

Dear Jim,

4/17/75

Today for the second time only in my effort to get the Memorandum of Transfer since 1968 I got my second surprise getting it. The other was the Archives' interception of it when the Secret Service gave it to me. We discussed only some of what I spotted in the one reading, when I was with you. I had planned to go over it with care when I got home but that has been impossible and tonight will be. Therefore, subject to erroneous recollection, this from recollection and uncorrelated comment.

First of all the form. It is not even on a letterhead. Nor is it well done in any way, in formulation or in typing. One possible explanation is that it was done not by lawyers who dictated (and I recall no steno's initials) but by police types, like the Secret Service.

Bearing on this is my certain knowledge that the transfer was from the Secret Service, regardless of Admiral Burkley and not the Secret Service signing it. Also bearing on this are the inclusion of Secret Service and not Burkley's records.

None of this was given to a Kennedy nor does the name Kennedy appear in it. Much of it was not and could not have been Kennedy property. (Of course even the film was not.) The first item could not have been, the piece of casket, which refers to the one used in Dallas. I know about it.

Files required to be kept as permanent records by the Navy are included. (When you look at this list again, note the small black mark in the left margin. It divides the type of information.)

It includes what on many occasions the Archivist virtually ~~swore~~ swore the Archives did not have. I have many letters, some even denying the very existence of some of what is listed and you should understand was in his physical possession as well as I thin legal. It includes what the Secret Service finally gave me, telling me it was made directly from the originals. I have their covering letter ostensibly giving it to Rhoads to give to me. All this is in Post Mortem and has been for years.

Evalyn Lincoln was at the Archives to perform functions for the Kennedy library, not the family. The library is under the Archives. All such are. So the actual transfer, despite the contrary news stories Rhoads in the important instances arranged, was to the Archives as I see it.

While he has been blaming the Kennedy family for allegedly suppressing this and allegedly in effect stealing it from the Archives, in the sense of the files of the building in Washington, that self-seeking but Cyril has missed some of the more important indications of possibly significant evidence, a much large number of tissue samples and slides than is anywhere even indicated. (There remains no indication of the making of what I regard as the most important single one in any legitimate forensic endeavor and certainly not unrecognized by the police agencies and not unknown to Burkley personally or to the autopsy doctors from the extraneous matter they included in the protocol.)

The description of the "complete" protocol is provocative. I think it also says original. Well, I've had the holograph in my hands at a time when Rhoads was denying me this, I have color pictures of it as well as a xerox, again all in Post Mortem, with the significance. There is the obvious contradiction when Rhoads tells me he does not have this stuff and has the originals, from this memo.

There is the obvious contradiction between giving me medical papers not in the Warren materials (against see Post Mortem) and denying a mere list on this ground. If with regard to these cases of the past you would argue that he feared I'd file, for I certainly had established a willingness to sue (and this is the real reason the Secret Service delivered - I made a deal on their initiation, they give and I do not sue the), that does not explain withholding the Memo of Transfer. I'll come to a different possible explanation.

There is a parallel here with the GSA- estate letter of agreement. They refused it to me on grounds not subject to change and then actually solicited Fred Graham to ask for it, telling him (Rhoads, personally) that he'd have to give it to Graham. Graham did not even have in mind asking for it, and he is my source and my record not subject to question (besides which Howard was here and on an extension, I think). It was fairly certain that Graham would go for the obvious cheap shot. Any reporter, whether or not a lawyer, would have. Moreover, no lawyer knew much about the fact. Graham's story faulted the Kennedy family or Bobby, I've forgotten which, for suppression.

This leads to the odd and unprecedented language of the explanation of disclosure. Not in response to my (and I have reason to believe exclusive) FOI request. But to make it public. If this is true under the regulations with which I was familiar this is actionable and I would want you to file very fast, for a large sum. To give them a chance to make the kind of mistake possible I asked you to tell nobody. I've told Tom Suman only, first with a phone message and now with a carbon of this.

