

Jerry Policoff
69-01 35th Avenue
Jackson Heights, New York
11377

pid 3/6/78

ALL THE NEWS?--
POLITICAL ASSASSINATIONS AND
THE NEW YORK TIMES

By Jerry Policoff

Since the publication of the Pentagon Papers The New York Times, America's most prestigious newspaper, has been the recipient of what may be an unparalleled stream of tributes and awards for its dedication to the principles of a free press and the people's right to know.

Unfortunately the Pentagon Papers represent something of a departure -- if that is, in fact, what they are -- for the paper whose image of its role was described by Gay Talese in his critically acclaimed biography of the Times, "The Kingdom and the Power," as the "responsible spokesman for the system."¹ For the Times often places secondary importance upon its responsibility to inform the public when that responsibility conflicts with its own concept of that ominous and all-encompassing enigma known as "the national security."

The example of the Bay of Pigs is well known. The Times had deduced by evaluating various published accounts that a United States trained and financed group of Cuban exiles was about to invade Cuba. The story was to be a major exclusive featured on the front page. Instead the management of the Times decided to play down the story and strip it of its revelations. It appeared inside the paper under the deliberately misleading headline "QUICK ACTION OPPOSED."² Thus a major diplomatic and strategic blunder which might otherwise have been averted was not.

In 1966 when Dean Rusk protested to the Times that an impending news series on the C.I.A. was not in the national interest the Times responded by sending the completed series to John McCone, former head of the C.I.A., for editing. Turner Catledge, then Managing Editor, wrote a placating memo to his concerned boss, Arthur Ochs Sulzberger, the Publisher of the Times. "I don't know of any other series in my time," wrote Catledge, "which has been prepared with greater care and with such remarkable attention to the views of the agency involved as this one."³

There is little wonder that Talese described the relationship between the highest levels of "the United States Government and The New York Times as "a hard alliance" which, in any large showdown, "would undoubtedly close ranks and stand together."⁴

The 1960's represented a dark decade for many millions of Americans who saw their hopes and aspirations for the future dashed amid the blaze of guns that struck down President John F. Kennedy, the Rev. Dr. Martin Luther King, Jr., and Senator Robert F. Kennedy.

In all three cases the official verdict was swift: lone assassin; no conspiracy. In all three cases serious doubts remain -- doubts that have encountered little more than official silence and denial.

The political assassinations of the 60's seem to have given rise to a most peculiar policy at The New York Times, a policy that maintains that the "official" line is the only line. In the process the Times has subjected its readers to distortion, misrepresentation, and outright deception.

Harrison E. Salisbury, Assistant Managing Editor of the Times, described the Times performance in the wake of the President's assassination thusly: "...The Times by principle and by habit considers itself a 'newspaper of record.' " which "consciously seeks to present all of the facts required by a public spirited citizen to formulate an intelligent opinion. Clearly the shooting of the President would require an extraordinary record -- detailed, accurate, clear, complete." "Thus the initial responsibility of the Times is to provide an intimate, detailed, accurate chronology of events... The Times record must be the one that will enable the reader to pick his way, fairly well, through fact, fiction, and rumor."⁵

Salisbury's prose made good reading, but it hardly describes the true nature of the Times coverage which can be epitomized by the definitive headline of November 25, 1963, "PRESIDENT'S ASSASSIN SHOT TO DEATH IN JAIL CORRIDOR BY A DALLAS CITIZEN."⁶ Thus the Times required no Warren Commission to tell it what it had already assumed three days after the President's assassination: that Lee Harvey Oswald, the official suspect, was the assassin. Nor were Jack Ruby's motives any mystery to the Times as was demonstrated the same day by the headline, "KENNEDY ADMIRER FIRED ONE BULLET."⁷ Other stories, e.g. "DOCTORS QUESTION OSWALD'S SANITY," and "LONE ASSASSIN THE RULE IN U.S.: PLOTTING MORE PREVALENT ABROAD,"⁸ tended to reinforce the erratic nature of the "assassin" and the notion that conspiracies are foreign to the American political scene.

Once the Warren Commission was formed the Times acted as little less than a press agent for it. On March 30, 1964 -- a mere twelve days after the Warren Commission had begun its field investigation in Dallas⁹-- the Times carried an AP story reporting that the Commission had "found no evidence that the crime was anything but the irrational act of an individual, according to knowledgeable sources."¹⁰ On June 1, the Times ran a Page One exclusive, "PANEL TO REJECT

THEORIES OF PLOT IN KENNEDY'S DEATH," which amounted to an extensive preview of the Warren Report nearly four months prior to its official release.

When the Warren Commission's report was issued on September 27, 1964 its most vocal advocate was The New York Times. The lead story said that "the commission analysed every issue in exhaustive, almost archeological detail."¹¹ A Times editorial said that "the facts -- exhaustively gathered, independently checked and cogently set forth -- destroy the basis for conspiracy theories that have grown weedlike in this country and abroad."¹² Arthur Krock called the report a "definitive history of the tragedy,"¹³ and C.L. Sulzberger expressed relief at the report's conclusions. "It was essential in these restless days," wrote Sulzberger, "to remove unfounded suspicions that could excite latent jingo spirit. And it was necessary to reassure our allies that ours is a stable reliable democracy."¹⁴

Such unequivocal praise of the Warren Report was nothing less than irresponsible journalism. There had been barely enough time for a thorough reading of the report and the testimony and exhibits upon which it supposedly was based was not yet available. Without the latter no objective appraisal of the report was possible.

