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July 17, 1967

Honorable Thomas H. Kuchel
United States Senate
Washington, D. C.

Dear Senator Kuchel:

I have read the report of your Senate speech about a "highly commercialized stream of lurid" works on the Warren Commission. Because I wrote the first of these books and have done more work in the field than any member of the Commission or its staff, having completed four books and published three myself, I think it is fair to say you addressed your remarks to me.

Whether or not you so intended, your speech amounts to a defamation of me without opportunity for response and cloaked by Senatorial immunity.

I think it is appropriate that you answer a few questions.

Have you read my books? If you can, will you please cite those passages that justify your choice of language, including "highly commercialized", when I went further into debt to print each at my own expense and worked without income or subsidy?

Have you read all of the books to which you refer? Ordinarily, I would presume this to be the case when one with the great responsibility and authority of a United States Senator makes a public pronouncement. Your statement that "no important new evidence" had been "advanced" should certainly justify the belief you have read everything to assure yourself of the validity of your charges. But what is wrong with the "old evidence" that was ignored, misrepresented and destroyed? Are you at all familiar with this? Do court decisions get reversed only on "new" evidence? In my state, decisions are reversed all the time, but there is a limit on the time in which "new" evidence may be presented. Are the members of the Commission, busy men as they were and forced to delegate responsibility as they had to, less fallible than judges? Is there something wrong with the old evidence? Is there something wrong with a wife because she is an "old" wife? Or if her husband is not home enough to find out what kind of treasure she is?

Have you personally checked out the conclusions of the Report against the evidence cited and that in the record but not cited? This is the format of my first book, WHITEWASH: THE REPORT ON THE WARREN REPORT. If you have not - and the news story does not quote you as invoking secondary authority - is it honorable and proper to make the charges you have, with immunity, against American citizens whose work you are not in a position to evaluate? Can you assure me and other Americans, for example, that you have personally studied the evidence that the members of the Commission did not see?

You are, of course, entitled to believe what you choose. Your beliefs need not be based upon fact or personal knowledge. You are within your rights in believing the world is flat - even to join the Flat-World Society. I do not expect that, as a Senator of California, you will so proclaim on the Senate floor, however. Thus, you may well be-

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lieve that "the conclusions of the Commission ... are unassailable" and "indisputable". But when you so announce, on the floor of the Senate and with all the respect and majesty of that body in seeming endorsement, is it not incumbent upon you to know what you are talking about, to be able to say, "I have made this study and it shows" whatever you have concluded?

In the absence of this - and no one else who takes your position can say it, either - I ask you to consider just who it is who "have fanned the flames of rumor ... spread doubt ...". I sent a copy of my first book to each member of the Commission and the more important members of the staff and to those in the executive departments most involved. In each case I challenged the recipient either to show me where I was wrong or to join me in the conclusion of that book, that there must be a full and public airing. The answer was silence.

I agree with you that it is a matter of national concern when people lose faith in those who bear the public trust. But are you saying this faith and trust are automatic rights owed by citizens, that we are back in the days of monarchies? Must not that faith be warranted and earned? Have we not just seen, disgracefully, how little cause there sometimes is for such faith, in both Houses of Congress? What is there that makes us, regardless of fact and evidence, owe faith and trust to any part of the government when it has demonstrated its error and refuses to consider or rectify it? Are we supposed to obey and honor liars, crooks, any kind of miscreant because he is employed by government? Or are our citizens to expect no less of our government than the purity of Caesar's wife?

History, lamentably, is full of the error of government - and of Senators, and of prejudice and less than honorable acts. We have no right to expect perfection of man or that government will not and cannot err. But we do have a right to expect of every other part of government that, like the courts, they will assume men can err and that they will correct error. Insistence upon this is what makes a democratic society viable, not complacency, not the pusillanimous acceptance of error.

You talk about "commercialism". Do I take it that you here, among others, refer to Congressman Ford, who put his name to the first and very commercial book that we, as taxpayers, put him and his assistant in a position to write by paying for the work of the Commission? Or to Congressman Ford whose name appears on a personal Warren Report in LIFE magazine? Or Louis Nizer, who wrote a glowing introduction to a quite commercial version of the Warren Report at a time when the evidence allegedly backstopping it was not available? To Charles Roberts? Merriman Smith? NBC? CBS? AP? To those many on the staff of the late President whose financially successful book-publishing ventures were made possible by his murder? To William Manchester, who becomes a millionaire by his shameful prostitution of reality? I think it would be helpful and informative if you would rise on the floor of the Senate and just as loudly proclaim who made how much money from this assassination, and who derived other benefit. Let us have only the truth, Senator, and the whole truth. To this end, you may examine my books and bank accounts when you will.

I think it only fair that you send me a copy of the text of your remarks and with it the assurance that you will make as well publicized

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an effort to correct any error you may have in your speech of the 13th. I think it also only fair that you undertake to prove the charges you made against me, chapter and verse, or apologize for them with as much prominence and oratorical zeal as when you launched them.

If you are unwilling to do this, there are at least two men who know what kind of man Senator Thomas H. Kuchel is, what motivates him, how well he serves the public trust vested in him.

Should you ever want to face some of the evidence, a possibility of which your speech does not inspire hope, I am at your service.

And although there is nothing in your public conduct on this subject to earn what I intend as friendly advice, I would suggest that any man who expects to face the electorate and who speaks on this assassination, recognize that it and the government's handling of it address the integrity, sanctity and viability of our society and consider the eventuality that someday soon he may be proven a knave or, worse, an irresponsible liar. Events have a way of correcting the lies men seek to write as history.

Sincerely yours,

Harold Weisberg