Mathias

2/10/72

Mr. Martin
Senator Edward M. Kennedy
Senate Office Bldg.
Washington, D.C.

Dear Mr. Martin,

Busy as I must presume you are, you may find the enclosed letter to the director of information of GSA longer than you may want to take the time to read. However, I think it is one you should read. I do hope you will do this and give the contents some thought. If I do not anticipate that you will accept the offer, I do offer to send you prove of every statement in it or to make it available to anyone you elect.

I am sorry the quality of the carbon copy is so poor. It is one of the wages of what some have elected to categorize as "scavenging."

I must keep as clear a copy as I can for my own files. Were I to send that one to you and ask its return, I might embarrass you, for it is clear you elect no communication, no matter how indrect, with me. That is your right and a decision you alone can make. But if you were not to return my better copy, I'd not be able to make usable copies in the future should I have the need.

I do regret that I have every reason to expect this matter to become more painful to you and others. I also regret that I have no reason to expect what I have attempted to succeed in frustrating it.

Sincerely,

Harold Weisberg

2/10/72

Mr. Sid Hurlburt, AA
Senator Charles Mathias
Senate Office Bldg.
Washington, D.C.

Dear Sid,

Apologies for the length of the enclosed letter to GSA, but I feel that if I can do nothing else I must make as full a record as I can. Also enclosed is my covering letter to Martin.

If I have not disclosed the next steps in this propaganda campaign to them, it is not because I have not long been fully informed about it. I would like to think that with the passing of time I may, perhaps, have succeeded in frustrating it.

There are other things that lead me to believe there will soon be similar exploits with other elements of the evidence that have been denied me for close to four years.

On a less unpleasant subject, I am glad to note in Mac's mailing of the 7th that he has introduced the described mass-transit measure. It surely is a step toward meeting one of the urgent national needs.

I also feel the property tax, but I hope any change will not be one that places a burden on those least able to support it. If some of the more glaring inequities, like the oil-depletion allowance, were eliminated....

Best regards,

Harold Weisberg

JW Mathews
JF Martin
HR
PLT

2/10/72

Mr. Richard Q. Vawter, Director of Information
General Services Administration
Washington, D.C. 20405

Dear Mr. Vawter,

Your letter of February 8, which has just arrived, says it is in answer to my two letters of January 6. This makes it one of the more prompt responses. It is not uncommon for six months to elapse before I get acknowledgement or response, one of the factors building the size of the correspondence of which you complain. However, if for nothing else, I do thank you for what I must, in context, recognize as promptness..

Medical limitations on the use of one hand, which will continue for at least three weeks, when I have a consultation with an orthopaedic surgeon, preclude consultation with the files, the only way I can make adequate response. I will th us have to rely on memory. If I err, you will have a prompt apology.

First of all, I wrote four, not two, letters on January 6. Your letter refers to consultation with your set of my correspondence. You therefore have to know that these have not been fully responded to. I think the same is true of your letter. Again, this is how the volume of the correspondence grows.

One of the easier ways for you to write what you did is to have the Archives begin its "review" of our correspondence for you with the arbitrary date of July 24, 9971. Now the abominable record of the Archives, presumably an agency of and for scholarship, has been such that certain special measures have been forced upon me. One is to make a card-file index of the correspondence. Without this there is no way for me to know when they ignore a request entirely, as has been a common practise. In order to assure that this is a dispassionate index, I have had it done 100% by another. I have also been forced to make a card file index of the documents I receive, and I have thi s arranged both by the Archives' identification of the material and by my own filing of it. From these I can tell you without equivocation that I did not ever get those things I have just received. I also tell you without equivocation that I have no letter from the Archives covering either alleged mailings. Perhaps if you get the Archives to send you my letter of July 24 this will be helpful to you. And while it is, of course, not necessary that a covering letter accompany mailings, I do tell you that I have no letter from the Archives dated either August 10 or July 15, 1971.

Your next paragrpah refers to denials of my request for withheld copies of the executive sessions. It is entirely, I may say grossly, inadequate in making date reference beginning June 21, 1971. My card file discloses my first appeal is dated May 4, 1968, more than three years earlier. However, your reference to "recent developments in the state of the law" intrigues me because one of the subjects of extensive correspondence has been my efforts to obtain precisely this from the Archives, copies of all laws, decisions, regulations and interpretation of any kind controlling this archive. I invite your personal examination of the file and your denial of my statement. I also ask for copies of that to which you make specific reference, for I am not aware of any amendment to the law. I am aware ofamendment of regulations to cover violation of the law and regulations when I have made requests and to cover other violations of which I am also aware and, I believe, have charged, without response.

