May 2, 1971

The Editor
The New York Times Sunday Book Review
The New York Times
New York, New York

Sir:

Assigning John Kaplan to "review" any of my writing is like giving Spiro Agnew Senator Fulbright's proxy. When the Sunday Times Book Review (May 2) did this, typically, Kaplan vented a personal spleen he has always been too cowardly to indulge in any other way - always from behind the back. In it there is no possibility of recognizing my FRAME-UP, its content, what it discloses of the crumbling of the basic institutions of our society in time of stress, or the total abdication of their elemental responsibilities by lawyers on both sides in the Ray trial, their violation of the bar's canons and the judge's abuse of everyone's rights but the prosecutor's and his personal violation of the bar's standards.

This Kaplan, as you say, "teaches at Stanford Law School." Can it be that he teaches the law?

Every lawyer knows that when he has a conflict of interest he may not participate. Irreconcilable conflicts qualify Kaplan for this back-knifing styled "review".

First, he is a blind partisan of the Warren Commission and to disagree with it on a factual basis is to him "silly". His shameful abandonment of all standards of thoughtful law or honest reviewing in the Spring 1967 issue of the American Scholar prompted a letter that even for me was forceful. Faced with words I have never accepted from anyone, he was silent, preferring to lurk in ambush for such an opportunity as you offered. My personal criticism was true, hence Kaplan's unmanly silence. His comment on my work then was that it was "charity" to ignore it, validated, no doubt, by its half-million sale as of the time of that "review".

Your identification of Kaplan as a law teacher is inadequate for the review you assigned to him. (No doubt the reporters who covered the case for the Times were incompetent?) He was also law clerk to Associate Supreme Court Justice Tom Clark, whose son was Attorney General when I began pressing the National Archives and the Department of Justice to release suppressed evidence in the JFK assassination. Kaplan served in the Criminal Division of the Department of Justice. From it and his former colleagues I won by suit this confiscated and suppressed evidence, getting even a rare summary judgment against the Department in which Kaplan served, against his former colleagues.

With a long chapter devoted to this and to that suppressed evidence in the book, with some of it reproduced in facsimile in the text and a 50-page documentary appendix, can Kaplan have better reason for making no mention in his "review", falsely alleging instead that I rely on "newspaper stories"? He can - and should - choke on the considerable stack of court papers I have, 200 from this suit alone.

Kaplan also co-authored "The Trial of Jack Ruby", in which he alleged Ruby was inadequately defended. What better proof than that Ruby won on appeal? And with Kaplan's niggling comments about my not being a lawyer (with him as a sample, I rejoice), on what point did Ruby win? The testimony (perjurious) of one Sergeant Patrick Dean - precisely the point I called to the attention of Ruby's lawyers and exactly the point lawyer Kaplan missed in his own masterpiece. Not because he didn't discuss Dean's testimony before the Warren Commission, for he did (pp.166ff.). It is simply because Kaplan is such a legal whiz kid.

With his spurious complaints about my writing (inaccuracy being one he failed to make), hasty examination of his is not inappropriate. After all, you do present him as an expert on both law and political assassinations.

Discussing whether or not there existed a picture of the President taken shortly after his assassination (p.25), Kaplan uses the words "even if it existed". Can he be so unfamiliar with autopsies? Is he unaware that his former associates still suppress these in the National Archives? Whether or not clandestine ones were made in Dallas is irrelevant. Official ones were made, within hours, in Bethesda.

Kaplan's undeviating devotion to precision and accuracy, his measure of his expertise, is found on page 142 in this advice he deigned to give:

> All he had to do was call to the stand the agent in charge of the Dallas office of the Secret Service, Forrest Sorrels. Sorrels was the last person who asked the last question of Oswald.

Forrest Sorrels was not there. It was then-Inspector Tom Kelley, whose report thereon is reproduced in facsimile in the Warren Report (p.630). Which illustrates another point: It is easier to defend the Warren Report if one is not familiar with it.

Illustrative of Kaplan's great care with fact and detail (p.115) is "...Jim Zimmerman, a thirty-one-year-old former Office of Strategic Investigation agent ..." (emphasis added). I was in the Office of Strategic Services (and honored for that service). If it is here that Zimmerman served, he surely is one of the youngest agents on record in any intelligence service, for it ceased to exist by Zimmerman's 16th year.

