

Friday, September 11, 1981

Mr. Weisberg,

Please call me collect anytime at  
1-309-692-2605, until you reach me, for  
your assessment of the papers' factual accuracy.

Sincerely,

Bill Picl (pronounced Pitsol)

I don't have the cash to photocopy the appendices, but I feel that you'll surely know what they reveal as you read through the text.

LIST OF APPENDICES

- A: UPI article, spring 1981: Scientific Study of JFK Report  
*May or June, I believe* Expected by May, Washington Post
- B: House of Representatives Report No. 92-1419: Administration of the Freedom of Information Act, P.1-11.
- C: Washington Post article by George Lardner, May 26, 1981:  
House Assassinations Committee Attacked for Secrecy on Records
- D: HSCA FINAL REPORT, pp.66-75.
- E: Paul Hoch's comparison, pp.20-25 of Whitewash II?
- F: 1)2301-70 Judge Sirica grants JD motion for dismissal  
2)DCCA 1026 Sirica's ruling reversed, then upheld  
3)USSC 73-1138 Weisberg's petition for a hearing denied  
4)75-0226 Pratt grants summary judgment in favor of govt.  
5)DCCA 75-2021 Pratt's decision reversed and remanded  
6)75-0226 Pratt grants summary judgment in favor of FBI  
7)DCCA 78-1107 Pratt's decision reversed and remanded  
8)Weisberg files new suit with 112-page affidavit
- G: Post Mortem, pp.428,623-4.
- H: 627 Federal Reporter, 2d Series, "Weisberg v. United States Dept. Of Justice", pp.365-371.
- I: AP article, spring 1981, Freedom of Information Act Changes Being Studied, Peoria Journal Star
- J; Post Mortem before/after curbstome photos

W. Picl.

A-

Your paper contains very interesting data! Moreover, it has a worthwhile purpose and seems adequately researched. It is also reasonably well-written and relatively free of major mechanical problems.

A major weakness of the paper, it seems to me, is the analysis. More than one-half the paper is devoted to the matter of the vast literature on the Kennedy assassination, but it is never made very clear what hazard this presents for the historian except that he must be cautious about the trustworthiness of some of the official sources. One is left wondering what the historian is to do with the literature in Wroner's other five categories and what special problems that literature poses for the historian. If you meant merely to point up the immensity of the task of reading the vast literature, you fail rather miserably. If, on the other hand, there are real problems to be faced with respect to that literature, you do not actually discuss them either.

The material on problems associated with gaining access to material held by governmental agencies is better and includes the specific case of Weisberg. However, even here some discussion (conjectural analysis?) of why governmental agencies are or have been so uncooperative would also strengthen the paper. Here is where you could have been most imaginative! Generally, you are much better at narrating details than offering analysis. I think you will need to work on this.

Stylistically, as noted above, the paper is reasonably well written. However, you have a tendency to be wordy, use hyperbole (use of "incredibly" is an example), over-use commas, split infinitives, and ~~awkward~~ use awkward expressions which often obscure rather than clarify your meaning.

Mechanically, the paper is generally good. However, more citations are needed, esp. pp. 17-19, full bibliographical data should be given in first citations of a source, full names should be given when individuals are mentioned for the first time, and the appendices should be more neatly organized, reproduced, etc. (e.g., some of the items in the appendices lack dates and source indications--unforgiveable!).

See marginal and interlinear notations for specific examples of the above and for other matters not mentioned here.

(Note: Despite my rather serious reservations about the paper which I have indicated above, I think you worked very diligently on the project and tried to act conscientiously upon the constructive criticism offered--if I could direct you through several more months of work, I think I could have you writing a much better paper. The grade above reflects my evaluation of your total performance on the project--not simply the paper alone.)



PROBLEMS ENCOUNTERED BY HISTORIANS INVESTIGATING THE JOHN F. KENNEDY ASSASSINATION

In  
2 lines.

BRADLEY UNIVERSITY  
WILLIAM PICL  
HISTORY 450  
AUGUST 14, 1981

## INTRODUCTION

On November 22, 1963, President John F. Kennedy was brutally assassinated in Dallas, Texas. A suspect, Lee Harvey Oswald, was quickly arrested, only to be shot to death two days later by a local nightclub operator, Jack Ruby. President Lyndon B. Johnson consequently created the Warren Commission to investigate the assassination. Their Warren Commission Report, issued in September 1964, concluded that Oswald, acting alone and unaided, had assassinated the President. But research by private citizens soon revealed inadequacy and deceit on the part of the Commission. Pressure mounted for a new official investigation, resulting in the formation in 1976 of the House Select Committee on Assassinations. In their Final Report, issued in 1979, the Committee stated, "scientific acoustical evidence establishes a high probability that two gunmen fired at President Kennedy."<sup>1</sup> The government is officially continuing the investigation, but they seem to be trying to return to the lone-assassin theory,<sup>2</sup> <sup>run-in</sup> incredible in view of the fact that over fifty-percent of the eyewitnesses in Dealey Plaza believed that shots came from a grassy knoll as well as the book depository where Oswald was supposedly situated.<sup>3</sup>

<sup>1</sup> Final Report of the Select Committee on Assassinations, H.R. 95-1828, 95th Cong., 2d sess., p. 3.

