

*Enclosed = letter of 10/24/68*

Memorandum Regarding Weisberg's Two Letters Published in  
Open City (Issue #59, 6/28-7/4, 1968; Issue #60, 7/5-11/68)

The Open City issues mentioned above, and particularly the second one, published letters from Harold Weisberg that made many charges against me, some related to the Thornley matter. This memo presents answers to some of these charges.

1) Regarding the legal action Garrison has taken against Thornley, Weisberg states: "...neither Dave nor Thornley troubled your readers with a printing of the indictment." (Issue #60, Open City) As Harold well knows, there was no indictment. A most unusual aspect of Kerry's case is that the Grand Jury never indicted Kerry Thornley for the testimony he gave before them. They never were given the opportunity to do so by Mr. Garrison, to vote on the question of whether they thought Kerry had committed perjury when he testified before them in his Grand Jury appearance of February 8, 1968. Instead, after Kerry gave testimony (about his fall 1963 whereabouts and associations)----testimony that was in flat disagreement with Jim Garrison's (and Harold Weisberg's) "conspiracy" theory, Kerry was personally charged with perjury by DA Garrison. Garrison used a legal device called a "Bill of Information" to passer the charges against Thornley. This Bill of Information, which Garrison personally filed as DA of New Orleans, avoided the necessity (and bypassed the judicial protection) of heving the Grand Jury vote on Kerry's testimony, on the question of whether they thought he might have committed perjury. Garrison's "Bill of Information" is nothing but the DA's official way of expressing the fact that he thinks so, and is not to be confused with a Grand Jury indictment. The standard of "probable cause" as to whether Kerry committed perjury is obviously quite different when that determination is made by a jury, rather than by the DA himself, and especially when that same DA is the proud author (or co-author, considering Weisberg's involvement) of a conspiracy theory which postulates the involvement of the witness whose testimony is being scrutinized for perjury! If Kerry's testimony were allowed to stand, it would vitiate that portion of the DA's assassination "conspiracy" theory which involves Kerry.

(Indeed, the DA has told reporters that to understand the conspiracy he has uncovered in New Orleans, one must understand the central role played by Kerry Thornley. Even more ludicrous, there are indications--- from those who have interviewed these two men---that there is something of a feud between Mr. Garrison and Mr. Weisberg over who should get the credit for discovering Thornley's "key" role!)

Considering these circumstances, it is perhaps not so strange that Mr. Garrison, a professed civil libertarian, found that readily available judicial safeguards were dispensable luxuries, in the case of Thornley, where the DA had certain specific interests at stake. Rather than risk rejection of his fragile, facile, and fanciful "Thornley theory" by a Grand Jury that might have refused to indict Kerry, Garrison simply bypassed them and filed the charges himself.

There is no question as to the legality of Mr. Garrison's method, but this behavior is in stark contrast to Garrison's professed concern for the rights of the individual and the powers of the state. Is this the same Jim Garrison who claims that he sought a preliminary hearing in the Shaw case to insure the protection of Shaw's rights, and that his aim was not the attendant and worldwide newspaper publicity? In Thornley's case, Garrison seems more concerned about his pet "Thornley" theory and any attendant newspaper publicity he can drum up for it, than about legal procedures which might act to safeguard the rights of the defendant. UK

On the day Garrison charged Thornley with perjury, he issued a highly inflammatory, propogandistic seven page press release entirely devoted to Thornley, a press release which purports to describe Thornley's key "role" in Garrison's New Orleans conspiracy theory of the assassination. This release is so packed with non-fact, non-logic, innuendo, and distortion that it makes the Warren Report look like a paragon of reason and understatement.

This press release, with its many reckless, false, and unsubstantiated charges against Kerry Thornley, will undoubtedly be a focal point for future published studies, if and when Garrison ever gets around to setting a trial date for Kerry Thornley, and the case comes to public notice. And perhaps, before this whole lurid and ludicrous affair is over, the press release might even be the basis for a lawsuit against Garrison, Weisberg, and others responsible for its content and release.

