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Mr. John Leonard
Editor - New York Times Book Review
Times Square, New York 10036

August 16, 1971

Dear Mr. Leonard:

I meant to write this letter on July 6, the last time I called you. You may recall that you were too busy to speak to me on that occasion, but you were kind enough to relay a message to me through your secretary. That message was that the full page round-up of letters on John Kaplan's review of Harold Weisberg's book "Frame-Up" was still planned. Unfortunately, I was preparing to go on vacation at that time, and events prevented me from writing until now. Perhaps it is just as well that I did not write you sooner, however, because by now it is evident that you are either a liar, or that you have no control over the Times Book Review despite the fact that you are its editor. I do not care to speculate whether the former or the latter is the case, for either way, the results are the same.

I send this letter certified because you and the Times have been completely unresponsive to all letters on this matter — even to the point of refusing to acknowledge any letters received, and ignoring requests to return certain items after you had inspected them. If I were not witness to this entire affair I would find it difficult to believe.

On March 11, 1969 the Times published a fine editorial entitled "Tongue Tied Justice." It began: "The aborted trial of James Earl Ray for the assassination of Dr. Martin Luther King Jr. is a shocking breach of faith with the American people, black and white." It goes on: "Nothing but outrage and suspicion can follow the handling of this long-delayed and instantly snuffed-out trial." ..."In the ghetto and in the world outside the ghetto, the question still cries for answer: Was there a conspiracy to kill Dr. King and who was in it?"..."No one was demanding blood; everyone is demanding facts."..."There should be no Warren Commission necessary — a month or a year from now — to still our doubts and do what a Tennessee court has failed to do."

Its conscience apparently eased, the Times went about its business after that memorable editorial. It sought no further facts and raised no further outcry.

Harold Weisberg's "Frame-Up" is the first and only book to date to address itself the demand for facts that the Times made so eloquently. Its documentation is exhaustive, and its implications frightening. This book proves beyond any doubt that James Earl Ray was the victem of a monstrous frame-up. Contrary to public belief, Ray did not voluntarily enter into his negotiated guilty plea. He was threatened, and when that failed to work he was bribed by his lawyer Percy Foreman. Foreman's letters to Ray in which he first lowered his fee on the condition that "the plea is entered and the sentance accepted and no embarassing circumstances take place in the court room," and then lent money to Ray's brother, also "contingent upon the plea of guilty and sentance going through on March 10, 1969, without any unseemly conduct on your part in court," are both reprinted in "Frame-Up." Weisberg

also produces FBI firearms expert Robert Frazier's affidavit in which he stated that "I could draw no conclusion as to whether or not the submitted bullet was fired from the submitted rifle." Despite this incredible revelation, the prosecution represented the bullet as being "consistent" with having been fired from Ray's rifle — meaning only that it was fired from a rifle of similar calibre. This is but an infinitesmal sample of documented evidence which can be found in Mr. Weisberg's book. Much of it was suppressed by the Justice Department, and Mr. Weisberg won access to it by sueing under the Freedom of Information Act. Months of stalling and official obfuscation finally led an angry and frustrated judge to issue a Summary Judgement against the Justice Department after patient prodding brought only further excuses and procrastination.

The Times reacted to this book which supplied the facts it had found so wanting by ignoring it as a news story and assigning John Kaplan as its reviewer. From 1957 to 1961 Mr. Kaplan served the Justice Department in three capacities: first as a lawyer with the Criminal Division ( the very same division which Mr. Weisberg had to sue to obtain suppressed evidence); then as a special prosecutor in Chicago, and finally as an Assistant U.S. Attorney in San Francisco. In the Spring 1967 American Scholar, John Kaplan authored a lengthy article entitled "The Assassins." The article, which was later reprinted in the Stanford Law Review was a defense of the Warren Report and a bitter attack upon its critics whom he characterized as "revisionists," "perverse," and "silly." Life Magazine and the New York Times were also targets of Kaplan's criticism, for as he put it, they "added to the confusion" by editorially calling for a new official inquiry. On the most crucial suppressed evidence, the autopsy photos and X-rays, Kaplan said that their release "would accomplish very little." Then as in his review of "Frame-Up," Kaplan made no effort to objectively challenge Mr. Weisberg's work: "We may pass over 'Whitewash' by Harold Weisberg, in just a sentance. It is the most strident, bitter and generally irrationally biased of all the attacks on the Commission. Out of charity, we shall mention it no further." Mr. Kaplan's final bit of handiwork before reviewing "Frame-Up" was to write a 2500 word, two-part article for the United States Information Agency ( the official propaganda arm of the government ) entitled "The Case of Angela Davis - The Processes of American Justice." The Times could hardly have been more selective if they had called on John Mitchell to review this book.

