

Mark Shaw
Author
1336 El Camino Real, Unit 1
Burlingame, CA 94010
mshawin@yahoo.com
415.940.0827

September 6, 2017

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Mr. Eric Schneiderman
Office of the Attorney General
The Capitol
Albany, NY 12224-0341

Re: Dorothy Kilgallen Investigation Review

Gentleman:

By this letter, I wish to call your attention to a terrible miscarriage of justice promulgated through the office of NYC District Attorney Cyrus Vance, Jr. It involves questionable professional ethics but more importantly, the denial of due process to, without doubt, the victim of a crime, based on potential abuse of power by both Mr. Vance, Jr. and his subordinate, Assistant District Attorney Eugene Hurley.

The actions in question happened this past week when the District Attorney's office released the following statement to the *New York Post* which then became the foundation for an article that appeared in the *Post* on Sunday, September 3rd.

“Following a thorough, eight-month-long investigation into the death of Dorothy Kilgallen, the District Attorney’s Office has found no evidence from which it could be concluded that Ms. Kilgallen’s death was caused by another person. We would like to thank those who advocated on behalf of Ms. Kilgallen, because information provided by her supporters is one of the reasons why an investigation commenced 51 years after her death. This Office remains dedicated to the investigation of cold cases and, if new evidence comes to light, we will review it appropriately. We will decline further comment on this matter.”

Why the statement was released only to the *Post* is suspicious enough but much worse is the fact that both Mr. Vance and Mr. Hurley knew that critical facts in the statement, that the investigation was **“thorough”** and that there was **“no evidence from which it could be concluded that Ms. Kilgallen’s death was caused by another person,”** the basis for the *Post* article were misleading and, by all accounts, untrue. Nevertheless, the statement was released

even though this author had advised Mr. Vance, Jr. through a letter the same day (enclose) that the statement was not factual while requesting that it be withdrawn. The *Post* article may be read at (<http://nypost.com/2017/09/02/da-no-evidence-reporter-investigating-jfk-assassination-was-murdered/>).

To clarify, the victim in this case is revered media icon and crack investigative reporter Dorothy Kilgallen, the subject of this author's biography, *The Reporter Who Knew Too Much*, released on December 6, 2016 (book enclosed). Ms. Kilgallen died in 1965 under mysterious circumstances with the conclusion of the NY Medical Examiner's office that it was due to "Acute Ethanol and Barbiturate Intoxication: Circumstances Undetermined." One may argue that since Ms. Kilgallen died nearly 52 years ago, she has no rights today but it doesn't matter whether she died five days ago, five years ago, or 50+ years ago, she should receive justice in her case and that justice has been denied to her as it was so long ago when there was no investigation of her death.

The regurgitation of the facts in this case is possible through the five letters I have sent to Mr. Vance, Jr. (enclosed), none of which have warranted a response from him or any of his subordinates. The first of these letters forwarded on December 5, 2016 requested that the DA's office investigate Ms. Kilgallen's death due to a wealth of evidence I had uncovered during my research for the book pointing to murder as noted at length in the letter. Whether Mr. Vance Jr., read this letter is unknown but I was told during the conference call on August 29, 2017 by Mr. Hurley that the book "landed on my desk."

According to Mr. Hurley, he read the book and decided as head of the office's "Cold Crime Project," one that investigated "unsolved homicides," that Ms. Kilgallen's case required an investigation. Certainly this decision triggers the question as to why later Mr. Hurley suddenly decided that there was "no evidence" to conclude Ms. Kilgallen's death "was caused by another person" since solid evidence in the book he had read including forensics pointed squarely to a homicide with a plethora of suspects provided including one still alive today based on motive, each connected in some manner with Ms. Kilgallen's exhaustive investigation of the JFK assassination in 1963.

To the applause of thousands of readers of *The Reporter Who Knew Too Much*, the *Post*, through reporter Sue Edelman, announced in January that the DA's office would "look into" Ms. Kilgallen's death (235,000 people viewed the article online). Through email exchange between Joan Volero, the DA office's director of communications and me, this terminology was later changed to the admission that the office was "investigating" Ms. Kilgallen's death.

Though little was heard for two months about the details of any investigation, I began, in the spirit of cooperation, to pass important new evidence to Ms. Volero who had agreed to forward it to the investigator and ADA assigned to Ms. Kilgallen's case. Four more letters, on Dec. 20, March 14, May 5, and May 22 provided Mr. Vance with additional evidence while requesting a meeting with the investigator and the ADA assigned to the matter.

