

Dear Dave,

4/21/021

I'm rereading Briggs' 4/17,

I don't think you can tell Briggs this is you agree, But Kurtz is just plain s caring him on criticism. There is a prejudice against the subject but I think any other basis for criticism that Kurtz adds is either from his imagination or for a special purpose, particularly his imagined one, that the media thinks of me as he does. That is false. No basis at all for it. As I think I said earlier, some papers, like the NYTimes have given me some good stories, half-page each.

Addressing, again, "honest, serious if flawed scholarship" that is more likely to lead to criticism and as I said earlier, that is not the way of authentic scholarship or of scholarly publishing.

On the Kurtz irrelevancy, if correct, Willis' alleged "reliability," if he is accurate in what you quote, there is no reason to believe that reviewers, for which, let us hope, will have the 26 and will read his testimony. And then have enough knowledge to evaluate his testimony. About which I do not recall what Kurtz says. We'll go back to this with Kurtz. However, Briggs considers it a "key point," which means handle it gently.

I do not remember what you wrote about that tree, but the fact is that not only in the Warren Report was it essential, it is in any consideration of Oswald as the assassin. But in terms of the importance in the Z film, if it is not important, a good piece to throw to the pig. If you do not need it. But not in any way to diminish Willis.

As I said before, I do not recall any justification for "categorical statements" of fact that, in actuality, remain as disputes." You should have special cases because there is much that the nuts dispute that is not legitimately in a real dispute. I'll get to what Kurtz wrote.

What Briggs says about the SBT seems to be reasonable and unless there is something I do not know, I'd go forth "explain to the readers" belief. There is nothing that is much more important that the SBT in the WCReport. Without it, no Report that says single-assassin.

On Internet, which we have discussed, you might say, ^{as} you said to me, that it is mostly nutty, imagin^{ed}, false and ignorant, but it is not all that way. So you can make a reference to that as not inaccurate? Like a caution against it for nonexperts?

On Kurtz, as I have said earlier, I think the way to overcome his prejudice against me and the unscholarly idea that those who did not do it, perhaps including those who are actually what you consider nuts, be given credit for what I alone did, ^{it} to include a briefer statement in your bibliographic sources. You might add to what I suggested earlier your estimate of the amount of info. I sent you and how much on the FOIA lawsuits. There will not likely be any satisfying Kurtz on this or of his being honest or reasonable, but perhaps Briggs might agree. I think that with him perhaps the most influential argument will be that ^a it is the opposite of scholarship. I'll include the Hood letter if I did not send it earlier. That entire second paragraph or just the "unparalleled in the world" evaluation. They have seen and used, they now have almost all of it, their students have used it for several decades, and Kurtz does not know a thing about it or about me or my work except that he does not like me and elsewhere made untrue criticisms. Quote Lesar review. Livingstone in particular is irrational, as Kurtz does not know, and what he has done to and with the medical evidence is questionable. It added nothing to my knowledge of the fact and it left questions so when I read what he wrote I did not listen to the tapes, which I had and are included in my archive. He has threatened people in the most reprehensible ways, and I have a file on this I have marked confidential because of the personal information he was misusing, and three times I have told him not to return, but I had to give in the first two times because I feared what he might do if I did not. He had a policeman working with him in his spare time and without any question at all, he stole from me. He even pretended, in Dallas, that he was part of a new official investigation and he had done many ethical if not legal wrongs. I will provide details if necessary but I think it is safe to say that his considerable effort with the medical evidence has been helpful to those who lack full knowledge of the disclosed official medical evidence and to those who theorize instead of researchings but they do not

add materially to what is known about the assassination fact? Livingstone has written extensively about the ~~Ker~~ Zapruder film and your book is about that, not about the medical evidence and Kurtz does not mention what could be appropriate and he does not. Which is just as well because that is both irresponsible and irrational. As well as false.

In this part of his commentary Kurtz² reveals his lack of knowledge of the basic disclosed official evidence. I have read both Aguilar and Mantik from the first and where what they said that can be trusted they add different detail but not to what was known and disclosed and of which they make no mention and which ~~Kurtz~~ Kurtz appears to be ignorant.

A day of Clay, a fine day!

