

April 20, 1969

The Editor, The New York Times
The Editor, The New York Times Magazine
New York, New York

Sirs:

Edward J. Epstein has become affluent and famous by equating his ignorance with fact about the Kennedy assassination and by commercializing sycophancy.

It is regrettable that a paper with the reputation of the New York Times helps him in all these self-seeking projects by publishing (Sunday magazine, April 20) his conspicuously unfactual plea that we have now had "The Final Chapter in the Assassination Controversy". Typical of Epstein, who is careful to hedge, his hope - the only thing that can preserve what with him passes for a reputation - is posed in the form of a question.

Without exception, every statement he makes about me is either false, designed as libel or both. Those inferences, where he lumps me with others, are likewise false and intended for defamation. The influence of the New York Times makes this seriously damaging.

Here are a few examples:

He says I "once worked for the lawyer Oswald had asked for when he was apprehended". This is totally false. It is a cheap plagiarism of the professional red-baiters, a pre-fabricated libel.

"... Each of the critics claims to have had access to at least part of Garrison's 'Secret evidence' ..." is an intended falsehood. Epstein cites none of my extensive writing and pretends to have had access to the transcripts of my radio and TV appearances (provided by whom, the government?). He well knows that I had completed my book on

this aspect, OSWALD IN NEW ORLEANS, before I was ever in New Orleans, before I had even spoken to or had any personal dealings of any nature with Jim Garrison, and that I went to testify before the grand jury. The fact is that I have never had access to any of Garrison's "secret evidence", have never said I did, and have always and often said exactly the opposite. Unlike Epstein, who was unable to do the notes for his own book, I do my own work. This deliberate falsehood and libel, which further lumps me with others about whom he makes serious charges, accomplishes additional and also-intended defamation.

Evil animus is attributed to me by further dishonesty in "reporting" with this initial reference:

"... Harold Welsberg who, after suing the government, ... privately published the 'Whitewash' series of books ..." Aside from total irrelevance and the studied misrepresentation of my competence and experience (I have been a government investigator, editor and intelligence analyst and was a syndicated writer before he was born), there is willful defamation here. That suit, which I won and the government refused to appeal, did go to the Supreme Court in the first case citing it as precedent. It was thus affirmed. This was followed by a series of Congressional hearings addressed to the serious questions raised, still unresolved. It did establish a new principle of law, extending the property owner's right to his air-space.

This by no means exhausts the scandalous and egregious error and libel of this shameful scribbling. I would welcome an offer to respond with fact, to present the still-unconsidered New Orleans evidence of the Kennedy Assassination to which, conspicuously, Epstein at no point addresses himself. This, no doubt, derives from his ignorance of it (for there is no mention of it in his "Inquest"), or from his indebtedness to the man responsible, Wesley J. Liebeler (without whose leaking of carefully-twisted representations of the then-secret files,

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Epstein would have had no book, no bank account, no fame).

Here I think it appropriate to bracket one of Epstein's unending misrepresentations with exact language known to him. He says, "In other words, to posit a conspiracy required an ad hominum attack on the members of the Commission." What I actually wrote in the first book on the Warren Commission (WHITEWASH, xiv ff.) are these words which reflect the thrust and doctrine of the "Introduction":

The real work of the investigations is rarely performed by the members of the commission or committee ... The members are almost invariably men already too busy ... the complexities of the subject, the exhaustiveness with which it is looked into, the sheer volume of documentation ... can render the commission or committee members to a large degree the creatures, almost the puppets, of their staffs ... It was to be expected that the President's Commission on the Assassination of President John F. Kennedy would necessarily have to lean heavily upon its staff. Almost without exception the Commission was comprised of men already too deeply committed to the public ... when they had to be in more than one place at the same time, the easiest place for them not to be was at the Commission's hearings ... From the beginning, the staff did almost all the work ... Members conducted a minor part of the interrogations ... Only a very small percentage of the hearings was attended by any members. Most hearings had no members present ... The actual investigations in the field were performed (by) the FBI and Secret Service ... It is asking too much to believe the members of the Commission could possibly have read even an appreciable portion of this tremendous mass of printed words (in 27 volumes), millions and millions of them ... a great burden for men so deeply committed to the public's service. The Commission had no alternatives. The staff did most of the work. If the end product as represented in the Report is good, most of the credit should be theirs. They labored mightily. The coin has two sides.

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Here it can be seen that the first words I wrote on this subject were exactly opposite Epstein's representation. But especially for the benefit of his intellectual supporters, who strangely consider him a "defender" of Earl Warren, what did he say about a conspiracy by members of the Commission, especially the chairman; where he wrote originally of its investigation, the "single-bullet theory" and the autopsy report of which it is the essence:

In order to maintain the single-bullet hypothesis it was necessary to assume that other evidence was erroneous ... the FBI Summary and Supplemental reports' statements on the autopsy

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were inaccurate ... that expert testimony which precluded the possibility that the bullet found on the stretcher was the bullet that wounded Connally was incorrect ... Connally himself was wrong ... Connally's doctors were mistaken in their conclusion that Connally was not in a position to be hit before film frame 231 ... (p.119)

If the FBI's statements are accurate, it would appear that the autopsy findings were revised sometime subsequent to January 13, 1964 (p.116).