On June 2 of this year, I met with Chief Investigator Richard Ramos, a former NYPD homicide detective, in his New York office. We had a meaningful dialogue about Ms. Kilgallen's case which included his telling me he had read my book and watched all of the primary source

interviews with important witnesses at www.thedorothykilgallenstory.org. Mr. Ramos also said he had sent out subpoenas based on leads provided in the book.

During the meeting, I gave Mr. Ramos the enclosed "Evidence Report," a 22 page document that provided every aspect of my investigation including a list of more than 25 witnesses to be interviewed along with contact information and 33 reasons why it was apparent that Ms. Kilgallen had been murdered. He seemed impressed with my research and thanked me.

Based on Mr. Ramos's enthusiasm for conducting a thorough investigation, I continued pass on new evidence to him as it was forwarded to me based on tips from readers from around the world determined to make certain Ms. Kilgallen received the justice she deserved, so denied when there was no investigation in 1965 despite a staged death scene, corruption in the NY Medical Examiner's office, and the forensic evidence which clearly indicated that she had not died accidentally from ingesting one barbiturate but three causing the autopsy conducted to be fraudulent.

For a time, Mr. Ramos was diligent in getting back to me with appreciation for my continuing investigation and for sending along the new evidence especially that secured through interviewing certain key witnesses including Brenda DeJourdan, the daughter of Ms. Kilgallen's butler James Clement. She provided primary source evidence of what happened in the Kilgallen townhouse on the day she died and most importantly, told me during a four hour interview in NYC that Dorothy's daughter Jill told Brenda's father, "my mother was murdered." This strong statement was confirmed by Bob Schulenberg, a friend of Jill's during a 1970's dinner with her. In time, I passed all of this information along to Mr. Ramos who now had at his disposal and I assume Mr. Hurley's, a wealth of evidence confirming that Ms. Kilgallen had been the victim of a homicide.

Pleased with the direction the investigation was taking while explaining to Mr. Ramos that I requested that he talk to me before he interviewed Ms. DeJourdan due to the illness of her husband (he agreed to do so), I asked Mr. Ramos to set up a telephone call or meeting with he and the ADA, whose identity had not been disclosed to me. This meeting, a conference call, was set for the morning of August 29, a day which marked a sad and disappointing one for Ms. Kilgallen and for me as her "voice" since no family members had stood up for her in 1965 or since. Most, I had learned, were scared at the time, and many advised me they are still scared today to come forward. This information was passed along to Mr. Ramos as well.

The full account of the conference call is included in the enclosed August 31st letter I sent to Mr. Vance, Jr. After Mr. Hurley shocked me with the news that the investigation would be closed, shocking since the phone meeting was intended, as least from what Mr. Ramos had told me, to be an update of the investigation, I was most suspicious of the sudden decision to cut off any further work toward discovering the truth about what happened to Ms. Kilgallen. As you will read in my letter, I began to wonder if the investigation was truly "thorough" and to that end, began to contact certain important witnesses who I had provided to Mr. Vance, Jr. and Mr. Ramos, and through him, apparently to Mr. Hurley to see if they had been contacted.

Once I communicated with at least five witnesses, I realized not one of them had been interviewed. The emails I received from these witnesses, including Mr. Schulenberg, are part of the August 31st letter. Further research indicated that I could only confirm one witness had been contacted by Mr. Ramos or Mr. Hurley. I quickly sent an email to Mr. Ramos questioning whether the investigation had been “thorough” while requesting another phone conference call with he and Mr. Hurley but received no reply.

Stonewalled by Mr. Ramos, I composed the August 31st letter to Mr. Vance, Jr. through Ms. Volero with the letter sent at 9:53 a.m. PST, 12:53 EST. Since Sue Edelman of the *Post* had been monitoring the investigation to the extent of filing a FOIL request for certain documents pertaining to Ms. Kilgallen’s death that I had uncovered, I had told her of the Tuesday meeting and the stunning announcement by Mr. Hurley that the investigation would be terminated. She contacted Ms. Volero and, within hours, received the statement from the DA’s office noted above.

One may only speculate what happened to my letter, one attempting to make certain Mr. Vance, Jr. knew of my sincere opposition to termination of the investigation. Hopefully through your efforts, we may learn whether he read the letter, and most importantly as well, whether Mr. Hurley read it, but it is logical to believe that both did and then hastily created the bogus statement that was sent only to the *Post* despite their knowledge that the investigation had been anything but “thorough” and that the proclamation that there wasn’t any evidence Ms. Kilgallen had been harmed through the actions of another person made little sense in view of the mountains of evidence to the contrary.