<sup>2</sup> See Appendix A for a report on this latest development.

<sup>3</sup> David R. Wrone, Stephens Point, Wisc., telephone interview held July 26, 1981.

And so it remains up to private citizens to solve the assassination. In this respect, police investigators, congressional committees, scientific experts, and devoted private citizens can all bring forth evidence and theories, but it is the trained historian who is probably best equipped to weigh correctly the evidence, sift and sort through seventeen years of literature, take into account alleged institutional cover-ups, and to examine subtle, minute gaps in the evidence. If the conspiracy is to be unravelled, historians must begin their work immediately, before the trail grows too cold. One might ask, "Why bother? Let sleeping dogs lie." But the crime needs to be solved for the simple reason that if the flaws in American society that allowed one such tragedy to take place are not eliminated, similar events could occur again and again, and the stability of this country, which prides itself on a peaceful, orderly transfer of power, could crumble. Toward this end, this paper shall examine, mainly, two interrelated general problems encountered by historians investigating the assassination, namely, assessing the literature, and gaining access to officially withheld material.

ASSESSING THE LITERATURE

The vast literature on the assassination presents the initial problem; *The immensity of the biblio. should have been demonstrated* hundreds of books and articles have been written, many in contradiction of each other. To overcome this problem, Dr. David F. Wrono *in entries in Wrono, other biblios.* one of the few historians ever to investigate the assassination, has divided the literature into six categories: (1) works sustaining the official conclusions; (2) works entirely irrational; (3) works riddled with subjectivity and unsubstantiated theory; (4) the exploitative literature; (5) sinister publications; and (6) works focused on evidence about the murder that strive for objectivity. Category one, works sustaining the official conclusions, might include, for example, Gerald Ford's Portrait of the Assassin, examined in more detail later. It would certainly also include David Belin's November 22, 1963: You Are The Jury, as Belin was an attorney for the Warren Commission. In category two, works entirely irrational, one could place Pat Matteo's This Captive Land, which proposed that Kennedy was shot while escaping from a miniature atomic bomb. Another example of irrational works would be Thothnu Tastmona's It Is As If..., which connected the assassination with nineteenth-century Mormon leader Brigham Young. Category three, works riddled with subjectivity and unsubstantiated theory, would include works of authors who typically found fault with the Warren Commission's findings; some of these authors demonstrated some critical analysis, but much of their work was based on theoretical assumptions. An example might be Carl Oglesby's The Yankee and Cowboy War, which proposed that the assassination

Here it should have been noted that F. was a member of the Commis

A bit more elaboration of the inner aspects would have helped here.



was the result of a right-wing conspiracy. Here one might also place Michael Canfield and Alan J. Weberman's Coup d'état in America, which proposed that the Central Intelligence Agency was responsible for the assassination. The fourth category, the exploitative literature, might, for example, include the work of Mark Lane, who claimed that the British Broadcasting Company paid him nothing for the film version of Rush to Judgement, when in fact he received \$40,000, one of their largest fees. The fourth category might also include Four Days in November, assembled by editors of the United Press International and the American Heritage Publishing Company. Four Days in November contained lavish color photographs, and according to Dr. Wrone, an inaccurate text. *Citation needed here.* The fifth category, sinister publications, might include works such as Farewell America. Farewell America, purportedly written by one James Hepburn, was published in Litchenstein in 1968, printed in Belgium, and distributed in Canada, but not in America, by individuals associated with the Service de Documentation, d'Enquetes et de Contre-Espionnage, the French equivalent of the American CIA. The author(s) of Farewell America alleged that Kennedy's death was the result of a conspiracy composed of right-wing oilmen and rogue CIA elements. The final category, works focused on evidence about the murder that strive for objectivity, would typically include Sylvia Meagher's Master Index to the JFK Assassination Investigations: the Reports and Supporting Volumes of the House Select Committee on Assassinations and the Warren Commission.