In the back of my mind all day and talked a bit with Clay about it. I think that despite what kind of an ignorant and evil skunk Kraft is it is important to not alienate or anger Briggs while still doing what you think is right and, if necessary, compromising.

I saw the back of my 1967 Photo WW and the excerpts from what the press said of me and my books and it is quite unlike what Kraft made up and I do think you should include that in what you say. Together ^{with} the fact that it was a very conservative newspaper owner who made it possible for me to get WW and WWII ~~pr~~ printed, with credit yet! Bill Loeb, of the Manchester Union Leader, who not only ^{did} that but established a friendly relationship. He'd phone me from his vacations to see how I was making out and if his secretary had not goofed and forgotten to send WW to Regnery, Regnery had agreed to publish it without even seeing it! As ^{Regnery's} both ~~his~~ son-in-law and ~~Mervin~~ Loeb told me. If I find it I'll enclose the back cover of PW that I copied for you.

That tree cannot be ignored in a book about the Z film because that tree was central in the Commission's "solution" and for that it was and is a real problem, whatever Kurtz may think.

This is out of place but when I read K. I made some notes and I do not want to risk forgetting. He talks about 3 seconds being a snap with that rifle and that is b.s. That remains a tough shot for most people. What I have in NA! on the shooting of master indicates the special problems with that rifle and that the time taken by masters,

the very best shots in the country indicates that. Simmons WC testimony. 46 frames is a trifle less than 3 seconds.

9/ 4/22, 2:02 a/m. I ^ogot to sleep late for me last night, after 8 and after periods of sleeplessness, with this on my mind. I ^{got} up a little after 1. As part of your case that Kurtz is increasingly intruding into your book and telling you what to say and what not to say, I think it is important to make the point that much is ^{just} his opinion in ~~the~~ areas where his opinion is not supported by any evidence he produces, especially when he scares you about public reaction when there is no basis at all for it and much that is the exact opposite and on the Zapruder film, in which he tells ^{you} ~~me~~ what frames to reproduce and seems not to be accurate in what he says is important, like the alleged damage to the President's face on the right side. Kurtz ~~says~~ says this is an important ^a reason for including Frame (I think) 235. ~~Walt Weisberg~~ long had had a set of the black and white autopsy pictures and I have examined them several times. There is not even a tiny scratch on the face up to the eye level and there is what may be some bruising, skin not broken, and it may also be shadow, with no bruising. But in saying what pictures ^{you} I should use in ^{your} my book, that is still another extension of what a peer review is and he is intruding into ~~my~~ ^{your} exclusive right, ~~in~~ ^{no} consultation with you, and ^{he} has introduced error in putting his prejudices in as fact. (This is not a book on the damage to Kennedy. It is on the Zapruder film, not gore, and what should be considered on terms or negative reaction is ^{whether} ~~whether~~ using that well-known and off-printed picture still another time and in what many people keep is at least good taste and Kennedy people might take a harsher view. ~~(And I have that picture on my desk.)~~)

More on the made-up Kurtz statement that I am a special target of the press, and that is what it means, and of others. It came back to me as I in my mind reviewed the actualities, when I had to see my doctor and Schweiker had asked me to spend that morning with him and his assistant, who was later DA of Phila., he did not let me take a cab. He had his assistant drive me ~~there~~. (Church committee subcommittee.) And when I had to go to the hospital, the man who headed the Bella Abzug House Committee came up to ~~Fraderock~~ to take me there so he could get my ideas on what that committee should do, ^W who to question, etc.

In reading Kurtz again, and again toward the end of what Kurtz says, he says that "Wrong ~~or~~ strongly implies that ^{that} ~~nothing~~ ^{to} other researchers have written ~~has~~ contributed in any significant way to ~~assess~~ assassination scholarship." I do not remember specifics in your bpk but I ~~think~~ think that Kurtz is referring to uses by some of the work of others. As best I can recall, what you use of me is my original, exclusively my work, and there is not a ~~thing~~ wrong with that and it is Scholarship, not propaganda. Not being honest because Kurtz does not like me is not going to help the book and has a better chance of damaging it, particularly if the reviewer has read my work. In addition, Kurtz here mixes up what you quote from me and what he refers to on exaggerate form as in general "assassination scholarship."

