



## Frame-Up

To the Editor:

Assigning John Kaplan to review my book, "Frame-Up" (subtitle, "The Martin Luther King/James Earl Ray Case,

August 29, 1971.

Containing Suppressed Evidence") is like giving Spiro Agnew Senator Fulbright's proxy.

Every lawyer knows that, when he has a conflict of interest, he may not participate. Irreconcilable conflicts should have disqualified your reviewer.

First, he is a blind partisan of the Warren Commission. To disagree with it on a factual basis (as I did in my earlier book, "Whitewash") is to him "silly."

Second, your identification of him as a law teacher at Stanford is, to say the least, inadequate. He was also once a 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 on the J.F.K. assassination.

Kaplan served in the Criminal Division of the Department of Justice. From it and his former colleagues I won by suit this suppressed evidence . . . getting even a rare summary judgment against the Department in which he served, against his former colleagues.

A long chapter is devoted to the above. Some of the suppressed evidence is reproduced in the text—and there is a 50-page documentary appendix. . . . Kaplan makes no mention

of this. Instead, he alleges that I rely on "newspaper stories."

Kaplan, let me repeat, has not written a review but a personal attack . . . in no way reflecting the book or its contents, and deliberately misrepresenting its doctrine.

I do not say that Ray was not involved in the King assassination. I do say there was a conspiracy. Ray said this—in open court. . . . Kaplan finds it unimportant "whether or not Ray fired the fatal bullet." If he prefers political assassins roaming the land free, put me down as one who does not. . . .

To Kaplan, "William Bradford Huie, Arthur Hanes, Percy Foreman and a host of others" are "treated savagely" in "Frame-Up." . . . Writer Huie decided there could be no "justice" unless he bought it—so buy it he did, in six figures. Ray never got a penny. . . . Hanes, having made a 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, the lawyer who sent Ray up the river? When I expose all this, it is called "savagery."

Kaplan concludes his comments by asking "why one might wish to read . . . or devote newspaper space" to my book. . . . One reason why such newspaper space might be devoted to "Frame-Up" is an effort to kill it.

One reason some may care to read my book 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, to restore viability to its jeopardized institutions. . . . So that political assassins may not roam the land.

HAROLD WEISBERG  
Frederick, Md.

Mr. Kaplan replies:

Had you received Harold Weisberg's letter earlier, you could simply have printed it, and saved me the trouble of reviewing his book. It proves—adequately, it seems to me—everything I had to say.

More specifically, it proves his attitude that the Warren Commission battles must be re-fought, at all costs . . . despite the fact that no substantial evidence connects the 1963 assassination in Dallas of President John F. Kennedy and the Memphis assassination, about five years later, of Martin Luther King.

Secondly, it shows how everyone is picking on Mr. Weisberg. Including me and the Department of Justice (with which I have not been associated for over 10 years).

It is true that I had harsh things to say about your correspondent's attacks on the Warren Commission. I do think, however, that I can separate the two assassinations in my mind. Moreover, it was not that I defended the Warren Commission Report. Rather I merely pointed out that, by normal standards of integrity and scholarship, it stood far above any of its vocal critics. . . . Try to imagine, if you will, the former Chief Justice writing a letter of the over-all quality of Mr. Weisberg's.

If Mr. Weisberg wanted your coverage drawn from those who thought him cogent and balanced in his six books on the Warren Commission . . . I can only say that the restrictions on The Times in choosing reviewers would have been well-nigh insurmountable.