

AMERICAN POSTSCRIPT

THIS BOOK ORIGINALLY WAS TO HAVE BEEN PUBLISHED first in the United States; on March 11, 1964, even before I got in touch with Les Editions de Minuit in Paris for the French edition, the contract for the American edition had been signed with a large New York publisher. But then came the publication of the Warren Report on September 27, 1964, and the enthusiasm of my New York publisher ebbed perceptibly.

By that time, I had not only finished writing the story of the Dallas investigation, but also had described the FBI leaks and the disturbing circumstances under which the Warren Commission had started its work: more leaks; more reckless statements, including some by the Chairman of the Commission, who thought it proper to make public his personal opinion about testimony still unpublished; the very choice of the first witnesses to be heard and the indecent stardom conferred on Marina Oswald; finally, and above all, the fact that the Commission deliberately turned away from an honest search for the truth when it decided to prohibit cross-examination. In short, I had already expressed a number of misgivings about the Warren Commission, and after reading its Report, I found that things were even worse than I had imagined. What really appeared unacceptable to my New York publisher was my conclusion that since the Commission did not establish Oswald's guilt beyond a reasonable doubt, Oswald was to be considered innocent.

"The problem," I was told in a letter dated November 4, 1964, "is that the Warren Report has put the Oswald matter in a different light from what I had expected, and I'm now convinced that any book which attempts to question Oswald's guilt would be out of touch with reality and could not be taken seriously by responsible critics. This is by no means to say that the Warren Report is not without flaws—its treatment of the evidence, its indifference to many of the ambiguities which are evident in its pages, and its tendentiousness are clear. But for all this and for all the confusion earlier in Dallas, it is inconceivable that Oswald might yet be proven innocent. . . ."

As is already obvious, the author of this letter does not belong among the smug, sanctimonious and—most of all—ignorant troubadors of the Warren Report. He expressed the hope that I would give him "the credit to believe that I am not speaking here out of patriotic motives or in order to abet a conspiracy of silence." I do give him that credit. But . . .

"I am certain," his suggestion was, "that on the basis of your present research, you could, as I've often told you, prepare a most interesting and useful book which would take the question of Oswald's guilt as pretty well established, but which would then seriously question the great flaws in American criminal procedure which the Oswald affair has illuminated, all the way from the Dallas police station to the Supreme Court. No one could have been dealt with less fairly than Oswald was, and had he remained alive one would have hoped for his acquittal in the higher Courts on constitutional grounds. That the Warren Report doesn't make this plain is I think a very bad mark against it, and if you would agree to revise your material so as to focus on this aspect of the case, I'm certain that we could in time produce a book which would be of great interest in itself and great use to the country."

I did not agree, but I could see the point: I bear no grudge against the author of the letter who, at the publisher's direction, "reluctantly" released me from the contract. My own point is simply that no matter how useful a different approach might be to the cause of reform of American criminal procedure, I cannot consider the guilt of any man—even such a wretched and un-