In referring in glowing terms to what he refers to as ~~having~~ "added immeasurably to our knowledge of the medical evidence," Kurtz discloses his lack of knowledge ~~of~~ of the established and confirmed official record of the actual medical evidence, ~~not~~ what he appears to ~~have~~ have read in books of theory.

All three argue against the official story in one way ^{or} another and the official and disclosed and ignored official evidence ~~refutes~~ what Kurtz says. Where what these ^{others} ~~others~~ have said can be taken as true, and much of it is and can be, it is not "new." It is no more than a rephrasing of what was known and reported officially.

It is wrong and I ^{think} ~~think~~ unscholarly to assume ~~that~~ ^{that} there was nothing useful or informative in the official records and that unconfirmed physical examination of the X-rays disclosed to Mantik what was not known until he made his densology measurement, confirmation of which I do not remember ~~that~~ he sought or offered. And Aguilar is making a big thing about the back of the ^{head} ~~head~~ being blown out when it wasn't, and you will be presenting an unused and unknown picture taken after the fatal shot and showing the ~~back~~ back of the head without an injury ^{and} with no visible blood on it. Besides which ~~the~~ autopsy pictures that without ^o question were not and could not have been altered show it without any hole. ~~So~~, once again, Kraft ~~substituting~~ ^{his} his opinion for fact of which he has no knowledge does not help and again can hurt.

If he believes that a peer review should include such opinions they they should not be without support especially in areas in which his prejudice is unhidden and, as we see, in areas in which

your oversight, confess, as above, and then say that it was never based on Willis's testimony but goes back to his #5 and Z202, back to 1966.

It is based on this misrepresentation that Kurtz spends the entire page all but 5 lines. Odd but I think not of scholarly intent/.

We've gone over in this disconnected hit-or-miss but where he uses Groden as a dependable ~~source~~^{Source}. I wrote a book on his total undependability. He is a subject-matter ignoramus and he doctored pictures when Kurtz quotes or at least cites Willis' testimony. here he cites what Groden says was Willis's testimony.

Is Willis correct? This is ~~his~~^{Kurtz's} nastiness again, and I think the answer you might want to consider is that in what you attributed to him when ~~he said~~ what he said is not the basis of what you wrote is that on what you attributed to him he is correct, according to the Z film, which is what your book is about., not what Willis said or is said to have said, and that far from by him alone, witness what you have on the Aguilar Kurtz is so ~~high~~^{high} on..

When Kurtz again pontificates he ~~again~~^{again} prates his lack of knowledge, about you revising because he says you say there was no damage to the back of ~~his~~^{the} head. Man, will 346-7 ~~give~~^{give} him and Briggs an answer. Which existed already in several forms but Kurtz goes for ~~an faked ed an act of God~~ all the natty theories.

Peer review language in what he says that is not true about what Kurtz does to say that he has "an infallible memory." I do not recall what either of us said that. Kurtz made this up. He did not get it from my writing/. What Willis's unreliability is a mystery to ~~me~~^{me} and Kurtz offers only his opinion which on Willis lacks value or relevance.

Going on 4. I'm a bit keyed up but think I'd best try to take a nap after reading a bit into your # 14.

But it is a shame that it would be unwise for you to write ~~you~~ about Kurtz and he writes about other^s. Oh, another thought I had earlier is that you might ~~consider~~^{consider} beginning by saying that without ~~in~~ⁱⁿ his field Kurtz is a scholar and a much better than average scholar to have risen to dean, but that does not make him a real Kennedy assassination scholar and in fact he is not.

You do not want to go into that, some of it will be apparent, and this means that on the JFK assassination he needs and lacks confirmation.

I've read your source notes (pp 536ff) and to the top of 268. I think you should quote the top of that page, in full, and say that it proves that what Kurtz says about your dependence on ^{what} ~~that~~ he says is an un~~de~~pendable Willis when the one comment Kurtz makes would have disqualified ^{most} ~~a mass~~ of the Warren Commission witnesses and a current one of whom he speaks very highly, Aguilar, and many others. ^{Emphasize} ~~Emphasize~~ the first sentence.

On page 540, correct note 75.

I've read the notes. Ask that Kurtz be asked to provide an honest different source for any of that.