Kaplan's review, which began: "The silly season apparently is over so far as critics of the Warren Commission are concerned... Now Harold Weisberg, the author of no less than six books on the assassination of John F. Kennedy hopes to repeat the triumph of his 'Whitewash' series with 'Frame-Up'," was intentionally editorial and misrepresentative from beginning to end. He describes Weisberg's evidence as "exiguous," yet he makes no attempt to cite it or refute it. When Weisberg exposes the incredibly unethical conduct of Percy Foreman in this case ( of which the previously quoted letters are only a sample ) Kaplan suggests that Foreman is "treated savagely." He describes Mr. Weisberg as a "chicken farmer;" ignoring the fact that he served as an intellegence analyst with OSS during WWII, and subsequently was a respected Senate Investigator. Kaplan sees nothing improprietous in the compromise that prevented a trial and the coming to light of evidence of conspiracy, if any, because Ray is technically a murderer "whether or not" he "fired the fatal bullet or merely acted as a decoy." Kaplan wonders aloud "why one might wish to read or, for that matter, to devote newspaper-review space to the book." He misrepresents the source

of Mr. Weisberg's evidence as "newspaper stories." It is difficult to conceive of a more dishonest review or a worse choice of reviewers.

Mr. Kaplan's statement that "Frame-Up" does not deserve newspaper review space takes on added significance when one observes what was said about the book in the few reviews it received before the Times effectively discouraged others from reviewing it:

Barry Farber: " The next time anybody tries to dismiss Harold Weisberg as a chicken farmer I will remind him that Paul Revere was a coppersmith."

Saturday Review: " Weisberg is an indefatigable researcher... when all has been said, Weisberg remains invaluable. He has pursued the facts... And they are facts that lay claim to the conscience of America."

Publishers' Weekly: " This review can barely suggest the detailed number of Weisberg's charges, speculations, freshly documented evidence and revelations about the King murder. In two areas he is pure TNT: his attack on Ray's lawyer, Percy Foreman, and Bradford Huie... and his sensational head-on assault on J. Edgar Hoover, the FBI and the government itself for what he claims was the suppressing of official evidence indicating Ray was not alone in the King assassination. Crank or supersleuth, Weisberg, for all his turgid writing has brought forth a blistering book."

Chicago Sun-Times: "Weisberg has dug up much material, some of it properly designated as suppressed, that must give any reasonable and unprejudiced person pause."

As a student of assassination literature I was familiar with John Kaplan's partisan background, and I was shocked to see that he was the man chosen to review "Frame-Up." I phoned you on May 5 to make known my distress. You were good enough to speak to me. You seemed greatly disturbed about what you had learned about Mr. Kaplan. You told me that you had just received a letter from Mr. Weisberg detailing Mr. Kaplan's complex conflicts of interest, and this was the first you had learned of them. You told me that you had not assigned the book, but rather that it had been assigned by "another editor." At that time you personally solicited a letter from me. You assured me that you would personally see to it that it arrived in the hands of the editor of the letters section. When I asked you if there was still time to write a letter in order to have it printed you replied that there was because "we'll have to do something with the author's letter." My letter was mailed on May 10, 1971. It was addressed to the Editor of the Times Book Review, and it was accompanied with a covering letter to you. In that covering letter I thanked you for your concern in asking me to write it. I never received a reply or an acknowledgement. Neither did Mr. Weisberg receive a reply or an acknowledgement to his first letter of April 30, 1971. He wrote you again on May 25, puzzled by your silence — no reply. He asked that you return to him the copy of the Kaplan article on Angela Davis which had been sent you — no reply, and it was not returned. On May 3, 1971 Mr. Weisberg's publisher sent a letter objecting to Kaplan's review — no reply, no acknowledgement. You received many other letters, many of which I have copies. None were replied to. None were acknowledged