2) As explained in the second Open City article that I wrote, Garrison claims that Thornley and Oswald were seen together in a bar in New Orleans called the Bourbon House, in the fall of 1963. Kerry denies seeing Oswald at that time. Garrison's key witness is Barbara Reid, the New Orleans woman who is an alleged practitioner of witchcraft in the French Quarter.

How does anyone, 5 years later, prove that they were not at a particular bar on a particular night in September, 1963?? Since Kerry did not have himself followed around by a team with a video-tape machine 5 years ago, one way in which he will probably have to attempt to clear himself of Miss Reid's allegation is to question her credentials as an observer of reality. Therefore, it is of paramount importance that, at Kerry's trial, it will probably be shown beyond any reasonable doubt that Miss Reid claims to possess occult powers, kept an alter in her home, and did various things with wooden dolls that she carried on her possession. If the defense supeonas Barbara Reid to appear in court with her alter, it will probably be the first time an alter has become evidence in a court case since the salem witch trials. It is preposterous, therefore, that Weisberg should attempt to fob off Miss Reid, in his letter to Open City, as "a writer and TV producer". Besides the fact that she is an old time friend of Garrison and key members of his staff who are responsible for the Thornley investigation, what is most important in this case is her credentials as an accurate observer of reality.

3) Weisberg also charges that the word "alleged" in front of "practitioner of witchcraft" is a "literary technique...right from Goebbals". No so.

Until Barbara Reid is proven to be a witch in court, she is an alleged "practitioner of witchcraft". The same goes for accused and alleged assassins, something Harold apparently forgot when he wrote "Oswald in New Orleans". In that book, and in his haste to claim credit for various ideas, Harold Weisberg did violence to Clay Shaw's civil rights, and a presumption of innocence that is supposed to be operative in matters pending before a court, by flatly declaring that Shaw is Bertrand, that he, Weisberg first exposed Shaw in Whitewash I where he appears using the alias "Bertrand". Whether Shaw is Bertrand will be resolved at a trial. Weisberg's incriminating assertions, however freely he pens them, are no substitute for evidence.

4) Harold sneers at my claim that Kerry went to New Orleans "voluntarily" to testify, and sarcastically cites the court order requesting his appearance. (Open City; Issue #60) As Harold well knows, Thornley had the right to appear in court and "show cause" why he should not be required to go to New Orleans and testify. As Harold

also well known, almost every witness who has fought extradition in Garrison's various cases has found a very sympathetic judiciary ready and willing to let them off the hook. In order to show that he had nothing to hide, Kerry has waived extradition on both occasions when he was ordered to go to New Orleans: the first time to testify, the second time to arraigned, even after he was charged with perjury.

This behavior is unprecedented in any of Garrison's cases. One of Garrison's supporters has attempted to explain Thornley's actions by postulating that he is simply "pretending to be innocent". Thus, by this logic, there are two types of guilty people in Garrison's probe: those who are "guilty" by virtue of their fighting extradition, and those who are "pretending to be innocent" and who therefore waive extradition. And what would a truly innocent man do? Why this outlook just happens to preclude the existence of such a creature!!

5) Harold has raised matters in his letters that have absolutely no relevance to Thornley, but they deserve a reply. This concerns Wesley J. Liebeler. As a former grad student at UCLA, I made the acquaintance of Liebeler, a former attorney on the Warren Commission's staff who is now a professor in the law school. During the school year 1966-1967, Professor Liebeler held a seminar on the Warren Report which he invited me to attend, specifically so that the other side of various questions would not be ignored, and would always be presented. This I did, despite vicious attempts on the part of several LA critics to spread a rumor that I was writing a book, with Liebeler, attacking various works of Harold Weisberg. As a measure of Weisberg's honesty, note his charge that I am trying to defend either Liebeler or the Warren Report, and then read "The Case for Three Assassins", a 25page article which I co-authored in the Jan. 1967 issue of Ramparts Magazine.

