

Harold Weisberg  
Route 8, Frederick, Md. 21701  
August 30, 1972

Dear Mr. Thomas J. Kelley,

Your letter of August 23 begins, "The Secret Service is unable to furnish you with the information requested in your letter of August 19, 1972." If this is true, as I believe it is not, I then believe it amounts to confession of a crime. The third paragraph of my letter requests "a copy of whatever law or other legal authority permitted the Secret Service to dispose of this government property," namely film purchased from Federal appropriations.

Moreover, this film, once exposed, was covered by regulations which I believe have the force and effect of law.

If the Secret Service did not violate the law in disposing of this film, then it does have and can provide me with copies of the legal authorization requested. I renew this request. If this government property was illegally disposed of, should not criminal action be instituted, beginning with the person who authorized it and continuing through all hands, including those who transported it out of government possession? As a citizen and taxpayer I believe this to be as true as if what was illegally disposed of was, say, a typewriter.

In the same sense, the rest of this paragraph is susceptible of specific response and I renew my request with respect thereto. There are or there are not "any rulings, interpretations, decisions or any other records involved." Moreover, ~~with~~ <sup>under</sup> a number of controlling decisions, if those formerly enjoyed an immune status, that has been waived.

My next paragraph refers to a memorandum of Secret Service composition referring in turn to the exposure to light of certain autopsy film. The Secret Service is the agency of origin and under the law the "agency of paramount interest". This memorandum exists, has been shown to others who have published its contents, and I renew my request for a copy of it from the agency of both origin and paramount interest. (I have already provided you a copy of the relevant page of the Attorney General's Memorandum on 5 U.S.C. 552.) The remainder of this paragraph makes request for identifiable documents, the requirement of the law.

You make a distinction in your letter between "information and any documents". This paragraph makes what I believe is a perfectly proper request for information on which there may or may not be other records having to do with light damage to film or the destruction of any evidence relating to the assassination of the President. When there is at least one existing official and quoted record on this, can you truthfully say, as you do say, "The Secret Service is unable to furnish you with the information requested" and "we do not have such information"?

You say further requests for any information about the assassination should be addressed to the Archivist. I have and exercise my rights under the law and pursuant to them I elect to address the Secret Service. Moreover, the Archivist has himself ruled on this so repetitiously I ought not have to remind you. It is thus that I addressed the Secret Service to begin with. I do not believe that my *ex post facto* act by the Secret Service changes this. I don't believe there is a single thing I have asked of you that was not part of the first request made after referral by the Archivist and pursuant to written Secret Service invitation.

I admit the beginning of my letter may be in a different category. I do not know and have not consulted counsel. I would still prefer not to have to. So I present this to you, personally, on this basis: did you tell me the truth, the whole truth and nothing but the truth? I trusted you to tell me the truth, accepted and wrote it as the truth, and I do not now want to amend that writing to say you did not. For some years I have had a different view of the position and problems of the Secret Service in this matter, which is something separate from the documentary record of the past. You have involved my personal integrity and the obligation I feel to the making of an accurate historical record. I take both seriously. So what I am really asking is to be put in a position not to have to add a footnote or other comment that in one way or another would have to say that The Hon. Thomas J. Kelley, Assistant Director of the Secret Service in charge of keeping American residents alive lied. The choice is yours, not mine.

Sincerely,

Harold Weisberg

8/19/72

Mr. Tom Kelley, Ass't Dir.  
Protective Research  
U.S. Secret Service  
1800 G St., NW  
Washington, D.C.

Dear Tom,

In the past you agreed to give me and then did provide me with what you represented as a complete chain of possession of the JFK autopsy film, including all relevant receipts and memos. I asked you specifically about the descriptions of the appendix of the GSA contract, of film exposed but showing no ~~image~~ image. You said you had no records and could provide no explanations. I took your word, completed a rather painful writing, and now learn that you had and withheld other records, including an explanation of this particular damage to this particular film.

So, I write to ask again for all that you have withheld on this, under the provisions of 5 U.S.C. 552 and other relevant law and regulation. In this case I regard the Secret Service as the agency of paramount concern and ask that it be provided directly to me, not through any intermediaries or second persons who may again, without objection from the Secret Service, deny me what the Secret Service says it has given me and I have not gotten.

You will recognize that here I am referring to the so-called memo of transfer. That now assumes new importance, so I renew my request for a copy of whatever copy the Secret Service has of this, under the same authority and conditions. I now add a new request, for a copy of whatever law or other legal authority permitted the Secret Service to dispose of this government property, the film at issue and included in the memo of transfer. If there were any rulings, interpretations, decisions or any other records involved in or with the film and its passing from the hands of the Secret Service, I also ask for the copies of those that are relevant.

With regard to the reported and undenied account of the deliberate damaging of the autopsy film, there may be other unreported documents, including but not limited to instructions, orders, inquiries and actions, if any, taken in relation thereto, of which I also ask copies, as I do of any explanation of the damaging of other film, which is an officially-reported fact that is not covered in the published accounts of what happened to the 120 film. By "explanation" I mean to include an and all documents and anything you would care to add to what you have already written me.

I regret very much having taken in good faith a word that has turned out to be undependable and the resultant flaw in my completed writing. This is something I did not expect.

Sincerely,

Harold Weisberg

for Mr. Kelley's  
letter of 8/28/72  
see: Secret  
Service - Autopsy  
Film