

17 July 1968

Dear Tom,

Thanks for your letter of the 13th and the press cutting from the New Orleans Times-Picayune. I asked about Boxley because this man Hochsberg, who says he is a reporter and researcher, told me that on his recent visit to New Orleans--where he apparently spent substantial time with Garrison, interviewing him for a proposed major article--he had also met Boxley, and that the latter had commented very favorably on my work on the case. I have little confidence in any article that Hochsberg may write, after talking to him at some length, because as he acknowledges he is unfamiliar with the Dallas side of the picture, has only been interested in the subject for about 2 months, and has the somewhat unusual theory that Garrison's public "case" consists of deliberate red herrings, thrown out to divert attention from his "real" and secret "case."

Just had a phone conversation with Bill Turner, who is in New York to promote his book or books, one by Putnam and the other by my own publishers. He is, of course, quite indignant about Epstein's article and intends to consult his lawyer about a libel action, since he feels that Epstein's references to him are slanderous and perhaps grounds are presented for legal redress. Turner also feels that Epstein indulged in pure (Joe) McCarthyism in linking Garrison to Leander Perez and the Courier--insinuating that he is a racist, bigot, etc.

I am glad that you do not intend to leave room for the impression that an attack on Garrison may be equated with a defense of the WR. I am, of course, sorry that we are in partial disagreement on the issue of LHO's culpability as well as the issue of the Commission's probity. While I believe that some deficiencies in the WR can be traced back to legitimate error and shortcomings, I really see no mitigation of Warren's refusal to permit the Commission's own lawyers to cross-examine witnesses, as they requested, because they considered those specific witnesses to be unreliable or to have perjured themselves; nor for his decision to rely upon their suspect testimony; etc. Nor do I see any innocent explanation for Specter's manipulations, such as those cited in Thompson's book SSD (e.g., the preliminary discussions with Drs. Light and Dolce). We have been over these questions before, at some length, both in correspondence and during your visits, and we seem to be in honest disagreement in the interpretation of facts, even when we do agree on the facts themselves. I don't want to reiterate arguments in my book or in our past discussions or letters, as it gets to be merely circular, so I will only comment on one or two specifics in your letter of the 13th where I feel that you have not reflected my views exactly.

My point about Marina Oswald is not that I accept some versions of her story but reject other versions "because it suits my inclination": I have argued that since she reversed and revised her stories repeatedly, she is not entitled to credence. Insofar as I tend to judge between her different versions of specific questions, as also between the first stories told by Lovelady and Shelley as against their later testimony, I think it likely that the original versions--on the very day of the assassination or within the ensuing week or weeks--may be more trustworthy than contradictory versions at a much later time, when there has been the opportunity for direct or indirect influence or intimidation and when the mere passage of time may have made recollection less reliable. If I understand your own position, it is that you accept those versions of Marina's testimony which incriminate Oswald rather than her earlier statements on the same events or items, which would raise doubts about his guilt. I have given chapter and verse to document the fact that she was (more or less systematically) lying (see AAF index, bottom page 472, "Oswald, Marina... falsehoods and self-contradictions"); so I do not think I am obliged to argue theoretically on this point. The fact that I cannot identify the party or parties "who ordered her to" lie does not invalidate the fact that she did lie, that the Commission's own lawyers did not shrink from saying so flatly, and that they were refused permission to cross-examine her by the Chairman of the Commission whose



for the palmprint on the rifle, since its attempt to account for it has (as I argue in AAF) left open the possibility of fabrication of this evidence by Lt. Day, possibly in collusion with others in the Dallas Police. It is the Commission--not I--which suppressed the FBI reports of 9 Dec 1963 and 13 Jan 1964 from its WR and the H&E and which reached conclusions without resolving the contradictions about the transit of the bullet. It is the Commission--not I--which committed numerous other sins of omission or commission. Truly, I cannot understand why any critic should be taxed to prove LHO's innocence, when the Commission is not taxed with proving his guilt even though its findings are peppered with what I will politely call errors and even though those findings, you yourself acknowledge, leave open the possibility of two or more assassins.

You say that the Commission is unjustly criticized for its preoccupation with Oswald's biography; but that is not entirely accurate. What has been criticized is the fact that the Commission's first preoccupation was his biography, before any attempt was made to assess the hard evidence. That could only suggest a predisposition to take his guilt for granted in advance, instead of proceeding from the assumption of his innocence, to which he was legally entitled and which was all the more his due, in the first instance, for the very reason that the disgraceful performance of the Dallas police and other authorities had provoked such world-wide suspicions of their role as to compel the formation of a Warren Commission. I do not press this point in its totality, for in fact a Commission which started with such a predisposition but proceeded to conduct an impartial and competent investigation would still have had at a later stage to confront the evidence inimical to his guilt and the evidence that pointed clearly to the involvement of two or more riflemen.

None of the admittedly unexplained and suspicious circumstances such as the curtain rod story (which I acknowledge in AAF to be an embarrassment to advocates of Oswald's complete innocence) constitute in and of themselves proof of guilt. I do not exclude for one moment the possibility that if Oswald had not been executed he might have accounted for these circumstances in a wholly satisfactory manner so as to eliminate their incriminatory appearance.

I have gone on much longer than I intended, but not with the real hope of altering your position. I feel sure that your views are no less sincere than mine, and while I cannot and do not absolutely exclude the possibility of Oswald's complicity, in terms of knowing participation in a conspiracy, I am not convinced of it, although I am convinced that there was a conspiracy while you do not exclude the possibility but do not absolutely exclude a single assassin in the person of Oswald. Well, at least we are in fairly complete agreement on Garrison...and I continue to look forward with real eagerness and pleasure to further chapters of your book.