The Times also made quite a financial proposition out of the Warren Report. The entire report was printed as a supplement to the September 28 edition. In addition the Times collaborated with the Book of the Month Club on a hard bound edition and with Bantam Books on a soft bound edition of the report (with a laudatory introduction by Harrison Salisbury in the latter). By the end of the first week Bantam had printed 1,100,000 copies.¹⁵ Ironically the Times would later imply that the critics of the report were guilty of exploitation because of the "minor, if lucrative industry" that arose from their challenges to the official version of the assassination.¹⁶

Nor was the Times less effusive when the 26-volumes of exhibits and testimony were released on November 24. The Times instant analysis of the more than 10 million words contained in the volumes brought the premature observation that their publication by the Warren Commission "brings to a close its inquiry, at once monumental and meticulous."¹⁷

Within a month, again in collaboration with Bantam, the Times published "The Witnesses," consisting of "highlights" of the hearings before the Warren Commission, prepared by "a group of editors

and reporters of The New York Times."

"The Witnesses" included the affidavit of Arnold Rowland stating that he had observed a man with a rifle on the sixth floor of the Texas School Book Depository before the assassination, but not his testimony in which he stated that he had actually seen two men, and the F.B.I. had told him to "forget it," and in which he stated his opinion that the source of the shots had been the railroad yards in front of the President. Omitted from the testimony of amateur photographer Abraham Zapruder was his statement that his immediate reaction was that the shots had come from behind him (in front of the President). Similar statements relating an immediate impression that the shots had come from the front were deleted from the excerpted testimony of David F. Powers, a special assistant to the President, and Secret Service Agent Forest V. Sorrels, as it appeared in "The Witnesses." Deleted from the testimony of Secret Service Agents William Greer, Clinton Hill, and Roy Kellerman was the description each gave of a bullet wound in the President's back below the shoulder (the "official" autopsy report placed it about six inches higher in the neck). Also omitted from Agent Hill's excerpted testimony was his statement that he was not certain that all of the shots had come from the rear, and that they did not all sound alike. Autopsy surgeon Commander James J. Humes' excerpted testimony in "The Witnesses" omitted his statement that he had destroyed the first draft of the autopsy, as well as his verbal gymnastics in reconciling the location of the bullet holes six inches below the collar in the President's shirt and jacket with the officially designated location of the wound in the neck. Both Humes and Colonel Pierre Finck expressed scepticism when asked if the nearly pristine bullet found on a stretcher in Parkland Hospital could have hit both Kennedy and Gov. Connally (the Warren Commission ultimately concluded that this was indeed the case), but these exchanges also were omitted from "The Witnesses," as was the portion of the testimony of Nelson Delgado, a friend of Oswald's from his Marine Corps days, in which he referred to Oswald's extremely poor marksmanship.

Testimony left out of "The Witnesses" altogether included numerous witnesses who reported at least some shots fired from the front, including Jean Hill who reported seeing a man fleeing from the area of the "grassy knoll" after the shooting. Also left out was the testimony of Wilma Tice and reporter Seth Kantor who reported

seeing (the latter conversing with) Jack Ruby at Parkland Hospital, as well as many others who gave relevant but inconvenient testimony before the Warren Commission.

In short, "The Witnesses" was a careful selection of only that testimony which tended to support the official findings contained in the Warren Report. It was a patently biased and dishonest work, shamelessly slanted toward the lone-assassin hypothesis, and capitalizing on the legendary objectivity of The New York Times.

In Europe where the press had been less eager to embrace the official findings of the Warren Commission, the assassination rapidly became a controversy. "Who Killed Kennedy," a critical book by American expatriate Thomas Buchanan was already a best-seller by the end of 1964. In Britain, Bertrand Russell organized a "Who Killed Kennedy Committee" composed of some of the most influential members of the British intellectual community. In December 1964, Hugh Trevor-Roper, well-known British historian and Regius Professor of Modern History at Oxford University, writing in The Sunday Times of London, accused the Warren Commission of setting up a smokescreen of irrelevant material while failing to ask elementary and essential questions.

In the United States, too, the report slowly emerged as a major issue -- spurred first by a number of critical articles and later by a series of major books.

George and Patricia Nash documented Commission negligence in the October 1964 New Leader by locating without difficulty three witnesses to the slaying of Patrolman Tippit who had not been called by the Warren Commission, but whose accounts differed radically from the Commission's. The January and March 1965 issues of Liberation magazine carried articles highly critical of the Warren Report by Philadelphia attorney Vincent Salandria. An article in the January 1965 American Bar Association Journal by Alfreda Scobey, a lawyer and former Warren Commission staff member, acknowledged that much of the evidence against Oswald was circumstantial and strongly implied that Oswald's conviction would have been less than guaranteed had he gone to trial. In February 1966 the 18th annual meeting of the American Academy of Forensic Sciences held a symposium which scored the Commission for its failure to hear enough expert testimony, and for failing to examine the photos and x-rays taken of the President's body during the autopsy.