Given Weisberg's personality, I should perhaps not be shocked at his low-brow attempt to employ the tactic of "guilt by association" in order to turn my dialogue with a member of the opposition into a vice. His implications that I am either in agreement with Liebeler's position on the Report, or the Report's conclusions on the assassination are as false as they are absurd.

6) Weisberg makes claims about a debate, and about my involvement. There is no polite way to say it: his statements in this area are simply a pack of outright lies. Here are the facts, backed up by the correspondence from Weisberg's own typewriter.

Last Christmas, a group at Roseda's Cleveland High School enlisted my aid in arranging for a debate between Wesley Liebeler and Harold Weisberg. Since Liebeler's area of work on the Commission was New Orleans, and since Harold Weisberg had published a book that analyzes this particular area in great detail, a Liebeler/Weisberg debate would have been an event of considerable importance. I helped Harvey Levin, President of "Boys League", the High School's sponsoring organization for the debate, draft letters to both men in an attempt to arrange this debate on mutually satisfactory terms. Neither man knew of my involvement.

It would be nice to be able to report that the debate did not come off because a Warren Commission attorney got cold feet when confronted by the prospect of debating an informed critic, Harold Weisberg, and could not afford a public showdown and the attendant embarrassment. Nothing of this type occurred. The debate did not come off because of sheer dishonesty, involving debate arrangements and matters of money, on the part of Harold Weisberg in his dealings with the high school group involved. The events left a bad taste in the mouth of the students arranging the debate, who learned to their chagrin that Harold Weisberg was an individual who simply could not be trusted. The events unfolded as follows.

The main financial burden of the entire affair was airline fare that would have been necessary to get Weisberg from the East coast to California. To possibly avoid this major expense, Levin initiated his debate preparations by calling Weisberg long distance, telling him about the debate, and asking if he could possibly fit the debate into his next California trip. Weisberg assured Levin that he was without funds, and could do no such thing. He could not get out to California, he assured them, unless they paid his way. All right, said Levin. But it would cost \$250 for a round trip ticket for Weisberg to visit the coast. If they paid Weisberg his entire airline fare, would he forego an honorarium? In this first conversation, Weisberg made it quite plain that he wanted both round trip airline fare and an honorarium. He put it this way: "I'll take whatever Liebeler gets; if he speaks for nothing, I'll speak for nothing. If Liebeler gets a nickel, I want a nickel." To Weisberg, who was pushing the sale of 4 books at the time, a free trip to California was, apparently, "speaking for nothing." (over 3/22/68)

The debate arrangements were successfully culminated, and the tickets were about to be sold at a price which would raise enough money so that each man could be paid an honorarium, and Weisberg would get his airline fare paid. At that time, a series of letters arrived from Harold Weisberg which were somewhat troubling. (1/68, 2/68) First, Harold wanted to sell his books at the door. In another letter, he seemed to imply that he just might not be able to attend the debate, after all. He also wanted the school to please pay for his cab fare from his Maryland farm to the Washington airport. As one high school student working of the project put it, they expected Weisberg's next letter to request "5¢ for gum".

(at the beginning of February)  
Then, a letter sailed in from Harold saying: "Beginning the middle of next week, I will be away for about 18 days... should you write me, I will be in touch with my wife just about daily and I will get any messages promptly. I hope the rest of our preparations go smoothly."

Where was Harold going for the next 18 days? The mystery was not long in being resolved. To the astonishment and outrage of the high school students, who were bending over backwards to raise money for Harold Weisberg's forthcoming airline fare<sup>so</sup> that he could come to California, Harold's visage was appearing on Southern California TV screens, and his voice was on various local talk programs. Harold was "going away for 18 days" to Southern California!

This blatant act of deceit and dishonesty was too much for those sponsoring the debate. At issue was whether one could trust anything Weisberg said, any commitment he made. The debate was called off.

