

Sunday

20 June 1964

Dear Lex,

If we had had a simple disagreement about ballistics or the paraffin test, I would this moment cheerfully be writing a note of apology for my peremptory and inhospitable behaviour. But something quite different is involved. We have seen a Dreyfus case, and the case of Julius and Ethel Rosenberg, cases in which the massive power of the State was used against an innocent and relatively helpless individual and where his freedom or his life was ruthlessly taken from him, partly by means of manufactured evidence, partly by concealment and distortion. In the Dreyfus case there was, unquestionably, a conspiracy. This is a historical fact. In the Rosenberg case the law was manipulated, for political reasons, and two people were executed for a crime which, if they indeed were guilty of it, did not warrant capital punishment. There is also some analogy to be found in the Nazi slaughter of millions of people on charges which had not the slightest moral, legal or scientific validity.

All of these loathsome crimes against the individual were possible because people were ready, by their silence or their active support, to act as accomplices of the State. The Oswald case, prima faciae, is another Dreyfus case. The vast and almost unlimited power of the State apparatus has been focussed on one aim--to "prove" Oswald guilty, no matter how much the evidence has to be distorted, suppressed, or manufactured to that single end. Insofar as any analogy is possible, Mark Lane is to the Oswald case what Emile Zola was to the Dreyfus. It was not fair, by any standard, to dismiss him with contempt on the basis of a single remark--the implications of which were not unlike those of a remark you yourself made--and at the same time to be quite tolerant of, if not indulgent towards, the gross improprieties, the negligence, and the naked, deliberate violation of the rights of the accused by Henry Wade.

I see it as an acute personal danger when the State is permitted to destroy an Oswald--whether or not he was in fact guilty or implicated in the assassination--without due process of law. Every benefit of doubt belongs to Oswald, not to Wade or the Dallas police or the FBI or the Warren Commission. Justice, if not morality, requires this. How can one dismiss Mark Lane or Thomas Buchanan or any of the other people who have raised serious questions about Oswald's guilt add about the nature

of the "evidence" against him--especially without having studied their claims? How can one demand of Mark Lane or his colleagues, who do not have access to the evidence in this case, which has been withheld from and misrepresented to the public, that they must "prove" beyond reasonable doubt and document in full the existence of a conspiracy, or the innocence of Oswald? How can one, at the same time, accept on faith the conclusions which the FBI has announced on the basis of the evidence to which we have no access, when even the FBI's own account of the evidence has repeatedly been revised (five times in the case of the wounds) and always revised in such a way as to support the thesis that Oswald acting alone committed this unspeakable crime?

Much more is involved than a difference of opinion on the nature of the paraffin test, or differing views on the latitude which a District Attorney may exercise legitimately without placing his own role in question: it is a fundamental question of alliance with the "establishment" against the individual. Alliance with the establishment, in another context, in South Africa for example, means complicity in the monstrous and vile fate of the Black African; in Nazi Germany it meant complicity in the operation of the gas ovens.

I can only see the Oswald case in these terms; that is why our disagreement last night was something other than pique or loss of temper, and that is why I find myself unable to make a glib apology or brush the matter off. I am deeply sorry that we should be on opposite sides in so grave and fundamental a matter, and very much distressed that Isabel was placed in so unpleasant a position.

Sincerely,

