

12/8/69

Dear Art,

Good to hear from you, as always. But contrary to your presumption, I've been home for longer than at any time since writing the first book. On 11/22, not only was I home, but I didn't leave from before you got up because some cherished young friends came to a end that weekend.

I love Wegmann's letter. Lerks has not responded to mine, nor has the mag, to which he perhaps did not forward it. He also did not respond to my question about the CIA rep.

From the infrequent calls from Moo, I tend to confirm Jim's opinion. However, what happens in N.O. is like mercury. Besides the perjury thing, there is the Andrews appeal, charges against Thornley and the private edick, Layton Martens, all filed and awaiting trial.

I'd like to think I'll be out that way soon but there are no prospects. Fact is I never here from anyone, save for the now less frequent reports of assorted libels of former "friends". Even such pillars of what in some circles passes as society as Art Kunkin do not respond. But in his case it is because I ask for the money he's owed me since 1967!

The addition to COUF D'ETAP, completed for some time, is now ready for copyrighting. I've been able to cedge the xeroxing. In some ways it is hottest. There should be enough to effect several disbarments and other official actions. I've almost phoned you about this, to background you on a pending suit on which I want no publicity (and have turned down the finest) in order not to prejudice the suit. Each time I thought of it was bad with the three-hour lag. There will now be two suits, the second on the suppressed JFK material. + now have in my possession some of what was denied the Warren Commission.

I wish you could spend a day here. Even after what you've seen I'd blow your mind.

Best to everyone, and thanks for the copy.

Have a good holiday, too.

Best regards,

Unfinished business

Oil Shale's Burial

TO THE REVIEW:

I read with interest J. R. Freeman's discussion of the useful if somewhat tardy report on the Colorado shale oil situation by Chris Welles in *Harper's* [Summer, 1969].

As an editor I know that the *Review's* staff can hardly be expected to have read, and to remember, all that has been written, but I am surprised that one who combines Mr. Freeman's presumable deep familiarity with the subject and his implied chastisement of the best of journalism for neglecting a possible national scandal should have neglected to mention the thorough report on the case by Julius Duschka in the *Atlantic* of March, 1966, over two years before Chris Welles crossed the Hudson to discover Colorado and sent his after-*Life* manuscript to *Harper's*.

For the sake of fairness or thoroughness, Freeman also ought to have given recognition to Jerry Landauer's important coverage of the case in the *Wall Street Journal*.

ROBERT MANNING
Editor in Chief
The Atlantic Monthly
Boston.

TO THE REVIEW:

J. R. Freeman's account of *Life* magazine's refusal to publish my staff article on oil shale reveals several misconceptions, possibly due to his special viewpoint.

For the past three years, he has been writing and lecturing about what he considers to be a vast, well organized conspiracy of corrupt Department of Interior officials and ruthless oil industry executives who have been engaged in a Teapot Dome-like "giveaway" of public oil shale land. He tends to view everything about oil shale as related to

the alleged conspiracy's ubiquitous, multi-faceted machinations. Consequently, he concludes that my story, which discussed his giveaway charges in detail, must have been killed by pressure from oil industry advertisers acting on orders from then Interior Secretary Stewart Udall. Udall, Freeman claims, "did not want the oil shale scandal given wide publicity."

In fact, through eight partial and complete rewrites of my article for *Life's* editors, I never discerned the slightest sensitivity over that part of the story dealing with the giveaways—I was actually quite critical of many of Freeman's contentions, especially his rather vituperative castigation of Stewart Udall. Considerable sensitivity did exist, however, over the other major thrust of my story, which incidentally I developed independently of Freeman's "voluminous" files. This was the oil industry's opposition to commercial production of oil from shale, in part because of fears the output might become competitive with their crude oil business.