On May 29, 1966 the Warren Report became a national issue over-

night when The Washington Post ran an 8-column banner headline on the front page, "AN INQUEST: SKEPTICAL POSTSCRIPT TO WARREN GROUP'S REPORT ON ASSASSINATION," dealing with Harold Weisberg's "Whitewash" and Edward J. Epstein's "Inquest." The story consumed a sizeable portion of page one and nearly all of page three, and concluded that the two books raised "grave doubts about the Commission's work."

"Inquest's" major contribution lay in its author's success at obtaining interviews with several members of the Commission and its staff. Epstein was also given access to a number of internal Warren Commission memoranda (the book was originally intended as a Masters thesis). Concentrating on the internal workings of the Commission, Epstein argued that bureaucratic pressures from within and time pressures imposed from without had severely handicapped the Commission with the result that their investigation was superficial rather than exhaustive. Epstein made much of the discrepancy between the location of the President's back wound, noting the location below the shoulder in the report of the autopsy by F.B.I. agents Siebert and O'Neill, and the location in the neck in the official autopsy report. The higher location was essential to the Commission's theory that a wound in the President's throat was one of exit for a bullet that had traversed his neck from the rear, but the lower location was corroborated by the holes in the clothing and by the testimony of Secret Service Agents Greer, Kellerman and Hill. Epstein suggested that there was a strong possibility that there had been a second assassin, but that the Commission had been more interested in dispelling rumors than in exposing facts. He implied that the Warren Commission had deliberately altered the autopsy report, and he noted that if this was indeed the case the conclusions found in the Warren Report would have to be viewed as an expression of "political truth."¹⁸

Weisberg also seized upon the location of the back wound, but his "Whitewash" analysed the Warren Report in far more detail than did "Inquest," going into such matters as Oswald's marksmanship, the tangible evidence linking Oswald to the assassination or the sixth floor window with the source of the shots, the facts surrounding the slaying of Officer Tippit, etc. Weisberg strongly implied that more than one assassin had been involved and that it was by no means certain that Oswald had been one of them.

The major issues that arose out of these books and those to follow included:

THE SINGLE-BULLET THEORY: the Commission's re-enactment of the assassination and observation of the film of the assassination taken by Abraham Zapruder revealed that from the time when Kennedy would first have been visible to a man perched in the sixth floor TSB window until the time Connally was shot Oswald's gun was capable of firing only one round. The Commission concluded that a virtually pristine bullet found on a stretcher at Parkland Hospital had passed through the President's neck, hit Connally in the back shattering a rib, emerged from his chest, traversed his wrist, lodged in his thigh, and then fell out onto the stretcher. The Commission theorized that Gov. Connally had experienced a delayed reaction to his wounds, explaining why the Zapruder film appeared to show him unhit until a point significantly after the President definitely had been. Critics argued that it was extremely unlikely that one bullet could have accounted for seven wounds, shattering bone along the way, and still emerge undeformed. They also argued that a bullet striking bone, as was the case with Connally, results in an immediate reaction in compliance with the physical law of transfer of momentum, and that the later reaction by Gov. Connally, therefore, indicated that he had been hit by a second bullet.

THE GRASSY KNOLL: law-enforcement officers and bystanders immediately converged on this area after the assassination as the apparent source of the shots. It was located to the right front of the President.

THE HEAD SNAP: the Zapruder film revealed that upon impact of the final and fatal bullet the President's head was thrust violently to the left and to the rear -- a reaction that seemed consistent with a shot fired from the grassy knoll.

THE THROAT WOUND: the wound in the President's throat was originally diagnosed as an entrance wound by the doctors who treated him at Parkland Hospital. The Commission's contention that it was an exit wound was challenged by most of the critics.

The Warren Report was soon under attack from all sides. In July 1966 Richard Goodwin, a former advisor and close associate of President Kennedy, reviewed "Inquest" for Book Week. He called the book "impressive" and called for the convening of a panel to evaluate the findings of the Warren Commission and determine if a completely new

investigation was warranted.¹⁹ He later added that there were other associates of the late President "who reel as I do."²⁰ In September 1966 a Harris Poll found that 54% of the American public doubted that the Warren Commission had told the full story.²¹ The same month Mark Lane's "Rush To Judgment" made the Best Seller List of The New York Times (by November 1966 it was the Number One Best Seller, a position it maintained for several months). The Times of London called for a new investigation toward the end of September 1966, a call that was echoed in The London Observer by Lord Devlin, one of England's most respected legal figures. On September 28, 1966 Manhattan Congressman Theodore Kupferman asked Congress to conduct its own investigation into the adequacy of the Warren Report. Writing in the October 1966 Commentary Alexander Bickel, Chancellor Kent of Yale University, called for a new investigation observing that "the findings of the Warren Commission, and the fatuous praise with which all of the voices of the great majority greeted them two years ago, were in some measure a matter of wish fulfillment." The November 25, 1966 cover of Life magazine featured a frame from the Zapruder film with the bold caption: "DID OSWALD ACT ALONE? A MATTER OF REASONABLE DOUBT." Life questioned the validity of the single-bullet theory and concluded that "a new investigative body should be set up, perhaps at the initiative of Congress." The January 14, 1967 Saturday Evening Post also carried a cover story challenging the Warren Report, and it also ran an editorial calling for a new inquiry.

