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2/26/94

Dear Randy,

In response to your 2/21, which I found interesting, I tell you a story I'd rather you keep to yourself for two reason. One is that the person with whom that information originates can be hurt. The other is that I cannot prove it. However, I do believe it.

During the panel's deliberations there was a time when DJ heard that it was not going to conclude as it did. My present recollection may not be correct on whether all the panel then was at Fisher's office, as I now believe, but Carl Eardley, who was on all the JFK stuff in the Civil Division after Clark was no longer AG, rushed up to Baltimore and whipped them or Fisher into line. And then the report as issued resulted. Consistent with this is the fact on which you did not really comment, that in saying it confirmed the Warren Report in fact, as I used it in Post Mortem, it refutes the Warren Report.

While I do not now recall his title, Eardley's office, which was shared with another lawyer named Jaffee, was next to the large reception office, on its left from the entrance, and Ruckelshause's was next to that reception room on the other side. Or, he was officed close to his boss.

It is not just on the location of the head wound it admits that the panel refutes the Commission. It also does in its reading of the chest X-rays, as I noted in that book. With elliptical confirmation from Humes et al.

The Clark memo also interests me much. So I'll tell you a non-confidential story.

On a Sunday morning TV talk show, perhaps Meet the Press, Clark was critical of Garrison. In it he made a factual error. I wrote him about that error. Later, when after quite a few years of stonewalling, I got DJ records I'd requested, they held his paying attention to what I wrote him. He asked those around him to check it out. Their checking consisted in repeating what the official mythology was as I now recall as they got it from the FBI. They never asked me a word about it. Or sought truth or fact.

The copy of the memo you sent me bears no DJ identification. It also was not included in what I got, as it should have been if it was in that main file. I presume therefore either than it wasn't there or as witheld under a FOIA exemption, perhaps b5.

Sanders I take to have been Harold Barefoot Sanders, who I think then headed the Criminal Division; Vinson headed Civil; and I presume that is Mitchell Rogovin and that he was a Vinson assistant. In those days all White House and DJ letters were routed to Vinson for response and when he did respond, it was official-mythology boilerplate. I saw not a single letter in which he took any incoming mail seriously or made any real inquiry. He was the son of a then Supreme Court Justice who had been a southern hack pol. and a Congressman. Maybe Sefretary of the Navy later, I'm not now sure.

The last number in the date is eliminated in xeroxing. I take it to have been 1966. I saw no single record in all I got from DJ, which was the Criminal Division supposed file, reflecting anything at all being done in response to Clark's telling them to make a careful examination. I think a FOIA case for all such records would be a good idea. It you want to make it and I can help you, let me know. I think also that someone should make a FOIA request for all records, particularly Civil Divisions, on or relating to that panel, its creation, work, report, and any reaction to that report.

You say of the Moritz memo "If this is a true memo." It reflects no source. Have you a reason to suspect it may not be?

I always believed that Fisher lied to me and if the Moritz memo is not real it nontheless reflects proper prodedure and what I believe those doctors would have wanted if they could not have insisted on it.

The Rolapps to whom a copy of Fisher's letter was sent was, when Kleindinest was Deputy AG, one who handled FOIA requests and correspodence. The regulations then required the FOIA requests to be addressed to the Deputy AG. Rolapps was on his staff

I think that Maryland has some kind of information-disclosure law. I think a request should be made for all of relevant records of the medical-examiners office. I do not think a Marylander hs to make the request but if you want to and want me to, I'll join you in it.

Have you considered writing to the other institutions for which the doctors worked and asked them for copies of records and whether they know of the existence of any elsewhere? If they decide to give you copies they may tell you if the records reflect the existence of other records elsewhere. Any refusals are good for the record, I think.

Bruce Bromley was a senior partner in an old and major law firm then Cravath, deGersdorff Swaine and Wood. The one in which much later Posner put in a little time in menial work he lies about. The idea for the panel, according to the man who wrote later a column about it when he was the intellectual in residence in the LBJ White House, was John P. Roche. So you may want to ask the LBJ Library for those records. I do not know if they were sent to the Archives under th new law. I'd ask the Library first.

If any kind of coersion could be shown, it could mean something. And I am convinced that Eardly did pressure them into agree with the Commission's Report.

Roche taught at Brandeis University after leaving the LBJ White House and that is when he wrote his syndicated column. I do not know where he put his records but Brandeis might know.

That Moritz left no records at Case is consistent, I think, which this Eardley thing.

If as you say the report was drafted at DJ then the DJ should have records you should be able to get under FOIA.

I have the feeling that you agree with the Humes gang. I do not. I can't imagine the Panel giving a false reading or accepting fakes. It was at Bethesda that the

pressure was first applied and where the first lies were told. And Humes has never stopped lying. He did not, for example, destroy his notes. He destroyed the first holograph of the autopsy report and he did that when he learned that Oswald was dead and there would be no trial. That meant no cross-examination of his work. I do more tracing of that in NEVER AGAIN! that I think now will be published this September.

Humes uttered many lies. One is that he did not know about the anterior neck wound having been described as of entrance. Another is that he spoke to Perry the second time during the day of 11/23. Still another is that he told Perry nothing. He told Perry what the report would say and it worried Perry much. That is why he disappeared and asked Clark to handle the 11/23 press conference for him. Reread Perry on this in Post Mortem.

I agree that they should have had Ebersole participate in the preparation of their report but he could not have gatten away with what Humes et al did. See under their reading of the chest X-rays in Post Mortem. If as a radiologist he would have done that to his professional reputation.

I think we should assume that Leathers did something in response to that Clark memo and that such records exist in Civil Division files. That may well be the reason all indication of it was withheld from what was belatedly disclosed to me.

With regard to the Moritz memo and to his leaving no records at Case, I think his use of the word "literary" pught not be taken literally. There is no doubt in my mind that if I, a layman, perceived their two destructions of the official mythology and of the autopsy conclusions, they knew it even better. So they left their refutations in and called them confirmation. Is that "literary"? Medical experts do that? While they did not know that their report would be used they had to assume that at some point it would be in some way. So, they had their asses to cover.

As I may have suggested before, I think you should make a close examination of the frames of the Zapruder film made into slide for the Commission by Life, the originals of what was published by the Commission, especially of the ~~nine~~ nine slides that were to have been published and were not simply because the FBI did not make prints of them. The back of the head is clearly visible in 334ff and is unblemished, with no blood visible there or on the shirt collar or jacket. Because they were made from the original I see no possibility of that having been faked or substituted for. This sequence is when before falling over JFK turns toward Jackie. It is also clear on what might be questioned, clear copies from TV shows.

Your enclosures convince me that making these FOIA requests is worthwhile and I think they should all be made at the same time, with no indication of ~~one of~~ any other any of the other requests.

The Justice JFK assassination file disclosed to ~~it~~ me is 129-11. Best wishes Harold