

6/23/72

Senator Edward M. Kennedy
Senate Office Bldg.
Washington, D.C. (Attn Mr. Martin)

Dear Senator Kennedy,

My letters of the past have been unwelcome in your office. I anticipate no better reception for this one. I write it out of obligation to truth and to history and in your interest, as you may now learn sooner than you or anyone in your office may have reason to believe. It is my belief that neither now nor at any time in the past have you or any of your staff had the remotest notion of what you are into (except for personal pain) with regard to any information, most of all the official material, about the assassination of President Kennedy. It is my belief that you made a policy decision, which is understandable, without consultation with anyone who could give you counsel based on fact and knowledge, and that your staff is blindly following orders, without seeking to inform itself so that it might better serve you.

Any review of the letters I have written you and those I earlier wrote your brother Robert will disclose that at no time did I ever ask anything for myself. I do not know. My sole and clear purpose was to ~~avoid further was to~~ prevent further falsification. Part of this objective, necessarily involves the protection of the innocent and the focusing on the guilty in the allocation of responsibility for the official lies.

Before you were born I worked for the Senate. I then learned that each Senator, as is the case with all important men in our society, becomes the creature of his staff, those he trusts and has to trust. Only too often the trusted have their own records to justify and to live with. If this is no accusation against any member of your staff, no one of whom has taken the time to learn if I am a nut or know what I am talking about, it is a generality I then learned and have had abundantly confirmed by a long and agonizing study and analysis the scope and magnitude of which I think is beyond your capacity to visualize. I have never known anyone to see clearly with 20-20 ignorance. Thus, when it became clear that nobody in your office would even find out if there is any validity to the warnings I repeated and repeated, I provided the names of members of the press who are familiar with my work and who have had free access to my files. When this led to no response and I feared that you were about to become another of the needless victims of this and subsequent tragedies, I went further. Senator Charles Mathias had been a friend since his first term in the House. He read the manuscript of my first book on this subject when he was convalescing from major surgery. He is a competent lawyer, was able to assess the evidence mustered in it, and felt it incumbent upon him to make efforts within the Congress and with the press. The reception his efforts received is consistent with all subsequent efforts of which I am aware, including my own. It boils down to what tough-minded Senator Wayne Morse told his legislative assistant and others, that while he had doubts about the Warren Report, "if Bobby is satisfied, I have to be." I am here talking about 1965, more than seven years ago. There has never been a time when the Kennedy name has not been exploited for the ultimate defamation of all Kennedys, of whom you are the oldest surviving male.

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Although neither your Mr. Burke nor your Mr. Martin nor anyone else in your office or in your interest would ever accept repeated invitations to see my files with the sole restriction preservation of my confidence, which is the record with your late brother Robert's staff, I renew the offer now that I think you and history are about to be hurt in ways your collective ignorance makes it impossible for you to understand. There is nothing in this for me except the loss of time I cannot spare when, after nine agonizing and costly years, I have slowed down to an 18-hour working day. I can't copy all my relevant files, so in what follows I will enclose copies for illustration on a few points. I also assure that in everything I will say I have correspondence or other written records I will be quoting or tape recordings I have made for purposes of an historical record. They have not been used and I do not expect ever to use them in public, as I have not in private.

I am aware that although it is not my purpose to make personal attack on Burke Marshall, you may well interpret what will follow that way. I am also aware of continuing friendship and trust between you, have seen the LIFE picture that recently shows you both together. It is not that I think Mr. Marshall's record does not deserve the severest condemnation, for he has done worse than fail to safeguard the interests of his client. It is not a personal thing that needs your examination and understanding, it is the record and its potential.

When the stories of the return of the autopsy film to the government appeared in the papers, I was, I am confident, the first to ask access to them. The contract was not then available. I immediately went to the office of the then Archivist and discussed this and other matters with him. He told me to write him a letter of request that he would forward to Mr. Marshall. His reply of November 25, 1966 is enclosed and is marked "1". It was signed by his then assistant, now successor. Aside from the dubious interpretation in the second paragraph, I ask that you note the time and the nature of my request, described in the first. As time passed and my investigations and research increased my understanding, my position changed. For example, I went through all the great work required for the filing of a number of suits under the Freedom of Information Act, exhausting all my administrative remedies, only to abandon that enormous work because these suits could be misused by a powerful and unscrupulous government to the detriment of truth and all Kennedys. If you doubt this, all this work is in a single file drawer and is available to inspection. If any of your people followed my suggestion and read the papers I filed in the one such suit I pursued, they know that in that case I was able to frustrate any such possible misuse and, in fact, none was made of it.