Others who publicly expressed doubts about the conclusions of the Warren Commission included Senators Russell Long, Eugene McCarthy, Strom Thurmond, William Fulbright, and Thomas Dodd; Congressmen Ogden Reid, John W. Wydler, and William F. Ryan; Arthur Schlesinger Jr., William Buckley, Norman Mailer, Murray Kempton, Max Lerner, Pete Hammill, Walter Lippman, Dwight MacDonal, Richard H. Rovere, Cardinal Cushing and many others.

The reaction of The New York Times to the emerging controversy was less than enthusiastic. Following the May 29, 1966 Washington Post headline a Times reporter was assigned to do a story on the emerging controversy. His story appeared on June 5 -- not on page one, but on page 42. The author of the piece wrote one of the critics: "With space limitations and national desk instructions, I am sorry that everything but the single-bullet hypothesis got forced out of the story."²²

"Whitewash" and "Inquest" were reviewed in the July 3 New York Times Book Review by the Times' Supreme Court correspondent, Fred Graham. The Times apparently saw no conflict in assigning Graham to review two books severely critical, implicitly if not explicitly, of the then Chief Justice of the Supreme Court. The review consisted largely of a lengthy defense of the methods utilized by the Warren Commission under the direction of "the nation's most distinguished jurist." Graham called Weisberg a "painstaking investigator," but added that he "questions so many points made by the report that the effect is blunted -- it is difficult to believe that any institution could be as inept, careless, wrong, or venal as he implies. Rather, the reader is impressed with the elusiveness of truth..." Graham called "Inquest" superficial, and he criticized Epstein's use of the words "political truth," claiming that Epstein was actually charging deliberate fraud. Graham admitted that the single-bullet theory was "porous," but he maintained that no other explanation made sense because if another assassin had fired from the TSBD it would have been unlikely that he and his rifle could disappear without a trace. He avoided alternatives that did make sense, e.g. that an assassin or assassins had fired from the grassy knoll. Graham concluded that "a major scholarly study is not feasible now because the crucial papers in the archives... have not yet been de-classified." On the one hand he was ignoring the fact that the Times had lauded the Warren Report before any evidence was available, and on the other hand he was passing judgment in advance on any subsequent critical works, a fact that should have disqualified him as a reviewer of future books on the subject.

On August 28, 1966 Mark Lane's "Rush to Judgment" and Leo Sauvage's "The Oswald Affair" were reviewed in The New York Times Book Review by Fred Graham. Graham's review gave the false impression that both books relied mainly on eyewitness testimony rather than more tangible hard evidence. "Eyewitness testimony," noted Graham, "is far less reliable than it seems to be." He made the incredible observation that the main source of the Warren Commission's dilemma lay in the fact that it had to issue a report. The broad proof against Oswald and the lack of evidence pointing to any other possible assassin, according to Graham, gave the Commission no choice "but to smooth over the inconsistencies to the extent possible and brand Oswald the lone assassin." Graham concluded with the unsubstantiable claim that

Oswald would easily have been convicted of murder by any jury faced with the material before the Warren Commission and in these books.

As the controversy grew the Times greeted the issue with a most astonishing article in the September 11, 1966 New York Times Magazine, entitled "NO CONSPIRACY, BUT -- TWO ASSASSINS, PERHAPS?" by Henry Fairlie, an English political commentator. Fairlie acknowledged that it was hard to dispute the contention that the Warren Commission "did a hurried and slovenly job," and he conceded that there might well have been more than one assassin, "available evidence seems to me confusing." But he contended that even if this supposition were made, "it still does not justify making the long leap to a conspiracy theory," because even if two or more people were involved, he argued, "it is possible to regard such people as fanatics or nuts and nothing more." Of course, if there were two or more people involved it was, by definition, a conspiracy. The article concluded that it was not the proper time for a new investigation, for "to set up another independent body with no promise that it would succeed, would be to agitate public doubt without being certain that it could in the end, settle it. Popular fear and hysteria are dangerous weeds to excite..." Thus it would appear that to Henry Fairlie and The New York Times it was more important to support the official findings of the Warren Commission -- even though questionable -- than to look further into the President's assassination and risk adding to the already existing doubt and scepticism about those findings, warranted or not.

THE TIMES INVESTIGATION

Toward the end of 1966 a degree of dissatisfaction with the conclusions of the Warren Commission began to manifest itself at the Times

Tom Wicker wrote in his column that a number of impressive books had opened to question the Warren Commission's "procedures, its objectivity and its members diligence." "The damaging fear has been planted, here as well as abroad, that the commission -- even if subconsciously -- was more concerned to quiet public fears of conspiracy and treachery than it was to establish the unvarnished truth, and thus made the facts fit a convenient thesis." Wicker endorsed the call for a Congressional review that had been made by Congressman Kupferman.²³

Harrison Salisbury radically revised his early praise of the

Report -- not in the Times but in the November 1966 issue of The Progressive, a magazine of limited circulation. While reiterating his belief that Oswald acted alone, Salisbury wrote that his reading of "Inquest" and "Rush to Judgment," both of which he called "serious, thoughtful examinations," had convinced him that questions of major importance remained unanswered. Like Wicker, he endorsed the Kupferman resolution, adding that "I would like to see the most painstaking inquiry into each of the principal areas of doubt. The nation no longer lives in the trauma which persisted for months after the President's death. The Warren Commission had good reason to concern itself for the national interest, to worry about national morale, to take upon itself the task of damping down rumors. But today and tomorrow the sole criteria of an inquiry should be the truth -- every element of it that can be obtained -- and a frank facing of unresolved and unresolvable dilemmas."

