

July 12, 1970

Judge Gerhard A. Gesell
U. S. District Court for the
District of Columbia
Washington, D. C.

Re: CA 2569-70

Dear Judge Gesell:

It is now almost a month since, at a hearing in your court, the Government promised it would, pursuant to its contract with the representative of the estate of the late President John F. Kennedy, take photographs of his clothing, official evidence, for me and permit me to study them but not to have copies. To date I have heard nothing, although I have written and asked. There has also been no response to my letter.

As I alleged in prior papers and at the hearing, all of this is but a guise for suppression and an effort to interfere with proper research and the product of which is not congenial to the FBI and other parts of the Government. Some of my inquiries have never been answered. It is not uncommon for six months to elapse before a response.

I enclose a copy of the letter I wrote the day after the July 1st hearing you presided over, where the promises were made by the United States Attorney who had with him an Assistant General Counsel of the General Services Administration as an evidence of good faith and to reassure you on this promise of taking the photographs requested and showing them to me.

In it I asked these things: when I could see the pictures, which ones already existed, that I be told approximately when I might expect to be able to see them, and for copies of all applicable regulations.

Neither you nor I had been provided with all regulations under the law, 5 U.S.C. 552. As a matter of fact, you terminated the hearing when I was about to read to you one of which I had not had until right before the hearing. It is necessary for me to have all the regulations for me to enjoy any rights under the law. But even this simple response, required by law, has not been made in all this time.

The law itself requires promptness in responding to requests. The Administrative Conference of the United States, of which I was a member prior to the hearing, recommends to all agencies that they respond within 10 days. The Archives has ignored both law and regulations with me for years, and there is a current case, involving another

Judge Gesell - 2

agency, when in more than a half-year I have not been given copies of the applicable regulations, even when a Senator interceded to attempt to facilitate this.

If the Government's word to a federal judge has no meaning, what chance does a private citizen have under the law, what meaning does the law have?

A long history persuades me that, unless there is some meaningful intercession, my proper requests will not be honored, or there will be interminable delay before any part is, and that the promise made to you will be without meaning. This long history also shows that my writing further letters to the Government will not change this.

As my enclosed letter of June 16 shows, my requests were quite modest and present no hardship save to those whose real and disguised purposes are suppression. I asked for only four views, two of which had been promised long before your hearing and had therein been invoked as a sign of good faith. Taking these pictures is a matter of minutes only.

I therefore write you in the hope that, because this promise was made to you, in your court, in the hearing over which you presided, it may be proper for you to make inquiry and to see to it that the promise made was not a deception of you, too.

Sincerely,

Harold Weisberg

Enclosure

CC: Mr. Robert Werdig
Dr. James B. Rhoads