

Mr. Martin: You also should not be surprised. HW

Mr. Goldberg: I'm confident Mac will remember, as will Harburt. HW

Others: Confidential. No exceptions.

01/30/72

Mr. Justice Marshall
Yale University Law School,

Fred Graham, after interview you have expected for months, quotes you as saying "it was 'offensive for there to be all this probing - it is a terrible thing to do to that family.'"

Who said this "terrible thing" possible?

Who knew in advance it was inevitable, having been warned repeatedly (as was Graham)?

Who alone could have prevented it?

Or, more bluntly, who did it deliberately?

One person only. YOU.

I warned you repeatedly. When this was a waste of time I spoke to Senator Byrd, who spoke to you, understanding the inevitability of what you alone have done, and you told him you could not do it.

Don't blame it on Necht, for whom I hold no brief. You did it, you alone did it, you knew better, you knew that what happened was inevitable, and that there was absolutely no need for any of it.

You can't delegate the tiniest particle of the responsibility. There is - there can be - no innocence. Whether from arrogance, stupidity, misplaced trust (of which you were also warned), you have hurt the family grievously when it was your moral and legal responsibility to prevent this. And you could have.

You have not yet finished. You will do more harm. You have already laid the basis for it. As I warned you, so will I give you no peace when it happens. I will write again.

And why, may I ask, does the representative of the estate of the late President have to defend the Federal government in his public statements? Is that also your responsibility? How do you know what is or is not in the Archives, what it does or does not mean, whether it proves or disproves anything? Have you taken the enormous time required to begin to understand, or in your too pleasurable a life to do dirty, hard, unpleasant work?

You know Necht's attitude and what to expect of him, as I also did. You know the same about others, especially Nichols. You have a private deal cooking by proxy with Graham to give him indirect access, through his designee. When the government learned that I knew this, it repeatedly made the same offer to me. When I ignored it they repeated it. They even begged me to sue for suppressed evidence, with one thought only in mind, to shift all responsibility by ignoring them and abdicating them to others. It is obvious I have not followed Federal wishes and I will not.

Let you pontificate and lecture about "all this probing". If we have not been told the truth - and there can be no doubt on this score - what is wrong with all this "probing"? Can you not conceive that if assassins are free it may be the one way of saving other Kennedy lives? Are not two enough? Do you remember Robert's last words on this subject? Do you know what his advisors told him?

Aside from obvious harm, what you have contrived is that your Federal enemies could not. You have now made it official, that all the suppressions of essential evidence about the assassination of the President were by his family, not Federal officials. I hope you are proud. I am disgusted. I wish I thought it possible you could feel ashamed.

Harold Weisberg