On November 16, 1966, on the other hand, Clifton Daniel, then Managing Editor, in addressing a public symposium on "The Role of the Mass Media in Achieving and Preserving a Free Society," defended the Warren Report and accused its critics of "dragging red herrings all over the place."²⁴

Under this setting the Times quietly undertook, in early November 1966, a new investigation of the assassination under the direction of Harrison Salisbury. "We will go over all the areas of doubt," Salisbury told Newsweek, "and hope to eliminate them."²⁵ On November 25, with the unpublicized investigation already underway, the Times ran a carefully worded editorial, "UNANSWERED QUESTIONS," which maintained that there were enough solid doubts of thoughtful citizens to require official answers. "Further dignified silence, or merely more denials by the commission or its staff, are no longer enough."

About a month into the investigation Salisbury received permission from the government of North Vietnam to visit Hanoi, and he quickly departed for Paris to complete final preparations for the trip. Shortly after his departure the Times investigation was ended. Reporter Peter Kihss, a member of the team, wrote Mrs. Sylvia Meagher on January 7, 1967, "regrettably the project has broken off without any windup story, at least until Harrison Salisbury, who was in charge, gets back from North Vietnam." Another member of the team, Gene Roberts -- then Atlanta bureau chief and now National Editor

of the Times -- told me that "there was no real connection between Salisbury going to Hanoi and the decision not to publish, or to disband the inquiry. It just kind of happened that way. Presumably if he had been here he might have knocked it off even sooner or he might have continued it a week or two. I just don't know."²⁶ Roberts told me that the team was unable to find evidence supporting the contentions of the critics. "We found no evidence that the Warren Report was wrong," he said, "which is not to say that the Warren Report was right." "We are not in the business of printing opinion, and that is why nothing was printed in the end."²⁷

If Salisbury's words to Newsweek are to be taken literally the purpose of the investigation to begin with was to shore up the findings of the Warren Commission. There can be little doubt that if the investigation had strongly reaffirmed those findings it would have been boldly splashed across the front page. Yet there now seem to be several versions as to just what that investigation found. George Palmer, Assistant to the Managing Editor, wrote one questioner that nothing had been printed about the investigation "for the simple reason that there were no findings,"²⁸ but he wrote me that "the discontinuance of our inquiries meant that they had substantially reaffirmed the findings of the Warren Commission."²⁹ Palmer also wrote me that the determination to discontinue the investigation was made upon the return of Salisbury from Hanoi. Walter Sullivan, Times Science Editor, writing on behalf of Harrison Salisbury, wrote Washington attorney Bernard Fensterwald, Chairman of the Committee To Investigate Assassinations, "it is true that an intensive investigation of the J.F. Kennedy assassination was carried out by the Times staff under Mr. Salisbury's supervision. It was set aside when he suddenly received permission to visit Hanoi. "At this stage, Mr. Salisbury tells me, it had become obvious that the President was killed by a single demented man and that no conspiracy was involved. The investigation has therefore not been pursued further."³⁰

Following the Times at best inconclusive investigation its advocacy of the official line became at least as rigid as it had ever been. An anonymous review of "The Truth About the Assassination," by Charles Roberts, Newsweek's White House correspondent, said: "Publish 10,400,000 words of research and what do you get? In the case of the Warren Commission and the book business, you get a fabulous-

ly successful spin-off called the assassination industry, whose products would never stand the scrutiny of Consumers Union. Consumers buy it as they buy most trash: the packaging promises satisfaction but the innards are mostly distortions, unsupported theories and gaping omissions" that are "neatly debunked by Charles Roberts..." By selecting the incredible and the contradictory, scavengers like Mark Lane sowed confusion. By writing an honest guide for the perplexed, Roberts performs a public service."³¹ In fact, Roberts' book was extremely superficial, its text consuming a mere 118 pages. It glossed over the crucial evidence, substituting personal invective against the critics for answers to their criticisms.

In late 1967 the publication of "Six Seconds In Dallas," by Professor Josiah Thompson and "Accessories After the Fact," by Mrs. Sylvia Meagher further fanned the flames of the Warren controversy. Mrs. Meagher had previously distinguished herself by putting together a subject index to the 26-volumes -- a service the Warren Commission had neglected to provide. "Six Seconds In Dallas" was previewed by The Saturday Evening Post, which featured the book's jacket on its December 2, 1967 cover along with the headline "MAJOR NEW STUDY SHOWS THREE ASSASSINS KILLED KENNEDY." An editorial in that issue stated that it had now been "demonstrated fairly conclusively that the Warren Commission was wrong." Thompson's book contained a comprehensive study of the Zapruder film, graphs of the reaction of Connally, tables summarizing the impressions of eyewitnesses, interviews with crucial witnesses, mathematical calculations of the acceleration of the President's head in relation to the movement of the car, etc. The book was profusely illustrated with photographs, drawings and charts.

