

7/8/72

Dear Jerry,

I am sending a copy of this to Harold, and I am also sending sending a Xerox of your 7/6 to him, to which you indicated you would have no objections. My reasons are many, but especially because I think you have done me the great injustice of misrepresenting my position with respect to Harold's work, and I want to correct the record. This is my primary purpose in writing.

First of all, let me say that I wrote my letter to you when I was angry and worked up having just read your letter to Harold. What this means is that the manner in which I wrote and presented my arguments reflected my passion. If the manner of writing made it harder for you to accept, that is unfortunate. There is nothing in that letter that I would not stand by except for one thing which strikes me on re-reading it.

I wrote "How is (Sylvia) entitled to (the death certificate)?" What I meant to say was "How was it your responsibility to send her a copy of it?" I do not deny that Sylvia has a legal right to any public paper. I do question your obligation to send them to her, especially in this instance.

Back to your letter of 7/6, ~~XXXXXXXX~~ to me this seems a defense mechanism in response to the onslaught of my letter to you. I realize that you find strongly worded letters hard to take, that they appear self-righteous to you. You cloak your own self-righteousness in a more palatable form. My own opinion is that you will have to learn to accept other people's honesty, even if it is expressed harshly. I don't know how to make you do this, and to be perfectly frank, I don't know how to cook pabulum, so you'll have to eat what I make or reject it.

You write, "Quite frankly, I think that what Gary and I did is between the two of us and Harold and is none of your business." If this is your feeling, then why did you solicit my comments on your letter when you called me the day after you sent it? My notes of our phone conversation then reveal that you asked me if I'd discuss the letter with you after I received it, and I told you I'd have to read it first. So I wrote down my comments at your request, because you solicited them. So do not insult me now, after I have written something you don't like, by telling me this is none of my business.

Next you write, "You are deluding yourself if you believe that the Burkley document is a deep dark secret held by Harold and yourself." I demand that you show me anywhere that I said this or expressed anything resembling it. To my knowledge and understanding, I have not and would not. I know and knew before that Harold showed this document to others, and I also knew that the Archives was making it available. If you recall, when we once discussed Ned, I told you that anybody could get this from the Archives. So if I could tell you that, which amounted to an invitation to order the damn thing for yourself, how could you think I see this as "a deep dark secret" held by Harold and me?

I have never said the death certificate was not public domain, and I fully realize that anyone who wants it can get it, and has a legal right to get it. Again, don't put words in my mouth. What I have said, however, is that when it comes to you getting copies and circulating them, there is more than just a legal question involved. There is a moral and ethical one, not to mention what I consider a practical one. You do not understand the full significance of this, and I'm sure Cyril and Sylvia will not either. For what it contains that you felt Cyril should know, he did not ~~EH~~ need the document itself to serve that function. And as I told you, Cyril knew of this and the information in it long ago, because Harold told him. So the practical question is what was the

was the necessity for sending this to either Cyril or Sylvia. I think there was no need, and you could have found this out yourself if you fulfilled your moral obligation to seek the counsel of those who know more than you, and those (or the one) who alone unearthed this document and interpreted it. There is also a moral question as to what kind of misuse might be made of the death certificate thanks to your efforts.

I won't go into this any more. I think my first letter is clear enough, even if it offends you.

Here is where you really twist my words: "You yourself have admitted to me that you are excising several things from your book not because you feel Harold holds a legitimate claim to them, but because he thinks he does and you don't want to have him feel betrayed." Jerry, my feelings were never this way and I'm sure I never expressed this to you. I told you that I had decided to take things out of my book because I do feel Harold has an entirely legitimate claim to them, and I would know that I did betray him if I allowed them to remain if the book were published. The most obvious case that comes to my mind is what I included about the shirt slits. My feeling, when I included that in my book, was that I should give Harold credit for the idea that they were not caused by a bullet, not use any of Harold's information, and rely on the tests that I had conducted on other shirts. Now my feelings have changed on that, especially as Harold's work developed, that I would not consider publishing a book which included that.

Now, I have told you that I consider what I wrote about the Panel report as either my own material or material to which Harold can not make a claim which I view as legitimate. I told you I expected a clash with Harold if he saw some of the things I wrote about the panel report, but that I would stand firm on my position. In fact, long before I knew you, I wrote Harold and told him many of the things I anticipated using in my book which paralleled what he had written about the Panel in Post-Mortem. I will be taking almost all of the medical discussion out of my book, but for reasons quite apart from Harold's work and his legitimate claims to it. I know Harold well, and I think I have a pretty good understanding of his moral consciousness. I know that he would feel more "betrayed" if I did something against my conscience only because I knew it was in line with his conscience.

As for advising you not to use the Panel-head wound thing and the Finck testimony and acknowledging that these were not Harold's exclusive literary property, let me correct your mistaken representation of my position. Harold has no literary claim to the fact that the head wound as described in the Panel report differs from what the autopsy described, nor does he have claim to Finck's testimony in open court. He does have claim to his interpretations of that, and he has copyrighted both. You tell me not to kid myself that there was anything involved in your decision to delete these things <sup>than</sup> your desire not to hurt Harold. My position was that you had to decide on the legitimacy of Harold's claims and whether your use warranted "hurting" him. But I do remember arguing to you that neither thing was essential to your article, especially the head wound matter. I still feel that way, and not out of any concern for Harold but out of a concern that your article has to be cut down as much as possible, that too many details bog the reader down, and that these two details contributed nothing to your argument that was not already there.