The diversity of the above works demonstrates the value of Wrone's groupings, and to his framework one can logically add the official

DeLloyd J. Guth and David R. Wrone, The Assassination of John F. Kennedy: A Comprehensive Historical and Legal Bibliography, 1963-1979, pp. xix-xv.

*etc* According to Kate Turabian (A Manual for Writers, I believe), full data for 1<sup>st</sup> references is not necessary if the work is in the bibliography. - B.P.

*Full data for 1<sup>st</sup> citation of*



?-B.P.  
NOT  
sure this  
is correct  
use of the  
expression.

government publications, the Warren Commission Report and the House Select Committee on Assassinations Final Report. With a complete working frame of reference ~~now~~ established, the next question might be, "Where is one to begin?" A chronological study might initially seem to make sense, but it will soon become obvious that continuous non-sequential reading is required. Overall, the historian must be willing to engage in a research project of massive proportions, carefully organized and detailed. Precise, exacting lines of interconnections must be maintained, as Ford's book, Portrait of the Assassin, examined shortly, will show. In addition, each work must be assessed as to its publication date, selection of evidence, stated and underlying real intent, political orientation of the author(s), their personal involvement in the case, and their qualifications as an author.

The starting point of research should be an evaluation of the first official investigation of the crime, the Warren Commission Report; Wrono himself advises, "Knowledge of the origin, operation, and conclusions of the Warren Commission must precede any understanding of the swirls of controversy that still surround President Kennedy's murder." A brief look at this point at the Commission will show why this is good advice.

By Executive Order No. 11130, dated November 29, 1963, President Johnson created the Warren Commission, so named after its chairman, Chief Justice of the U.S. Supreme Court, Earl Warren. A monument to Johnson's political skills, the other six members ~~the new president~~ appointed to the panel were a balance of the political right and left: Senator

Ibid., xiii.

John Sherman Cooper, Republican from Kentucky; Senator Richard Russell, Democrat from Georgia; Congressman Gerald Ford, Republican from Michigan; Congressman Hale Boggs, Democrat from Louisiana; Allen Dulles, head of the CIA from 1953-1961; and John J. McCloy, a New York banker. The Commission, in its Report submitted in September 1964, stated that <sup>was</sup> "its objective has been to identify the person or persons responsible for both the assassination of President Kennedy and the killing of Tippit through an examination of the evidence."<sup>1</sup> Yet a memorandum dated November 26, 1963, from Deputy Attorney General Nicholas Katzenbach to Presidential Assistant Bill Moyers, reveals the underlying real intent of the government from the very beginning: "The public must be satisfied that Oswald was the assassin; that he did not have confederates who are still at large; and that the evidence was such that he would have been convicted at trial."<sup>2</sup> Note that this memorandum was dated even before President Johnson created the Commission. *Excellent point!*

*✓-B.P.*

This obvious discrepancy between the publicly-stated intentions and the real intentions of the Warren Commission indicates that not only the central conclusion of the Report, namely that Lee Harvey Oswald, acting alone and unaided, had assassinated Kennedy, but <sup>also</sup> ~~that~~ the entire Report itself, including the twenty-six volumes of hearings and exhibits, must be viewed with caution, with an eye on prejudicial selection of evidence.<sup>3</sup>

Warren Commission Report, Earl Warren, chairman, p. x. | give full citation first  
 Schweicker Report, Richard Schweicker, chairman, p. 23. | time cited.

The volumes do contain some important original evidence; Sylvia Meagher's Master Index provides a much-needed tool for this research.

*ditto*

*Mr. Weisberg, I am interested in your assessment of this paper's factual accuracy; there are errors in English form, conceptual construction, etc., but I'm mainly interested in the accuracy of the facts I've presented.*

*↓ see bottom of p. 5 - B.P.*

Before moving on with the literature, a ~~motivational~~ <sup>B.P.</sup> problem should be noted here: the inadequacy and deceit of the Warren Report, amply and factually demonstrated repeatedly by the works of the responsible, objective Report critics, was possibly one reason why serious scholars at the time chose to avoid the Kennedy assassination. Because of its artificial, selective forcing of the evidence into a preconceived pattern, the Warren Report did not close the case, but instead exploded it into a great deal of reckless speculation about conspiracies. In American society, the notion that <sup>why "reckless" ? -B.P.</sup> one <sup>our</sup> president was killed for political reasons by a conspiracy of rational men is a thought that most <sup>Americans</sup> people in general are not comfortable with. Far more acceptable is the traditional pattern of the lone psychotic assassin, at odds with life itself, whose act of violence is solely a reflection of his own disturbed psyche and hunger for recognition. For example, into this pattern the American public has placed, with relief, the recent would-be assassin of President Ronald Reagan, John W. Hinkley, Jr., whose motivations apparently included attracting the attention of an adolescent film actress. <sup>contemporary</sup> The current historian must be willing to overcome this tendency. <sup>Not what you mean here.</sup>