"Accessories After the Fact" was an exhaustive analysis of the 26-volumes and related material from the National Archives not contained in the volumes. Playboy called it "the best of the new crop of books -- and the most chilling in its implications." Playboy called the most unsettling aspect of both books "the failure of the Warren Commission to investigate, evaluate -- or even acknowledge -- the huge body of evidence in its possession indicating the possible presence of more than one gunman..."³² Congressman Theodore Kupferman said "on the subject of the Warren Report Sylvia Meagher could replace a computer," calling her book "overwhelming."³³ Congressman William F. Ryan said

"Sylvia Meagher raises a number of disturbing questions." He added that it pointed out the need for a Congressional review of the findings of the Warren Commission."³⁴

Both books were reviewed in The New York Times Book Review on February 28, 1968 -- by Fred Graham, of course. Graham found it astonishing that there was such a degree of disbelief "in a document that has the endorsement of some of the highest officials in the Government." He contended that inconsistencies notwithstanding, "none of the critics have been able to suggest any other explanation that fits the known facts better than the Warren Commission's." Graham found Mrs. Meagher's book "a bore," and he found that Thompson's scientific approach ignored "the larger logic of the Warren Report." "Although it has seemed that the flow of anti-Warren Report books would never end," he continued, "these two may represent a sweet climax."

THE NEW ORLEANS AFTERMATH

The New York Times followed the March 1, 1969 acquittal of Clay L. Shaw (charged by New Orleans D.A. Jim Garrison with conspiring to assassinate the late President) with a renewed offensive against previous criticism of the Warren Report. An editorial on March 2 referred to Garrison's "obsessional conviction about the fraudulent character of the Warren Commission" as a "fantasy." The "News of the Week in Review" that day carried a piece by Sidney Zion, "GARRISON FLOPS ON THE CONSPIRACY THEORY," which maintained, in essence, that Garrison had "restored the credibility of the Warren Report." The Times ignored the fact that the jury had been charged solely with the duty of determining the guilt or innocence of Mr. Shaw, not with determining the validity of the Warren Report.

On April 20, 1969 The New York Times Magazine carried an article, "THE FINAL CHAPTER IN THE ASSASSINATION CONTROVERSY?" by Edward J. Epstein, onetime critic of the Warren Report.

Epstein's article was a bitter attack upon the critics which impugned their motives and integrity, and implied that much of their criticism was politically motivated. He suggested that many of the critics were "demonologists" with "books as well as conspiracy theories to advertise," doubtless excluding his own "Inquest" from this category. He conspicuously neglected to mention that only "Inquest" had accused the Commission of seeking "political truth."

Epstein arbitrarily wrote off the work of a number of the critics

because they had, in various degrees, supported Garrison. It is indeed unfortunate that many sincere Warren Commission critics showed much the same blind faith in Garrison that The New York Times had shown in the Warren Commission, but this could not invalidate the serious flaws which they (Epstein included) had documented in the Warren Report.

Epstein was less critical of Professor Thompson and Mrs. Meagher, both of whom had disassociated themselves from Garrison and his investigations, but he maintained that their books contained only two substantial arguments that, if true, would preclude Oswald as the lone assassin.-- the improbability of the single-bullet theory and the backward acceleration of the President's head.

To dispose of the first point Epstein relied upon a CBS inquiry which had theorized that 3 jiggles in the Zapruder film represented the photographer's reaction to the sound of shots, and therefore themselves coincided with the points at which the shots were fired. CBS had thereby hypothesized that the first shot had been fired at an earlier point than the Warren Commission had believed likely -- at a point when the President would have been visible from the sixth floor window for about 1/10th of a second through a break in the foliage of a large Oak tree which otherwise obstructed the view until a later point. However CBS had failed to mention that jiggles appeared at several other points in the film, and that there were five jiggles, not three, in the frame sequence in question. Life magazine, which owns the original Zapruder film, rejected the "jiggle theory" in November 1966, attributing all but the most violent one that coincided with the head shot to imperfections in the camera mechanism.³⁵ The CBS analysis was a skillful deception which has been thoroughly discredited, including by Professor Thompson in his book (see "Six Seconds In Dallas," Appendix F -- a critique of the CBS documentary, "The Warren Report").** Epstein maintained that the CBS analysis persuasively argued that the President and Gov. Connally could have been hit by separate bullets by a single assas-

** A.M. Rosenthal, Managing Editor of the Times said on "Behind the Lines" on New York's WNET-TV on Oct. 8, 1971: "...I've seen some things on television that were better than anything I've seen in the newspapers. I think that CBS' documentary on the Kennedy assassination, for instance, was a magnificent piece of investigative journalism."

sin, and that the single-bullet theory had therefore been rendered "irrelevant." What is more significant than the questionable nature of the CBS analysis is the fact that Epstein misrepresented the conclusions, for CBS did not theorize an earlier hit, but an earlier miss. CBS recognized that an earlier hit meant a steeper trajectory, precluding the throat wound being one of exit, and again implying a fraudulent autopsy report. CBS reluctantly endorsed the single-bullet theory as "essential" to the lone-assassin findings of the Warren Commission.³⁶ Epstein, too, recognized this when he wrote in "Inquest": "either both men were hit by the same bullet, or there were two assassins."³⁷ His misrepresentation of the CBS study alleviated him of the problem of credibly defending the single-bullet theory -- an undertaking he obviously did not relish.