Kaplan knew of my honored war-time intelligence service. He knew of my years as a Senate investigator, of my exposure of Nazi cartels and their penetration of and espionage in American industry. So, having falsely criticized my work for depending on newspaper stories, he describes me and my qualifications thus: "(he is described elsewhere as a chicken farmer)".

This is preceded by the gratuity that my "grasp of the law is, to say the least, somewhat shaky." There was a recent test of this in New York. Percy Foreman, the man who without false modesty calls himself a greater criminal lawyer than Clarence Darrow, had his make-up half on when he learned he was to confront me on TV. He fled, half made up. So fast the New York Times March 20, 1971, listing could not be corrected. It reads, "Talk Show: Harold Weisberg, Percy Foreman, guests."

How "shaky" can I be? Or could it be that Foreman, unlike Kaplan, would not be behind my back and had read FRAME-UP other than Kaplan did, discovering, among many other things, the facsimile reproduction of Ray's contracts with his lawyers, from which Ray got not a penny (pp.489-504), including two letters in which Foreman bribed Ray to keep his mouth closed for 24 hours (his threats that Ray would be killed having worn thin).

"Newspaper stories", Lawyer Kaplan, New York Times editor?

Indeed, I am not a lawyer, and Kaplan teaches it (perish the thought, with what he can keep down). "Shaky" or not, lawyer or not, I would welcome a chance to face this back-knifer who defends corruption of the law and abuse of rights, say in Carnegie Hall, with a jury from the trial lawyers' association. Let us see who "shakes", who knows the fact, who correctly reflects the law - who is honest.

Kaplan's is not a review. It is a vicious and knowingly dishonest personal attack on me because Kaplan does not like my writing, my contempt for him so lucidly expressed, and because he cannot on fact fault FRAME-UP. There thus is little to which to respond. He in no way reflects the book or its contents and deliberately misrepresents its doctrine.

I do not say Ray was not involved. I do say there was a conspiracy. Ray said this in open court. Could Kaplan have better reason for misrepresenting it? But this pillar of the law, this upholder of the decent society, finds unimportant "whether or not Ray fired the fatal bullet". If Kaplan prefers political assassins roaming the land free, put me down as one who does not.

Kaplan finds "exigious" redundant proofs that the shooting could not in any way be connected with Ray. He deprecates the two things he acknowledges in my direct quotation from the suppressed evidence: false swearing by an FBI agent who said he examined a "bullet" when that bullet exploded and he had but a fragment; and the fact that the FBI could not connect that misrepresented fragment with the rifle.

There was once a time when innocence was assumed until guilt was proven, "beyond reasonable doubt and to a moral certainty" - until the Kaplans started practicing in the Department of Justice and teaching the law.

He is not, however, without an arcane description of the confiscation of the court record of the public trial of an American and its suppression by the Department of Justice - his Department of Justice. That and the fact that Ray's court-appointed lawyer in London said he would have to "check me out" with the FBI before letting me see the evidence against the man he "defended" are, to Kaplan, no more than "inconvenience, bureaucratic bumbling."

Nor is balance one of Kaplan's faults. To him, "William Bradford Huie, Arthur Hanes, Percy Foreman and a host of others are treated savagely" (the false-swearing FBI agent is his single example). Huie decided there could be no "justice" unless he bought it, so buy it he did, in six figures. Ray never got a penny. Bought Arthur Hanes, having made his deal with Huie, contracted no more than two things with Ray: a thorough milking and to act as his literary agent. The Hanes contract does not provide for Ray's legal defense. Need I say more of Foreman who sent Ray up the river? When I expose this, it is "savagery".

What is it then when a Kaplan concludes as thoroughgoingly dishonest a writing as Department of Justice apprenticeship can provide (ohm yes, even today he objects to exposure of what he cannot refute because it makes the FBI "look bad") about a book as grossly misrepresented as skilled and practiced deception can evolve by asking "why one might wish to read ... or devote newspaper space to the book. Aside of course from its interest to those in the healing profession."

If Kaplan considers himself equal to the "healing", there is still Carnegie Hall.

One reason such newspaper space might be devoted to the book is an effort to kill it.

One reason some may care to read FRAME-UP is the reason I wrote it: So that, when the protections of society fail, notably the lawyers and the courts, society and its members may still be defended; an effort may still be made to make government work; and to restore viability to its jeopardized institutions.

And so political assassins may not roam the land, free to assassinate others who seek to lead toward peace and to get for those so long denied it their fair share of the fruit of our national life.

Sincerely,

Harold Weisberg