The gradual, factual exposure of the government cover-up kept the assassination under public scrutiny. This process culminated in the formation in September, 1976 of the second official investigation, the House Select Committee on Assassinations. The Committee's main conclusion, stated in their Final Report of 1979, was that "scientific acoustical evidence establishes a high probability that two gunmen fired at President Kennedy. Other scientific evidence does not preclude the possibility of two gunmen firing at the President."<sup>1</sup> Yet research yields three

<sup>1</sup>Final Report, p. 3.

<sup>B.P.</sup>  
All data not commonly well-known should be footnoted etc.

Source?  
repetition of material instead



facts which indicate that the HSCA Final Report should be viewed in the same light as the Warren Report: (1)<sup>1</sup> it has been found that the Committee's original purpose was to make the Warren Report "persuasive";<sup>2</sup> (2) the acoustical evidence, brought to their attention by three Report critics -- in and of itself a possible indication of their real intentions and/or investigative thoroughness -- was curiously, or perhaps not so curiously, not examined by the Committee until the last day of their publicly-telvised hearings;<sup>3</sup> (3) the HSCA chairman, Democrat Louis Stokes, quietly arranged, before the Final Report was released in July 1979, for all the backup records and files to be locked up for a period of fifty years, far beyond the possible reach of Freedom of Information Act litigation.<sup>3</sup>

Working papers of Congress have always been locked away legally for fifty years, even beyond the reach of the FOIA; however, Stokes made a successful, thus far, anyway, special effort to have the records the CIA and other executive-branch agencies compiled for the HSCA investigation, records not exempt from the amended FOIA, treated in the same fashion: as "congressional material", not to be released, under any circumstances, to the public.<sup>4</sup>

*THIS not clear? Needs some explanation.*

*Make this 2 sentences; it is too awkward as given.*

So the Committee was forced to state, contrary to their original intention<sup>5</sup>, that there was a high probability that the 1963 assassination was the result of a conspiracy. After examining the acoustical evidence<sup>5</sup>

<sup>1</sup>The New York Times, September 25, 1978, p. 21.

<sup>2</sup>In the interview, Wrone said he believes that, given their real intentions, the HSCA made their mistake in publicly televising the hearings

*side interview here - TFC*

<sup>3</sup>See Appendix B for historical development of government policy on release of material, up to 1974.

*make statements*

<sup>4</sup>See Appendix C for the full exposure of Stokes' efforts.

<sup>5</sup>See Appendix D for full details on the acoustical evidence.

on December 29, 1978, the HSCA quickly folded their tent and scurried into non-existence, officially expiring, <sup>Why "incredibly"?</sup> incredibly, the very same day. <sup>Qualify this - not all readers will agree that it is so "evident"</sup>  
Now that it is evident that both the Warren Report and the

House Select Committee on Assassinations Final Report are inadequate and incomplete, not to mention deceitful, the historian must return to work with the vast non-official literature. As noted earlier, Wrone's groupings provide a working frame of reference; however, one must be prepared to at least review as much of the literature as possible, regardless of tone, content, or characteristics. For example, recall Farewell America: it was published in Litchenstein in 1968, printed in Belgium, and subsequently distributed in Canada but not in America by individuals associated with the French SDECE; the author(s) of Farewell America alleged that a conspiracy of right-wing oilmen and rogue CIA elements was responsible for the assassination. Now, consider this recent evidentiary discovery: on the night of <sup>the day of</sup> ~~or following~~ the assassination, one Michelle Roux, alias Souetre, a French intelligence agent probably connected at some time with the SDECE, was quietly picked up and detained briefly by the police, in Dallas. Roux was put on a plane and flown out of the <sup>redundant</sup> country, to Mexico, that very night, and there his trail ends. No record was ever made of the episode; it is not even clear at this time whether or not Roux was officially arrested.<sup>1</sup> A possible correlation emerges: <sup>could</sup> Farewell America have been a SDECE-engineered attempt

to cover-up their possible involvement in a conspiracy, to cover-up their guilt by casting suspicion upon right-wing oilmen and rogue CIA elements? So Farewell America and other sinister or non-objective

<sup>1</sup>Harold Weisberg, Frederick, Md., telephone interview held August 9, 1981.

NOT necessary to repeat this - make reference to French SDE connection - THEN do your point.

