

Howard, Dick, Guy, Paul, Bud

4/12/70

Dear John,

Off and on for several weeks I have wondered whether or not I should write you this letter. I do write you without feeling at all certain it is the right thing to do. There are several reasons for this. Those most in my mind are that I do not want to again go through anything like the unpleasantness of our last correspondence, where you were first not responsive and then silent. Another is the fact that you did not keep your word and that there have been consequences that are not favorable to the work some of us still do. Let me explain one aspect of this last point to you, in the hope you can understand it and from that understanding realize that more, much more, is involved than my proper feeling that I should be entitled to the fruit of my own labor.

One of the things I showed you in the Silver Spring motel, on your word you would do nothing with or about it, was one of three pictures I had had taken of GE 399. Everyone else working in the field could have had that same picture taken. Many had had special pictures taken. However, I did not until my own work and understanding put me in a position to know exactly what I wanted. Instead of keeping your word or, if you felt that study of this picture was essential to your own work, asking me for a copy, you got the Archives to duplicate it, in about May of 1968. This simple thing made it possible for dishonest things to come to pass. You may remember I asked you for a copy of your request and of the picture they took for you.

Now when others who had seen this picture wanted copies so they could study it and we tried to get copies from the original negative, that yielding the clearest print, lo and behold, the Archives claimed to have taken no such picture for me. Not one but three of us established this before I went further with it. I then sent them an electrostatic copy and they "identified" this as a picture they had taken for you. As of less than two weeks ago, they still claim to have no such picture taken for me. I got them to make a copy of the one they claim to have taken for you and got the identical picture they had taken for me in 1967, the one of which you also read in POST, ORTEM, completed in 8/67. There is no doubt it is identical, for I have also obtained a negative, enlarged it to the same size and compared the prints in various ways, including having it studied by photographic experts.

Now this may seem to have no non-personal significance to you, but it is quite significant in ways I feel that, with our history, I cannot go into. I am following this further and I will be doing more work on it. This does present certain serious problems I feel I now cannot share with you and it has taken a very large amount of time I might better have spent on other endeavors. But none of this would have transpired if you had kept your word to me. And parenthetically, my request for the copy of your order and of the picture was not to get proof you had not kept your word, which I then had, nor was it for my writing, which was, on this, completed.

As you know, there are many areas in which I work that are of no interest to you, certainly not from anything you have ever indicated to me. There are areas where we do overlap. I pursue all areas of my interest. As I have several times told you, I am also doing considerable work outside the Archives. Whether or not you believe me, there are things the Commission never had. I have obtained copies of some of these things and have seen copies of others I expect to get. In some cases I believe knowing what this evidence says might be helpful to your work and you are what none of the rest of us is, a forensic pathologist. There are also cases where several of us have been able to shake loose what has been withheld, in various areas.

Because it is my purpose to try and give you an understanding you may not have, I now switch to two other things. You may have noticed that recently a suit against the Archives was filed in Chicago. That, if it comes to trial, will be an unparalleled disaster for all of us. It is a mixture of thievery, ego, the wildest kind of imaginings, the gorssest factual error and is of the most complete legal incompetence. I know because the theft was from my work, from COUP. I have had to check into it. I have a copy of the suit. I have traced the theft to its source and have an acknowledgement from the friend who provided the documents in the foolish belief the man who then stole them was going to try and conduct some interrogations in a very limited area once he had the knowledge they contain. I take no time for further details, but I assure you the thief/litigant did not intend the impending disaster that I do hope to prevent.

In your own case when we first met and you told me you planned to sue, I told you I had started laying the foundation for litigation in 1966 and hadn't filed simply because I had no lawyer. I proposed we join in this, you having a lawyer, and you were forever silent. You then went ahead on your own in a manner you now know was not the best and in so doing you also presented us with another possible catastrophe. While I might have done it just to help you, the fact is that the enormous amount of work I did for you a year ago was in an effort to prevent disaster. We simply cannot afford to lose any such suit, for the result will be international headlines, one reading "No Suppression", another "Warren Report Validated". I did that work at a time I was ill, and it was not good for my health, and it took as much time as it would have taken me to write one of the books I have researched and have not had time to write.

