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The Editors
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Dear Sirs,

As my friend and colleague Professor Richard H. Popkin says in his article, "Garrison's Case," in the September 11th issue, we must indeed wait for the trial of Clay Shaw to find out if the district attorney really has credible or conclusive evidence to sustain his charges—against Lee Harvey Oswald, as well as Clay Shaw and David Ferrie. Professor Popkin seems to acknowledge, at least implicitly, that Mr. Garrison's February pronouncements—that he had "solved the case weeks ago" and that he had "evidence beyond the shadow of a doubt"—were (and still are) premature. If newspapers "seem fixated on Garrison's early public claims," perhaps it is because the claims were never retracted, while such evidence as the district attorney has thus far made public is dubious, if not foolish.

A critic of the Warren Report, it seems to me, is obliged to apply to Garrison's evidence the same strict and objective tests which he applied to the Commission's evidence. By that yardstick, I find little merit in the testimony of Messrs. Russo and Bundy, although for reasons other than those against which Professor Popkin argues. Russo's story, quite apart from the questions raised about resort to hypnosis and sodium pentothal to elicit his story, seems to me inherently bereft of credibility. I can scarcely believe that three conspirators discussed the logistics of 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 accomplished. (Other objections to Russo's testimony may or may not be warranted; for example, Professor Popkin concedes that the notes of the first interview with Russo written by Garrison's aide Andrew Sciambra do not include this episode, but he does not explain why it was omitted if, as Sciambra insists, it was discussed. I have heard a number of different explanations from Garrison's supporters among the critics, none of which provided plausible reasons for the omission of what was undeniably the central part of Russo's story.)

As for Bundy's allegations, I am skeptical not because of his drug addiction in the past but because I reject an identification by any witness, however upright, of a person or persons viewed on one occasion, from a 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. Perhaps his evidence for the Baton Rouge rendezvous will be more substantial than his evidence for the meeting in Ferrie's apartment. But I must remind Professor Popkin that long before the Baton Rouge meeting was mentioned, Mr. Garrison claimed that he had established a link between Shaw, Oswald, and Ruby by decoding identical cryptograms ("P.O. Box 19106") in Oswald's and Shaw's address books which, when decoded, proved to be Ruby's unpublished 1963 telephone number. Professor Popkin's article does not mention this claim by Garrison. Perhaps he shares my view that

Mr. Garrison's cryptographic "evidence" is an embarrassment, predicated on a misreading of the Oswald entry and a false assumption about the Shaw entry. If Professor Popkin does accept the "code," it is far more solid than some of the other evidence he has mentioned as indicating that Garrison is on the right track. But even if he does not accept the "code," Professor Popkin should still have mentioned it in his inventory of Garrison's evidence, since it is highly relevant to an evaluation of the district attorney's forensic skill and scruples.

Turning to the defection of William Gurvich, I note that Professor Popkin feels that "some explanation seems required of his change of heart" but I do not find the explanation anywhere in the article. Certainly Gurvich's statements to Professor Popkin in April contradict his public statements in June. But it seems unfair to tax him with self-contradiction while absolving others, including the district attorney himself, of the identical failing. Pilgrims returning from New Orleans before the defection repeatedly and consistently identified Gurvich as Garrison's "chief investigator" and voiced the highest praise for his professional and personal qualities. Not the least astonishing aspect of his defection was his retroactive demotion to little more than a messenger. I am glad that Professor Popkin, unlike some apologists for Garrison, acknowledges that Gurvich was "a major investigator."

Professor Popkin asks if "Garrison's theory" that the assassination was planned and carried out by a group of anti-Castro Cuban exiles, based in New Orleans and involved with the CIA, is plausible. I must point out that this hypothesis was elaborated by critics of the Warren Report long before Mr. Garrison experienced a revival of interest in the assassination. (For example, I set forth this very hypothesis in a chapter of my forthcoming book which was written in January 1966, and found the same theory in Harold Weisberg's Whitewash, which I read in February 1966; and, of course, it is in Professor Popkin's own work, and that of other critics.) That a number of critics independently arrived at similar or identical conclusions--that the assassination was the work of a conspiracy which originated in New Orleans--is understandable; the testimony and exhibits of the Warren Commission almost compel such an assumption.

The question is, can Garrison prove the theory correct and sustain his charges that the persons he has accused were indeed parties to the assassination? I am not so impressed as Professor Popkin with Garrison's procedural successes to date, nor do I regard the conviction of Iean Andrews as a triumph, since it leaves unresolved the exact nature of the perjury. Was it that Andrews, knowing that Shaw was Bertrand, failed to make a positive identification? Or was it that, knowing that Shaw was not Bertrand, Andrews failed to make an explicit denial? And what of Andrews' allegation that the district attorney asked him over dinner not to make an explicit denial that Shaw was Bertrand? I do not find this necessarily inconceivable; nor do I forget that Dean Andrews insisted, loud and clear, in July 1964, that Oswald did not commit the assassination--almost three years before Mr. Garrison's public statement that there was no evidence that Oswald had shot anyone on November 22, 1963.

As to Garrison's other courtroom victories thus far, familiarity with the judgment and conclusions reached by the Chief Justice of the U.S. Supreme Court and his eminent colleagues after their investigation of the assassination

leaves me without the smallest tendency to assume that jurists are necessarily just, or that their rulings are necessarily correct.

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 Shaw trial. But I refuse to suspend all judgment while we wait, and I certainly refuse to deny Clay Shaw the benefit of doubt to which he is entitled and to give it, instead, to his accuser.

Many of us have labored painstakingly for years to expose the insubstantiality and fraudulence of the so-called evidence against Oswald in the Warren Report. I am astonished that some of the critics, including those who most passionately and uncompromisingly defended the thesis of Oswald's complete innocence of any complicity whatever, were ready on the basis of Russo's unsupported (and in my opinion insupportable) story nonchalantly and complacently to agree, after all, that Oswald was a party to the assassination. (Professor Popkin has not, I hasten to add, performed such an about-face, since he has always taken the position that Oswald was implicated.)

I am willing to wait with Professor Popkin for the trial, but since the known evidence on Mr. Garrison's side (the Russo/Bundy testimony, the "code," and the Baton Rouge rendezvous) is, at best, vulnerable, I find no basis for assuming that the still-submerged evidence will be convincing or conclusive. On the contrary, there is more reason to fear that it will be as contrived and insubstantial as the so-called code of Ruby's phone number.

Finally, I have to reject the imputation that anyone who disavows Garrison is to be lumped with NBC or the other news media who are notorious for their hysterical and unashamed commitment to the Warren Report, even now when it has collapsed with a malodorous thud. The press-agentry of the news media on behalf of the Warren Report strips them of credentials for sitting in judgment of Garrison or any other dissenter from the official fiction of the lone assassin. The disinterested evaluation of Garrison's evidence should have been carried out by the critics of the Warren Report but they, for the most part, have left in the suspect hands of apologists for the Report the duty of pointing to undeniable weaknesses in the district attorney's case. The fact that the apologists have made a concerted attack on Garrison proves nothing in his favor, in and of itself. One is not obliged to take sides in a gang war in which both sides have only contempt for truth.

Yours sincerely,

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