Next you favor me with a complaint about the volume of correspondence. So that my resentment and objection may be clear, I will answer this both generally and specifically. If you intend your letter to be a self-serving record to be misused in the future, as has been the case in the past, I think that improper. First of all, you and all those at the National Archives, as I should not have to remind you, work for me, not the converse. I pay your salxraies, not the converse. You owe obligations to all citizens, of whom I am one. If is the function and obligation of the Archives to make public information available on an impartial basis and in conformity with law and regulations. Now, when they with disgraceful frequency requiredas long as six month to respond to requests, how can the file of correspondence be other than large, how can my work be other than needlessly burdensome, and how can you regard this as compliance with any standard of public service or with the spirit or the letter of the laws and regulations? You will find in this correspondence letters from me specifying the dates of unanswered requests and the lapses of time. I assure you six months is not uncommon. Again, I welcome a documented denial or, on the other hand, a challenge to me to prove this when it is within my physical capability. And in this connection, let me remind you of one of my unaswered requests, for the time within requests and inquiries are to be responded to. I have asked and I have had no answer. My request was sufficiently far in the past for this to amount to a refusal to suppy that information. I go further and say this information is my right as it is that of all citizens.

Now I will give you some specific illustrations of why and how this file got so large, and begin with an unanswered request for an explanation that is at least three years old. On the day the transfer of certain materials, including what is and what is not part of the estate of the late President, was announced, I appeared in person in the office of the Archivist to request access to all of it and to the contract by which the transfer was made. I was denied it, and it was suggested that I write a letter requesting access to part of it for forwarding to Mr. Burke Marshall. You will find, if not the Archivists notes, letters confirming this. That request was denied by Mr. Marshall and I was informed of it by the Archivist. Later, under the most dubious circumstances, the Archives arranged for a propaganda misuse of this contract in what was deliberately contrived as a leak to a reporter whose predisposition to favor the government in this and related matters was well known, as was his lack of knowledge of the subject. Under the regulation, I was required to have equal access. However, you will find a covering letter with which I was sent a copy of this contract, about a week after he had printed it, angled and emphasized in a way congenial to official desires. The reasons given me for refusing it to me are that it would result in sensational and undignified publicity. These reasons are not subject to change. They are true or they are untrue. If they were true for me they were true for everyone. The reason is a lie, and I mince no words is saying it. I challenge you to show me any legitimate reason under the law for denying that contract to me. Moreover, it is obvious that the most sensational treatment is in newspapers, not books, for in newspapers there is never space for adequate treatment of such matters. The fact is that the resultant newspaper treatment was sensational, but the nature of the sensation was the object of the government. I think you will find this the cause of my longest letters, if not the subject of more correspondence than anything else. And I still, after all this time, await a reasonable explanation or answer.

Another that comes to mind immediately is my request for what is called the memo of transfer. Under the American Mail v. Gulick decision, as you must know, once this was used in any way by the government, as it was in the so-called Clark Panel Report, whatever immunity it may have enjoyed under the law ended. It took an inordinate time to tell me what I categorize as a lie, that this is a "private paper". Were it, that would have been known immediately. The file on this also is trick, and especially because of your unbecoming lecture I invite your personal reading of it. In fact, I dare it. Now when this cheap trick was pulled on me, I avoided direct confrontation with that which could have resulted in cheap publicity and asked for the government's copy of this alleged transfer to the alleged representative of the Kennedy family (and I use these words because I believe the official representation to be inaccurate). I was denied in on the same spurious ground. So, I went to what the law regards as the agency of primary interest, the Secret Service, and asked it for a copy. It gave it to me, routing it through the National Archives, which never told me.

I knew because the Secret Service did tell me, and it told me at the time. I waited a long time and then asked the Archives why I did not have it. I was told that its general counsel was considering whether to let me have it. Now this is an impropriety. The law clearly vests the decision in the agency of primary concern. The Secret Service was signatory to that memo. And all rights, if they ever existed, to withhold, vaporized on use-public use, although under the decision any use is sufficient to end the right to withhold. Of course, I could have gone to court. But the consequences of this would not have been to my liking, if I think they were the deliberate intent of the government, or someone in high authority in it. It would first of all have resulted in a defamation of the Secret Service, which was guiltless, and perhaps by inference of those brave men in the escort that tragic day, who had already been defamed too much - never at all by me. Next it would have falsely made it appear that the family of the President was responsible for the suppressions. This would have been an awful added suffering for them, and I would not permit myself to be manipulated into this position. It is as miserable a maneuver on the part of any government as I can conceive. However, if you have any doubt, I invite you to consult the files. You will see that I did exhaust my administrative remedies as the necessary prerequisite to suit but did not file what would have been a very simple suit with a virtually automatic decision in my favor because I came to realize what the government was contriving, and I will be party to no such thing. I have, instead, elected, as the record will show, to forgo my undoubted right. When I went back to the Secret Service, against which I could have filed, and told those with whom I was dealing what had happened and that if I were to get this paper to which I am entitled, they would have to give it to me or I would have to sue, which means do it all in public, they consulted the Attorney General, who told them to tell me to sue. This makes it clear enough for me. The Department of Justice, it would appear, is not at all reluctant to make it appear, no matter how falsely, that the suppressions of evidence pertinent to the assassination of the President are the doing of his survivors, a frightful defamation as it is a falsehood. Are you beginning to see how the file grew?