In my first draft, I was openly critical of the oil industry's stance on oil shale, and I quoted a number of economists, government officials, Congressmen, and others who shared my views. Some of *Life's* editors were skeptical nevertheless, and in later versions, while the giveaway sections of the story became if anything more strongly worded, my accounting of the oil industry's attitude on oil shale became rigorously neutral. In the final version, which was set into type before being killed, I as the author expressed no opinion about the oil industry's motives. I merely reported the existence of a controversy. I detailed the allegations of the critics and then I recounted the oil industry's rebuttals. Both sides received roughly equal space. (While I had acquiesced to this alteration in presentation in order to get the story in print, I returned to the tone of my original draft for the *Harper's* article.)

Life Editor Thomas Griffith said that he had killed the story because of doubts about the validity of my theories on the oil industry's feelings toward oil shale. I know his

doubts were sincere, and I can understand why he might have refused to run my first draft. But I don't feel it is right to refuse to run a factual report of a controversy merely because one disagrees with the one side. (Not long after my story was killed, *Life* published a detailed interview with Russian Premier Aleksei Kosygin.)

The real roadblock, as I saw it, was the concern of *Life's* business staff that if my story ran there might be a substantial loss of oil company advertising—in a report to *Life's* editors publisher Jerome S. Hardy placed the figure at between \$5 million and \$20 million. I feel this fear was unjustified. It is true some oil companies had made inquiries about my story. Though I do not dismiss the possibility I seriously doubt anyone actually made any threats. Indeed, I think many oil men would have welcomed an unbiased report.

The article's cancellation was thus the result of self-censorship. Though less sensational than collapse under pressure from powerful conspiracies it is, in my opinion, far more odious.

CHRIS WELLES
Dumont, N.J.

Reporter or Citizen?

TO THE REVIEW:

I have read with interest, amazement, and dismay the article by Roger M. Williams of *Time* and Michael Parks of the *Baltimore Sun* on the Clay Shaw trial [Spring, 1969].

I read with interest because Clay L. Shaw is my client. I read with amazement and dismay because of the unwarranted and baseless criticism of two highly successful, competent, and reputable journalists and men of integrity, Hugh Aynesworth and Jim Phelan. It is quite obvious to one familiar with the facts of Jim Garrison's erstwhile and fraudulent Kennedy assassination probe, as well as the Shaw case, that the authors of this article . . . failed to properly research the sub-

ject prior to publicly demeaning and criticizing two men for the part which they played in preventing a travesty on justice.

Messrs. Aynesworth and Phelan should be commended, rather than criticized, for the assistance they rendered to myself and my co-counsel in the defense of Clay Shaw. These two reporters became involved only after they had completely and thoroughly researched the facts, and knew that the erstwhile Garrison Kennedy assassination probe was a fraud and that Clay Shaw was a victim of a . . . public prosecutor who was obviously abusing and misusing the prosecutorial powers vested in him . . . for his own aggrandizement.

The authors have misquoted F. Irvin Dymond, co-counsel for Mr. Shaw, to the effect that "he did not solicit any reporter's help." I hasten to assure you that I personally solicited assistance from both Hugh Aynesworth and Jim Phelan. This fact is well known to Mr. Dymond and under no circumstances did he ever state to the authors of this article or to any other individual that such is not the case.

When Jim Phelan's *Saturday Evening Post* article appeared . . . I personally located him in Las Vegas and arranged to meet with him in New York. I personally requested that he furnish myself and my colleagues with documentary proof of various statements contained in his article. Jim Phelan told me that his only interest was in the truth. He had the facts and the documents to support his statements, and in the interest of justice, furnished me with copies of his documentary evidence and assured me of his assistance. The documents furnished to me by Jim Phelan were used by Clay Shaw's attorneys in his defense on numerous occasions and are now part of the public records, both in the Criminal District Court for the Parish of Orleans, as well as in the records of the U.S. District Court, Eastern District, Louisiana.

