

Harold Weisberg
Hyattstown, Md. 20734
November 7, 1966

Mr. Franklin D. Murphy, Chancellor
The University of Calif. at Los Angeles
Los Angeles, Calif. 90024

Dear Mr. Murphy,

Your welcome letter of November 1 is not really responsive. If I have been unclear, I shall try and clarify it.

Your letter is a defense of scholarship, which certainly need not be defended to me. I'm all for it. I've helped students from your sister institutions. But I'm also for free and independent scholarship. You have in no way assuaged my misgivings on this point. Your project is in a field in which I have had considerable experience and have a detailed knowledge.

It This is not merely *that* this subject is "in the area of the faculty member's particular interest." It is a subject on which the faculty member has a past and a future to defend. His career is very much at stake. While there is a pretense that something else is true, he is very much on the defensive. This converts the students, the paid instructors and the University into his defense corps. Were the question one of academic freedom, this rally round him would have my wholehearted approval. Because, despite his contrary pretense, he is the accused and is on the defensive, he should not be put in the position of having to evaluate the work of students and they should not be put in the position of evaluating the career and influencing the future of the man who will grade them and, to a degree, influence their destinies.

The inference that "an article or book... may result" is not consistent with press accounts of Mr. Liebel's public statements nor is it consistent with my private understanding that he has a specific arrangement for a book. I would like to hope that by the time students make costly field trips to Dallas and Washington they produce something more than a possible footnote.

Do I take it from your letter that this is a faculty rather than Mr. Liebel's personal book? It is in this sense alone that you address my question about the propriety of the University and a number of families subsidizing this forthcoming book.

On my farm, I would not put a fox to guarding my chicken house. In our judicial system and under our concepts of justice, we do not allow the accused to sit in judgment upon themselves. If Mr. Liebel wants to write a personal book on any aspect of the work of the Warren Commission and his participation in it, I am very much for it and anxiously await its appearance. I will be quite interested in what he may add to the knowledge I already have on this subject and on his functioning as a member of its staff. If he creates a situation in which he pretends to be doing a work of impartial scholarship and inquiry in the guise of an impersonal book, and at the same time as inevitably he must evaluate his own performance, his own discharge of his responsibilities, he cannot be aloof, detached, only the scholar. We are here not dealing with theoretical concepts, not philosophizing. We are concerned with the very strange situation in which Wesley Liebel, member of the faculty of UCLA, with the financial and other support of that institution, is sitting in judgment on Wesley Liebel and at a time when his performance as a staff counsel of the Warren Commission is under attack. This is the point I was making in alluding to his evasive comment on what prompted this "inquiry". It is not Lee's book, which mentions his name not once, or Epstein's, which glorifies him. It is my book, the one he unsolicit-

edly described as less than complimentary in its references to him. So there is an immediate question of Mr. Liebel's forthrightness in claiming that the one book that does address his performance as a member of the staff of the Commission is the one book that does not figure in his motivation, while those books that either ignore or praise him cause him to defend himself.

It may be none of your affair, as you imply, that Mr. Liebel has not seen fit to respond to my challenge in response to his letter. But it is significant to me that when I especially directed his attention to certain aspects of his performance and solicited his comment, he was silent. There is nothing to compel him to respond. That is entirely his affair, even though all of this was in his initiation, not mine. However, because I have written another book, any comment he might have had could have been of interest and value. I should like you to consider that this forthcoming book of mine is but one of a long series yet to come and I suggest that public knowledge will soon be considerably enhanced. Judgments made on the basis of what is today public knowledge may soon be regretted.

I am not suggesting in any way that the University should not have a project of this sort. I wish more law students could address themselves to it. However, those who are responsible should realize that what is available is entirely partisan. It is a grievous error to assume that all possible knowledge was gathered by the Commission. I would suggest that one consideration the University should be aware of is whether in his capacity as a staff counsel Mr. Liebel was responsible for not gathering evidence that others may consider he should have gathered. So, your students will not, as in the case of an adversary proceeding, be looking into a case in which there were two sides presented, or even into a case in which there was an opportunity for two sides to be presented. This is an ex parte proceeding. There is but one side, a rather incompetent prosecution case. How will your students get the other side?

Nor can it be a simple matter of suggesting they may dig it up. Dallas is not the kind of a place this is a recommended pursuit. Strange things have been happening. Why should witnesses talk to students, should your project take this direction when they have been warned by the government not to talk? Why should they subject themselves to a situation that could lead to charges of perjury?

Is it not indeed strange that working papers are to be declassified just in time to suit Mr. Liebel's needs and convenience when, from the public record, they have been denied those interested in his performance and that of the Commission? Again, I assure you, as you will ultimately learn, that these files are also partisan by both origin and intent. They are not a "both sides" source. Against what will your students be valuating the evidence? Against what they have no way of knowing?

This is an intensely emotional issue. Universities should not handle the great issues of our time or its great issues. But when they inject themselves into these issues, with now much at stake, with the national honor and integrity should not be as partisans. With Mr. Liebel at the head or in any way his project, you cannot possibly be in any other position.

The potential for undesirable consequences is here very great.

Nothing in my letter. I did not in any way suggest, nor do I advocate any kind of an action against Mr. Liebel. I was merely offering an opinion. I was not offering an action against me because he seemed to so deeply lament that he had to go to court on a slender action.

Sincerely yours,

Harold Weisberg