On May 30, 1971 the reason for your silence became apparent. On

that date the Times ran its first and only letter in response to Kaplan's review. It was from Geoffrey Wolff, and it took issue with a footnote from "Frame-Up" which Kaplan had mentioned in his review. That footnote, referring to the Washington Post, said "I know that its book reviewer was ordered not to review 'Whitewash' after he had read it and decided on a favorable review." Said Wolff of this footnote dealing with an admittedly "tangential" subject: "I was the Post's book reviewer when 'Whitewash'... was publisned. The above-quoted sentance — which contains four falsehoods — goes a long way toward explaining why Weisberg's serial revelations and zealous certitudes have been so skeptically received by serious men. (1) I did not decide on a "favorable review" of "Whitewash," (2) I did not plan any review of "Whitewash" because (3) I never read more than a few pages of the thing. Thus (4) I was never "ordered not to review it." ...."etc.

When before in the history of the Times Book Review has a letter such as this one been printed without sending a copy to the accused party first so that he can reply? Had you sent that letter to Mr. Weisberg in advance of publication you would have known that it was Wolff, not Weisberg, who was being less than completely truthful. For during the period when Mr. Weisberg was negotiating possible syndication of "Whitewash" with the Post he took detailed notes. They are on paper which is unquestionably several years old they are typed on a typewriter that no longer exists. On the morning of May 14, 1966 Mr. Weisberg payed two visits to Wolff's office. On the first he was not in. On the second: "it developed he had no copy of the book but had just been told about it by Bradlee. He'll do a review if the Post doesn't syndicate, for they never review books they syndicate." Other notes continue: "Bumped into Wolff 23 a.m. He has read the book, impressed, interested, and [ "much better written than you had led me to believe."]." Wolff never reviewed "Whitewash" because J. Russell Wiggins, then Editor, ordered him to review no books on the JFK assassination because he was not a lawyer. Mr. Weisberg argued with Wolff that this ammounted to a policy decision against "Whitewash" since subsequent books would doubtless be reviewed through Book Week. Wolff agreed, but was helpless to do anything. On August 28, 1966, following the Book Week review of "Rush to Judgement" Mr. Weisberg wrote to Wolff. The letter began: When I spoke to Mr. Wiggins in May, I told him the one I had a right to expect of the Washington Post is fairness. When I spoke to you a month ago and you told me the policy was to review none of the books, I told you you would review all but mine, through Book Week." Mr. Weisberg's third letter to you dated May 30 included all of this. Included was an original carbon of his August 28, 1966 letter to Wolff. He offered you complete access to his files so that you could determine the authenticity of his notes. He asked that you send Mr. Wolff a copy of the 1966 letter for comment, and that you return the original. He received no reply, and the carbon was not returned. Two subsequent letters to you, one reiterating the request for the return of the carbon and the Kaplan USIA piece, were similarly ignored.

Had you taken Mr. Weisberg up on his offer to examine his files you might have gained some insight into why Geoffrey Wolff wrote that letter. Wolff had planned to review "Frame-Up" for Newsweek. When Mr. Weisberg heard a rumor that some funny business was going on at Newsweek he wrote to his publisher inquiring about it. The response

dated May 27, 1971 stated that the "funny business" might refer to Geoffrey Wolff. According to the publisher, Wolff had informed them that the publication of that footnote in Kaplan's review had caused him "considerable embarrassment" at Newsweek, and that he no longer planned a review.

On the morning of June 1, I phoned you for the second time, and again you were good enough to speak to me. I asked you at that time if the publication of the Wolff letter was the final word on the Kaplan review as far as the Times was concerned. You replied that it was not. You told me that the Wolff letter was printed at this time simply because it had been set in type for some time. You told me that as soon as space allowed, "probably in about three weeks," a "full page round-up" of letters on "Frame-Up" would be published. You reiterated that statement through your secretary on July 6. It never happened.

This is not the first time that the Times has conducted a deliberate axe-job on a book, although it is undoubtedly the most blatant and viscious. Especially in the area of books advancing conspiracy theories in the arena of political assassinations, the Times seems to have its own queer morality with which they can justify to themselves this policy of suppression. You may recall it happened to you when your remarks critical of the Warren Report were edited out of but the first edition of the December 1, 1970 Times review of "Heritage of Stone." What is most disappointing is that this apparent Times policy continues while you are the Editor of the Book Review.

Sincerely,

Jerry Policoff

cc: James Reston
Tom Wicker