Now that you have the wonderful thing ~~that~~ that Clay has done, or in days will have, see how many mentions of Willis for other than this or the taking of his pictures that I have. It will be a few and you can ^{cite} site the mass and the weight of that consolidated index.

1811 continue reading the chapter later.

Frame 190 ~~has~~ has not a thing to do with the tree. The sole commission use of the tree was related to an alleged Oswald shot from that sixth floor window. Suggest that you add Zapruder on first shot before 210, WW pp 46-9. Kurtz corrupts what you actually said and you did not say what he says you did.

Should precede this: Kurtz ~~can't~~ can't stop his misrepresentations of the Willises, noting that "it also ~~should~~ should be pointed out that Willis's wife, Marilyn, also believed that the fatal shot ^{head} blasted out (check what she actually said) the rear of JFK'S ~~waas~~". As did Aguilar and that long list in his writing only, which Kurtz knows and did not say.

How is it "faulty reasoning" to say that a shot at 290 could not have been Oswald. Nobody in his right mind would ~~try~~ try to

aim and shoot through the dense foliage that tree had and especially not with wind of 10 mph. His reason is spurious, "The leaves of of the oak tree blocking the view opinion came from the reenactment" and he adds the totally irrelevant that a different car was used for the limo! Therefore, the reenactment was faulty. He cites the irrelevant as proof. That was not, as he says, an "oak tree." It was a "live oak" and they are of dense foliage the year around, not different in November than they are in May.

With a wind blowing it makes no difference except that it is more irrational to expect the foliage to remain as it is on sighting while the decision to sight, aim and shoot is being made.

And in assessing the film you are not bound to the official interpretation of it unless you are evaluating the official interpretation. There was nothing to prevent a shot at 190 from somewhere else and while no doubt you will want to say it, bear in mind that there was no shot that day from that rifle, as the ignored official evidence that Kurtz had in the Sims copies total 125,000, which I hope not to forget.

Kurtz is again making up what he uses as proof of his incorrect claim, "We simply do not know if it were possible for Oswald to fire a shot at 190. With wind blowing at 10 mph, aside from firing then being more irrational, we do know that at 190 there was more foliage in the way than at 210 because there was more of the tree blocking it. But in what you have written, it is correct to address whether Oswald could have done it or if anyone else could have. Then,, "If Oswald or anyone else, fired (sic) at 190, he would have had sufficient time (46 frames) to fire

you
can
have
fun
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this

another (46 frames to fire another shot and strike Connally. Willis #5, in short, does not destroy the single bullet theory." "Anyone else" does not address the SBT, and not quite 3 seconds, which is what 56 frames is, is hardly enough time for anyone other than an expert, professional shot to ~~xxxxxxxxxx~~ eject the empty shell, reload, sight and fire that rifle when after its overhaul, as Simmons testified, they, those masters, the best shots in the country, had difficulty and trouble ~~from the~~ doing it. I may have that in NA! quoting his testimony. But even a good rifle in good condition it is not easy for anyone, particularly a dufer, which Oswald was, to do all of that in 3 seconds, leave alone be fantastically accurate in doing it. It is hard. not easy, so Kurtz is either spouting off when he has no knowledge or is being dishonest. Nor the SBT applies to LHO only and nothing that Kurtz says applies to him. That he would in the Kurtz made-up scenario, have had to fire a fourth shot, as Kurtz knows and ignores, eliminates Oswald as the lone assassin, particularly, as Kurtz does not say, when the best shot in the nation, under much improved conditions and with the rifle overhauled, could not do what the WC attributes to LHO, What Kurtz says, that Willis 5, in short, does not "destroy" the SBT is fiction, baseless, ignorance, stupidity, dishonesty or any combination of them. He is, at best, and it is worse, stretching and stretching far too much.

"Wrono also does not make clear exactly what the sequence of shots ~~was~~ the Zapruder film reveals" What direction was shot 190?? Where fired from? strike JFK in throat and more. This is the theorist in Kurtz and not necessary in the book Wrono has in mind, True also of "Where in Zapruder film is the shot that struck James Tague? Not part of this book but part of Kurtz's

idea that the book is his book, not Wrone's. Also reveals Kurtz's subject-matter ignorance, as in, "Did a dfragment from the head shot bounce off hand strike Tague? (~~im~~Impossible) "Where in the film was Tague hit? (impossible to tell, he was not even aware that he had been hit until others saw blood on his face.) "Is there a jiggle to coincide with it?" A stupid question and not possible for the Z film to tell, if it belongs in Wrone's book, because it cannot be known which shot and when.

