

14 September 1967

Dear Tom,

*Just sent - original destroyed*

I greatly appreciate the information in your letter of the 11th and the speed with which you wrote. This is the first time I have heard anything about Phelan's expectation of a "big break" in the case, and I am really puzzled by what you tell me. The one time I spoke to Phelan was when he called me in July. Luckily, Susan (my niece, whom you will remember) was here and she listened on the extension and made notes of the conversation. Phelan seemed interested in my State Department article because it mentioned the name of an official whom he had encountered in a different case, unrelated to the assassination, some years ago, and for whom Phelan had developed a mistrust or distaste or both. He said nothing about having any inside information or any contacts which might prove to be a bombshell—incidentally, I am not familiar with any four-year statute of limitations. I know there is a seven-year statute, but it does not apply in capital crimes.

Thinking back to his call, I did wonder if Phelan knew in advance that I was not an admirer of G's, and if so, how he knew that. I did have the feeling that he was aware of my position when he called but just the same I did let him know at once that my distaste for G. did not imply the smallest sympathy with NBC et al. Later I remembered that I had written to the producer of NBC's anti-G. program, and thought it possible that Phelan had seen my letter. In any case, he never hinted at what you now tell me he has told both G. and Mark Lane; nor did he breathe a word of it in the letter which I mentioned I had received recently, in which he merely told me of his plans to be in New York next month and his hope to talk to me again. He explained that he had a low opinion of certain of the critics, which was why he had valued his conversation with me. But for that comment, I might not have answered his letter (none was really required) and merely waited to hear from him. However, I did not wish Phelan to have any impression that I could be used in any way against other critics, any more than I could be used against G. Therefore, I replied, very pleasantly, but also very explicitly, that while I regret and disassociate myself from certain actions or statements of some of my colleagues, I felt that they were under attack not for any inherent errors or faults but simply because they were attacking the Warren Report.

I am inclined to share your impression that Phelan is an honest man and that he did not set out to expose or attack G. However, when he encountered discrepancies and weaknesses in G's "evidence," he reported them in the SEP article, with considerable objectivity. Since I do think that he is an honest person, I am disinclined to accept either G's theory (that he is playing some kind of game with the critics) or Lane's theory (that he is trying to lure the critics away from G). So far as I know, he has contacted only Lane and myself, and I did not need to be converted--or unconverted. Offhand, I can think of at least nine other critics (eight of whom are passionate supporters of G) whom Phelan has not approached.

By the way, I am astonished to learn that Lane described my views on G accurately and objectively, for the simple reason that I have never discussed G with Lane nor has he ever broached the subject with me. I suppose that my California colleagues have briefed him, or even let him read copies of my letters (i.e., to the editor of the NY Review of Books). Yes, Lane's position presents a paradox, for the reasons you elucidate. As defense counsel, so to speak, he blandly accepts that the accused is incriminated (he has always been very, very careful not to make a categorical statement that Oswald was entirely innocent) on "evidence" much feebler than the evidence in the WR. He rather went out on a limb some months ago in publicly guaranteeing G's case, all the way, saying that he had seen all the evidence and that he was the only one outside of G's office who had been given this opportunity. I was amazed at the time that he took such a risk of his own reputation; his total endorsement of G was instrumental in converting a number of the critics who at that time still had some reservations about G into full confidence in and support of him.

I am curious to see how G and Lane will work together, since each has a certain claim to the center of the stage and no aversion to headlines. But perhaps the entente will survive without even a grain of rivalry, in their mutual dedication to uncovering the truth....?

You are probably right about the "collapse" of the WR. I was thinking of the shock and disillusion of the academic and intellectual fraternity, or some of its leading members, when Epstein's book came out last year--people like Max Lerner, Harrison Salisbury, and Alistair Cooke were forced into some reexamination of their earlier position on the WR and even made public retractions; others spoke out for the first time, some with bitterness and scorn. For many of these people, the WR had collapsed. But you are quite right: it is still the official white paper and we must still force an official repudiation of this perversion of truth and history. This can come in a number of ways but the easiest and quickest way would be, of course, for a confession to be made that CE 399 was planted or the like. Now, I am not really optimistic about such a development coming to pass on the basis of Phelan's hints and allusions to G. and to Lane. He may well have been taken in himself by a plausible but untrue story. As you know, the critics experienced a rash of confidence artists or agents provocateurs or phonies of one kind or another, including a few innocent paranoids, I suspect, earlier this year and in a few instances were almost entrapped into making jackasses of themselves by reason of their gullibility. Maybe one of these got to Phelan. What strikes me rather forcefully is that if someone was about to blow the works, he and/or his lawyer would keep it a dead secret, rather than jeopardize his own safety. (Or they might tell the whole thing to a number of strategically placed people, which is another form of life insurance.)

Even without this kind of bombshell, I do not despair. There is at least one book coming out (not my own) which may advance our position dramatically. My greatest fear is that G's adventurism will glut and disillusion the press and the public to the point where they will sicken of the whole subject and despise all the critics (because most of them have allied themselves with G), and simply refuse to listen.

If and when I see Phelan, I will be most curious to see whether he repeats what he told G and Lane. If he does, I may not feel able to communicate it to anyone, or to anyone who might channel information to G. But as of now, I know nothing beyond what you have told me. You speak of the vindication of my position: here I am on very sure ground. Whatever may happen, in New Orleans or elsewhere, my position will remain that I am against lies and fabrications, in any cause, whether on behalf of the WR or in the attack on it. I am unable to see how truth or justice can come out of lies. G may manage to convict Shaw, as he has convicted Andrews, or any other twenty people, without changing my stand one iota. So far as I am concerned, Oswald will be no less innocent of the assassination on the basis of G's witnesses (if a jury believes them) than he was on the basis of Warren's. I am very saddened and very disappointed at the readiness of some critics to abandon the whole principle of the presumption of innocence which, in the first instance, inspired their effort to destroy the WR. The line between their position, and the position of Specter, Liebler, et al, has become very fuzzy.

My regard for you is all the higher because you can be in the eye of the hurricane, so to speak, without surrendering your objectivity or independence of judgment. All the best, and please continue to write as often as you can,