

June 27, 1933

Mr. Louis Berger, Editor
The New York Times Magazine
Times Square, N.Y. 10036

Dear Mr. Berger,

The work of the libelous week-in is the work of a blind man.

I refer to your letter of 18 and the generous advice and opinion you were so kind to take me time to offer. It took exactly two months, which is about the period of whose gestation. It is comprehensive, concise, and as such a pleasure to the New York Times as the article of which I wrote you.

Remarkably enough, neither in this letter nor in any other communication have you denied the accuracy of my charge against Spatsch and your publication of his uncorrected writing. What I said is this:

"Without exception, every statement he makes about me is either false, designed as libel or both". Your generous misapprehension this with the proper consideration of the great and powerful dispensing judgments to and for the benefit of the least and unimportant, you practice your responsibility with this lovely opinion, "I'm afraid the conclusion is not encouraging for you." Conclusion on what? "Your letter on the Minton piece". Am I to be "encouraged" at the New York Times acknowledgment that it prints libel? Upon uncertainty? That instead of a great newspaper it is a million, creating debt, which is an act of government? This I could not find "encouraging", and your "decision", what is that? "So far as there was no libel in the article, and quite apart from that matter, the article itself was sound."

Would you rather go to Atlantic City or by land?

My question has no less meaning than your "answer".

Whether or not, within the meaning of the law, there is libel in this article is an opinion I would seek not from you but from a lawyer. It is besides the skilled defense you employed did violate the law as then might meet a court decision. What I asked of you is not a court ruling, though I am now persuaded you could have found it, nor an award in money for damages inflicted. I asked, after proving beyond the doubt of reasonable men that Spatsch's is egregious error, that you take the charge you had done to the court for truth on a great national issue and "inform the public of Spatsch's error and libel, making it a matter of record in your paper." Thereafter, "pointed out the truth with locks now under consideration, this deliberate error constituted no further charge."

Now, Mr. Bergson, there is something you and I both know, if it took you two months to prove it to yourself. "Without exception, every statement he (Epstein) makes about me (conspirator) is either false, designed as libel or both." You do not challenge this because you cannot. You do not address it because, I fear, you lack the intellectual integrity one might hope for in an editor of a great newspaper. Instead you use your libeler, Epstein, and resort to shameful evasion. Whether or not there is a legal action for libel in the article we may yet determine in the prescribed manner. But aside from those general New York Times definitions of words we have dictionaries. Mine describes libel as defamation. Epstein's writing about me is not one designed as precisely this, and this is what you find publishable when an American President is murdered on the many national news, none having been adequately answered. Your evasion can be taken only as confirmation, for by now that you surely have, and your dishonorable refusal to right the wrong can be interpreted, I think only, as evidence Epstein was your stenail, doing your dirty, misquoting those definitions honorable men will use, I might add, manufacturing them.

So much for your pretensions and evasive dilates that, in the meaning of the law there is no libel or your opinion that I would never be able to collect or be able to afford the effort. You add to this, "quite apart from that matter, the article itself was sound". But it is not "quite apart from that matter" that I asked undoing of the damage. Whether or not the article is "sound" apart from the fact that it is without exception...is either false, designed as libel or both or it is not is the issue. This is by no means to concede that your involvement was in complete or justified, for whether is the case. It is simply that you are not man enough to face the issue and that, at the very least for the establishment of an historical record, I will not be diverted from it.

It is a consequence to follow this with those words, "We no longer print your original letter". Whether or not you can or could be entirely unrelated to anything you have said and is, in fact, an independent decision. If your purpose in printing the original article that you use here is merely inaccurate was other than the appropriate publication of papers for the honorable official station you would have no difficulty, no problem of any kind, in setting the record straight.

When you get along, I would merely say, "If however you want to write me a short letter not more than 200 or 300 words challenging Epstein's interpretation of the assassination, we'd be glad to consider it for publication." This you follow with that you may have intended as fairly, fairly advice, "But I'd like to caution you to avoid difficulty, avoid details that would simply baffle our readers." In short, you ask me to write about other than the basis of my complaint and build in the rejection. If your readers made sense, honest sense, got anything but defamation from Epstein's writing, you need never worry about their comprehension.

Now can anyone "challenge Epstein's interpretation of the assassination" when there is no such thing? My record that he is, he equivocates and hedges everything, can fairly be said to have charged first a greater conspiracy headed by Earl Warren and now to believe that government can do so wrong. It would be easier to grasp a libelous coil.

But the fact that you made me even a conditional offer, I believe you intend, and later be referred to, should I see, as an offer of good faith on your part. It is not, and were I to accept it and you did print it, since you eliminate any possibility of my addressing the damage done me, would simply be made to seem that I endorse your defamations. Really, this is too cheap of you.

Where do you leave the matter?

You have failed to deny or by implication dispute my charge that what you published about me, without exception, is inaccurate. You fail to dispute or deny that it was designed to be defamatory. You are the editor; you should know. Is this the Sunday Magazine interpretation of "all the news that's fit to print"? But your letter leaves no doubt that you now want my complaint to wither. You merely tell me to go to hell in what only superficially is polite language. Had you done the obvious, you'd have asked Epstein for substantiation of his falsehoods and distortions. I suppose you did. That certainly didn't require two months, not even for him. No, once you found out that he is the scoundrel I accurately described, you had to make a policy decision; you would not retract, but you'd make a meaningless offer that, if I were to accept it, would hurt me more and seem to be my approval of the distortions.

Whether or not this is below you, I once again have thought it below The New York Times.

The tremendous and unclouded tragedies in the wake of the great one at the beginning of the assassination era in large measure attributable to the abdication of those to whom in a society like ours we look for leadership and inspiration. Without both a democratic society cannot function. All failed not the intellectuals, the lawyers, the press. Had any one fulfilled its obligations, all of history might have been different. What your paper and now you personally are cast in this invidious role.

What I may or may not be able to do about this only time will tell. But one thing this correspondence does establish, and that is a record, your record, on an issue of central national significance. In fulfilling your responsibilities, which are none more, than of anyone in your position, you define yourself as to one could for you.

I have a general understanding of the recent decisions on libel and realize you might perhaps claim that such decisions as you in this and other cases have published in newspapers were not a "controversial" person. My understanding of this decision is that it could be otherwise if there were a showing of malice or willfulness. You may have discussed these with whom you consulted during those two months if you did not present to them Epstein's other speakings and writings and others in the New York Times, including several British writers. In fact, I suggest the possibility to you that there may be part of the record that, despite the competence of the Times staff, may not have been available to you.

In any event, I have it is not a futility to believe it is yet possible for the New York Times to be honest in this matter, or under the banner you have for whatever motive done, to the degree you still can, if you do not, you add yourself and the Times to those damned.

Sincerely,

David Greenglass