Epstein dismissed the head movement by citing a report released by the Justice Department in January 1969 in which a panel of forensic pathologists who had studied the sequestered autopsy photos and x-rays had concluded that they supported the Warren Report. But even superficial study of the Panel Report (its popular name) revealed glaring differences between it and the original autopsy report. Thus again Epstein relied upon a study which raised more questions than it answered in an effort to explain away irreconcilable deficiencies in the Warren Report. In this way he was able to conclude that he knew of no substantial evidence "that indicated there was more than one rifleman firing."

If one is somewhat astounded by the Times failure to check the accuracy of Epstein's article, subsequent actions are even more astonishing.

Mrs. Meagher and Professor Thompson sent the Times letters of almost identical length, both challenging the veracity of the CBS study and the Panel Report. But Mrs. Meagher's letter also included quotes from a letter Epstein had written her more than a year earlier: "I am shocked that 5 not 3 frames were blurred. If this is so, C.B.S. was egregiously dishonest and the tests are meaningless," and "By a common sense standard, which you point out the Warren Report uses, I think your book shows it extremely unlikely, even inconceivable, that a single assassin was responsible."

The Times thanked Mrs. Meagher for her letter, adding that "we are planning to run a letter along very similar lines from Josiah Thompson and I am sure that you will understand that space limit-

ations will prevent us from using both."

Mrs. Meagher wrote again asking that the Times reconsider and print at least the paragraph which revealed that Epstein knew in advance that the CBS claims were specious, and that his private admissions in writing were the exact opposite of his representations in the Times. "One understands the Times unwillingness to acknowledge to its readers that it has given Epstein a platform from which to disseminate not mere error, but deliberate falsehood," wrote Mrs. Meagher. "However I would like to request you to reconsider your decision... in the interests of fair play and of undoing a disservice to your readers that was surely unintended." She received no reply, and her letter was not published.

Harold Weisberg wrote the Times asking that certain statements which he felt were libelous be corrected, and asking that he be permitted to write an article rebutting Epstein. The Times replied denying libel and maintaining that the article itself was sound. "If however you want to write us a short letter of not more than 250 or 300 words challenging Epstein's interpretation of the assassination," the Times added, "we'd be glad to consider it for publication. But I'd like to caution you to avoid difficult, arcane details that would simply baffle our readers."

Readers of The New York Times... baffled?

A HERITAGE OF STONE

On December 1, 1970 the daily book columns of the Times carried a dual review of two books on the Jim Garrison affair. The first, "American Grotesque," by James Kirkwood, was critical of Garrison and the methods he utilized in prosecuting Clay Shaw. The second, "A Heritage of Stone," was Jim Garrison's account of the Kennedy assassination.

The review by Times staff reviewer John Leonard, was entitled "Who Killed John F. Kennedy?" The portion dealing with "A Heritage of Stone" follows:

Which brings us to Jim Garrison's "A Heritage of Stone." The District Attorney of Orleans Parish argues that Kennedy's assassination can only be explained by a "model" that pins the murder on the Central Intelligence Agency. The C.I.A. could have engineered Dallas in behalf of the military - intelligence - industrial complex that feared the President's disposition toward a detente with the Russians. Mr. Garrison nowhere in his book mentions Clay Shaw, or the botch his office made of Shaw's prosecution; he is, however, heavy on all the other characters who have become familiar to us via late-night talk shows on television. And he insists that the Warren Commission, the executive branch of the government, some members of the Dallas Police Department, the

pathologists at Bethesda who performed the second Kennedy autopsy and many, many others must have known they were lying to the American public.

Mysteries Persist

Frankly, I prefer to believe that the Warren Commission did a poor job, rather than a dishonest one. I like to think that Mr. Garrison invents monsters to explain incompetence. But until somebody explains why two autopsies came to two different conclusions about the President's wounds, why the limousine was washed out and rebuilt without investigation, why certain witnesses near the "grassy knoll" were never asked to testify before the Commission, why we were all so eager to buy Oswald's brilliant marksmanship in split seconds, why no one inquired into Jack

Ruby's relations with a staggering variety of strange people, why a "loner" like Oswald always had friends and could always get a passport—who can blame the Garrison guerrillas for fantasizing?

Something atinks about this whole affair. "A Heritage of Stone" rehashes the smelliness; the recipe is as unappetizing as our doubts about the official version of what happened. (Would then-Attorney General Robert F. Kennedy have endured his brother's murder in silence? Was John Kennedy quite so liberated from cold war clichés as Mr. Garrison maintains?) But the stench is there, and clings to each of us. Why were Kennedy's neck organs not examined at Bethesda for evidence of a frontal shot? Why was his body whisked away to Washington before the legally required Texas inquest? Why?

This review was certainly not an unfair one, and it raised some rather searching questions -- questions one rarely saw asked in the Times. But this review appeared only in the early edition. Before the second edition could reach the stands it underwent a strange metamorphosis. The title was changed from "Who Killed John F. Kennedy?" to "The Shaw-Garrison Affair," and the review now read as follows:

Which brings us to Jim Garrison's "A Heritage of Stone." The District Attorney of Orleans Parish argues that Kennedy's assassination can only be explained by a "model" that pins the murder on the Central Intelligence Agency. The C.I.A. could have engineered Dallas in behalf of the military - intelligence - industrial complex that feared the President's disposition toward a detente with the Russians. Mr. Garrison nowhere in his book mentions Clay Shaw, or the botch his office made of Shaw's prosecution; he is, however, heavy on all the other characters who have be-

come familiar to us via late-night talk shows on television. And he insists that the Warren Commission, the executive branch of the government, some members of the Dallas Police Department, the pathologists at Bethesda who performed the second Kennedy autopsy and many, many others must have known they were lying to the American public.