Letters were then sent to both Weisberg and Liebeler apologizing for the cancellation, and a truthful technicality was invoked as the reason that the school would no longer sponsor the debate. Also, at my specific request, into each man's letter of cancellation was put a sentence specifically assuring him that his opponent had not withdrawn. Weisberg's letter stated: "Let me assure you that the other participant in the debate and myself were not responsible for this unfortunate situation."

Promptly upon receiving his letter, Weisberg started spreading the rumor, here in Southern California, that Liebeler had withdrawn, and that he, Weisberg, had "evidence" of this. I phoned Harold while he was here in Southern California. At that time, he had absolutely no idea that I had played any role in the debate preparations whatsoever. Why, I asked him, was he saying that Liebeler had withdrawn from the debate? Harold replied that he "knew" this to be the case, that he had evidence.

\* for the 3/22 debate, about 6 weeks later.

What evidence, I demanded to know? Harold's answer illustrates exactly how his mind works. "Dave", he said, "I have a letter here in which it specifically states that Liebeler had not withdrawn from the debate. Now why would that statement be in there unless he had withdrawn?"

I then told Harold that I had specifically requested that it be put in there, and to specifically prevent the spreading of rumors such as he was now spreading, on the part of either man. Cornered, Harold's reply was short and unprintable, and the conversation was promptly terminated.

- 6) I have never stated that the assassination was committed from "papier-mache trees somehow, mysteriously, removed in the middle of the night, while thousands of upsees looked on." Unlike his statements regarding the "debate", covered in point (5), these are at least not outright lies, merely dishonest distortions on MY a "camouflage hypothesis" that I have advanced regarding the actual shooting in Dealey Plaza.
- 7) Clint Bolton, a friend of Kerry Thornley in New Orleans, wrote a column in which Weisberg's name is repeatedly spelled "Weisberger". The fact that "Mr. Weisberger" appeared numerous times, instead of "Mr. Weisberg" was an entirely innocent error on Clint's part. Weisberg used this as the basis for his charge in the first Open City letter that Clint's column was "anti-semitic".
- 8) Some concluding remarks.

Political theory and behavioral theory of the motives of the opposition have their place, but they are absolutely no substitute for evidence. Yet Weisberg's letters are ample evidence of the mind of a man who uses them in exactly that way. The syndrome goes as follows: because Garrison is opposed by the establishment, therefore he must "have something"; because Shaw is trying to avoid a trial, therefore he must be guilty; because Edgar Eugene Bradley is fighting extradition, therefore he must be guilty; because Kerry Thornley is not fighting extradition, he must be "pretending to be innocent" and is, therefore, guilty; because Clint Bolton spelled Weisberg's last name as Weisberger, he must be anti-semitic; because Weisberg received a letter saying Liebeler did not withdraw from the debate, therefore he must have withdrawn from the debate; and because Kerry Thornley, who is involved in "the plot", gave affidavits to Garrison, with David Lifton, last September (1967), then this must have been all part of a plot to mislead Garrison.

This paranoid style of thinking permits reckless speculation about people's behavior to parade under the guise of reasoned analysis and be treated as a substitute for evidence. As such, it obviates the necessity for judging Garrison's pronouncements on the basis of evidence, and becomes the tie that binds together many of Mr. Garrison's followers into a cheap and intellectually unbecoming courtroom cheering squad.

And what can be said of those Warren Report critics who should know better? For aren't these people radicals in the finest sense of the word? Didn't they, after the 26 volumes were available, objectively examine the Warren Commission's evidence, pronounce judgement on its conclusions, and fight those who blindly believed the Report merely because it was signed by Earl Warren? Perhaps the best that can be said for these true believers is that there is a certain type of radical, more interested in propoganda than in substance, who surrenders his mind to and becomes a docile pawn in the hands of the right type of demagogue.

May these people all worship Mr. Garrison at the foot of Barbara Reid's altar on their next pilgrimage to New Orleans.