Hugh Aynesworth is unquestionably the most knowledgeable living individual on the subject of what transpired in Dealey Plaza on November 22, 1963, as well as sub-

sequent related events. I became aware of this shortly after that fateful night of March 1, 1967, when I joined Clay Shaw in the Office of the District Attorney for the Parish of Orleans to arrange for his release and freedom after he had been charged by Garrison.

To cite Mark Lane as an authority, or with approbation, as was done by the authors of this article, is to add insult to injury. Lane is a scavenger. . . His trademark is insinuation and innuendo. . .

In closing, I might say that I find it rather strange that the authors of this article make no mention of the concerted effort by Jim Garrison to silence the news media, as evidenced by the charges filed by him against such individuals as Walter Sheridan, Rick Townley, and others.

EDWARD F. WEGMANN
New Orleans

TO THE REVIEW:

In their report on the Clay Shaw trial, Roger M. Williams and Michael Parks raise a whole catalog of philosophical issues, but they define the "key point": the reporter's job "as a journalist was to report, but not to aid one side or the other."

Some of the extra-reportorial activities they cite do seem to be quite extra. But a reporter is also a citizen and should be a lover of justice. Where would Williams and Parks draw the line? When a reporter has special knowledge that a witness is lying should he remain silent while justice is thwarted? Williams and Parks chart the path for the journalist by remarking that "it is a long step from criticizing an official and his actions to helping to blunt them through actions of one's own." But criticizing an official is helping to blunt his actions, so the chart is no chart at all. I wish the authors had pursued this problem a good deal further and a good deal deeper.

When Senator Tom Walsh had Secretary Fall on the stand in the

Teapot Dome inquiry and had got nowhere, the late Paul Y. Anderson of the *St. Louis Post-Dispatch* sent Walsh a note: Ask him where he got the money to improve his ranch. And the whole sordid story came out. Should Anderson have sat by silent? Was this participation? Was it unjustified? It was one of many, many contributions Anderson made to the public good by following the same course.

On a dull Saturday morning just before the start of the 1960 Presidential campaign Press Secretary James Hagerty told a dozen reporters around his desk that President Eisenhower was going on a trip (so trivial I don't remember where or why) that would occupy him during the last weeks of the campaign. I said (asked? remarked? commented?): "That doesn't leave the President much time to campaign for Nixon, does it?" Hagerty looked at me a moment, then gave a big grin, and said nothing.

I did not use this passage, because without an answer my question was an editorial expression of opinion, and because Hagerty's kinesic response was open to many interpretations. (You might ask Hagerty what he meant. My *opinion* was that he meant: I planned it that way.) United Press used the question and, I think, mentioned Hagerty's grin. Would Williams and Parks like to say which course, if either, they would commend?

There is another phase of reporter participation. The late Gene Meltzer, as assistant city editor of the *New York Daily News*, was fascinated by fire extinguishers and carried a large assortment of them in his car—for gasoline fires, for burning tires, for convertible roofs, for empty cars, and for cars with people in them, and so on. Driving home on Grand Central Parkway one morning about 4 o'clock, he rounded a curve and came face to face with a burning car on the grassy bank.

Meltzer seized two of the proper extinguishers, leaped from his car, and had the fire out almost instantly. As the other driver came forward from behind his rescued car Meltzer struck a twain't nuthin' attitude and awaited an outpour-

ing of gratitude. The indebted motorist stopped a couple of feet away and screamed: "Why don't you mind your own goddam business?"

Is that what Williams and Parks are saying?



EMMETT SWISSHELM
Long Island City, N.Y.

TO THE REVIEW:

Messrs. Williams' and Parks' main argument against my role in the Shaw case was my obvious visibility, in that I sat forward of the railing during the entire trial. This came about not "due to a long, friendly relationship with Garrison" but from sporadic meetings which began when I was chairman of the Radio-TV News Association of Southern California and invited him to address a banquet.