Meanwhile, because successful litigation in this field requires the most careful and painstaking work and preparation, I have yet to file some of the actions I will file, if necessary. If one proceeds in this fashion, it is sometimes possible to avoid suit and obtain that which the suit was designed to obtain. I am, right now, having exactly this experience. And I have filed the first suit while preparing for others. I have not filed against the Archives and the next suit, filing of which now awaits the answering of but a single letter, that also will not be aimed at the Archives. This is not because I do not intend filing against the Archives. I still plan the most inclusive action against them. But when I file it it will be as strong as it can possibly be. The fact is that in the second suit I will have to be my own lawyer. Like the first, it is restricted to a single thing. Bud and I both feel not only that I can handle it but that it might, perhaps be best if I do. This will avoid taking his time, for he has other work, and it will then be less of a burden on him when it is time for further litigation. The government seems to be worried about the first. When they failed to respond we moved for summary judgement. They asked for an extension of time and we have declined it. They will probably go to court to seek it. What a record when they have been holding me off on this simple thing for a year! But, unless the courts are corrupt, we will be in court with any overwhelming, open-and-shut case. I think this is not only desirable but necessary. It is my hope I can be as-exhaustive and prepared in all cases. It is also my intent.

So, I've tried to explain to you there is more, much more, than personal considerations involved in honorable conduct and relationships, and that there is more involved than the right to my own work when I ask you to make no use of what I obtain. Whether or not I've succeeded, I do not know. In any event, I've no time for further explanations.

My real purpose in writing is to ask you if you are now prepared to make and keep such promises, literally and completely, if I make available to you what I may be able to. If you do assure me that you will make neither direct nor indirect use of what I may provide, telling anybody else about it, using it only for your own understanding and anything you may, if you see it and so desire, feed back to

me (and the feedback is not a condition), then I will tell you what I get. I say "tell" because in some cases I may not be able to afford to make copies and in others I may not want or may not be able to give copies. I am talking about what I have located outside the Archives and either have right now or expect to get.

It is possible that in the course of time you might, by accident, inherit some of this. I think it unlikely you would thus get all of it. What I already have and what I have seen and expect is of really great significance. It is also very delicate. It puts me in a position to do things I have not yet been able to do, and here I do not refer to my writing, valuable as this is for that. It is, from my point of view, essential that I be left alone to carry this further as I intend. So, anything like use or retelling of it will present a real jeopardy. This is a subject on which we cannot accurately forecast what the consequences of any action or discovery can mean, but I tell you quite seriously that I now have a potential we have never had before.

With the history of the past, I have been reluctant to write you about this. However, because of your training and because I believe there should be genuine cooperation, I have.

There is another thing I should add. What I have and what I am expecting is not the end of this. There is much more, and the efforts to obtain it, the negotiating for it, are exceedingly delicate. Any breach of promise has the potential of turning all of this off. I think the urgent thing is to get what can be obtained, and this I will be pursuing, hence will want to remain tranquil, undisturbed. The end result can be beyond our dreams to date. We may also wind up with allies we have never had, and this, too, I regard as of great importance.

So, if you are prepared ~~to~~ to make and keep such promises, I will keep you fully informed on those things of this nature that are in the area of your interest, either with copies or with explanations. I will begin on receipt of your unqualified stipulation you will neither use nor in any way pass on to any other any of this, except that you will use the knowledge for your own understanding.

By the way, my second suit will be medical, on subjects we have never discussed. I have been a year preparing for it (some of the other things involved above have required work going back many years). I think, when it is filed and you see what is involved and its potential, it will excite you.

Sincerely,

Harold Weisberg