What, THEN, is source for this??



literature must be reviewed. Even a cheap supermarket-tabloid assassination article could by some freak chance contain a previously overlooked valid bit of evidence.

In addition to being well-organized, the literature research must contain precise, exacting lines of interconnections. The need for this can clearly be seen by a brief examination of Gerald Ford's book, Portrait of the Assassin.

WHAT you mean here is never made entirely clear - yet it seems rather important

Published in 1965, Portrait of the Assassin was supposedly a narrative of the daily behind-the-scenes work of the Warren Commission. Ford stated this in his forward:<sup>1</sup>

The material here presented is factual and accurate. As the authors of this book worked together daily for ten months, they became more and more convinced that the Report itself, while it could tell only the bare facts of the tragedy, convinced most readers that the Commission did its work thoroughly and well. The present account is not intended to take issue with the conclusions of the Commission.

And yet, Sylvia Meagher exposed to what extent 'the Commission did its work thoroughly and well':<sup>2</sup>

The chairman was in attendance at least part of the time for all 94 witnesses who came before the Commission, but his colleagues heard only the following estimated number of witnesses:

|                         |    |
|-------------------------|----|
| Representative Ford.... | 70 |
| Mr. Dulles.....         | 60 |
| Senator Cooper.....     | 50 |
| Mr. McCloy.....         | 35 |
| Representative Boggs... | 20 |
| Senator Russell.....    | 6  |

So Ford was the most conscientious member of the panel in attending the testimony of the witnesses, besides the chairman. But was there something else there, below the surface? The following aspects of

Full data for first citation

<sup>1</sup> Gerald R. Ford and John R. Stiles, Portrait of the Assassin, p. 7.

<sup>2</sup> Sylvia Meagher, Accessories After the Fact: the Warren Commission, the Authorities, and the Report, p. xxx.



Gerald Ford's conduct in the years following the assassination demonstrate clearly the need for maintaining objectivity and precise lines of interconnections during the research:

1) Ford was an FBI 'mole' in the Warren Commission. Unknown to the other members of the panel, Gerald Ford was in secret contact with J. Edgar Hoover for at least part of the time he was a Commission member.<sup>1</sup>

2) Portrait of the Assassin is not at all factual or accurate; it contains unquestionably significant, unindicated omissions of parts of the then-classified panel transcripts. The following example of the unindicated omissions was obtained by Harold Weisberg through one of his numerous Freedom of Information Act lawsuits:<sup>2</sup>

Portrait, page 20:

"and he would put down the amount he paid off."

Ford omitted after "paid off":

"including such people as the head of the government in Ecuador, of the police in Ecuador, and he said he was paying him more than his salary each month, so they got better service than the local government did. And so he indicated that he knew how those things were handled at that time."

*you need some discussion here that makes clear the significance of the omitted material - to state it is significant is not enough. I believe that the fact that there were omissions is very significant in + of itself. - B.P.*

3) In 1974, Ford as President vetoed the critical amendment to strengthen the Freedom of Information Act; when Congress overwhelmingly overrode his veto, the new FOIA gave citizens, theoretically, at least, access to previously withheld material, material which exposed, among other things, Ford as the FBI 'mole' in the Warren Commission, and Ford

<sup>1</sup>Guth and Wrone, Legal Bibliography, p. xv.

<sup>2</sup>See Appendix E for the full exposé of Ford as the covert editor

*you need a citation here of Weisberg's publication, if one exists - if from an interview, that should be noted.*

as the covert editor of Portrait of the Assassin.

4) In 1974, Ford as President personally selected David Belin to conduct the Rockefeller Commission investigation of alleged CIA involvement in domestic and foreign assassinations, an investigation which Ford, who incidentally had a political race upcoming, must have known could possibly, if 'uncontrolled', raise doubts about his conduct on the Warren Commission. David Belin was a staff attorney for the Commission in 1963-64; in 1973, he published November 22, 1963: You Are the Jury, his own defence of the Report.

5) The working papers of the Rockefeller Commission, which was conducted in secret, are sealed in the Gerald R. Ford Presidential Library in Ann Arbor, Michigan; <sup>Small? Legal Bibliography - DeLoyd + wrong</sup> this fits well into the pattern of secrecy which permeates the entire John F. Kennedy assassination case.