And this crumbum next has "Extraneous Material" ! Followed by Reliability of Documentation. First is what does not belong under this heading, "I question the over emphasis ^{on} ~~pm~~ Weisberg. Numerous works that consider the Zapruder film are omitted ~~entirely~~. "Considered" is not relevant, did they report what I reported? did they repeat what I first said? Scholarship is clear that what is to be cited is first. ^{no} on that "mention" business, most of those unnamed othe "works" are not accurate, are basically the authors presneting themselves and considering themselves as what not a single one is, Perry Mason returned. Most of those other works are inaccurate and what, ^{gen} if they can be cited legitimately, which I doubt, they are not sources for real scholar-ship, which ignorant cnpjecturing on this subject is not, even when that ~~conje~~ conjecturing is dignified by calling it "theories." Dubious "mentions" are not appropriately part of a source citation when they are not and sh^ould not be sources,

Nor would any serious scholar go to the internet, ^{par} particularly when they are not dependable ~~source~~ sources and are overloaded with assassination trash. By subject-matter ignoramuses.

Repetitious Material "There are too many scattered references to Weisberg throughout ~~xxxx~~ the ms." Then what is indecent, ignorant

unscholarly and intended as a slur, "If ~~W~~one has an irresistible urge to praise Weisberg and attack other researchers, he should do it ~~was~~ once, not repeatedly." The real question here is who is your actual source and who else could properly have been and for all his slurs and all his pretences not once does Kurtz give a single instance where another person was ~~at~~ the source or where you put anything in where it was inappropriate. He ^a may be bitter about the fact that I brought to light most of what had come to light but that or anything else like it is not what a peer review is supposed to be. And bearing on Kurtz's legitimacy on this, his book was published in 1982. I had by then, as I now recall, published seven books. Nobody else did that, anything at all like that, of anything like their content. I had by then filed and fought a dozen FOIA lawsuits as the result of which I had received, which also means had made public, a third of a million ~~pages~~ pages. Nobody else did that. I had led to the amending of FOIA to make FBI, CIA and similar agency records ~~and~~ accessible under FOIA. Nobody else in the field did that. I made all the information I had available to all others in the field, most of whom I disagree with, and nobody else did ~~that~~ that. There is also the content of my book² and nobody else published most of that. And in honest reporting, citing what I did, which is not in itself "an irresistible urge to praise" me, how ~~can~~ ^e can it be honest or proper scholarship to cite others for what I did and I reported? This again gets to what is in Kurtz's mind and it is not scholarship.

I have checked his book and in his index, on page 291, for all I did that nobody else did and for all I published that nobody else published, there, Kurtz reveals his unscholarly and unfactual prejudice if a ~~more~~ more serious ~~desert~~ description is not justified: He does not mention me or any of my work that is partly listed above on his page 291. This is

Kurtz's personal reflection of how scholarly his own book is. He does what I have never done, pretended ~~was~~ he is Perry Mason returned and that he is not, I'd used the JAKH review here. To the best of my knowledge we have not been in touch with each other, I never had any interest in him or in that kind of writing, conjecturing, which is not fact. Perhaps it is that I debunked so much of the ignorant conjecturing that Kurtz developed his dislike of me, but it was not from any contact of any kind for we had none that I can recall.

I think it is fair to say that despite his pretense, his ^{is} not a peer review. It is a personal indulgence and the misuse of a peer review to slur and belittle ^m someone he dislikes and hides that controlling and indulged fact.