In this connection I want you to remember that prior to the enactment of the amendments to the law, whenever Rhoads was around he signed all letters. Since I leaned on him (unanswered) over the 1/27 transcript he has not signed a single letter to me. (They once made a mistake and sent me a wrong copy. Their copies have a form hand-stamped to be filled in, showing who drafted and internal routing. In that case it was to GSA general counsel, a lawyer named Harding, whose office and phone numbers were included.)

With what does this release coincide? And what are the facts, factual and legal?

There is included records (that is, listed) that are not mentioned in the autopsy papers of any nature and pre-date the assassination. Or, records that do, legitimately, fall within the exemption. They have not even masked this. These can have no relationship to what is in any autopsy paper of which I know.

I digress to remind you that there was a hassle between Rhoads and me and he assured me that as of the end of that hassle I had every medical paper they had, which now clearly is at least false if not actionable. In writing.

They have in this case rushed a bit. They could, for example, have asked if I'd agree to a masking of what had no relationship to the autopsy or the crime. Unless the regulations have been changed, there was still another administrative step, to GSA. They did not make me take it.

We don't know why they rushed, but at least the factors ought be kept in mind. There has been a large campaign to blame the suppressions on the Kennedy family, most recently by Cyril on coast-to-coast TV. And aside from relevance to ongoing congressional investigations, for the first time in years there is a chance the whole awful mess can come apart. Consider this last possibility when you remember the other things I have obtained recently after persistent refusals over many years and without having (again) to exhaust my administrative remedies. (The possibility there are feeding a book more likely to be congenial to them ought not be ignored. Not a book by me, that is.) Selective use and misuse of what I have now obtained can be significant in still another whitewash. Or worse. And in exculpating as well as inculcating those I believe innocent, on suppressions. All the nutty stuff helps this much and it is getting enormous attention.

If I do not pretend to be able to get inside the minds of others, I do want you to bear in mind the political possibilities for a President and an administration in such serious trouble if they can blame all the misdeeds on either Democrats or Kennedys. I do not ignore this possibility. I suggest you read Ford's recent statement with all its evasions and qualifications so clearly a possible preparation for the future.

The covering letter, as you know, says there is no written record of any statement by the "Kennedy family representative" along the lines of their previous written representation.

Do you think they would say Marshall had refused to let this out with no record they could later produce? If they did, did he and they then not run the risk that he would be called to testify in court? Would he run this risk with wisdom? It is foolish at best. Yet there is no proof it is not true. I think this represents an unusual relationship, one an experienced lawyer by this time could recognize as at least a potential conflict of interest. Why should Marshall not want to protect himself with a letter even if he had been phoned? (One alternative is that he was not then consulted at all, in any way.)

Nor does this letter say they had any kind of consultation on disclosure to me. Rather in failing to say it the letters says there was none to most reasonable interpretations. The actually say they have decided to violate what they have always represented to be the law, on their own. And not because of my years-old request but to make public disclosure.

Perhaps none of these things is relevant. Perhaps there are factors I've not thought of in trying to get this on paper before I fall asleep. But of one thing I am absolutely certain: this is the most atypical case yet. And there have been some farout ones! Whatever turns out to be the case, if we every learn fully, the possibility of part of a rigging to hurt Teddy and his party and liberals can't be ignored and I think it real, whether or not it ever happens.

One example: can you picture Cyril the next time the red light on on a TV camera and what he can do with that stainless steel box and all the specimens he'll say he had withheld from him? And when they have the Cyrils, the Gregorys and Schoemans and the Lenes and the Fensterwalds, do they need others? Yeah, that but Nichols, too.

At some point I'll have to go over this with real care. At this moment and for the immediate future, without more need, it is impossible.

Sorry about the typos. It is bedtime, I've far behind in everything, including mail and orders (two dozen books to package over those I did as soon as I got home) and it is more essential that I try to find time to prepare a careful speech for NYU.

Best,

Harold Weisberg