Thus far, the problem of assessing the vast Kennedy assassination literature has been explored. During research, the historian willing to investigate what amounted to a successful coup d' état right here in America must maintain strict objectivity, meticulous organization, and precise, exacting lines of interconnections; otherwise, the effort may fail. THIS tends to be repetition and unnessa

There also exists the previously unmentioned <sup>problem</sup> question of personal risk. The long years of official deceit, neglect of evidence, and stubborn refusal to part with evidence may indicate that a person or persons operating in the highest levels of government was intimately involved not only in the on-going institutional conspiracy to cover-up previous investigative inadequacy, but also in the original assassination conspiracy itself. If in the course of investigation such a wicked possibility begins to appear to be true, a realistic historian should proceed - Explanati  
of the  
specific  
problem  
would be  
more in  
order.

with caution. The possibility of a truly dangerous situation developing is certainly there, and this may be another reason why historians have long avoided the assassination. Unlike events of the distant past, the Kennedy assassination is a live, potentially explosive subject; a decision would have to be made here regarding just exactly what kind of risks one would be willing to undertake. An unsuspected conspirator would not hesitate, most probably, to permanently eliminate anyone they perceived to be nearing positive identification.

} good point.

There remains the problem of gathering new evidence on the assassination, which means, in this case, sadly to say, gaining access to officially withheld material.



## GAINING ACCESS TO OFFICIALLY WITHHELD MATERIAL

After the Warren Commission expired in September, 1964, they sent all the material they had been working with over to the National Archives, to be locked up for a period of seventy-five years. Although some of the physical evidence was put on display to satisfy the morbid public curiosity, all of the working papers of the Commission were classified and thus out of reach for private investigators. This material included executive session transcripts, scientific test reports, inter-agency correspondence, and the like. The only material the Report critics had to work with were the twenty-six volumes of Hearings and Exhibits. The responsible critics, for example Meagher and Weisberg, did admirably with this relative scarcity of material, but they wanted to dig deeper into the assassination -- they wanted to gain access to that classified material. Their efforts were fruitless until 1966, when the Freedom of Information Act was passed.<sup>1</sup> When the FOIA went into effect in 1967, the FBI was forced to release 100,000 pages of material. Beyond this, <sup>however</sup> though, the government was able to successfully withhold the more critical material such as the scientific test reports.

*NOT CLEAR? - related to JFK assassination source?*

This problem of gaining access to officially withheld material can possibly best be exemplified by the legal efforts of private assassination investigator Harold Weisberg. Weisberg has devoted the last seventeen years of his life to an investigation of the Kennedy murder;

<sup>1</sup>See Appendix B for the FOIA chronology

- First, cite the legislation - THEN direct readers to the Appendix.

his fifty or so FOIA suits, plus his six books on the crime,<sup>1</sup> all concentrating on the evidence, and most of which he had to publish himself, make him, according to Dr. Wrone, the "premier authority" on the subject; even government agents, most annoyed by him, consult his work.<sup>2</sup> An examination of his FOIA suits filed for disclosure of scientific evidence pertaining to the assassination, specifically, test reports on a curbstone from Dealey plaza, will reveal the uncooperative attitude of the government which the historian must be prepared to contend with. *awk* *recast* *source?*

First, a brief curbstone chronology: at exactly 12:30 PM on the fatal day, during the period of time that the shots were fired, bystander James Tague was cut on the cheek by flying fragments of material. He immediately reported this to police officer Haygood, who consequently searched the area and found a fresh bullet mark on the curbstone near where Tague had been standing when injured. For some reason, the Dallas police report on the assassination did not include any reference to James Tague.<sup>3</sup> *Full name here - first time cited*

The next day, November 23, 1963, Dallas newsmen Tom Dillard and James Underwood took photographs of the mark on the curbstone. Dillard was interviewed two days later by FBI Agent Kreutzer. Although the FBI *Full name* *4*

<sup>1</sup> These include Whitewash, Whitewash II, Photographic Whitewash, Whitewash IV, Oswald in New Orleans, and Post Mortem. *At least give dates here.*

<sup>2</sup> Guth and Wrone, Legal Bibliography, p. xxvi.

<sup>3</sup> Meagher, Accessories After the Fact, p. 5.

<sup>4</sup> It should be noted here that all the Warren Commission investigative work was 'farmed out' to the FBI, and this may have been one reason for its failure; with its preconceived position and prejudicial selection of evidence, the FBI, in a way, controlled the Commission. Also recall Ford as the FBI 'mole' in the Commission.

report on this interview was in their possession, the Commission did not include it in the Hearings and Exhibits volumes.