Under an inappropriate intrusion into your book, not his, he has Z Frames ^m to be Reproduced in Book, In this he lists those frames he would have used if he had written the book but they are not appropriate for the book you wrote. Your book is not about the JFK wounds nor is it about his reaction, but if it were this is a very poor couple of frames, to which I'll return. Nor is it about when Connally was and was not hit (although in 1966 I published what Kurtz now says about when Connally was hit). I think that Z³12-4 is are inappropriate and can be criticized as indulging a display of gore. Not as Kurtz says it, Z³21 may be appropriate, if in proper context, because that was the cause of a major ^c controversy. I did not remember his listing of Z³35 correctly. I have checked the black and white autopsy ^m photographs, which I have. Two show ^w the face and forehead from the left, one from the right, one from the top, and none shows any "damage to front of head." But, even though I published a big, fat hint in WWII, in ~~1966~~ 1966, Kurtz, who presents himself as the scholar of scholars, did not do that and you will show what

he and the others he recommends as sourced for ~~what~~^{what} they did not do missed. It is definitive and ~~clear~~^{clear}.

Kurtz's unwillingness to stop thinking ^{that} he wrote the book or his determination to control what he can of what is published is reflected again when under "Other Photographs" he has ^w two, "Willis # 5- Central to ~~W~~^Wrone's ~~synthesis~~^{synthesis}" which is false. ~~Z203~~
Z202 is what is central, and that should be in, but only if ~~the~~ the version used includes the sprocket-hole material. He has "Altgens- Wrone claim it shows Oswald Standing in the front doorway." He intends this to put you down and although it can be argued that it is not necessary, I would do that and do Kurtz in with it and I think to Briggs. I cannot get at my copy of ~~the~~ the print from the original Altgens negative but a print ~~can~~^{can} be gotten from AP pictures, the name of which I've forgotten, in Rockefeller Center, and ask ^{that} ~~that~~ it be printed from the original ~~negative~~^{negative}. My copy is at ~~hand~~^{hand} and if Jerry is willing he can have a copy of it made for you. It is in the package of what was used to publish ~~the~~ WWII. I have and will make copies for you of the picture of Lovelady in the doorway in the shirt his wife described to me as I report at the end of the index to the first section of PW and I have a picture of the shirt that is much clearer when Bob Richter, then a CBS-TV producer ^{asked} ~~asked~~ my suggestion, took Lovelady's picture in that shirt. If Jerry is willing to go into that package, and ~~if~~ ^{I'll} ask him when I can, I think you should use the sectional enlargements I had made from it and the Oswald pictures I used. As soon as I can I'll get the copies of those pictures made for you, the doorway shot from the Martin (Dallas Cinema Associates) overexposed standard 8mm reel and the Richter one. Whether or not you use all of it, and I suggest that you

do, it should impress Briggs and that Lovelady stuff has never been used. I wanted to in^{NA!} ~~nit~~ ^{but} ~~PC&G~~ ~~omit~~ it and more. It could and it should create a sensation for you and your book,

I leave it to you to formulate any comment or response on his final dirty crack but he is particularly vulnerable on them from what precede^s. which is still another of his reflections of his subject-matter ignorance.

Now I'll go back to reading your chapter a^{fter} ~~JI~~ ^{rest} my aging and complaining eyes a bit. I think that despite my anxiety to get this to you as fast as possible, it will be better if I delay reading and correcting until tomorrow and the mailing until Tuesday a.m. I'll catch^e more than today^a and the typing is bad and I was interrupted too much.

I think that you should consider^{fpr} your opening a statement that without doubt Kurtz is a scholar and that his university^{ty} must have a high opinion of him and his scholarship to have made him the dean of its graduate school, but that does not make him a real scholar of the Kennedy assassination. Nor does his book, which added only invalid conjectures, which he said he eschewed ^{but} did not. He also used the work of those he criticized as his own, and her^e I'd use that ² ~~L~~ ^s ~~ar~~ /JAH review. Evⁿ if Briggs has it.

Gotta go. Best,

Harold

the agencies operated illegally. The problem is that in the quest for law and order, case after case after case after case has been thrown out because the law enforcement and intelligence communities acted illegally. So I do not think we attach any particular status of accomplishment in conquering organized crime, or any crime whatsoever for that matter, with illegal activities resulting in cases being thrown out of court.

I would suggest that the record speaks for itself. Frankly, I never thought the record of former Attorney General Ramsey Clark was that good. But, comparing his record with that achieved by succeeding Attorneys General, he looks like Tom Dewey in his prosecutorial heyday.

Mr. HRUSKA. That record is bad, but do we want to make it worse by adopting this amendment which threatens to tie the hands of the FBI and dry up their sources of information? I say, with that, the soup or the broth is spoiled, and I see no use in adding a few dosages of poison.