Let me give you another illustration, in a case where I did go to court. I sought pictures of the evidentiary parts of the President's clothing. My requests, to your personal knowledge, were specific and limited to the very small areas of damage, in some cases for pictures of as little as a half-inch of a garment. First of all, I was lied to. Only after the end of the last working day before my papers were due in court was the lie admitted, after all my papers had been prepared and when it was too late to change them. Next, the Archivist committed what I have charged without even pro forma denial is perjury to deny me this official evidence, as it is not only in fact by by specific description in the contract. He told the court that the contract prohibited his showing this clothing to anyone, in addition to his false swearing. What did he then do? He voluntarily showed it to a man who is as little qualified under this same contract as a Hotentot who is unaware of the invention of paper, a man whose preconceptions were well know, whose statements could be predicted with the certainty that one can forecast the rising of the sun. Examine the file and tell yourself, if not me, what percentage of the bulk this represents. And my second charge of renewed perjury is without response. Now it is obvious that one of us has committed a crime, he who swore falsely or he who in alleging it slandered. I have only official silence on this, which is adequate answer.

Should these not be enough examples of why the files of correspondence is as large as it is, please complain again and I will provide an abundance of similar illustrations. The rest of the statements in this paragraph are self-serving falsehoods to which there is inherent response in the foregoing.

Your exaggerate in saying that the Archives staff has "often gone beyond normal limits" in filling my requests, but it is true that when I first started to use the Archives the staff was helpful and followed the letter and the spirit of the regulations. Changes came when I began to locate in that literary morass that which the executive branch did not want used and understood. At that time, when others, seeking to commercialize cheap publicity, made what were then false charges against the Archives, I alone defended it, as its record then justified, and I did this on coast-to-coast TV. You may not know it, but I also ended a phoney petition campaign aimed at the Archives when someone sought to sell a book by that device. The change was in the Archives, not in me. I owe it no obligation, but I felt that justice required this of me, especially on such a subject. Fairness to other researchers, your words, is not in

way or sense a factor. They are your inappropriate words. I have not asked the Archives to do my research for me. The Archives did the Commission's filing during the Commission's life. It is supposed to have a copy of every document on ever person in a separate file. If you do not tend your own vinyards, do not charge me with rape. Nor is manpower a factor. When I protested inadequate, part-time staffing of this archive, the Archivist personally assured me there was no manpower shortage. So, unless he lied, or unless the government is niggardly, in even the sense you use these words they are false and entirely inappropriate. More, when documents have disappeared, the Archives has without deviation refused to request copies from those agencies that can supply them, notoriously the FBI. And the simplest and most obvious way to reduce the size of the correspondence is to answer my requests promptly and to fill them when they are made. When this is not done, expect me to try and hold you to your responsibilities, and to the degree I can keep them in mind, to repeat my requests until they are filled. And there is a simple method of avpiding what you may regard as intemperate or passionate letters from me, and that is not to lie to me, not to play the kind of dirty tricks I have not begun to document to the degree I can, and not to make false charges against me, for I will make a written defense if only to keep you from creating a false record. Another way would be to cease the political misuse of this archive. In no other case can it be as inappropriate. I regret I do not believe you will and I regret I am aware of further pending inappropriateness.

This leads to your concluding paragraph. One false statement in it I have already addressed, that "concerning the clothing of President Kennedy...Access...is based on the terms of the agreement..." In addition to what I have said on this, I add that in response to my letter of January 6, 1972, but only <u>after</u> violation, that having been committed on January 7, your regulations were altered in an <u>ex post facto</u> effort to sanction the violation. This is the second time of which I know that the regulations were altered to sanction or pretend to sanction violations. My recollection is that the previous one was last July. In your next sentence you refer to "qualified person". I believe I have asked how under the agreement a urologist can qualify for access. I would appreciate an answer, for obviously, what you regard as qualification is essential. My own view is that if a urologist is qualified, nobody can be disqualified, but that is not the sense of the contract, whether or not its legality is questioned. I do question it.

