

1/24/89

Dear Roger and Jerry,

When the LBJ White House asked the FBI what it had on six of us who had written books critical of the Warren Commission, perhaps not only books, with emphasis on the notion that there was some USSR connection that did not exist with any one of us, Ed Epstein was one. And the FBI responded by saying that he had gone to the USSR. So, although perhaps it was not known that he had been in Minsk, it was known that he had gone to the USSR.

Only I thought it was at different Ed Epstein!

I did not believe he would want to go there, with his views.

That it was connected with NSA makes sense because at that time NSA was a CIA front.

From what you say I believe that Epstein was the only source Sylvia could have had.

You say you read Legend and no more about it. Maybe you and Sylvia did not know but he completely changed that book after it was advertised by the publisher, in at least Publisher's Weekly. If I remember correctly. When I say changed I mean radically. Different book, different title, etc. I have that ad in a thick file.

The radical change seems to have coincided with his getting together with Angleton. I mean to convey the idea that he made this radical change because Angleton wanted it. I have no way of knowing but I think that Angleton's and CIA's help were required to open up the sources he quotes like Miller, who without sanction would be violating his oath required by the CIA. (In this connection, I believe that John L. Hart's testimony for the CIA to HSCA, which I taped and gave to Wrone, was altered with regard to Miller and his acts and associates. I read that testimony when I was asked to help a British writer from whom I've heard nothing since. What I mean to say is that it was edited and stuff was eliminated in publication.)

I believe that Sylvia's death alters the whole situation and that if she has an Epstein file that is marked confidential this kind of information in it ought not be now regarded as confidential. Like whatever she may have about his being in Minsk at the time and anything else on Epstein relating to his work, anything not clearly personal and clearly irrelevant. She could have personal things about him that are relevant. As far back as 1966 she was disgusted by his cowardice, his refusal to be on programs where he would not be alone and would be with other critics or face criticism. I was involved in two such and one that she knew nothing about in addition, when he refused to hear me on a call-in in Washington. Both she knew about were on WNEW-TV in NYC.

I'm not sending a copy of this to Paul because I've written him several times about something without response. If he send me a copy of anything he writes and I can respond, I'll do it.

He's been dishonest to help Lifton and he's given, in fact used his mailing list to promote Lifton's videocassette business on Second Best Evidence. I'm surprised because I never expected him not to be honest.

Best,

Harold

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February 21, 1989

Gentlemen:

CONFIDENTIAL -- FOR RESEARCH
AND DISCUSSION PURPOSES ONLY
-- NOT FOR DISSEMINATION TO
NON-ADDRESSEES

Having worked in journalism, and as a lawyer, I have found that confidential communications can often raise thorny issues. The attorney-client privilege is almost inviolate. The privilege between a journalist and his sources is, according to law, less so; in addition, there are different degrees of confidentiality (sometimes the distinctions seem arcane) involved in those relationships, e.g., the distinctions between "not for attribution" and "deep background." We have all tried to observe the confidentiality of certain communications we have received during the course of our work on the JFK assassination in the sense of an "academic privilege", a tribute, I think, to the professionalism with which several of us have attempted to approach this subject, and a recognition that it may serve the greater good if some things could be shared with one or a few others but not (immediately, at least) the whole world. In this particular context, however, does the confidentiality of a communication survive the death of its source? Does the answer depend upon the nature or subject of the communication? The relationship between the speaker and the listener, and the attendant expectations that one may have of the other? Suppose one of you knows the true identity of a member of the assassination team who has promised to identify other members, and you tell me in the strictest confidence? Should I honor the confidence or (if I believe the story to be credible) alert law enforcement authorities?

It's a tough judgment call. Sylvia hated to receive information in confidence, and she made this very clear to me early in our association. I have no reason to believe that she divulged any of my confidences, but it is a fact that Sylvia and I had a number of confidential discussions over the years, and she did impart to me things which had been told to her in confidence, binding me to the same secrecy as well.

I would have liked to think that Sylvia's files would yield up her secrets for serious researchers to see (either now or at some time in the future after an appropriate period of time under seal). It is, noteworthy, however, that she left explicit written instructions to one of her nieces (who is also Sylvia's executrix) to destroy many manila envelopes and file folders which were marked "Destroy -- Do Not Read", and that her instructions were carried out immediately upon her death. The niece told me this herself last week. Perhaps this is a reflection of Sylvia's own views on the question of confidential communications in the study of the assassination. My own inclination would be to direct my executor/executrix or fiduciary with respect to my files to make reasonable efforts to contact the source to determine whether certain material should be destroyed and, if such contact was infeasible and there was any doubt in my fiduciary's mind, to place the material in question under seal for twenty-five or fifty years.

Here is something that I could not discuss with anyone during Sylvia's lifetime. It took place many years ago, after the publication of Legend. We each obtained a copy of the book, read it, and met in Sylvia's apartment a short time later. This was one of the few occasions that Sylvia discussed with me her former association with (as she put it) "that shit". And she blurted out on this one occasion that Edward Jay Epstein was in Minsk at the same time as Lee Harvey Oswald. Something to do with a connection between Epstein and the National Student Association. I asked her the obvious questions, but she would tell me no more than this. She told me never to repeat it. She emphasized that no one was to know. If Sylvia had told me that this information was given to her by another researcher, I would not be writing this letter. However, she did not say how she came by this information; I have always assumed that she got it from Epstein himself during their work in the early days of the case. I knew Sylvia well, and it was clear to me that there was something about Epstein which troubled her greatly (above and beyond his public statements on the case), but about which she could not speak. I don't think that this is the kind of disclosure that she intended be kept secret except during her lifetime.

Some follow-up may be warranted.

Best regards,



Roger Feinman

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