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Secretary typed final*

June 23, 1969

Senator Walter F. Mondale
United States Senate
Washington, D.C. 20510

Dear Senator Mondale:

Thanks for your letter of May 22. Since you evidenced some interest in my comments on the report of the 1968 Justice Department panel, I am sending you, under separate cover, a summary of the pleadings introduced on January 31, 1969, which led to judge Charles Halleck's ruling that the Kennedy autopsy photos and X-rays would have to be produced for use in the New Orleans courtroom. This was a momentous decision, since on January 17, 1969, Judge Charles Halleck had indicated that he would not order such action until it had been shown that "there is substantial evidence that shots came from more than one direction" in the assassination of President John F. Kennedy.

There have been a number of other attempts to have these materials released so that they could be examined by the world's top experts, but until this year, all have failed. Former congressman Theodore Kupferman (R-NY) inserted documents pertaining to his attempts to have this done into the Congressional record several years ago, along with his resolution that the investigation be reopened. Currently, Dr. John Nichols, a forensic pathologist at the University of Kansas, is suing the federal government for the release of materials pertaining to the autopsy.

But what is scandalous is that these legal suits should not be necessary. As the Justice Department's 1968 Panel review—a last ditch effort—illustrated, the Warren Report's account of the crime cannot stand the test of the evidence and never could. When that report was released, many of us thought it a mistake to pursue the issue since the Panel report was so transparent that we assumed it to be some kind of a legal trap. It was inconceivable that the US Justice Department, 5 years after the release of the Warren Report and with that much time in which to prepare for such a suit and challenge, could have release such a report—a report which, in fact, showed the incompetence of the original autopsy to a greater degree than the critics of the Warren Commission had shown it, and in addition, proved that the autopsy surgeons had perjured themselves before the commission and that significant details concerning how the president died had been withheld from even the Warren Commission. Is there any wonder that there is an ever widening credibility gap? Prize-winning journalist and author, David Shoanbrun, remarked to me several months ago that the only thing which he can't understand about the Warren Report is how it could have been such a sloppy coverup. My answer was that from my investigations and those of my colleagues, it appeared that various government agencies had covered up various things (and sometimes even exposed each others duplicity) and that the commission members had, through their own misfeasance, become victims of this misinformation. Ironically, of course, the report is largely accepted within the government based on the reputations of the men who wrote it, or rather, who signed it.

In your letter you state that you "intend to watch developments in this area," but it is from the Congress that any future developments must come. I hope that I will hear from you further on this topic. With warm regards.

Sincerely,