1/10/72

Judge Gerhard Gesell
Federal District Court
Washington, D. C.

Dear Judge Gesell:

In my Civil Action 2569-70 you awarded a summary judgement to the Government in all or in part based upon an affidavit by the Archivist of the United States, Dr. James Rhoads. In the pre-court actions I alleged perjury to Dr. Rhoads and charged that the Government violated its own regulations and the law and used both and the Kennedy name as part of a large campaign of propaganda, the result of which was to deny me my rights, to deny freedom of information and access to official evidence.

When you, the Government and Dr. Rhoads ignored this charge of perjury, which is a crime and actionable, because I am not a lawyer and do not wish to impose any burden upon the court, as a layman may without so intending, I pressed this no further. However, there are recent developments which, in my view, bear directly upon this and the denial to me of my rights. It is another contrived Government campaign of propaganda in which for at least the second time there was an exclusive "leak" to the New York Times and one reporter in particular, Mr. Fred Graham. I believe this again addresses perjury and the intent to perjure in your court, I enclose a copy of Mr. Graham's story of yesterday. I do not propose to address all the falsehood and propaganda in it. However, I think you should know that this story was followed by saturation treatment by the electronic media.

One paragraph in particular addresses my allegation of perjury, the denial to me of my rights and what I regard and hope you will come to regard as an imposition upon you and the processes of justice. I have marked it in red. It reads:

"Dr. Lattimer was allowed to see other items that have been shown to only a few persons but have not [sic] been hidden from nongovernment experts. These include the President's bloody and bullet-punctured clothing, the solo [sic] bullet found after the shooting and the President's back brace."

You may recall that it is for pictures of this clothing that I sued. The Archivist swore he was prevented from providing copies under the terms of a so-called letter agreement that is in evidence in this case, C.A.2569-70, as in his affidavit from which I shall quote. It may help your understanding to know that Dr. Lattimer is a urologist and that the President's urine, urinary tract and anything related to either was not a concern of the President's Commission or any of the evidence and is entirely unrelated to the assassination or its investigation. Yet he was given <u>exclusive</u> access

to this withheld evidence despite the recorded application of four qualified pathologists, which Dr. Lattimer is not, and my own and the very first request, made the first of November 1966, more than five years ago, aside from what was at issue in your court.

In the affidavit filed in your court, Dr. Rhoads swore to "restrictions on the inspection of or access to said clothing" (Paragraph 3). He then swore (Paragraph 4) that "in lieu of the originals" and "in order to preserve these articles against possible damage" they are to be photographed "for purposes of examination." He then swore that "I have determined that" those qualified "may view photographs of the said articles of clothing but may not inspect or examine the articles of clothing themselves." Paragraph 6 alleges the need for strictest observances of the provisions of such contracts for "to permit the confidential restrictions to be violated would completely destroy public confidence in the Federal Government's ability and willingness to honor its commitments" else there be dire consequences, including that "the validity of the whole concept of the National Archives and Records Service and Presidential Libraries will be placed in question", with "a drying up of basic research" (!)

In Paragraph 7 Dr. Rhoads swore that if he "complies with the terms of the letter agreement" he may do so only by "the showing of photographs", which he held to be "adequate for research." He also gives further alleged specification of why he cannot "show the clothing itself." Were this not enough, in the next paragraph he swears that even the taking of photographs for scholars "would make it impossible for the National Archives to be sure of preventing violation of the terms of the letter agreement." And this contract provides (1) (!) that none of this material "shall be placed on public display."

Aside from federal officials, under this contract access is to be offered two different categories, "Any serious scholar or investigator or matters relating to the death of the late President, for purposes relevant to his study thereof," (I)(2)(b) and carefully described medical experts, "any recognized expert in the field of pathology or related areas or science or technology", urology clearly not fitting this definition. It is without dispute and it was not disputed but admitted in your court that I do meet the first definition, that of "serious scholar or investigator". Yet exclusive access, which in practical effect means a copyright on public information and evidence, was granted to one not meeting these prerequisites but enjoying one more congenial, that of professional apologist for what the Government wants believed and did allege. I would remind the court that what was at issue before it was my access to public evidence, official exhibits of an official proceeding of government.

III (1) of this contract further stipulates that the clothing will not be shown.

The regulations of the National Archives relating to these materials were specially drawn. I introduced them into evidence after they were denied me by the National Archives, which later, verbally, confessed to me where it guessed I had obtained them, that guess being correct. They were misrepresented to this court. Subsequent to the hearing, under date of July 6, 1971, they were revised. Applicable at the time of the hearing was this language of Paragraph 5: "In the event the existing photographs do not meet the needs of the researcher additional photographic views will be made, furnished, with extra charges "for unusually difficult or time-consuming photography." After my suit the following language was added, determining, I submit, guilt in misrepresentation to this court: "The clothing of President Kennedy will not be shown" (emphasis added) but photographs, of which no copies will be supplied, will be shown. Authority for this change is again attributed to the much-belabored contract, five years late.

As best a layman can, I feel this warrants the allegation that to the charge of perjury that of the intent to defraud me of my rights seems not unwarranted. I think this also represents a further imposition upon this court and the processes of justice. And I believe that when the clothing itself is made available to a urologist of all things when copies of pictures of the official evidence are denied a qualified researcher under the contract, despite all the swearing before you that this is impossible and precluded and is not and cannot be done, there remains no reasonable question of intent.

What could be expected and what was given in return by this person to whom an exclusive copyright on public property was given is amply illustrated in Mr. Graham's story, the third paragraph of which reads, in reference to what he had been shown: "..." they "eleminate any doubt completely" about the validity of the Warren Commission's conclusions that Lee Harvey Oswald fired all the shots that struck the President".

Palpably, nothing shown Dr. Lattimer could by any stretch of the imagination do this. No autopsy pictures and X-rays, no clothing, including back brace and Ace elastic bandage, even if "tightly wrapped" in a "figure 8 through "the President's "crotch and around back of his buttocks, can in any way prove who fired what or how many shots. This is propaganda, the quid pro quo the exclusive, of the violation of law, regulation and contract, the purpose of what I think are the perjury and fraud of which I was victim, to make this evidence first available to an apologist.

Were this not enough recompense, there remain such things as the unspeakable obscenity, the utterly false charge that the Kennedy family denied the film to the "members and staff officials of the Warren Commission." This is to victimize the innocent survivors of the innocent victim of the monstrous crime, as I charged in the pre-hearing papers, but another and no less despicable misuse of the Kennedy name.

I apologize for this new taking of your time. However, I do believe a crime or crimes were committed, before your court, that I am among the victims, and I do hope you will find some means of determining for yourself whether or not this crime or these crimes are the legal fact.

More than ever now do I want to appeal your decision. You told me the court above would provide help. It has not and I cannot learn why. I did file an affidavit in forma pauperis and all other papers that were sent me, all promptly.

Sincerely,

Harold Weisberg

ccc: Mssrs Rhoads, Marshall, Martin