

7/6/72

Dear Howard,

I have no intention of replying to many of the things that you brought up in your letter because I think that they were beneath you and are not worthy of comment. Quite frankly, I think that what Gary and I did is between the two of us and Harold and is none of your business. I carboned you on the letter I sent Harold (and I presume Gary did likewise) because Harold had carboned you on his letter to Gary and I.

To begin with, you are deluding yourself if you believe that the Burkley document is a deep dark secret held by Harold and yourself. Do you really believe that the letter sent out by Rhoads (or is it Rhodes?-- as you noted spelling is not one of my fortes) didn't attract attention. As an example, when I was speaking to Lifton I mentioned that Wecht could question a neck wound by citing the holes in the clothing and the statements of Kellerman, Greer, Siebert, O'Neill, and Hill as placing it lower. Lifton replied that "there's something else that you don't know about." Just what do you think he was alluding to, Howard? Whether you want to accept it or not, that death certificate is public domain made available by the Archives to anyone who wants it -- and moreover advertised by the Archives.

The reason that I did not consult you on this matter is that I don't believe that you are capable of being totally objective in matters that concern Harold's work. You yourself have admitted to me that you are excising several things from your book not because you feel Harold holds a legitimate claim to them, but because he thinks he does and you don't want to have him feel betrayed. If this is not an exact articulation of what you at least strongly implied it is certainly not far removed from it. On the matter of the Finck testimony and the specifics of the Panel Report you also acknowledged that Harold held no literary claim to exclusivity on that material, but you nevertheless urged me not to use it if I could help it. Only you urged me to take such a course -- a course I finally embarked upon so as not to hurt Harold (and don't you kid yourself for one minute that there was any other consideration involved in that decision). You've told me several times that you are confronted by a dilemma in which you must choose between your loyalty to Harold and your ethical convictions that he might not be entirely right on many matters or unselfish on others. Please excuse me, Howard, for not feeling that you were the ideal person to consult on this matter. Intellectually, I think that you are brilliant. I haven't seen your work on the case, but I am sure that it is probably unequalled. Nevertheless, I feel that your deep affection for Harold and Lil is quite capable of clouding your ability to reason objectively.

On the matter of maturity, I suggest that you do some thinking about some of your recent conduct before you go about judging others. You don't feel that Wecht should be permitted to see the photos and x-rays, and you don't want to brief him. Nevertheless you realize that he is going in anyway and since you must live with yourself you will deign to brief him anyway -- providing he comes crawling to you. Presumably you'll be able to live with yourself if Wecht goes in unbriefed and creates Harold's ~~rom~~asted disaster. Will your conscience be clear because he didn't crawl? That will show him, won't it? Yes, Cyril is a forensic pathologist thoroughly capable of interpreting photos and x-rays. But he is not familiar with the minutiae of this case, and you know very well that he needs that knowledge if he is to challenge suspect material with veracity. How can he say that X does

not compute with Y if he's unfamiliar with Y? You are well aware of what Lattimer did to his own credibility because he wasn't familiar with basic evidence. And you must also be aware that Wecht will be under a microscope. Lattimer wasn't subjected to that burden. If Harold is right about the potential for disaster you have the chance to help minimize it. If he is wrong you have an opportunity to help blow this case sky high. That's a big responsibility to be hung on the shoulders of someone of twice your age (I don't mean to sound condescending). You can demonstrate just how mature you really are in the next few days. I suggest that you think about that.

On the matter of Lifton. Yes, I agree that he is not the person who should brief Wecht. The fact is though, that you had expressed reticence to do the briefing, and Harold won't do it. If Lifton is a last resort, he is at least still that. I told you I had contacted Lifton because I had hoped it would move you to head him off. I still hope so.

On the matter of the Burkley death certificate, I stand by what Gary and I did, and I stand by my letter to Harold. I have no regrets about having made that document available to Cyril. I only hope that Harold publishes it before Lifton or someone else ~~else~~ who got it from the Archives does.

I'm not sending a carbon of this letter to Harold. If you choose to do so that is up to you. I have no objection.

Best wishes,

A handwritten signature in cursive script, appearing to read "Jerry".