

CONFIDENTIAL 10/9/69

Archives Autopsy Transfer Records EMII

Unfortunately, I've never had time to check carefully on those items on which I have pressed at the Archives. Often I later find out the efforts have succeeded. One of the examples is the sudden appearance in the trays of Zapruder slides of the nine at the end omitted by the Commission. Yesterday I discovered another important case.

I had pressed Dr. Behmer on the second-hand character of his JFK archive, on the absence of original~~s~~ and the absence of any of the authentic notes, any that could, for example, be used in a legal proceeding. I had also pressed him to demand such things of the Secret Service, and I had also needed Rowley.

Last week when Henry Lippman was here he showed me a strange copy of the body chart he had just gotten. I asked him how some of it came to be in ink? He said that was what was in ink in the original. As we discussed this, it turned out he had seen the original and said it could be examined only with Simmons or Johnson present. He also seemed to remember a note in the lower left-hand corner of this part of the exhibit. This, of course, could have been the Burkley note on the copy bearing his initials that I already had.

Inwas held up an hour yesterday in getting to see these things, no~~u~~ doubt because I phoned in advance and said exactly when I'd be there, from across the street, in the WJ building.

They produced a large manila envelope marked in red crayon "Exhibit 397-Originals". Inside was the original copy of everything printed was Ex 397, but none of what was omitted but defined and described by Humes as his own notes during examination of the ~~wmx~~ body.

The draft of the protocol is on simple, letter-sized, ruled white paper. This is quite important, because the published and all the numerous xeroxed copies I have are not ruled. I am not suggesting there is an unmentioned holograph.

Another thing that seemed different is the margins. Checking the printed and Burkley copies this a.m. confirms this. There are other comparisons I will make, for example, the corrections.

The most immediate explanation is that the first copy was with a camera or copying device (like Thermofax) insensitive to blue, ~~xxxxixoriginalxxxxix~~ unless, as I seem to recall, Humes wrote in blue. Burkley initialed the original. But the printed and all the many except the one xeroxed copies do not bear his initials. Humes' corrections, as I recall, also were in blue. Indications are they used a ball-point pen.

Reducing the margins might have been enough to eliminate Burkley's initials, but there is one place he drew a wavy line and he signed the last page, which also was lined (and masking it would have eliminated those lines only).

I did not want to appear too interested in these originals, so I arranged to get color pictures made. This too fine, but I was able to evolve something new, to reduce the cost, which otherwise would have been \$200. They are making me 35mm positive color slides. From these we can make color copies and they will be slides. It will be about 10 days before they are done.

The Humes notes, which are the same size as the pages of the protocol in all copies, are on a much smaller piece of pad paper.

Separately there is a file of a covering letter by Rowley and receipts, of which I ordered xerox copies that could not be made yesterday while I waited. The Rowley letter is dated in 1937, clearly after the transfers pursuant to the Clerk executive order, as after my pressuring.

This is dirty-work that cannot be pinned on the FBI. If it is not by the Commission, it has to be by the Secret Service, which had the originals (unless they loaned them out) until well after there was no more Commission. The size differences can be explained by photography rather than electrostatic copying.

There are what seem to be diluted blood markings on the originals. My original opinion, recorded in *WW*, is that these were the "vocal fluids". Again, these are solid markings. In the xerox copies they have but an outline, again suggesting either Thermofaxing, which is insensitive to red, or similar photography. Original in this par. refers to body chart only. These markings are on the face side only. On the reverse side is Finck's head chart, with the scheme at the bottom. As published, the white space has been contracted. But no contraction or omission is recorded or suggested in the copying. This would also seem to date the Finck sketches (see analysis in *FM*).

Here *FMIII*'s collection of evidence on when Burkley got autopsy protocol should be checked. I believe there is no reference to holograph, only ~~xxxxxxx~~ typed copy, which Burkley also initialed (it is not in this file). My suggestion is that Burkley's initialing of holograph was when it was completed, before it was typed, or, without ever saying anything about it, James took it with the other papers to him. The appended typed receipts are also Burkley initialed and approved.

At the least there is deliberate deception in all of this. At worst, it is conspiratorial. There seems to be no reason for anything but straight xeroxing, with exact duplication resulting, unless such things as eliminating Burkley's initialing and approval were intended. It will be necessary to make a close comparison of the corrections in the xeroxed copies and the pictures. In the original, there is heavy scratching over, but space between the scratches is visible.

After I have these pictures in my possession, I will seek to learn what else was then transferred by Rowley. Here my file of correspondence with him should be examined, because he says he gave the Archives everything. There is no separation of originals and copies, but he has failed to provide copies of the ~~xxxxxx~~ things I have sought and he has told me he gave the transfer memo to the Archives, at least suggesting the original in that case, if not his only copy.

10/9/69

Dear Paul and Gary,

The attached memo is being sent you two only. I will tell Bud about its contents or give him a copy Saturday or Sunday, when I expect him here. We conferred yesterday on the suit he is filing for me, agreeing on everything for which we will file except the Archives. He will go over my file of Archives correspondence and select the minimum from that. He will file, simultaneously, against DJ, SS and Arch, in some cases for the identical records.

I want any opinions, suggestions and conjectures you may have as soon as possible, for I want to pursue this further as rapidly as safely possible. In Gary's case, this cannot be very soon because he is in Dallas. However, I also want you to tell no one of it, for any leak would risk the success of further search and inquiry. I also feel there must be more material, of this sort that Rowley transferred and I want to learn what this could or does include.

There was little time left for other investigation. The files, partly examined a long time ago, are of such awful copies that I had to give it up because my eyes would not take any more. I have no lunch and planned to skip supper, too, in order to spend more time there. My eyes were so strained I did not ask for other files when I finished these.

Simmons chatted briefly about a word-by-word comparison Paul has asked. He is making some copies for Paul. He made joking reference to Paul's use of the word "Truncated", for in his limited vocabulary, it was to him unusual. It seems as though there is something (FBI) of 23 pages, part of which is withheld but also printed as an exhibit. He seems to be engaged in copying an order for Paul.

At my suggestion, after some discussion and persuasion and after I showed him new documents, Bud has agreed to expand what we'll ask the DJ for to the Ray/British proceedings and the memo or transfer (originally agreed to) and the spectro and all records of weighing and weight of 399 and fragments. This, I believe, and I think he agrees, will enable us to call at least Gallagher and Frazier as witnesses and to prove that the fragments did not come from 399 and everybody knew it. I can now account for all the missing metal without any fragmentation, as in various ways I have already indicated to you, and I have a statement signed by Hoover that the bullet was weighed as soon as it reached the lab, hence before any samples were removed for spectrographic analysis, which I am satisfied is erroneous. There were two samples removed for spectro. These and the normal loss of about a half grain in the barrel account for all that can be considered missing. Because I pressed him, Bud phoned the DJ lawyer, Cella, who had phoned him asking us to hold off, to ask about the letter promised about a month ago. Cella said he just hadn't been able to get to it. Bud was for this reason going to file immediately, but I persuaded him to delay long enough to file against all simultaneously, to give them more chance to delay or respond, and to include the request for the weight to the DJ (I had already been refused by Arch). I also went to eliminate the possibility of any technical snower, such as not exhausting all administrative remedies, even though I interpret the law not to require but to permit a peel... This is all I now have time for. I'll do brief memos on the files I glanced at and from which I ordered about 20 pages, which will be mailed to me. I did get one other thing from Simmons: They once found a box with the s' ver and clips used to mark for copying in the bottom of the box, explainin