The pending amendment should be rejected.

Mr. KENNEDY. Mr. President, I do not recognize the amendment, as it has been described by the Senator from Nebraska, as the amendment we are now considering. I feel there has been a gross misinterpretation of the actual words of the amendment and its intention, as well as what it would actually achieve and accomplish. So I think it is important for the record to be extremely clear about this.

If we accept the amendment of the Senator from Michigan, we will not open up the community to rapists, muggers, and killers, as the Senator from Nebraska has almost suggested by his direct comments and statements on the amendment. What I am trying to do, as I understand the thrust of the amendment, is that it be specific about safeguarding the legitimate investigations that would be conducted by the Federal agencies and also the investigative files of the FBI.

As a matter of fact, looking back over the development of legislation under the 1966 act and looking at the Senate report language from that legislation, it was clearly the interpretation in the Senate's development of that legislation that the "investigatory file" exemption would be extremely narrowly defined. It was so until recent times—really, until about the past few months. It is to remedy that different interpretation that the amendment of the Senator from Michigan which we are now considering was proposed.

I should like to ask the Senator from Michigan a couple of questions.

Does the Senator's amendment in effect override the court decisions in the court of appeals on the Weisberg against United States, Aspin against Department of Defense; Dillon against Brinegar; and National Center against Weinberger?

As I understand it, the holdings in those particular cases are of the greatest concern to the Senator from Michigan. As I interpret it, the impact and effect of his amendment would be to override those particular decisions. Is that not correct?

Mr. HART. The Senator from Michigan is correct. That is its purpose. That was the purpose of Congress in 1966, we thought, when we enacted this. Until about 9 or 12 months ago, the courts consistently had approached it on a balancing basis, which is exactly what this amendment seeks to do.

Mr. President, while several Senators are in the Chamber, I should like to ask for the yeas and nays on my amendment. The yeas and nays were ordered.

Mr. KENNEDY. Furthermore, Mr. President, the Senate report language that refers to exemption 7 in the 1966 report on the Freedom of Information Act—and that seventh exemption is the target of the Senator from Michigan's amendment—reads as follows:

Exemption No. 7 deals with "investigatory files compiled for law enforcement purposes." These are the files prepared by Government agencies to prosecute law violators. Their disclosure of such files, except to the extent they are available by law to a private party, could harm the Government's case in court.

It seems to me that the interpretation, the definition, in that report language is much more restrictive than the kind of amendment the Senator from Michigan at this time is attempting to achieve. Of course, that interpretation in the 1966 report was embraced by a unanimous Senate back then.

Mr. HART. I think the Senator from Massachusetts is correct. One could argue that the amendment we are now considering, if adopted, would leave the Freedom of Information Act less available to a concerned citizen that was the case with the 1966 language initially.

Again, however, the development in recent cases requires that we respond in some fashion, even though we may not achieve the same breadth of opportunity for the availability of documents that may arguably be said to apply under the original 1967 act.

Mr. KENNEDY. That would certainly be my understanding. Furthermore, it seems to me that the amendment itself has considerable sensitivity built in to protect against the invasion of privacy, and to protect the identities of informants, and most generally to protect the legitimate interests of a law enforcement agency to conduct an investigation into any one of these crimes which have been outlined in such wonderful verbiage here this afternoon—trespass, espionage, or what have you.

So I just want to express that on these points the amendment is precise and clear and is an extremely positive and constructive development to meet legitimate law enforcement concerns. There are some of the reasons why I will support the amendment, and I urge my colleagues to do so.

The PRESIDING OFFICER (Mr. DOMESTIC). The Senator from Nebraska has 6 minutes remaining.

Mr. HRUSKA. Mr. President, I should like to point out that the amendment proposed by the Senator from Michigan, preserves the right of people to a fair trial or impartial adjudication. It is careful to preserve the identity of an in-

former. It is careful to preserve the idea of protecting the investigative techniques and procedures, and so forth. But what about the names of those persons that are contained in the file who are not informers and who are not accused of crime and who will not be tried? What about the protection of those people whose names will be in there, together with information having to do with them? Will they be protected? It is a real question, and it would be of great interest to people who will be named by informers somewhere along the line of the investigation and whose name presumably would stay in the file.