I became especially involved with Mr. Garrison when his web of intrigue spread to Southern California with subpoenas of several men prior to the Clay Shaw trial. At the Clay Shaw trial I took advantage of my newsman's interest and of my relationship with the district attorney to get a key seat among men who might rewrite history. As a result, I was able to obtain greater insight into the State's case and hear the internal dialogue, which I was able to reveal in a series of post-verdict reports. . . .

A reporter's efforts in my opinion should not be judged on what his role appears to be but rather on what he files or broadcasts. Neither gentleman ever asked for tapes of my broadcasts, which would have quickly showed that I walked the straight line of balanced news.

Let me also point out one area where most of the press attending

the trial failed miserably. From my press phone I could hear other newsmen broadcasting or dictating with a copy of the Warren Commission report at their elbow. Instead of reporting what had just happened inside the courtroom, many referred to what a specific witness had told an official agency at the time of the assassination, or what the Commission had concluded about that witness' judgment!

I attended one of the nightly gatherings at the apartment of New York Times correspondent Martin Waldren which critic Mark Lane referred to as "ministry of truth" sessions. I found that byline writers from some of the country's major periodicals all were anti-Garrison, and all spent many hours running down the man and his case. Some made notes and indicated they would add a point to their copy. What more might have been accomplished if they had pooled their talents for a real examination of the allegations regarding the tragedy of Nov. 22, 1963?

In conclusion, let me underscore that I, too, found District Attorney Garrison's case against Clay Shaw sorely lacking in substance. But I did find the Zapruder film showing the President's death (which I had never seen before) utterly stunning. I found much testimony by government officials equally stunning as they detailed their oversights—or bungling, if you will—in public for the first time. That courtroom dialogue is now available for any participating reporter or amateur sleuth to dig into.

ART KEVIN
News Director, KHJ
Los Angeles

EDITOR'S NOTE: See comments by Messrs. Parks and Williams in UNFINISHED BUSINESS, Summer, 1969.

Unlate Thomas Storke

TO THE REVIEW:

Let's see, what did Mark Twain say?

It was a delight to reread the exchange of letters between Westbrook Pegler and Thomas M. Storke [Summer, 1969]. But to call T. M. the "late" Thomas M. Storke is an exaggeration that should not go unnoted. The very much unlite Mr. Storke is editor and publisher emeritus of the *News-Press*. He is not involved in the newspaper's operations, but you can find him in his office six days a week. On the seventh day he rests at his ranch. He will be ninety-two years old until November, but he makes himself sound older by saying, "I'm in my 93rd year."

Late? Not on your life.

Paul Veblen
Executive Editor
Santa Barbara News-Press
Santa Barbara, Calif.

Addenda: Fortas

TO THE REVIEW:

There is no doubt that *Life* deserves great credit for its reporting in the Fortas case [PASSING COMMENT, Summer, 1969] or that *Newsweek* added a significant detail. But it should be noted for the record that the best newspaper running coverage was done by two members of the Los Angeles Times' Washington Bureau, Ronald J. Ostrow and Robert Jackson. This was common knowledge in Washington because the *Post* on several days had to print Times coverage to improve its own daily stories. Three examples:

Administration Divided on Newspaper Bill

"A house divided against itself. . ."
(Seattle Times, September 25, 1969.)

memo from

ART KEVIN

12/5/69

Dear Hal:

I thought you might get a kick out of reading some of the reaction to the Williams-Parks article. My response was an article which they decided to pare down to a letter. But at least I'm glad we got our licks in.

Jim Lawrence just returned from 2 days in NO with big Jim. From the brief conversation I had with him, I gather that all is over down there but for the continuing perjury-pursuit of Shaw.

By the by, I tried to have my gal call you for a phone-interview on Nov. 22nd but she said there was no answer. I assumed you were on the road again.

Hope all is well and that you might visit out this way again in the not too distant future.

Best regards,

A handwritten signature in black ink, appearing to be 'Art Kevin', with a long horizontal flourish extending to the right.

93/KHJ 93/KHJ 93/KHJ 93/KHJ 93/KHJ 93/KHJ