11/4/69

Mr. James B. Rhoads
Archivist of the United States
The National Archives
Washington, D.C. 20408

Dear Mr. Rhoads,

I have just received your two letters dated October 31, describing themselves as "replies" to my letters of April 7, May 27, July 14, August 28 and September 2, 1969.

These letters are consistent in their automatic rejections of my requests for what I properly seek as they are in their ambiguity, which I address below. With regard to your rejections, I request that you forward all of these through proper channels as my appeal, as the law permits as a prelude to further recourse. Here I refer to all the proper requests you have refused, not just these itemized in the letters.

With regard to the memorandum of transfer, you again, deliberately, evade the point I made. I am not now asking for a copy of that particular document you chose to interpret as "not the property of the United States." I made specific request for that copy provided you under directive by the Secret Service, which is without any reasonable doubt the property of the United States and cannot be denied on this basis. Here I note the selective interpretation by the government of which of its records are the property of the Kennedy family. Where it has suited federal purposes, these documents are freely available and published. Where it is or may be embarrassing to the government, it chooses to pretend they are private property. If you refuse to give me a copy of the Secret Service copy of this memorandum of transfer, which is in your custody and by executive order, among other things, should be available to me, I ask that you make the denial specific, with unevasive reference to this particular copy, so that, as with all other rejections, you automatically forward the requisite information as my appeal. For the benefit of those who may consider it, I note that the transfer covers the improper and illegal transfer of property of the United States, for which it would seem the government requires its own records that cannot be private property. If there is any law or regulation permitting this kind of disposition of government property, I would also appreciate a copy of it.

I have in the past and I herewith renew my request for certain other specified information with regard to the pictures and X-rays of the autopsy. I find it impossible to understand how records required for any legal proceeding in which they were to be used - and with a capital crime involved, such proceedings certainly had to be anticipated - a chain of possession can be defined as you with utmost impropriety do, as tending "to encourage the morbid curiosity concerning." This applies no less to explanations of how film was ruined, how X-rays were burned, how they disappear entirely from the official accountings of them, and other things of this sort. If you further really do believe that the latter agreement had the purpose and intention of preventing the public availability of this

"the autopsy"

material, you are telling me there was a conspiracy between the government and the Kennedy family or the representative of the estate. Perhaps you can speak in this matter for the government, astounding as this confession is, but when you undertake to speak for the Kennedy family or Mr. Marshall in such a sense, I ask that your inform him of this exchange also.

I wish there were some sensible connection I could see between your argument that I have a copy of the panel report therefore do not need what I have asked you for. Although you were the respondent in the suit in which that most dubious document suddenly surfaced, after a year of suppression, you apparently have either never read it or didn't understand it, for it proves the urgent need for precisely those things I seek, accounting as it does for many things, including the number of film and their condition, other than the previously-existing records do. Are you arguing that two contradictory official records of the film eliminates the need for those records establishing how many there were?

Especially because you were the unsuccessful respondent in court when it was held that what you chose to interpret as private property is not is thism entire attitude inappropriate. When you add to this the gratuitous insult that trying to learn which of the official falsification about so terrible an event as the murder of a President may be accurate or at least less inaccurate is because I want to "encourage the morbid curiosity concerning the autopsy materials", you reach a pinnacle of personal abuse that should cause you the deepest shame. I have come to understand that the National Archives, under you, will resort to the most unscholarly devices in its endless efforts to frustrate genuine research into this great tragedy, in its unscholarly conversion into an instrument of political policy from an impartial repository, this is an outrage I did not anticipate. I protest it most vehemently. Official dishonesty, not curiosity, morbid or otherwise, feeds suspicion.

In your second letter you report that the copy of the Guidebook for Marines given to Bringuier by Lee Harvey Oswald was returned to Bringuier. " This is equivocal. You do not say that no copies were made before its return and the fact is that copies were made and used by the Commission. That you do not have or cannot find the particular page or pages I requested I can understand, but this you do not say. If it is the truth, this is an unseemly long delay of close to a year in telling me, for it is close to that long, if not longer, since I made the initial request. I suggest that if you cannot find it, the agency of origin can fill in this gap in your archive. This should be there so it can be available to everyone, now and in the future, not just to me.

It is true that you "corrected" my copy of "the list of numbered documents" - inaccurately and incompletely. The offer was made when I made specific request of Mr. Johnson for such lists, the existence of which was not disclosed to me in response to this request, then renewed for I cannot tell you what time. However, I find these lists that I requested are in your custody and have been supplied to others, from whom I have obtained copies. Nor is this the first such instance. I still await meaningful answer to my inquiries about how others came to pass.

What I believe is another one just came to my attention. The correspondence required, in itself an enormous burden to research and use of the files in your charge, has from the abuses of which I complain and have complained become so large consulting it is in itself burdensome. I acknowledge my memory can be in error. However, I believe it is accurate. There were two memorenda withheld for reasons never made clear to me and not under the

guidlines. They were by Arlen Specter and dealt with the autopsy. While they were being denied me, they had already been made available to others. They appear on pages 113ff of the D-11 edition of "The Scavengers". I hope you will not regard my request for an explanation of this - including the continued withholding of these two documents after the date on which I had been promised them, as something a little more than "morbid curiosity".

I use this occasion to remind you of a number of proper requests for material that would seem to be immune to any withholding, to which I have had no response. My reading of the "Freedom of Information Act" leads me to believe delay in itself is illegal. Some of the responses in your two letters of reference are, by their accounting, about six months old and I tell you they are older. For whatever good it may do, I renew my protests over the deliberate delays that can be designed only to frustrate my work, make it more difficult or prevent it and are, as I see it, not consistent with either scholarly attitudes or the requirement of the cited law, if not public service by public servants.

Sincerely,

Harold Weisberg