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October 2, 1966

Honorable Theodore R. Kupferman
United States Congress
Washington, D. C.

Dear Congressman Kupferman:

Thank you very much for your letter of the 29th and the enclosed copy of your remarks from the Congressional Record. What you have done is an important thing. But a careful reading of your speech impels me to cander, on your behalf and the country's, for this is a subject like few others, one that should be as nonpartisan and as noncommercial as man can be.

There are many people posing as experts and, indeed, some who are. There are very few with a broad knowledge of the entire work of the Warren Commission, fewer still who have made a deep personal study of its work and evidence, and quite a few who pretend an authority and command of fact not warranted by their work or knowledge. It is further inevitable that, when commercial interests become involved, these things are often blown up entirely out of proportion. In one case it is certain claims have been and are being made for an author that he does not himself make and on occasion has disavowed.

The antecedents of your material are clear and the uses to which your speech may be put are both obvious and not improper. Yet I fear that before this is all over you may yourself regret the form of your remarks and some of the uses to which they may be put. They are not strictly accurate, they are partisan, in context they become unfair (certainly, I am sure, not your intent). I speak without rancor for I have in the recent past learned to live with my work being attributed to others and to hearing others claim for themselves credit for work I first did.

When we address ourselves to the assassination of a president and to its official investigation, we are addressing ourselves to the national integrity. Restraints greater than we would normally impose upon ourselves are therefore appropriate, if hard to apply, especially when commercial benefit is involved.

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What you have already said is beyond recall, should you ever desire to recall it, and I do not presume to say that you should. I would suggest, however, that in the future, should you have occasion to speak publicly, and especially on the floor of the House, it might be advisable to seek information from more than the single source that stands to benefit most by its use. This applies also to me, should you ever accept my offer that I herewith expand to include opinion. Speaking for myself, I will also tell you those of whom I know who disagree with me. It is only thus that the truth can be established, to the degree that it is possible for man to establish truth, and especially on such a subject.

There is also a serious doctrinal flaw in your remarks readily attributed to your sources, who may have seriously believed that I am certain is not fact, that (although hedged in language that may be claimed not to say so) those books in what you call the "second wave" do not address themselves to the integrity of the members of the Commission. The truth is that at least two authors, although subtly, do exactly that and focus on the chairman in particular. In both cases I have the most serious misgivings about motive and will be glad to cite you both the fact and motive should you call upon me to do so. I do believe you will be quite surprised. In one case the unfortunate effect may have been the result of immaturity and lack of experience on the part of the author. This cannot be said of those who used him. In the other, no such interpretation is possible. Only deliberate intent can, to me at least, explain what was done and has to date escaped the public execration I believe it warrants.

Your first complete paragraph on page 23204 is factually wrong. There was anything but a rash of critical writing about the Report after its issuance and I question the motive of those who so informed you. There was some, a small percentage of the comment, immediately following the assassination. My own experience is ample proof of the unwillingness of the press to consider writing critical of the Report or the Commission after issuance of the Report. Thus, especially as I interpret it to refer to me, your statement that "this first wave of critics ... played heavily on insinuations and rhetorical questions ..." is wrong. Mine was the first book written in this country, the first published, if in limited edition, and is immune to this charge, which cannot be said of those that followed and added little without approaching its content, and specifically is this true of INQUEST. I have no doubt that you here intended other than you achieved. This is the unfortunate concomitant of dependence on vested interests. Of this and everything else I say I am prepared to offer you proof at your convenience.

It is quite wrong to say as you quote Epstein as saying that "only three Commissioners heard more than half the testimony ..." This error appears in the Introduction to the Lane book despite the fact

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that I called it to the attention of Mr. Arthur Cohen of Holt in early May, months prior to publication. Only about a sixth of the testimony was given in the presence of any Commissioner. Of this fraction, what you say is true. But how much is even 71 percent of a sixth? Here you have the expression of the evil doctrine that the staff is without blame or responsibility and the members alone have it. Need I tell a member of Congress how such bodies function?

Your conclusion that the major question today is whether the people believe the Commission did its job is one with which I cannot agree. It is obvious that what people believe is what they have been convinced of. Until after the appearance of my book, which is the first work to do so, there was no major substantive questioning of the burden of the Commission's work. Justice is not numerical, and we cannot express truth and honor in percentages in an opinion poll. The question is, was the job done, regardless of what people believe. Mine is the single book to say it was not, to prove with the Commission's own evidence that it was not, and to demand a full and entirely public airing. There may be political reasons for your formulation. I can conceive of no other to justify it. If this is your serious intent, I hope you will now abandon it before you compound the harm already done by the Report and everything connected with it.

In leaning on Epstein's work you have a straw crutch. It is incomplete, undependable, begins with the basic assumption of the essential accuracy of the Report (which it never questions, that Oswald was the assassin) and is, quite likely with the author's unawareness, a political expression not his own.

What you have started is a national need whose importance is beyond exaggeration, if your purpose is impartial and your intent thoroughness. If it is less, I strongly urge you to abandon it now, for you will regret it if you do not.

I can speak for no one but myself, but for myself I assure you I will tell you only what I believe to be true and will offer you whatever proofs you may require. There are many among your constituents who are aware of my inflexible position on this matter, for they have seen public display of it and have bestowed upon me an extravagant and appreciated benediction for it. My public appearances and what I have said and how I have said it are matters of record. You may be surprised at the tests I have subjected myself and my work to, both publicly in unrehearsed debate, including with some of the less responsible segments of our society, and privately, for I do not believe commercial benefit, no matter how important, transcends other interests in importance. If there is a single factual error in my work, it has not been called to my attention by any of that large number of interested officials to whom I sent copies soliciting such complaint. While I cannot and do not claim perfection, I can claim I sought it.

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Most people read my book too hastily. Your speech indicates you have not read it at all. A serious reading will show that, while it is by far the strongest, it is the one that does not impeach the integrity of the members of the Commission personally, the one that seeks neither heroes nor witches.

Should you desire to speak with me, you need only phone me.

Sincerely yours,

Harold Weisberg