

5/1/70

Mr. Burke Marshall
Old Orchard Road
Armonk, N.Y. 10504

Dear Mr. Marshall,

Were I your enemy, or if I bore you any ill will, how I would welcome your letter of the 30th. Instead, however, I grieve for the family that has entrusted its honor in its bereavement to a man so much a lawman. I do not recall having made any demand upon you, and I do recall spending much time writing you and making offers (not one of which you have accepted), as possible profit to myself, so that you may yet save yourself, so that the day will not come when you will find it impossible to live with what you have done with the responsibilities you have accepted - and to yourself.

Perhaps it is the greatest tragedy that among all those he touched with greatness, the late President had no blondel.

Long ago I realized that in some ways all I will be able to do is leave a record. As my concept of my obligations require of me the impartiality concomitant to it, so also does it require of me that I give each man involved to make his own record, of whatever character it may be. In my view, fairness to those who may be innocent, the national honor and history demand this.

You pretend it is your purpose "to prevent undignified or sensational reproduction" of the materials some of which you must understand you exercise no legal rights over. In immediate question are the shirt and tie. All I have sought is pictures of the most minute areas of the shirt and tie that are damaged, and my letters could not be more specific in saying everything else can be cropped out. Unless you define "undignified and sensational" to mean truthful representation, your letter is without meaning. Or, more accurately, it says you will permit only what can have no other than "undignified and sensational" use, no other kind, of these pictures.

In all your great legal wisdom, has it never occurred to you that if the existing pictures showed anything, the Archivist would have had no occasion to have any others made?

All I want is to be able to study the damage to the garments, not the gore. The Archivist has sent me more gore than I asked for. I asked for enlargements of the damage alone. He sent me both sides of CE394 (I did not seek the back), CE395, and, when for a long time I pressed him, meaningless enlargement of both. Because you pretend your purpose is to "prevent undignified or sensational use", I send them to you herewith and defy you to show me any other use that can be made of them. I will not use these pictures, but I could like them returned. And I issue you two other challenges: you find one word in the more than 5 million I have written on this subject you can feel treats the President or anything about him in

what you can call either undignified or sensational; and you get the Archivist to make for you those pictures of the damages to the garments I have asked of him, you study them, then you compare them with what he makes freely available and decide for yourself which is undignified and sensational.

I ask further that you see if you can find anything of evidentiary value - anything other than gore - in the pictures of the shirt so freely available, and I ask that you mark out of whatever pictures the Archivist makes all but the damage to the fabric and then tell me, as a reasonable man of at least average intelligence, that you find this in what I seek.

Then examine the picture of the tie, the only one, and tell me that you, as a lawyer presumably possessed of at least rudimentary knowledge of the alleged fact, see anything of evidentiary value in it. There is no side view. I have asked and been refused one of the damage alone. Conceive of this - no meaningful picture of the fundamental evidence relating to the murder of your friend, your President as well as mine.

The exhibit pictures were carefully staged by the FBI to hide any evidence, and the meaningless testimony then was provided by the FBI. If you are content to leave it this way, I am not.

Nor am I content, with my record, to accept the gross personal insult in your letter and those of the Archivist, that I intend undignified or sensational reproduction. Until I can study the picture I seek I have no way of knowing whether or not I will want to reproduce them. Despite your and official encouragement (and I am beginning to wonder if there is any separation), I will not print those provided, for they are only what you say they are not.

I have filed the first of a series of suits under the Freedom of Information Act. The only reason I have not filed more is that the government is engaged in a systematic, unseemly and I think illegal effort to thwart them. However, I am content for the government to make its own record in this regard, for that, too, will become a matter of court record, and there this clear departure from the transparent and expressed will of Congress will be duly recorded. It will help, not hurt, establishment of truth. At some point I may need a witness to offer a competent opinion on what is "undignified", what is "sensational". As I read your letter and your record, you can qualify as an expert.

If at any point you want to learn what you have done and are doing to yourself and what to me would be close to sacred obligations, I will show you, subject to the single restriction, you preserve the confidence I would be entrusting to you. Mine has been an exhausting, impoverishing work and I would preserve my work for myself and my own interpretation and use.

With deepest regrets,

Sincerely,

CONFIDENTIAL copies to
Bud, Dick, Gary, Paul
Howard

Harold Weisberg