

6/5/69

Dear John,

Thanks for the return of the draft and the copy. They arrived today.

Paul has taken his orals only. I do not know how far he is along with his dissertation. Great fellow, fine scholar.

I had written Marshall about the panel report some time ago. His response was less than a response and I've written him again. I am going further in the government. If you are going to sue you'll have to sue Marshall, for the Archives assures me that what they have is a private paper, as I believe the copy I sent you show. However, I have taken a different attack. I am pressing on three fronts (I do not consider writing Marshall pressing): Archives, DW, SS. I've asked all three to supply me the papers I will require for pursuing under the Freedom Of Information Act. If they do not supply the papers within a reasonable time, there are two lawyers to whom I've spoken in the past to whom I'll again speak. If both decline, I intend to file for this and a few other papers where I'd long ago exhausted my administrative remedies in court acting as my own lawyer. Despite the obvious disadvantages, I have a very big advantage: I've done all my own work, which will not be true of any of the government lawyers. And I can allege and show damages, personally, for I have written of all these things. I have correspondence with all these agencies that I regard as pertinent.

So, I'd rather you didn't file on this for a number of reasons, not the least of which is that you will not be in the best position to pursue it and will be rejected because you have not gone through the available channels. I think in your case that would be automatic. And doing it incompletely would be worse than not doing it at all, for it will be a precedent that would hurt all of us. There are some things I'd have expected the government to do in opposition to you that they seem not to have, and I'm quite content they seem to have missed or ignored them.

Let me know what your lawyer says. If he wants to go ahead and is satisfied he can, perhaps I'll change my mind, although I am not now inclined to.

On Finck, in a letter that apparently crosses yours, I noted that I'll be adding his N.O. testimony to PM III. There is other work that takes precedence. However, I appreciate your calling this to my attention. What I hadn't known is the apparent legal requirement you cite, "in order to determine", etc. I'd like the source on that. I would, without thinking too deeply, merely have said it had to be intended to help solve the crime. This is much better because of the requirement that it be intended, if that is right, to acquit the innocent.

I have gone further with the quote you call to my attention, with the help of others, and have located the previously-unnamed Admiral (now retired), whose name the court reporter got wrong. This is in the testimony that follows what you quote. I had called the questions that followed to Al and Bills attention, but I had assumed that because of your familiarity with what I had that you had primed them.

I'll also be interested in what Marshall says to you.

Hurriedly,

Harold Weisberg



UNIVERSITY OF KANSAS MEDICAL CENTER

RAINBOW BOULEVARD AT 39TH STREET
KANSAS CITY, KANSAS 66103 • AREA CODE 913 • ADams 6-5252

SCHOOL OF MEDICINE
DEPARTMENT OF PATHOLOGY AND ONCOLOGY

June 3, 1969

Harold Weisberg, Esq.,
Route 8
Frederick, Maryland.

Dear Harold:

Your affidavit arrived yesterday and I immediately sent a Xerox copy to my lawyers in Topeka. Presume they will rewrite it with the portions which will be of importance along the lines they want to pursue.

Your letter of 5/28/69 also arrived in the same mail. I have made two Xerox copies of the accompanying analysis and am retaining one and am returning the original and extra Xerox copy to you herewith.

Received ~~with~~ Paul Hoch's documents and have made negatives of the letter and returned the original to him. Presume he is a Ph. D. by now.

Only on reading your letter did I come to realize the importance of that sentence in the Panel Report about the memorandum of transfer in the archives dated April 26, 1965. As you can see from the enclosed copy I am writing Burk Marshall about it, of course he will either ignore or refuse. In the meantime might it not be good for me to try and include this in my suit? I will raise the issue with my lawyers later tomorrow on the telephone. If so it would be good (possibly) for me to have a copy of one of your most recent letters to the Archivist and his reply to you. I realize this is getting into your sphere but I certainly do not have any literary claims or interests in this direction. If you should agree it might be best to send me your originals and I would make negatives and return the originals with glossies to you.

Will also write the Archivist for a Xerox copy of this memorandum.

Harold, have you not missed the fact that the autopsy was not performed" in order to (a) determine if a crime has been committed, and if so (b) acquire evidence with which to assist in apprehension and conviction of the guilty, and (c) acquit the innocent".

On the first page of the autopsy pathologists review dated 1/26/67 the second paragraph reads "The Surgeon General of the Navy advised Dr. Humes that the purpose of the autopsy was to determine the nature of the President's injuries and the cause of death. "

In New Orleans:

Doctor Finck: We didn't remove the organs of the neck.

Mr. Oser: Why not, Doctor?

Doctor Finck: For the reason that we were told to examine the head wounds and that the-----

Mr. Oser: Are you saying someone told you not to dissect the tract?

The Court: Let him finish his answer.

Doctor Finck: I was told that the family wanted an examination of the head, as I recall, the head and chest, but the prosecutors in this autopsy didn't remove the organs of the neck, to my recollection.

Mr. Dymond: Now, Doctor, what was the purpose of the autopsy which you and Doctor. Humes and Doctor Boswell conducted?

Doctor Finck: The purpose of the autopsy was to determine the nature of the wounds and the cause of death. When we signed the autopsy report we were satisfied with the nature of the wounds, the direction, and the cause of death. This was the purpose of the autopsy, and in my opinion this autopsy report fulfills this mission.

Your letter 5/31/69 arrived a few minutes ago. Yes I have Xerox of 5 USC 552. All the best to you and your wife.

JN

June 2, 1969

Honorable Burke Marshall
Old Orchard Road,
Armonk, New York 10504

Certified 244126

Dear Mr. Marshall:

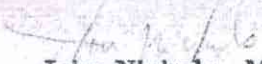
On February 5, 1969 Mr. William D. Ruckelshaus, Assistant Attorney General provided me, at my previous request, with a electrostatic copy of 16 page report entitled " 1968 Panel Review of Photographs, X-Ray Films, Documents and other Evidence Pertaining to the Fatal Wounding of President John F. Kennedy on November 22, 1963 in Dallas Texas".

Now, on page 5 of this document as the last sentence of the paragraph in the center of the sheet the following appears: "All of the above were listed in a memorandum of transfer, located in the National Archives, and dated April 26, 1965. "

In relation to this memorandum, the Archivist has written: "Although left at the Archives building for safekeeping, the memorandum is a private paper which is not the property of the United States. It belongs to the Kennedy family, and requests for permission to see it should be made to the Honorable Burke Marshall, "

I should appreciate receiving your permission to see this "memorandum of transfer" and further permission to have a photographic copy. Shall look forward to hearing from you.

Sincerely,


John Nichols, M. D.
Associate Professor of Pathology