To understand the full magnitude of this charge, it is necessary to recall that the autopsy report was dated November 24, 1963, and that this evidence was adduced at a March 16, 1964, hearing in which Chairman Warren and Members John Sherman Cooper, Gerald R. Ford, John J. McCloy and Allen W. Dulles participated (2H347ff.). Epstein's own belief is clearly reflected by the fact that when he published "Inquest" it had but two appendices - about 20 percent of its volume - excerpts from these two FBI reports. Both were leaked to him by Liebeler.

Is there a more terrible conspiracy than rewriting and altering the autopsy of an American President? Who, indeed, did "posit a conspiracy" by "members of the commission", did say "the commission had knowingly falsified evidence", its latter-day "defender", the commercializer Epstein, or I, against whom he falsely makes the charge?

Epstein's trick to avoid any mention of any of the evidence in OSWALD IN NEW ORLEANS, the only book inquiring into the evidence suppressed, distorted and misrepresented by his benefactor Liebeler, is to make unspecific and dishonest reference to what he describes as my "obfuscatory rhetoric" on equally unspecified and never-quoted "talk-show appearances". Particularly because you carry a photograph of the cover of this book in the table of contents is this a dubious style, if style it is. With a book more than thrice the length of his, had he not sufficient target, if he could honestly make such an allegation? Would you not allot him space to quote these "talk-show

appearances"? Is it for the same reason he so steadfastly refused to confront me on a single one of the many where he was invited? (Here he is like the Commission lawyers, who gave up their own TV show rather than face me alone on it.) Or can it be because he knew Oswald used the address of a CIA-organized and -financed Cuban front in New Orleans? And this to the knowledge of his benefactor Liebeler. Liebeler also knew that David Ferris (who had threatened to kill the President - also suppressed) was known to hang out there and was a close friend of the man who ran that front. He kept all of this out of the Commission's Report and published "evidence".

Of course, Liebeler did not entirely ignore it. The Warren Report does say, "The Commission has not been able to find any other indication that Oswald had rented an office in New Orleans" (emphasis added). What a non sequitur! What has "renting an office" to do with anything? (Photocopy, with some of the suppressed FBI reports, enclosed for your convenience.)

Who, indeed, uses "obfuscatory rhetoric"?

Who knows and honestly reports the fact of the assassination and its investigation? Who, in these words from Epstein's subtitle, wants to "establish truth"?

In your paper he says of the CBS reconstruction of the crime that it "renders the single-bullet theory irrelevant" because "the President and the Governor could have been hit by different bullets from a single assassin".

Because the evidence permits at most three shots, the Commission theorizes that one bullet inflicted all non-fatal injuries. It knew the President was struck fatally in the head at least once. It also knew and acknowledges that at least one bullet missed the motorcade entirely, slightly wounding a bystander. The FBI and the Commission

could not associate this with any bullet that could have struck the Presidential car or any of its occupants. CBS and Epstein do thus require a fourth shot: One to have caused the non-fatal injuries on the President and nothing else; a second to have caused all the injuries to the governor (which CBS also "proved" was impossible) and nothing else; the third to have caused death and nothing else; and the fourth to wound the man a block away. With but three bullets?

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It is possible to extend this indefinitely, merely responding to the falsehood, misrepresentation, distortion and, may I be permitted, "obfuscation" Epstein palmed off on you and your trusting readers as "truth". For this soul and embodiment of integrity, the man who wrote in your paper that "the critics ... had books ... to advertise", the timing is remarkable. It exactly coincides with the desperation of his second "book", and of his "New Yorker" article. It is a "bomb", discounted at wholesale almost from its first appearance. And, having made his magazine article into a "book", he sneers at "The New York Review" for having earlier done the same thing with an article by Richard Popkin.

Prudent in his self-realized ignorance, Epstein hedges his conclusion: "At present there are no leads outstanding, nor is there any substantial evidence that I know of that indicates there was more than one rifleman firing" (emphasis added).

That he "knows of"? How would he know, having never conducted any investigation, before or after publishing, and having assumed without question the Commission's basic assumption of Oswald's guilt? He was so reluctant to investigate that he wouldn't even help his own-publisher with further inquiry at the National Archives. Of the first weekend of June 1966, his publisher so told me and asked this help of me: (And, may I add, I did help him.)

Epstein is one of the new-breed intellectual, "available" and content with the reward of availability - and with the inevitable protection without which he cannot survive. It is to be regretted that The New York Times leaned itself to so questionable a project and that, in so doing, it seriously damaged the non-Epsteins who do seek the truth. It damaged the quest for truth, whether or not this was its purpose. The alleged "facts" in Epstein's demeaning of the intellect and of writing was subject to almost instantaneous checking. Because of the great reputation of your paper and endless reprinting and quotation of it, this is a particularly serious damage, including to me. I ask you to do what you still can to alleviate it. And I do ask you to retract and apologize for Epstein's error and libel, making it a matter of record in your paper.

Should you elect to print this letter and find it too long, you may edit it in any way you require so long as there is no change in fact or substance. And if, belatedly, you do choose to offer the influential readers of the New York Times what Epstein did not, an understanding of the New Orleans evidence and suppression of evidence in the investigation of the murder of John F. Kennedy (which is wholly separate from the Shaw case), I will supply you with documentation - not idle gossip and unsubstantiated allegations - official documentation and the recorded words of Wesley Liebeler himself.

I suggest it will be quite a revelation to those "liberals" and "intellectuals" who think Epstein "defends" the Chief Justice while I "defame" him.

Sincerely,

Harold Weisberg