Without doubt, many important questions linger regarding the conduct of both Mr. Vance, Jr. and Mr. Hurley, and to that end, a substantial review the DA’s investigation is warranted, one conducted by an independent prosecutor so that the public may be confident that his miscarriage of justice will be rectified. These days, and rightfully so, the public is wary of government agencies, and since the DA’s office was investigating the actions of the NYPD and a corrupted NY Medical Examiner’s office, there is the potential for a cover-up, which would unfortunately be the third to have occurred since Ms. Kilgallen died.

By not disclosing any information about what was discovered during the partial investigation, the public is a loss to know what important facts may have been uncovered either about Ms. Kilgallen’s death or even the historically relevant JFK assassination. Once again, this remarkable woman has been, in effect, “silenced,” the worst form of censorship since she cannot speak from the grave.

When the NY DA’s office decided to investigate this American hero’s death, and she was indeed an hero based on her being killed in the line of duty as the most credible reporter to have ever investigated the death of her friend, JFK, and announced it to the world through the *Post*, it took on the responsibility to pursue the truth in an honest and forthcoming manner. For eight months, it did so through the efforts of Mr. Ramos, but something happened recently to alter the course of the investigation and close it down. Hopefully an independent prosecutor may discover what this “something” is while focusing on the conduct of Mr. Vance, Jr. and Mr. Hurley and why they, as

public servants, permitted a falsified statement to be released to the public through the *Post* article.

From the outset of my investigation of Ms. Kilgallen's death, and you will read of her astonishing accomplishments as the star of the hit *CBS* television series *What's My Line?*, her *New York Journal American* column syndicated to 200 newspapers across the country, her NYC radio program listened to by millions all while raising three children, it has not been about selling books but about restoring her reputation. For decades now, Ms. Kilgallen has been labeled as a drug addict and an alcoholic which could not be further from the truth. The *Post* called her "the most powerful female voice in America," and Ernest Hemingway said she was the "greatest female writer in the world."

Sadly, due to the actions of Mr. Vance, Jr. and Mr. Hurley, any chance that Ms. Kilgallen's reputation will be restored has been severely diminished since the ludicrous statement that she did not die from the action of another person means she either committed suicide or died accidentally of the barbiturates and alcohol intake. To be certain, Ms. Kilgallen deserves better, deserves what the DA promised, a full-scale, "thorough" investigation where all critical witnesses are interviewed and based on what they report, a competent follow-up happens using all of the investigation tools available to the DA's office.

To be certain, I never asked for this crime to be solved but it is important to note that the inconsistent statements provided to me by Mr. Hurley during the telephone conference call noted in the enclosed August 31 letter to Mr. Vance, Jr. present proof that something is certainly amiss, that "something," as mentioned before, happened and thus the plug was pulled on the investigation. Why are the statements inconsistent? This is clear since Mr. Hurley, while proclaiming that the investigation would be closed said something to the effect that they didn't know who "did it." Common sense dictates that he cannot have it both ways, either Ms. Kilgallen was not harmed by the action of another or she was. Hopefully the fresh investigation of his conduct and that of Mr. Vance, Jr. will provide an answer.

Since the decision, I have heard from readers and those that have listened or watched me talk about Ms. Kilgallen's case with more than 500 emails received from around the world. These supporters (many have written the DA or called his officer) are angry that she has been denied justice, *again*, and feel the DA Office's conduct is an affront to every victim who looks to the justice system for protection.

Gentleman, won't one of you, or both, step up and provide the public with answers to the many questions unanswered about why the investigation into Dorothy Kilgallen's death was suddenly terminated without any viable reason? I understand the reason why investigations are conducted in private but here disclosure of the events and reasons for the investigation of Ms. Kilgallen's death must be disclosed. I have copied Mr. Vance, Jr. and Mr. Hurley on this letter with the hope they might come forward with the truth since in their hearts they must know that stopping the investigation has been so unfair to a woman who has been called a patriot by many who have read about her life and times and her death.

Ms. Kilgallen once wrote, "Justice is a big rug. When you pull it out from under one man, a lot of others fall too." Only re-opening the investigation with an independent prosecutor at the helm will indicate the reasons why there is an apparent cover-up or at the very least, an abuse of power while also revealing what is being hidden from the public, and most importantly, who else may "fall" when the truth is known.

Thank you for the consideration. Will await further word.

Mark Shaw

Author

cc: Mr. Cyrus Vance, Jr., Mr. Eugene Hurley