You are accurate but incomplete in writing, "You have told me several times that you are confronted by a dilemma in which you must choose between your loyalty

to Harold and your ethical convictions that he might not be entirely right on many matters or unselfish on others." That is right, I do not consider Harold infallible, and I do not blind myself to the fact that he could very well have selfish interests, whether or not consciously, behind the decisions he makes. I would be a fool were I to do otherwise. But my "loyalty" to Harold includes a respect for his decisions and judgement. I do respect them, but I do not accept them unless I can justify them to myself. And even if I cannot justify them to myself, I do not assume Harold is wrong, I still keep in the back of my mind that there must be some legitimate reason for Harold to hold a particular position, so while I may seem ambivalent on certain issues, I am merely not prepared to render a final judgement which will leave me at ease with myself. I have been this way on the issue of Wecht's access. I agree with Harold in some respects, and in others I so far do not. I seek to engage Harold in conversation on this so that I can be more prepared to make decisions, and I engage others as well. But I have never and hopefully will never make a decision solely on the basis of Harold's position. I resent your implication of this, and I am hereby setting the record straight that I am and have been my own man, whatever my affections for Harold and Lil, and however my opinions might parallel Harold's. You often sound like a carbon copy of Sylvia, and I am sure that she has had great influence on you, which I am not saying is bad. But I have never accused you directly or insinuated that you made decisions on the basis of a judgement of Sylvia's which you were not personally satisfied was right, for whatever your judgement may be worth outside of your own head.

To be blunt with you, the way you have twisted my position on briefing Wecht makes me sick, and I hope you have not blabbed these lies about me to others. You say "You don't feel that Wecht should be permitted to see the photos and X-rays, and you don't want to brief him." I'll stop there for a second. I never said I didn't feel he should be permitted to see this stuff. I have held the position that now is not the time, that it is unnecessary to do it now, that it can help nothing and may be a source of hurt to the truth and the critics, in ways you do not understand. Also, I have not said that I don't "want" to brief him. I have to consider what is to be served by my briefing him, whether I consider him responsible (and how responsible can he be after some of the things he has said on Nebel's show?) and whether it will not be hurtful to me or the case if I were to involve myself with this effort. That is a far cry from saying that I "don't want" to brief Cyril.

You continue, "Nevertheless you realize that he is going in anyway and since you must live with yourself you will deign to brief him anyway--provided he comes crawling to you." I do not want Wecht to come crawling to me and nothing has happened by which he would have to "crawl" to me. He is the one who claims to need help. He is the one who has the responsibility to solicit it. I have no place calling him and asking him to let me help him. If he thinks I am in a position to help him, then it is entirely his responsibility to call me and solicit it. If he doesn't like the fact that I have misgivings and am not rushing into this like a high-school cheerleader into a football game, that is his tough shit. He has to respect my position, even if he doesn't like it. The fact is that I have never refused to help him, and I would speak to him if he requested it. If he does not have the decency to request it, then it is not my fault. He is a wealthy man and can afford a call to me. I can't just go calling long distance wherever I please. That is an added consideration, but it is irrelevant because even if I owned Bell Telephone I would not call him when it is his responsibility to call me. And I have to ask myself, if he doesn't have the decency to do this simple painless thing, what kind of shit is he capable of pulling after he makes the examination?

I think you are out of bounds when you suggest that Wecht will create a disaster if he goes in unbriefed. If he didn't know a damned thing about the case, he could still tell what the pix and X-rays showed, and if he spoke responsibly about just that to the press, there would be no disaster of the type you mistakenly envision. What Cyril knows about the case is enough for him to know if the pix and X-rays confirm or refute the Warren Report--I or anyone else could only help him with trivialities, but I am even willing to do that. What Cyril has going against him nobody can remedy. He has the fact that he is a critic, plus the fact that he has said so many irresponsible things about the assass already. You, I, even Lifton can't take back what Wecht has already said. That is what they'll clobber him for, if they go after him at all and don't ignore him.

What you say in defense of your decision to call Lifton is unworthy of comment, except to say that if I was "reticent" to brief Wecht, I had not refused to, to both your knowledge and Wecht's. Sylvia has told me since we spoke that she accurately conveyed my position to Wecht and told Wecht to call me. He did not call me, probably because he has the same indecent notion of "crawling" as you do. And please, don't play games with me by saying that you called Lifton as a last resort to "move (me) to head him off." I'm not in a race to help Cyril, and if I "got to" Cyril before Lifton, did you assume Lifton would turn around and go home? You and you alone made it possible to put his fingers in this pie, and nothing can undo that.

Jerry, I find it is hard to have a strong disagreement with you without you taking personal offense and responding as I would expect a bully to. It takes up a great amount of my time for me just to correct the false record you are making about me. So, if you have no meaningful response to what I say, I'd rather you said nothing ~~EVERYONE~~ rather than giving me the chore of preventing you from falsely sneering me. I like you as a person, and realize that you have your own problems and your own ways of dealing with them, and probably a great resentment of people ~~EVERYONE~~ intruding into them and trying to help you. That is your business. All I can say is that the truth is my business, and where I think you ~~EVERYONE~~ hurt it, I must not hesitate to correct you and the record.

My position on what you did, a position which you solicited whether or not it is my business, has not changed--nor has it been seriously or honestly addressed by you. If it is of any help to you, I don't expect a real response from you to me, and I'd just as soon not have a response if it will do what yours of 7/6 tried to do, commit me to a false record.

Best,