

1/28/71

Dr. David Burke, Administrative Assistant to  
Senator Edward Kennedy  
U.S. Senate,  
Washington, D.C.

Dear Mr. Burke,

Many times since my last unanswered letter of last May I have been tempted to write you and the Senator, in each case to inform you of what I believe you should know. But each time I thought of the futility of trying to inform the omniscient or the frustration of trying to make brave men out of cowards, of the length of my working day and the work remaining undone, and decided the hell with it.

In looking at my last letter, I find it begins with citation of Santayana's those who do not learn from the past are doomed to relive it and a reference to albatrosses. What prompts this letter makes that one particularly apt.

Those most eminent of principled gentlemen, Mitchell, Kleindienst & Co., have caged a special albatross for you (and yours). They seek to make of me the thong. If they succeed, this reliving of the past will be the most painful yet.

The purpose of this letter is to warn you of it. You will probably not believe me, but that is your affair. I discharge the obligation I feel I bear as a man, a citizen and one who would seek truth, justice and the solution to a frightful crime by telling you. With your record, you should understand why I take no time in lengthy explanations.

I have filed a suit (C.A. 2569-70) for copies of Warren Commission official exhibits, pictures of the late President's clothing, and only those very small parts showing the damages to the clothing, specifying I want none of the gore, only the evidence. Those honorable men to whom you once referred were careful to publish only gore, no evidence. I have been refused these pictures and, although it is the standard practice and was done, for example, for CBS and the largest possible audience, I have also been refused pictures showing only those really minute sections of the garments in which I have interest.

I made requests of both the National Archives and the Department of Justice. The only thing the Department of Justice has given me without my filing suit is their copies of those pictures I seek. With three of the four they didn't even ask that I execute the proper DJ-118 forms, and with these three they didn't even ask me to pay for the pictures, required under the regulations.

Meanwhile, this same Department of Justice represents the National Archives and the GSA in the action I filed when, after all these years of asking, I got nowhere. What is their defense of the Archives and GSA for refusing me what Justice has already ruled I may have? They are framing the Kennedy family with responsibility.

They were so anxious to do this that when I filed this action, they were careful to avoid the automatic, what they in no other case forgot or avoided. They did not ask a summary judgement, did not file a motion to dismiss. They were anxious to bring this case to trial, so they could do all of this publicly, in court. Temporarily I frustrated that by filing these motions on my own. Relatedly, they then filed these motions themselves.

Their papers are as remarkable for their complexity and subtlety as they are for their exceptional dishonesty. I am now preparing my response. To those who understand or can understand what they have done, which eliminates you and that witless eminence who allegedly represents the executors of the estate, they have already made it a matter of court hence official record that the suppressions of evidence in the President's assassination are his family!

The task upon which I am now engaged will as officially refute this.

But, suppose the judge rules in their favor? Then the official record that will be cited is not one of fact but of court decision, and it will be the first judicial ruling in any way bearing on this. When my finances are such that I have to be my own lawyer and my own typist, you should be able to realize that appeal will, in all likelihood, be behind me.

And it will thus become the legal fact that the family of the assassinated President is responsible for the suppression of evidence about it.

The real reason for denying me these pictures is that they alone are enough to disprove the official mythology. What I already have comes pretty close, as you can see if you'd care to.

If you cannot really understand the court papers, and I'm certain neither you nor Burke Marshall has sufficient knowledge, including of what he signed, to do so, there is a simple and readily-available touchstone to it. Exhibits 393, 394 and 395 appear at the beginning of Volume IV of the Warren Commission's hearings and exhibits. Look at them and ask yourself what evidence they show about the shots? You can't even tell where the holes are. Blood there is in abundance. But evidence? None at all.

Having seen this, consider the reason advanced by the government in refusing me copies of the pictures they made so the holes could be seen, the Commission's making that impossible (meaning those given the Commission by the FBI), or for taking pictures for which I asked, the regular practise, pictures that can be smaller than a half-inch, for example, of the shirt: to prevent undignified or sensational use! It is not undignified, not sensational, not painful to the survivors for the official pictures to show nothing but gore. It is none of these things for the Archives to make those and only those identical pictures readily available to anyone and everyone who asks for them. Most of all it is none of these things to permit CBS to take pictures for TV's largest audience showing nothing but blood. It becomes undignified and sensational only when a writer with some knowledge of the fact and evidence asks for pictures of as little as a half-inch of a garment. Only evidence is undignified and sensational, not blood.

Those in whose hands the honor and integrity of the Kennedy family could not be more solicitously cared for, Mitchell, Kleindienst & Co., have gone to enormously more trouble in this case than in the one I won for what they were suppressing in the King assassination (soon to appear in a book). As I have done, I think you should ask yourself why. I have given you the only possible answer: to frame those for whom they have such high regard.

I have beaten them in the past. I have forced the production of some suppressed evidence. I have compelled delivery to me of the most significant evidence withheld from even those honorable men (among the victims, they are). If you were half a man, with any sincere regard for the man you allegedly serve, you'd have looked at this long ago. But I have no illusions about being a legal Horatio. I have neither means nor influence nor legal knowledge, and I face those who have all and are determined and unprincipled. If the Kennedy honor rests on my shoulders, it is as securely held as by you or by that legal eminence who now pushes his cookies at Yale. Which is to claim damned little. As there are none so blind as those who will not see, so are there none so humanly as those who will not stand.

Sincerely,  
Harold Weisberg

1/28/71

Dear Jim,

Every time I reread that motion I find more crookedness. I finally got burned up enough to write that yellow bastard Burke (who, even if he is under orders, is yellow).

Even then, I intended no distribution, so I didn't make extra carbons.

However, in retrospect, I believe you and Bud, maybe Bill, if he is interested, should read it.

After that, please give it back to me for my "Clothing" file.

If it seems undiplomatic, I couldn't care less what those cowards do or do not do. Historically, the whole thing will be in more accurate focus if the capons keep pretending they crow. Let them continue their silence, for without it we'd not face the tasks we face.

I have learned that you do not make a brave man of a coward by acting like he is not a coward. I have also learned that such people do not respond to kindness and consideration. I expect this to be even less likely if, with a record of which they must be ashamed, at least secretly, they are treated and addressed as other than they are.

Hence, I addressed him as he will find insulting. I intend to insult him. Anything else would be dishonest. And have no chance of serving any constructive purpose. If anything to that quarter can.

In writing him I have also put them on notice that if this does come to pass, it will be their fault.

I've completed combing my files for the relevant correspondence and have made made extra copies of it for this purpose, so I can quote it fully and readily in the response. I have found 25 letters plus those to Marshall, maybe another 5 or 6. Please believe me, had we a brilliant motion writer and a great trial lawyer, with what they have done we could do something! This is much more dishonest than in the Ray case, and it is a more tender case....I sure need those citations of the law and regulation right now! And I've decided to make a very full response, to make the record, not make it easy for the judge to rule against me, and I think I'll spell out the effort to frame the Kennedys and Warren. Remember, it is present counsel who do these dishonest things who took the official pictures. Sincerely, HW