

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 infinitesimal 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 suing 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 sentence. 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 intelligence analyst with OSS during WWII, and subsequently was a respected Senate Investigator. Kaplan sees nothing improper 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