

July 30, 1975

Such a formula would involve both more and less than the ten-volume Police Department summary of the assassination investigation. It would include granting appropriate access to certain physical items; such as ceiling panels and articles of clothing, access which in no way would risk disclosures that could be embarrassing to any private citizens. It would not, however, require automatic access to all investigative material, and could therefore avoid both jeopardizing individual reputations unfairly and setting potentially troublesome precedents. In short, the dangers that Commissioners Weil and Pfaelzer wisely warned against--and that concern all of us--could be averted without falling into other dangers. I would be glad to try to help work out such a formula, if the Commissioners think that would be a useful way to proceed.

But whatever your decision, I believe it would be most unwise if the Commission were to appear to be using legal technicalities to delay once again meaningful access to relevant materials. The Commission has an obligation to decide, on the basis of the issues and questions that have been raised, whether such access is desirable, and, if so, to join in removing any obstacles that may exist.

Surely there can be no disagreement that the public has a stake in the thoroughness and fairness of the investigation of any crime. When the crime is murder, that stake is high, no matter who the victim. When the victim is a widely beloved figure, a U.S. Senator who is running for President of the United States, it is inevitable that the public concern will be substantial. That concern will not subside until serious and legitimate questions have been dealt with.

I believe the members of the Commission share this concern and can be helpful in dealing effectively with these questions. I believe further that the Commission clearly has the authority to devise a method for providing access to those materials which affect the public interest while preserving the privacy of any other materials which would unnecessarily infringe on individual rights. If, however, the Commission is advised that it is prohibited from releasing even that portion of the material voluntarily, I would strongly urge you to join in petitioning a court or other officials to grant such access.

In any event, I know we share a desire to clarify the circumstances attending the murder of Senator Kennedy, and I would be glad to do anything you and the other Commissioners feel would be helpful to achieve that result.

Sincerely,


ALLARD K. LOWENSTEIN

AKL:esz
Enclosure

cc: Mariana R. Pfaelzer
Salvador Montenegro
Robert Irving Weil
James G. Fisk