I regard the contract as illegal. If you desire an explanation, I will provide it. It has, in fact, been held to be illegal by a court. Despite a long history, including in court on more than one occasion, of a special interpretation of this contract by the government which means that no writer could or would be given any access to this film, after the Archivist promised it to Fred Graham, who told me about it, the Archivist actually solicited my application to see this film by subterfuge. This offer was repeated by GSA in the most recent of several communications on this, dated February 8 of this year. I enclose the second page with that part marked. It is marked "2". I refused this offer (perhaps it would be closer to say "denounced"), although circumstances in the future may require that I change this position, not that I expect Mr. Marshall to agree. I believe what was here involved was no more than an effort to cleanse the dirty-work afoot with The New York Times, and that also I would neither dignify nor help.

The flexibility of interpretation of this contract by everyone, include Mr. Marshall, is further illustrated by his letter to me of January 12, 1972. It and my response of six days later are enclosed and marked "3". You will note that while pretending not to understand the letter to which he was allegedly responding, Mr. Marshall did not ask for clarification, a relatively minor point if one I regard as inconsistent with his responsibilities as lawyer for the executors of the estate. You will also note that I told him he was not responsive. I have marked certain parts of his letter for your understanding.

If Mr. Marshall could honestly write that "access is limited to professionally qualified doctors with a serious historical purpose", how could the government offer me access through a proxy? I tell you without equivocation that Mr. Marshall's letter was written after he promised Fred Graham access - not for "historical purposes"- as I also tell you he did not give Mr. Lattimer access until after he knew Graham was going to write a story in the New York Times. My source is Fred Graham. I taped that conversation once I saw the way it was going. You may hear it, subject, again, only to preservation of confidence. Although he and the Times have an undeviating record of sycophancy on this subject, my purpose was not to embarrass Graham but to make an historical record. Please note the added emphasis, "I am not aware that you have the medical qualifications necessary." If Mr. Marshall wants to indulge himself in snide remarks, that, to me, is the least of his sins, generally or in this limited context. Mr. Marshall is a lawyer. He knows that Graham has no medical qualifications I do not have and that I have qualifications other than medical that nobody else has if he wants serious interpretation of this film, which at this point also involves establishing its purity and completeness. Moreover, especially because he signed the contract, Mr. Marshall knows, as Dr. Lattimer has since bragged, that Dr. Lattimer is not "professionally qualified" under that contract. Its exact words are (p. 3, II, (2)(b): "Any recognized expert in the field of pathology or related areas of science or technology..." Dr. Lattimer is not a pathologist and urology is not one of the "related areas of science or technology."

As an aside, were I the man whose honor and the honor of whose family is entrusted unto Mr. Marshall, I would be wondering why he gave exclusive access and an exclusive copyright since asserted to the one of the four applicants who was totally disqualified, all the other applicants being not only pathologists but forensic pathologists. Were I a man holding the views all Kennedys in political life hold I would be wondering what kind of inquiry my representative made in my name that lead him to give this exclusive access to a John Birch-minded man whose public writing specifies this and includes overt anti-Semitism. Or a man who writes this in private, "I am happy to report that I do not know the Kennedy family, do not know ^{public} Mr. Marshall and was totally surprised to discover that I was the only one authorized to view the materials." Not knowing any of you is a cause of "happiness"? And I would also want to know what kind of scholar it is who fabricates scholarly footnotes for his writing and then, when asked their source, blandly, with no expression of concern or regret, admits he manufactured them (and they are Bircher-political). The one thing anyone with common sense and no knowledge about the facts of the assassination has to learn on reading the miserable scribbles of this strange man is that he is irrational on the subject and either irrational or utterly incompetent. Thus, in your name, your Mr. Marshall gave him exclusive access and an exclusive copyright to public information, the most essential evidence about the murder of your brother.

At the time I decided I could not pursue the FOI cases for which I had prepared without hurt to you, your family and truth, I became apprehensive about the potential of misuse of this contract. When it became clear that this was a possibility I saw Senator Mathias. He immediately understood and offered to speak to you personally. I encourage him not to do this, explaining that I felt your personal interest at this juncture required that you preserve a position of total detachment. Mac's administrative assistant, Sid Hurlburt, was present. It was decided instead that he would speak to your administrative assistant. I showed Sid a few of the relevant files, including what had been withheld from the Warren Commission. Thereafter Mac and Sid decided on a different approach. Mac decided to speak to Mr. Marshall, whom he knows. He says this in his letter of October 29, 1971. I ask you to note that this indicates I spoke to him prior to the first date under the contract on which any access was possible. Mac then wrote me on November 2 saying he had been in touch with Mr. Marshall. These letters are marked "4" and "5". The "concerns", as I am confident Mac will remember and confirm, are that a further false record would be established and that you, personally and historically, would be victimized. Mr. Marshall has never, in pursuit of your interest, asked me for any explanation, which tells me all I need to know, regardless of what you may think of him, of his dedication to your interest and that of the estate and family. If I had any doubts on this score, and I did not, they were eliminated when I received

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a second-hand report of a conversation between Mr. Marshall and a man I know to be part of a get-Kennedy clique within what has come to be known as "critics" of the Warren Report. Mr. Marshall told him that he regarded and regards Mrs. Onassis, not the estate, as his real client. Because this is second-hand, I cannot prove it. But there is a long and disagreeable record that supports it.

