibit 397 (and described by Specter as identical with it), but of the exhibit only. I had seen them nine days ago, ordered copor-negative copies, and expected to get them today (they are not available yet, processing not having been completed). When, by phone, I learned the processor had not returned the transparencies, I asked for a xerox copy. Simmons had it made while we examined some of the material I also asked him to get so we could be occupied during the copying.

I had asked for CD87, the FBI lab report of 12/5/63, to see why it is classified, because it is a lab report. I also asked for the file on "Public disclosures, Warren Commission Records", knowing there is such a file, the Archives having sent Paul Hoch pages 9-17. It was purpose to examine pages 1-8.

In the time available, it was not possible to locate what I sought in CD 87. Loosely in the front of the first of the five volumes (Simmons said the fifth was outx somewhere and apologized in giving me the four) was an SS memo of which I ordered a copy. It gave the list of control numbers, of SS reports. As far as I could check, not one was in the file! There were large gaps in the reports, with perhaps 27 control numbers at a time not being in the file. Simmons said he/they were aware of it but could not explain it.

With regard to the "public disclosure" file, Simmons reported he had discussed that with Johnson when he could find no such file (I had explained my major interest is in the period following the Commission, thus for files not in with the Commissions). Johnson, he said, told him he knew of no such file (yet without doubt it is Johnson was prepared the response to Hoch, above). Simmons said he found the 11/10/64 Goldberg memo on "Orgshization of the Commission's files" which Johnson, he said, agreed might answer my question. He brought it and I had a copy made. Quite obviously, it is not responsive; is not the file in reference, and is not even all there is in the PC16 file from which it comes, for I have a number of other documents from it, including one on "Declassification".

When Simmons returned with the xeroxes of the originals of that part of Exhibit 397 and I asked him to get a few other things, I also told him that we would get a cup of coffee in his absence. He said he'd go with us so he could have a smoke, and we invite him, Bud as so inviting him to have some refreshment in the Arch snack bar (he got a coke). While smoking we chatted. I tried to explain to Simmons exactly what I sought. I had given him the letter to deliver to Dr. Rhoads (and he by then had), and I explained to him that what the Archives received after the end of the Warren Commission could not be in the WC files. To my amazement when we were discussing this, and I sought to learn what else is in Box 25, this is what has happened, a further means of hiding the originals they may have. These are files in the printer's set of the exhibit, the last place in the world anyone knowing anything about the files would look for them, for the printers' copies are never originals, and in this case the exhibit is described when offered into evidence as copies.

In discussing the number of places they have to look for a document on a person, he said there were four, including the KP and other Ind and Org files. He acknowledged, when questioned by Bud, that there were unclassified (in the sense of without organization) files, and it is impossible to retrieve from them. I asked about the beginnings of the index put to an end by the Willens intercession against it, and he says it goes up to "J" only (and, of course, can

include only what had been received and gone over by the time the indexing was killed, on the spurious basis it was automatically eliminated by the (KP file). Simmons did not say so, but there is a card index of considerable extent, some 6,000 individual cards, as I recall.

I spent some time trying to explain to him the Clerk executive order, the Rowley transfer he had received, the CD371 list and the items I sought from it, and how this need not be with the Commission's own files and, unless subsequently added, could not be in any listing of the Commission's materials, because it was of a much later era, when there was no Commission. I also asked him to explain this to Johnson, then asked that if it is unclear, they phone me. I said some of this was in the letter I had given him for Dr. Rhoads. Then he said he had already delivered it, I asked if Rhoads were back in the country. He replied affirmatively, adding he had an afternoon meeting of some kind. He had not opened the envelope.

With this explanation of the time requires to check just the name files (and I had given him 15 names), I told him since Bud had to be back in his office by one, why did he not just copy any he found and mail them to me, unless any were extensive files, in which event I'd like to be told before undertaking a large expense. I told him I'd be back a week hence and would then also pick up the color positives. In stead, we returned to the search room, Bud and I, and I phoned Rhoads' office to see if he could see us for a few minutes. The return call from his secretary was that while he could not, Angel could in 20 minutes. We were there on time, just as whoever was with him was leaving.

I spelled out with as much care as possible exactly what I sought and couldn't get, how long I'd sought it, what I had been told, how what the Archives wrote could not be true without what the Secret Service wrote being false, etc., and explained my source of knowledge that these material I sought, relating to the autopsy, most certainly did exist and his own files contained receipts for them. I made several references to the letter to Dr. Rhoads, several times suggesting he might want to get it (he sat silent and immobile at each suggestion, though this meant at most going into the next office).

