

5/23/71

Mr. Max Lerner
New York Post
New York, N.Y.

Dear Mr. Lerner,

I have just, by accident, come across a copy of your 3/12/69 column, "Ray: History's Loss." It, and your silence with my book's appearance, depress me much. And, reminds me again of the problems with which a columnist lives. He must, perforce write of things of which he has little or no personal knowledge. If he errs, and people are misled or misinformed, how can a representative society really work?

You begin with understandable error, having no knowledge of your own. And you conclude with a remarkable confession of the utter worthlessness of writers in today's society. Perhaps you are right, but I prefer to think not. Your words are:

"No way remains by which the third party - in this case the American people, white and black alike - can arrive at the truth it seeks".

When the institutions of society fail, who else is there but the writer?

And when, with great difficult and enormous cost, one does this job, takes the evidence bit by bit for the first and only time, and none of it survives, and the Max Lerner's are silent, can there be any hope for a decent society?

On 3/12/69 you wrote, "There is no question that Ray was the killer" and many other things that for a man of your experience I think were foolish. Like saying that because Huie found the whore with whom Ray slept in Portugal and learned how much he paid another in Mexico, he did an investigation. The crime was in Memphis, as Huie finally admitted when I confronted him, not in Mexico, or Portugal. That "airtight" case of which you wrote never existed. That investigation of Foreman's of which you wrote was never made. And if you want his words on this under oath, I have them. Nor did Huie investigate in Memphis. I did, after I wrote FRAME-UP, when it was possible for me to get there (you have no idea how bankrupting this work really is). My book could not be titled better. There is not only no case at all against Ray, but if his belated appeals succeed, the government, especially the federal government, will break its back to avoid a trial.

Meanwhile, we have some "liberals" who are parti pris and only too happy to joining a gangup - and others who are silent. If you read my book, as you were invited to (and you were invited to talk to me when I was in New York and never responded), you will find a recurrent phrase, the awful crime of silence.

I dare you to read this book and not at the very least regret that column, to challenge me on any fact relating to the evidence, to ask yourself if society in any decent form can survive a system of justice when lawyers are saddled with conflicts they cannot reconcile, and when the judge says, "I made a good deal" - the bastard had a good chance of going free and I gave him a heavier sentence than any jury would.

You said the State spent \$2,000,000 on the case. They didn't. Hoover did all the investigating, if that is the word. The local authorities spent as much keeping one sick

man sober (after his perjury was suborned) as they did investigating the case.

The issue is not is Ray a good guy or bad, not even did he commit the crime. What we ought be concerned with—and it bitterly disappoints me that an man like you first is not and then is silent— is the viability of society and the institutions of freedom. If what happened in Memphis can happen to Ray, to whom can it not? Innocence is presumed until guilt is proved beyond reasonable doubt and to a moral certainty.

There are questions, besides issues. What will happen to us if all those who can give responsible leadership toward peace, toward a reordering of society, are cut down when they turn toward peace?

You wrote of the cost of the crime to Tennessee. Ask yourself rather the cost of the crime to the country, beginning with that of the flames kindled by inchoate rage and frustration.

Obviously, a writer can't read every book that comes out. But when you, on such issues as this, write a column like that I enclose to save you time, when the other side is available, if you do not owe something to your readers, do you not owe something to Max Lerner?

Something more than silence?

With sincere regrets,

Harold Weisberg