You then refer to "approval" by Mr. Marshall and refer to him not quite precisely as "the Kennedy family representative". He is, rather, the representative of the executors of the estate. The two are not identical. Your "error" is consistent with political intent. However, I had what amounts to the approval of Mr. Marshall in two letters when I sought access to the clothing in a way that permitted study and analysis by a criminalist of my choice and permitted my own examination of it in comparison with other evidence in my possession. The Archivist refused it, to the point of violating existing regulations and compounding this with repetitive perjury. What purpose, then, is served by obtaining Mr. Marshall's approval, except political misuse by the government? Especially when there is nothing to stop the Archivist from doing what he then did. First he withheld from me the relevant regulations. When I obtained them from another source and asked another to obtain a copy for me from the Archives, he was told they do not exist. Then, when I exposed the overt violation of these regulations in refusing me what I requested, the regulations were promptly altered to make them consistent with the violation. I do have dated copies. What happened here is both incredible to me and a reflection of the official unconcern and attitude. I was asked if the Archives had correctly guessed my source! By when I requested all regulations in writing, this, the one most applicable, was withheld, as I can prove.

It is not only you who the Archivist informed that I might apply to have a pathologist or other "qualified" person examine this material for me. He also informed me of it. I did not dignify this transparent propaganda device and clear violation of the spirit and intent of the agreement with any response. It in any event is not what I requested. There are things I do not know about pathology, radiology and photography, but there is nobody in the world of whom I know, possessed or any or all these skills, who has a knowledge of all of the evidence, most particularly the medical evidence, equal to mine. There is therefore nobody

equipped to make the only kind of study I am interested in, one in context. If you dispute my representation of my credentials, I welcome any confrontation in any forum of your selection with those already designated as "experts" by the government, including the eminent teacher of forensic pathology, Dr. Russell Fisher. I will not be party to what I regard as propaganda on such a subject and with the potential unavoidable in this. Nor will I in any way lend myself to any further deceptions or misrepresentations on this subject such as those the government has already contrived. I know of no provision of the contract which says that a writer may use a substitute in obtaining access to this material. If there is one which says this, please cite it to me. If there is any unpublished letter sanctioning this on behalf of the estate, I would appreciate a copy. This is a cheap device concocted for cheap publicity. It is inconsistent with every provision of that agreement you pretend to honor. If I err or exaggerate, I will welcome citation of any provision visualizing this newest in the unending shameful executive-branch manipulations to make it seem that the family of the President is responsible for the suppressions of evidence that are fact.

You have already violated I(2)(b) with me and my requests, and you are now doing exactly what I anticipated, violating II(2)(b). This language is, in my reading, specific enough in denying any access to, say, newspaper reporters. It reads: "Access to the Appendix B materials shall be permitted only [emphasis added] to...Any recognized expert in the field of pathology or related areas of science or technology, for serious purposes relevant to the investigation of matters relating to the death of the late President..." If you know a single newspaper reporter who has even begun to make this kind of "serious" personal investigation, please inform me. This language seems to me to be designed to preclude what you are now doing and above all would it seem to preclude any newspaper access, by whatever ruse of you r manufacture. I do not think you can hold the agreement to be legal and binding and simultaneously and repeatedly violate it to contrive access to propagandists and scientific nincompoops.

In any event, your offer, like Dr. Rhoads' before it, is not the request I made.

I tell you frankly that I cannot find language adequate to condemn enough that which has been done and is still being cooked up to add to the suffering of the survivors and to make it appear that they are responsible for the suppression of evidence that was exclusively a federal responsibility. You must be aware - and if you are not I remind you - that long ago I went through the process of exhausting my administrative remedies in a manner that I felt could avoid so stigmatizing the survivors and one who has not survived. I have not carried this further, as I will if the situation changes, simply because I feared that, unable to afford skilled counsel, the government might exploit me for this despicable end.

Over and above all of this, which is more than enough, there remains the question of authnticity and completeness of this and other relevant evidence, a subject on which I have a well-fixed and well-confirmed opinion. What Dr. Lattimer said on one point, if true, means that this material is not authentic. This has nothing to do with his incredible statement that the pictures and X-rays show who fired what shots and with what. (And you recognized him as a "qualified" expert?)

In other respects, I believe your letter violates the language of The Attorney General's Memorandum I cited in my letter relating to "bureaucratic" obstacles.

Meanwhile, I can look forward to nothing better than the next shame you will inflict upon the country and the next abuse of the bereaved.

Sincerely,

Harold Weisberg