Best, as always,



responsibility it was to determine if she was lying and why, and to take appropriate action. The Commission had the resources to do so; I do not. You are unfair to argue that I choose to disbelieve Marina's testimony because "it suits my inclination" while you choose, by reasons of your inclination (?), to believe her testimony but without accounting for her self-contradictions and without acknowledging that her self-confessed untruthfulness creates doubt about her general credibility, the benefit of which doubt belongs to the accused.

As for Senator Russell: he was and still is (as of his latest public utterances, after publication of Inquest and other critical books) sceptical of the lone-assassin theory and inclined to believe that there was a conspiracy. He said himself that he had been unwilling to sign the WR and that Warren had taken him aside and twisted his arm (his words, not mine) to persuade him not to violate the Commission's "unanimity" by filing a minority report. As a sop, Warren agreed that the WR would say that there was "persuasive evidence" for the single-bullet theory, rather than conclude categorically that one bullet had struck both men. I have never suggested that Russell's questioning of Marina was a "subtle ploy," as I have never suggested that the whole Commission and the whole legal staff entered into a deliberate conspiracy—I am sorry to have to refute arguments I never made. I am convinced that the Chairman, & if not other members, and some of the lawyers (Specter, beyond any doubt), engaged in clear and unmistakable manipulation or the equivalent; and that the others, while not a party to any deliberate manipulation, are nevertheless literally and morally responsible for the WR, which they signed, even if they did so in good faith. I do not reject the possibility that all of them, those who manipulated and those who did not, were all equally convinced that Oswald was the lone assassin (except of course for Russell, who still maintains his belief that there was or might have been a conspiracy); and that those who did the manipulation did so merely in order to make the evidence appear to conform with what they believed to be the truth, and not necessarily in order to conceal what they knew or suspected to be a conspiracy. But the consequences were the same, in either case: the publication of the WR, with its untenable lone-assassin finding and the failure to seek and punish others who were really guilty or co-guilty.

My belief that Oswald was framed is not in contradiction with my analysis of his relations with the State Department, since in AAF my purpose was not only to show that the Commission's central conclusions were false but to show the negligence and superficiality of its investigation, particularly in areas which involved Government departments and agencies which had had dealings with Oswald.

I am afraid that I do not accept the various burdens of proof that you place on me ("you must account for the palmprint on the gun" etc.), and not on the Commission, where those burdens properly belong. Let me quote from a letter to the editor of The Saturday Review in November 1966:

One must have a clear idea of the role of the Warren Report critic. The critic is permitted to select facts, because if only one fact contradicts the Report on one of its conclusions, the whole Report is cast into doubt. Thus anyone who has found some legitimate complaint about the accuracy of the Report deserves to be heard. Only until every critic is answered on every point can the Warren Report be judged valid.

Another letter in the same magazine:

(Judge Arnold) Fein would have us believe that, everything considered, the inadequacies of the critics and those of the Commission cancel out in a strange equation where the critics are left with nothing and the Commission comes out with a compelling reasonable credibility.

As a critic, I cannot be given parity with the Warren Commission, that seems self-evident. But you are seeking to impose on me a much more rigorous standard than the



for the palmprint on the rifle, since its attempt to account for it has (as I argue in AAF) left open the possibility of fabrication of this evidence by Lt. Day, possibly in collusion with others in the Dallas Police. It is the Commission--not I--which suppressed the FBI reports of 9 Dec 1963 and 13 Jan 1964 from its WR and the H&E and which reached conclusions without resolving the contradictions about the transit of the bullet. It is the Commission--not I--which committed numerous other sins of omission or commission. Truly, I cannot understand why any critic should be taxed to prove LHO's innocence, when the Commission is not taxed with proving his guilt even though its findings are peppered with what I will politely call errors and even though those findings, you yourself acknowledge, leave open the possibility of two or more assassins.

You say that the Commission is unjustly criticized for its preoccupation with Oswald's biography; but that is not entirely accurate. What has been criticized is the fact that the Commission's first preoccupation was his biography, before any attempt was made to assess the hard evidence. That could only suggest a predisposition to take his guilt for granted in advance, instead of proceeding from the assumption of his innocence, to which he was legally entitled and which was all the more his due, in the first instance, for the very reason that the disgraceful performance of the Dallas police and other authorities had provoked such world-wide suspicions of their role as to compel the formation of a Warren Commission. I do not press this point in its totality, for in fact a Commission which started with such a predisposition but proceeded to conduct an impartial and competent investigation would still have had at a later stage to confront the evidence inimical to his guilt and the evidence that pointed clearly to the involvement of two or more riflemen.

None of the admittedly unexplained and suspicious circumstances such as the curtain rod story (which I acknowledge in AAF to be an embarrassment to advocates of Oswald's complete innocence) constitute in and of themselves proof of guilt. I do not exclude for one moment the possibility that if Oswald had not been executed he might have accounted for these circumstances in a wholly satisfactory manner so as to eliminate their incriminatory appearance.

I have gone on much longer than I intended, but not with the real hope of altering your position. I feel sure that your views are no less sincere than mine, and while I cannot and do not absolutely exclude the possibility of Oswald's complicity, in terms of knowing participation in a conspiracy, I am not convinced of it, although I am convinced that there was a conspiracy while you do not exclude the possibility but do not absolutely exclude a single assassin in the person of Oswald. Well, at least we are in fairly complete agreement on Garrison...and I continue to look forward with real eagerness and pleasure to further chapters of your book.

Best, as always,