This man is Ned Crosby, heir to a fortune and a man with serious emotional problems I did not discover until too late in our relationship. He visited your office under a false flag and then boasted to me, in the presence of my wife, of his duplicity. He had come to me on hearing of my work on the autopsy, embodied in a very large and completed book, with an offer to pay for the printing of the complete work as a private edition and to prepare a condensation for the popular market. The two stipulations I made were that the condensation be faithful to the complete work and be of a size that could be sold in hardback for \$5.00. Crosby retreated from the agreement and then broke it in various ways, his visits with Mr. Marshall being but one, when I would not change a chapter he regards as a Kennedy defense. You can examine it if you so desire. It is titled "Hades, not Camelot." It is not sycophancy, nor, I tell you in candor, was it conceived or written as a defense of you^r or Robert Kennedy. It is, rather, a treatment of how the Kennedy name was exploited from before the Report was drafted, how and by whom, with until-now secret internal communications the Commission and the government suppressed. If you want further evidence of the "get Kennedy" motivation that dominates Crosby, although in public he pretends otherwise, I can supply witnesses. But the simplest and I think quite comprehensible evidence is his rejection of my suggestion that he simply omit that chapter in his condensation. This did not satisfy him. He insisted that I eliminate the chapter and the similar content elsewhere in the limited edition that would hope for a market only among serious students and institutions of learning. Thereafter he offered me \$10,000 to use in any way I desired if I would permit him to use my work in any way he desired. You can agree with me or not, but you can readily learn that this work has bankrupted me, that I am without income and have debts of about \$35,000 secured by my home. It is always a problem to find the money for my quarterly interest payments and the annual payment on principal. I was not tempted by this shameful offer and rejected it. It also meant abandoning the possibility of printing this work that required much more time than the earning of several doctorates. I cannot go further into debt to print it, much as I want it available, as I think it is not impossible you also will regret if what can happen does. My point in going into this is to let you know the kind of man with whom your lawyer treats and listens to on the one hand and for whatever it is worth to you in your evaluation of me and what I say on the other, which I recognize may be a question with you. You can have access to my entire Crosby file and copies ~~of~~ anything in it you may want. The things I report are explicit in it.

Dr. Cyril Wecht is a genuine expert in forensic pathology. Mr. Marshall is now giving him access to this same material so shabbily misused -in your name - by the extremist/ignoramus Lattimer. They had a meeting a week ago. It is my understanding that Mr. Marshall is also going to give access to another pathologist of whom I will provide a characterization should you desire it and access to my rather large file from and on him if you want it. Now for all his eminence, Dr. Wecht has never done any original work in the assassination materials. He miscites them regularly in frequent public appearances which publicize his business and accompanies this with the most rabid "explanation" of how the President was killed and by whom. The most recent of which I know was on the show of his right-wing friend, "Long John" Nebel. It was so extreme that it even turned Nebel off.

There is no possibility of question about Dr. Wecht's scientific credentials. When he was one of the original applicants, I cannot but wonder why in your name he was denied access and it was given instead to the one unqualified applicant. However, what will be the situation if Dr. Wecht emerges from his examination and says the film disproves the Warren Report? Mr. Marshall, incidentally, has extracted a promise from Dr. Wecht that he will do and say nothing that will embarrass the government. This in context and reality

means that the government and Mrs. Onassis are his clients, not you and the estate. Unless the film is tainted, and there is no doubt that it is in some respects, Dr. Wecht cannot but say after examining it that the official solution to the crime is a cruel fiction. And it is even worse if he keeps his word and says nothing about the government, as I will explain. Making this bad situation worse is Dr. Wecht's fine reputation, his having written a criticism of the Warren Report in a formula commercialization of the assassination, and his personal involvement with these "get Kennedy" critics.

One of the first questions will be of responsibility for the "mistakes" of the Report. Here major responsibility will be placed on Earl Warren, who did not write that "report. He and other members of the Commission may or may not have known better than the Report they signed says, but there is no possibility of innocence on the part of the staff, which did the work. It and the FBI began a careful fabrication for just the moment Dr. Wecht's examination and comments provides. I began a painstaking reconstruction of proof, enough of which is included in this book, beginning in 1966, when it became obvious to me. I have in my possession the proof that the staff lied to the Commission and told the members that Robert Kennedy denied it access to this film, in any decent and honorable proceeding what lawyers call "best evidence". I also have and also use in the book the repetitious proof that this is both a lie and a deliberate, willful lie. However, nobody except those few who have read the xerox edition are aware of this. Certainly the press is not. Unless the impossible happens and this book is out before Dr. Wecht sees and comments on this film and other material, it cannot foil the designed and inherent evil of his seeing that material or the purposes of this self-deluding "get Kennedy" people of whom he is one.