Incredibly, the curbstone itself was then ignored, officially, at least, as will be shown shortly, for over six months. However, Tague was kept under surveillance from the day of the crime, as were many other witnesses.<sup>1</sup> When he took films, on his own, of Dealey Plaza at the end of May, 1964, this was reported by unknown parties to the Warren Commission. On April 9, 1964, Officer Haygood testified at the hearings that Tague had been hit on the cheek by fragments during the assassination. On June 11, 1964, two FBI agents interviewed James Undergood, and this interview, like the Dillard interview, was also not included in the Hearings and Exhibits. *Who was he??*

It was not until July 7, 1964, a full six months after the assassination, did the Commission formally request the FBI to investigate the curbstone marking. Note that a request had to be made; the FBI, which had obviously known about the curbstone all along, had chosen not to mention it to the Commission. On August 5, 1964 -- note the inexcusable time lapse -- FBI photographic expert Lynn Shaneyfelt located the bullet mark, took pictures, and supervised the removal of the critical curbstone section, which was shipped to the FBI laboratory in Washington, D.C. for scientific testing. On September 3, 1964, the FBI informed the Commission that the distance from the President's car to the curbstone at the time of the fatal head-shot -- derived from the Zapruder film of the entire assassination -- was a full 260 feet.<sup>2</sup> *NOT CLEAR? What significance is there to this?? Explain.*

<sup>1</sup> Telephone interview with Dr. Wrone *(date needed here if more than one interview.)*

<sup>2</sup> Meagher, Accessories, p. 6.

according to Turabian, this is ok.

X NOT the abbreviated title used earlier - You must be



The Warren Report barely mentioned the Tague incident. Serious work in that area would most probably have invalidated their pat conclusion that Oswald was the lone assassin. Report critics immediately pounced upon this bit of dereliction, but it was not until 1967, when the Freedom of Information Act went into effect, <sup>that</sup> (did the private investigators <sup>had</sup> have a legal method of gaining access to the records of the scientific tests performed upon the curbstome. And even then, the government was able to avoid disclosure by using the "investigatory files" exemption of the Act. The disclosure suits filed by Harold Weisberg demonstrate the attitude of the government.<sup>1</sup>

THESE should have been mentioned earlier (on p. 14)

Weisberg filed his first suit in 1970, seeking disclosure of reports on spectrographic analysis tests performed upon the assassination bullets, bullet fragments, presidential garments, and the curbstome; the suit was filed in the belief that the laboratory tests, if properly performed, would disprove key findings of the Warren Commission. The Justice Department quickly filed a motion to dismiss, contending that Weisberg was not entitled to these files because they were protected by the FOIA investigatory files exemption. The Justice Department claimed that the exemption was a blanket exemption which protected all the FBI investigatory files from disclosure. Presiding Judge John Sirica, of later Watergate fame, granted the motion to dismiss.

source for all this??  
Legal Bibliography

Weisberg then took his case to the District of Columbia Court of Appeals. On February 28, 1973, this court reversed Sirica's ruling, initially, but the Justice Department filed and was granted a petition for a rehearing. The same court mysteriously then proceeded to reverse

Why "mysteriously"? Don't they offer a reason?  
↳ Legal Bibliography

<sup>1</sup> See Appendix F for the legal information on Weisberg's suits

✓ THIS data on Weisberg's legal hassles is not commonly well known and requires source citations!

its original position; ultimately, on October 24, 1973, this court upheld Judge Sirica's ruling by a 9-1 vote. *source?*

Later that year, Weisberg filed a petition with the United States Supreme Court, a petition for a review of the Court of Appeals decision. The Supreme Court denied the petition; only one Justice, William O. Douglas, voted to grant the petition. *source?*

At this point, in 1974, Congress amended the Freedom of Information Act, specifically the investigatory files exemption. In fact, Congress announced its intention to amend the Act so that it would override the earlier Court of Appeals decision on the Weisberg suit for disclosure. President Ford's veto, as previously mentioned, most probably motivated by the fact that litigation resulting from the amendment of the Act would possibly reveal his role as the FBI 'mole' in the Warren Commission, and as the covert editor of Portrait of the Assassin, was overwhelmingly overridden. *source?*

On February 19, 1975, the effective date of the new FOIA, Weisberg again filed suit for disclosure in the District of Columbia District Court. The government chose a new tactic. Based on their claim that they had already produced all records sought by Weisberg, Judge John Pratt granted summary <sup>SP. ✓</sup> judgment -- in effect, dismissal -- in favor of the Justice Department. Pratt ruled that the Department had substantially complied with Weisberg's requests. This was in spite of the fact that FBI Special Agent John W. Kilty, in charge of the search for records at the FBI laboratory, had filed two affidavits in direct contradiction of each other:<sup>1</sup> the first claimed that special neutron activation analysis