When Bud asked me if I felt "games were being played with" me, I confirmed, and gave Angel examples, specifically and generally. I did not identify the papers given Paul on what is classified and declassified, but I told him that whereas I had been led to believe and told that certain records I sought did not exist, and certain subterfuges were resorted to to replace these existing records for me, I also had in my possession the specific documents readily supplied another. Here is was indefinite because it was my recollection what Paul was sent was over his name. I know it was from his office. He did not ask for identification, so he could trace it down, which one would expect of the executive both sincere and anxious to improve the functioning of his agency. I gave other illustrations as they came to mind: the Kennedy-family GSA contract, other autopsy papers, etc.

I told them that particular with the subject matter, this kind of treatment, involving violation of their own regulations -and my inability to get any explanation of it - filled me with the deepest apprehensions. He remained without comment, although he seemed a bit edgy when he did say anything, with a slight lip tremor. I told him quite pointedly that if I did not get what I sought without resort to the courts, I would go to court, and that the existing record was hardly one of scholarship or of an agency of scholars and scholarship, that there was a prima facie case of his agency acting in accord with policy determinations inconsistent with its ostensible functions. No complaint, no denial.

I recounted my efforts on the autopsy files, my conference with Behmer the morning the transfers were reported in the papers, etc., the assurances given me (and violated, chapter and verse), the subsequent release on what amounts to an exclusive basis to others, not me -without telling me in time, in one case (contract) or at all in the other (executive sessions). I went into the long delay in answering my proper inquiries, and into the fact that after a year some of still without response. I told him that at the trial in Judge Halleck's court Rhoads had told me he had made an inquiry and been informed all my queries had been answered and my response that he had been misinformed. I later confirmed this in writing, with examples, without response from Rhoads. I gave as a minor example what I had just again asked Simmons about, that page of the Oswald "mariness guidebook with handwritten notes on it. It will be interesting to see if I now get it.

Through all of this pointed if polite and very specific accusation of what amounts to repeated violation of law and regulation by the agency he heads, of documentation of discrimination against me, of non-fessnace too, he had neither protest nor justification. It was only when I suggested that missing documents could be obtained from the agency of origin that he had a defense: "we are not chartered for that". I responded I had not suggested any threat, any intimidation, anything more than a polite request for the replacing of what was in the files, known to have been in the files, and is missing. I pointed out that it was a simple matter to pocket pages of the files. With some satisfaction he replied that the last man to try that was serving ten years. I corrected him to say the last one caught, and he dropped this entirely. I again repeated that unless there was some such mechanism for implementation of the executive order, it was meaningless except as propoganda, an unseemly thing on such a subject.

On the subject of the contents of the letter, I was quite explicit in saying that when I had made inquiry and the Archives claimed not to have the files, recommending I ask the Secret Service, that agency had replied that it had given all this to the Archives. I told him I had given the Archives this letter and could again, if the Secret Service had not kept them informed. I asked him what else I could do except ask the agency required to have them to replace them. No answer. I was also quite explicit in suggesting that on this subject above all there should be no suppression, by whatever mechanism, of these, the most basic records of the murder of a President. And I said if I could get them no other way, I would seek them in court.

I tried to be as fully informative as possible in the time we had. On impulse I told him what I had left out of the letter to Rhoads, that their own files contained receipts for the materials I sought and the record of the claim of the transfer of the originals to them. I went further and pointed out that while the Commission entered into evidence and pretended to print the entire CD371 files, it had, in fact, suppressed this receipt, which is not inconsistent with suppression, with various dodges, of the materials covered by the receipt, not one of which can be subject to any proper withholding. I said that particularly because of the initial official dishonest, subsequent ones were more reprehensible, whereupon Bud emphasized especially on this subject.

I told him that after all these many months, I had still not been put in a position to know what had been transferred, and I went over with him what I had gone over with Simmons, asking for the receipts for what had been transferred, in the hope they would supply sufficiently specific identifications. He did not say I would not get it or could not (nor did he say I would which is quite surprising, for it also cannot be withheld). Thus, in addition to written requests, without number, to the various agencies, including his, I have asked both the men actively working in this archive and him for a copy. We'll see if I get it.