As a matter of manufactured record, Robert Kennedy first denied the Commission this quintessential evidence. Then there was the April 1965 "memorandum of transfer" which gave title to the film, illegally but as a matter of record, to the estate. Then the estate transferred it back into federal possession under restrictions that would have been impossible if it had not, in effect, accepted stolen property. Mr. Marshall signed this contract in what is now your name. Read the contract, IV (2). At the time of signing it was in Robert's name. This is a great simplification, but this letter is getting overly-long. In short, only the brothers of the assassinated President are responsible for the suppression of the most essential evidence of that murder, evidence that proves beyond question that the official "solution" was a gruesome hoax. What else can Dr. Wecht say? And what else has Mr. Marshall contrived after promising MacMathias that he would not let anyone see this material, the message Sid Hurlburt gave me by phone after the last letter quoted above? What a legacy for those young people named Kennedy whose father you are or whose father you seek to substitute for - whose fathers are the killed ones.

You would delude yourself if you think J. Edgar Hoover, the staff of the Commission and others have not in advance manufactured false records of their own exculpation, all carefully preserved in the official files. I have enough of them. Let the press go to the Archives. This is what they will find. On the basis of my long experience, I think it is safe to say this is what they will be carefully fed. The "feeding" began long ago, when Dr. Rhoads, personally, pressed upon Fred Graham a copy of the contract with the certainty that he would not faithfully represent it after denying it to me under conditions which would have prevented its ever being disclosed. This was a violation of law and regulations designed to exploit Graham's lack of any knowledge of the fact of the assassination and his normal reporter's desire for a sensational "scoop", which is the way he treated it. The next of these careful steps was taken with another and extremely competent reporter, David Wise, against what was illegally mislabelled "Top Secret" and was declassified for this purpose after having been denied me. Wise again lacked the knowledge and background and was not about to invest the time required for their acquisition for a story in The Saturday Evening Post. (I suggest but cannot prove that the man whose assistant Dr. Rhoads then was retired over this incident and my protests to him personally. To this day they remain unanswered.)

It is my careful exposure of this careful framing of your brother Robert to which "get Kennedy" Crosby objected. That, alas, also involved several men under him trusted by Robert. One of them is known to Crosby. Another has used his influence with people in positions of responsibility with a major newspaper. The xerox edition of this book, titled POINT MORTEM, contains facsimile reproductions of their previously-secret letters and internal memos.

I did not learn that Mr. Marshall had decided to grant access to Dr. Wecht until late last night. I did know that he had told Crosby that he would give access to others and that Crosby was pressing for Wecht, knowing full well that the use of Wecht could be the one most damaging to you personally and to the Kennedy name in general. Crosby and I had ~~xxxx~~ spent much time on just this, the discussion lasting until about 3 a.m. At the end of it he was, in his own representation, completely overwhelmed and without a leg to stand on. His strange representation to me and to others was, "I have never been so put down in my life." I leave the interpretation to you. I think you would be well advised to consider why, when he knew the inevitable potential, he persisted, even at the risk of having a breach of contract suit to defend. (I can't begin to think of hiring a lawyer.)

At the same time I learned of the theft of one of the duplicates I had deposited for safekeeping of some of what I have obtained that had not been given to the Warren Commission and what its staff had been careful to avoid asking for. By now I presume the xeroxes have been working overtime. It is susceptible of similar misuse and misinterpretation. I do not know how much of that particular file has been taken, only the fact of the one part having been reported to me.

Your files will show that I attempted to warn you about Crosby as soon as his "get Kennedy" intent became clear. They will also show nobody ever responded.

It is too bad that, like Robert and his people, you and yours have not heeded the Santayana warning Robert was so fond of quoting, that those who do not learn from history are doomed to relive it.

I regret this very much, as I regret the possibility that now is in the near future. It will be another needless tragedy if you, your family and history are again victimized. The length of this letter and the so many others on which I wasted so much time establish the extent to which I was prepared to go and did go to avoid what may now come to pass. I have, in fact, sought to prevent this in more ways than by our correspondence. For a man in my circumstances it was a considerable effort and an equal cost. It is slight consolation to me to know I did all I could. I did not do all of this just to salve my conscience. I did it to prevent what you and yours have made possible. I can now only hope that somehow, in some way I cannot anticipate, the impending evil can be frustrated. When the choice of the government lies between incriminating you and your brother and incriminating itself, particularly . Edgar Hoover and the FBI, I think you will find few friends in court.

Sincerely,

cc; Sen. Charles McC Mathias

Harold Weisberg