

4/19/72

Mr. Martin
Senator Edward Kennedy
U.S. Senate
Washington, D.C.

Dear Mr. Martin,

I write, expecting no answer, about something in which you should have more than one interest and in which I believe your Senator should not figure. It relates to the integrity and fitness of Richard Kleindienst to hold any public official, particularly that of Attorney General, from his ignored record and on the subject~~xxx~~ on which, given his past, I continue to believe your Senator should be silent.

One of the essential and entirely suppressed items of evidence in the assassination of the President is what is called a spectrographic analysis. I have been trying to get a copy since May 1966. Finally, when the Department of Justice ran out of dirty tricks with which it could frustrate this effort I filed for that public information under the Freedom of Information law. The appeal in this matter, No. 71-1026, was heard by the U.S. Court of Appeals Friday April 14. One of the judges had done his homework.

He read from a letter Kleindienst wrote us saying he didn't have other official and public records for which I also sued and even if he did they were totally exempt as what he alleged to be "investigatory files". These were public, court records, no more. When, on the eve of hearing, the Department's situation became intolerable, Mitchell wrote a letter saying he would give me these things and they were not, in any event, totally exempt even if as described by Kleindienst, as they were not. (Even then the Department continued to stall, and Mr. Kleindienst's legal skill is such that he forced a summary judgement in my favor upon me, a legal achievement I think no Attorney General or candidate for that office ever equalled.)

These letters, which the judge read to the federal attorney at the appeal hearing, relate to the King assassination but are part of the record in my quest for the spectrographic analysis. When the federal attorney could not begin to explain them to the court, it asked my attorney to file a factual memorandum in five days or, by the time you can receive this. That memorandum, if it follows the pattern on which my attorney and I agreed, will have Richard Kleindienst proclaiming, "I Richard Kleindienst, ^{am} a liar and a repetitive liar", and in support of this boast there will be confirmation from Mitchell and the office of the General Counsel of the State Department, in writing and in the record in this case, privileged documents 100% unchallenged when presented by me in federal court. They will also prove that under Kleindienst every official copy of the evidence of the trial of an American not already in U.S. Government possession was confiscated by our government and came to rest in Kleindienst's hands, although he lied and said he did not have any copy. These things, in my view, address his honesty and fitness, if not, indeed, his most elemental competence. (And oncredible arrogance.)

If I think your Senator should not figure in this, I would hope others can and will. Birch Bayh, for example, knows my lawyer, as your office does. He is Mr. Bernard Fensterwald, 905 16 St., NW, 347-3919. Copies may more readily be obtained from him than from the court, and more privately. So does Mac Mathias, who is my friend.

Sincerely, Harold Weisberg