<sup>1</sup>See Appendix G for the expose of the affidavit discrepancy

✓  
| give a citation FIRST  
- then, direct

had been performed upon the clothing, windshield, and curbstone; the second affidavit denied this. *Source?*

Later that year, Weisberg appealed this decision, again, in the District of Columbia Court of Appeals. It reversed and remanded the decision ~~right~~ back to Judge John Pratt. *Why "Incredibly"??* Incredibly, Judge Pratt again granted the government motion for summary judgement, ruling that they had already given Weisberg all the documents available. During legal discovery, *however,* ~~though,~~ Weisberg established that, according to the FBI, all the spectrographic notes and plates on the curbstone were missing -- "destroyed" or "discarded" during "routine housekeeping."<sup>1</sup>

In 1978 Weisberg again appealed Judge Pratt's decision with the Court of Appeals. He pointed out that the government had not sworn under oath that all relevant files had been searched; he also brought forth evidence, over the government's vehement protests, which showed that in fact the FBI had been under instructions from the beginning not to destroy or discard records on the Kennedy assassination, and above and beyond this, periodic reviews of field office records had actually been made to assure that files were being maintained. On April 28, 1980, the Court of Appeals reversed and remanded Judge John Pratt.<sup>2</sup>

On Monday, July 27, 1981, for the fourth time Harold Weisberg filed suit for disclosure of testing records. His 112-page affidavit included *what was W's source for this?* recently-obtained evidence indicating that special neutron activation analysis in fact had been performed upon the clothing, windshield, and curbstone, and that the FBI, not liking what the tests

<sup>1</sup>Guth and Wrone, Legal Bibliography, p. 55.

<sup>2</sup>See Appendix H for official case summary and overview | *Give source citation first.*



revealed, consciously destroyed the records.<sup>1</sup>

From Weisberg's suits it can be seen that in attempting to gain access to officially withheld material, the historian must be prepared to contend with a government attitude which can best be described as "stonewalling." Two clear indications of this uncooperative attitude are the ~~this far~~ <sup>presently</sup> successful attempt by HSCA chairman Stokes to have the backup files compiled for its investigation by executive-branch agencies, and thus not exempt from the amended Freedom of Information Act, treated as "congressional material", to be locked away from the public for fifty years, and a possible upcoming attempt by the Reagan administration to initiate what Dr. Wrone has described as the "gutting"<sup>2</sup> of the amended Freedom of Information Act.<sup>3</sup> If the government does successfully move in this direction, then the trail of the original conspirators, already cold, will quite probably grow much colder. It would thus seem that a ~~current~~ <sup>contemporary</sup> historian, having made a decision to seriously investigate the assassination of John F. Kennedy, should try to begin as soon as possible.

Somehow here you should have pondered the possible reasons for all this,

e.g., that  
govt knows  
of a conspiracy,  
that govt  
does not want  
to be embarrass-  
ed by  
new  
evidence  
that WE  
was wrong  
etc.

I believed,  
apparently  
incorrectly,  
that the  
above was

obvious.

On the  
other hand,  
my instructor was  
even more of a novice in  
this area than I was, and  
perhaps I should have been more  
explicit. - B.F.

<sup>1</sup> telephone interview with Harold Weisberg

WHEN?

<sup>2</sup> telephone interview with Dr. Wrone

<sup>3</sup> see Appendix I for Associated Press article concerning this recently contemplated move by the Reagan administration

## CONCLUSION

The main thing a <sup>contemporary</sup> current historian must keep in mind during investigation of the John F. Kennedy assassination is that one must not get discouraged. The literature research will take a great deal of time, and the Reagan administration just may attempt to scrap the Freedom of Information Act, but nevertheless the attempt should be made. As a warning of what one should expect to find during the investigation, see Appendix J: sometime during the six months that elapsed before the critical curbstone section was removed in August, 1964, someone plastered over part of the bullet smear.

Your paper and the next sentence are not very encouraging here!

Mr. Weisberg,

I hope you keep grinding away at our government so that what you termed in our telephone conversation as "Hitlerian secrecy" does not in fact develop. Please call me. Among other things, I'm curious about the progress of your latest suit.

Don't misconstrue my comments on my advisor's comments; Dr. Bowers of Bradley University, Peoria, Illinois, was very helpful and a good person to work with. The topic aside, I learned a great deal about how to go about researching and writing a 20-pp. paper. While I have now finished my undergraduate work (B.S.-History), I hope to write another paper, topic unknown at present, as this was in retrospect a very satisfying experience.

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\*Note: Sources cited in this bibliography appear in chronological publishing order and alphabetically by author when pluralities by year exist.