Mr. President, by way of summary, I would like to say that it would distort the purposes of the FBI, imposing on them the added burden, in addition to investigating cases and getting evidence, of serving as a research source for every writer or curious person, or for those who may wish to find a basis for suit either against the Government or against someone else who might be mentioned in the file.

Second, it would impose upon the FBI the tremendous task of reviewing each page and each document contained in many of their investigatory files to make an independent judgment as to whether or not any part thereof should be released. Some of these files are very extensive, particularly in organized crime cases that are sometimes under consideration for a year, a year and a half, or 2 years.

Mr. HART. Mr. President, will the Senator yield?

The PRESIDING OFFICER. All time of the Senator has expired.

Mr. KENNEDY. I yield the Senator 5 minutes on the bill.

Mr. HART. Mr. President, I ask unanimous consent that a memorandum letter, reference to which has been made in the debate and which has been distributed to each Senator, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

MEMORANDUM LETTER

A question has been raised as to whether my amendment might hinder the Federal Bureau of Investigation in the performance of its investigatory duties. The Bureau stresses the need for confidentiality in its investigations. I agree completely. All of us recognize the crucial law enforcement role of the Bureau's unparalleled investigatory capabilities.

However, my amendment would not hinder the Bureau's performance in any way. The Administrative Law Section of the American Bar Association language, which my amendment adopts verbatim, was carefully drawn to preserve every conceivable reason the Bureau might have for resisting disclosure of material in an investigatory file:

If informants' anonymity—whether paid informers or citizen volunteers—would be threatened, there would be no disclosures;

If the Bureau's confidential techniques and procedures would be threatened, there would be no disclosure;

If disclosure is an unwarranted invasion of privacy, there would be no disclosure (contrary to the Bureau's letter, this is a determination courts make all the time; in-

Full text of Congressional Record of which this is part in top drawer of JFK appeals file cabinet.



MYSTERY OF NEW ORLEANS INQUIRY CLEARED UP

FROM OUR OWN CORRESPONDENT—WASHINGTON, MAY 9

One mystery of the rather mystifying investigation of the Kennedy assassination now being conducted by Mr. Jim Garrison, the Attorney General of New Orleans, has been cleared up. The source of much of his information is Mr. Harold Weisberg, the author of *Whitewash: Report on the Warren Commission*.

Mr. Weisberg, who was one of the first to question the conclusions of the Warren commission, returned to his home in Maryland today after assisting Mr. Garrison and his staff. It was not his first

visit to New Orleans, he was at Mr. Garrison's side when the investigation was announced.

His book was not well received by the critics, and indeed was privately printed after it had been rejected by a number of publishers in New York and London. It is rather shrill in tone, but no one has questioned his honesty.

He has subsequently written two more books, *Whitewash 2: F.B.I. Secret Service Cover-up*, and *C.I.A. Whitewash: Oswald in New Orleans*. It was these two books, with supporting documents, which were made available to Mr. Garrison.

Over JFK Script

The scenario guiding New Orleans District Attorney Jim Garrison in his investigation of President Kennedy's assassination can be glimpsed in any bookstore.

The investigation is Garrison's, but the script apparently started with Harold Weisberg, former Senate investigator and author of "Whitewash," a paperback attack on the Warren report.

"It's sure following in the book," Weisberg said yesterday of the

testimony of Louisiana lawyer Dean Adams Andrews Jr., who told the Warren Commission that a "Clay Bertrand" had asked him to represent Oswald after the assassination.

The FBI found the leads supplied by Andrews and others fruitless, and concluded, without locating "Bertrand," that he had no part in the assassination.


Businessman Held "Garrison has charged that Clay Bertrand" was actually Clay Shaw, Washington Post

Harold Weisberg, former Senate investigator, editor, investigative reporter, OSS intelligence & political analyst, has done the definitive investigation, research and writing on the Kennedy assassination and its official inquest.

What critics say about Weisberg and his WHITEWASH books: N.Y. Times: painstaking investigator; N.Y. Review of Books: close analysis...intriguing and interesting; Jim Garrison: best yet; New Republic: Report...shot to death and requires a full autopsy; London Observer: impressive; National Guardian: careful examination...blows Report to smithereens.

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