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The Editors  
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250 West 57 Street  
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Dear Sirs,

Certainly, as Professor Richard H. Popkin says in the issue dated September 14, 1967, we must all wait for the trial of Clay Shaw to find out what District Attorney Jim Garrison's evidence really is and how it will stand up. I, for one, am quite impatient for the hour when it will be revealed in open court whether or not there is credible evidence to sustain Garrison's charges against the late Lee Harvey Oswald and David Ferrie, as well as against Clay Shaw. Should the charges remain unresolved for any reason, or the validity of Garrison's case remain ambiguous, it would be extremely unfortunate and ominous.

I am not so impressed as Professor Popkin with Mr. Garrison's successes to date in the face of legal attacks on his case nor do I rejoice at the conviction for perjury of Dean Adams Andrews, Jr., one of the first principals to assert publicly and uncompromisingly his conviction that Oswald was innocent--almost three years before Garrison's own public statement that he had no evidence that Oswald had shot anyone on November 22nd. The conviction, in any case, leaves unresolved the exact nature of the perjury--was it that Andrews failed to identify Clay Shaw as "Bertrand" or that he failed to make an explicit denial that Shaw was Bertrand? As to the other courtroom triumphs to date, familiarity with the judgments and conclusions reached by the Chief Justice of the U.S. Supreme Court and his colleagues leaves me without the smallest tendency to assume that jurists are necessarily just or correct in their rulings.

A critic of the Warren Report, it seems to me, is obliged to apply to Garrison's evidence and witnesses the same strict and objective tests which were applied to the Commission's case. By that yardstick, I find little merit in the testimonies of Messrs. Russo and Bundy. Russo's story, quite apart from the questions raised about hypnosis and sodium pentothal, seems to me inherently barren of credibility. I can scarcely believe that three conspirators negotiated a plan to assassinate President Kennedy in the presence of a fourth person, whom they left at liberty to inform on them whenever the spirit moved him, before or after the assassination was performed. As for Bundy's story, I am quite indifferent to his drug addiction in the past but I question his identification--or that of any other witness--of a person or persons whom he saw on one occasion, at some distance, almost four years earlier.

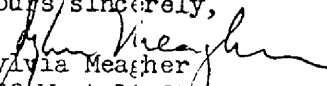
Mr. Garrison has not yet revealed the basis for his allegation that Clay Shaw met with and passed money to Oswald and Jack Ruby at Baton Rouge on September 3, 1963. I hope that his evidence for this meeting will be more substantial than his evidence for the meeting (of Shaw, Oswald, and Ferrie) in Ferrie's apartment. But he has claimed that he established a link between Shaw, Oswald, and Ruby through decoding identical cryptograms in Oswald's and Shaw's address books, and that these entries when decoded proved to be Ruby's unlisted telephone number in 1963. Professor Popkin has not mentioned this Garrison allegation in his review of the case for Garrison. Perhaps he shares my belief that

Garrison's cryptographic evidence is an embarrassment, predicated on a misreading of the Oswald entry and an assumption about the Shaw entry which proved to be false. Yet Mr. Garrison has not as yet retracted his pronouncements about the so-called code linking Shaw with Oswald and both of them with Ruby. If Professor Popkin accepts the code, why has he not discussed this as evidence that Garrison is on the right track, far more solid than some of the possibilities that are mentioned? If Professor Popkin does not accept the code as valid, it nonetheless remains highly relevant to an evaluation of Garrison's role.

I do not reject the Garrison hypothesis that Oswald's involvement in the assassination (whether conscious or unwitting) originated in New Orleans. But this hypothesis had been elaborated by critics of the Warren Commission long before Mr. Garrison's revival of interest in the assassination. This theory was presented in Harold Weisberg's book Whitewash, and in the manuscript of my own book on the Warren Report, in both cases in February 1966 or earlier, and of course in Professor Popkin's own book, and by other of the critics as well, I believe. That a number of the critics independently arrived at a parallel or identical hypothesis of a conspiracy originating in New Orleans is understandable: the testimony and exhibits published by the Warren Commission almost compel such an assumption. The question is, can Garrison prove the theory is correct and that the persons he has accused were indeed parties to the assassination of President Kennedy? Since the known evidence (the testimony of Russo and Bundy, the "code," and the undocumented allegation of a rendezvous of conspirators at Baton Rouge) is vulnerable, at best, I find no basis for an assumption that the still-submerged evidence will be conclusive or convincing. On the contrary, there is more reason to suspect that it will prove to be as insubstantial or contrived as the so-called code of Ruby's phone number.

I am willing to wait with Professor Popkin for the unfolding of the evidence, by the defense as well as by the district attorney, at the trial; but I refuse to suspend all judgment while we wait. That part of the Garrison "iceberg" that is already visible inspires no optimism about the part that is still unseen. That being so, I have to reject any imputation that anyone who criticizes Garrison is to be lumped with NBC or the Los Angeles Times or the other media who are noteworthy for their ardent and unabated advocacy of the Warren Report. Their press-agentry on behalf of the Report strips them of credentials for accusing others of fraud and error. That task should have been carried out by the critics of the Warren Report, who had expertise as well as credentials for the evaluation of Garrison's evidence. I am sorry that for the most part the critics have not met this need and have left it in the suspect hands of apologists for the Warren Report. The fact that they are concerting an attack on Garrison proves nothing in his favor, per se. One is not obliged to take sides in a gang war in which both sides have contempt for truth.

Yours sincerely,

  
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note on verso of p.2 "not sent" - JSS