Frankly, I prefer to believe that the Warren Commission did a poor job, rather than a dishonest one. I like to think that Mr. Garrison invents monsters to explain incompetence.

38

Thus the paragraph heading "Mysteries Persist" had mysteriously vanished, and the last thirty lines of the review had been whisked away -- into some subteranean Times "memory hole" no doubt. The meaning of the review was completely altered, and the questions which the Times apparently feels are unaskable remained unasked.

A letter to the Times inquiring as to the reason for the alteration of the original review brought a response from George Palmer, Assistant to the Managing Editor: "Deleting that material... involved routine editing in line with a long-standing policy of our paper. "Our book reviewers are granted full freedom to write whatever they wish about the books and authors they are dealing with, but we do not permit personalized editorials in the book columns."³⁹

This was a form letter which the Times sent out, with minor variations, to those who questioned the two reviews. The recipient of one such letter observed that the line "Frankly I prefer to believe that the Warren Commission did a poor job rather than a dishonest one," was clearly editorial in nature -- surely much more so

than the material that was deleted. To this Palmer replied: "I don't believe these comments represented the type of excessive editorializing our editors had in mind when they made the deletions."⁴⁰

The Times seems to have clarified just what it considers "excessive editorializing" when on September 29, 1971 Christopher Lehmann-Haupt, in reviewing "The Magician," by Sol Stein, described the protagonist as "a random case; he is one of those 'types,' like Lee Harvey Oswald and James Earl Ray, who are born to lead, but lacking the equipment to do so, must assassinate the true leaders." The Times saw nothing "excessive" or "editorial" in this review, and it appeared in the second edition exactly as it had appeared in the first.

Noteworthy is the fact that then Managing Editor, Turner Catledge, pledged after the death of Oswald that future articles and headlines would refer to Oswald as the alleged assassin, the American system of justice carrying with it the presumption of innocence until guilt is proven in a court of law. Catledge's pledge has been consistently and systematically disregarded ever since.⁴¹

THE EIGHTH ANNIVERSARY

One of the important witnesses for the Warren Commission was Charles Givens, a porter employed at the Book Depository. In a deposition taken by Commission lawyer David W. Belin, Givens testified that he had left the sixth floor (where he worked) at about 11:30 A.M. on the morning of the assassination, but that he had forgotten his cigarettes, and when he returned to retrieve them at about noon he encountered Oswald lurking near the Southeast corner window -- the alleged sniper's nest.

Writing in the August 13, 1971 Texas Observer, Sylvia Meagher cast great doubt upon the veracity of Givens and the methods of the Warren Commission. Her article, "THE CURIOUS TESTIMONY OF MR. GIVENS," revealed that material from the National Archives relating to Mr. Givens gave an entirely different account. On the day of the assassination Givens told authorities that he had last seen Oswald at 11:50 A.M. reading a newspaper on the first floor of the Depository. Neither then nor in two subsequent affidavits sworn to prior to his Warren Commission testimony did he ever mention having returned to the sixth floor. However an F.B.I. agent's report noted a statement by Lt. Jack Revill of the Dallas Police that Givens had previously had difficulty with the Dallas Police and probably "would change

his testimony for money." Moreover, David Belin, the lawyer who took Givens testimony, was aware of Givens earlier statements, for he had noted them in a memo six weeks before Givens testified. In that same memo he noted that three other Depository employees, like Givens, had also reported seeing Oswald on the first floor.

David Belin's reply in the same issue of The Texas Observer decried the "assassination sensationalists," assured the reader that he was an honorable man, and insisted that the Warren Commission had done a thorough and competent job. The Texas Observer, commenting on the exchange, called Belin's answer "the slick irrelevant reply of a lawyer who doesn't have much of a defense to present."

Mrs. Meagher sent copies of her article, Belin's reply and the accompanying editorial to several people at the Times including Harrison Salisbury, whose responsibilities include editing the op-ed page. Salisbury's position seemed ambiguous, for since his article in The Progressive in 1966 he had again implied acceptance of the official version of the assassination in his introduction to the Times/Bantam edition of the "Report of the National Commission on the Causes and Prevention of Violence."

His position would not be ambiguous for long. On November 22, 1971 -- the eighth anniversary of the President's death -- the headline "THE WARREN REPORT WAS RIGHT" appeared emblazoned across the top of the op-ed page. The article decried the "assassination sensationalists" and its author was none other than David W. Belin.

Mrs. Meagher sent a second copy of the Observer material to Salisbury, and it was returned with a polite form letter thanking her for her manuscript which the Times regretted it could not use. She replied that the form letter did not surprise her, but that she had not sent a manuscript, but rather documented material which demonstrated irrefutably deliberate misrepresentation of evidence by the Warren Commission, and which "clearly implicated David W. Belin in serious impropriety and misfeasance." She noted that "you have not questioned, much less challenged, the documentary evidence I made available to you twice in two months. Instead you provided a forum for Belin to influence your readers, without even cautioning them that serious charges had been published elsewhere on his conduct as an assistant counsel for the Warren Commission." Mrs. Meagher concluded that the Times 1964 praise of the Warren Report "may have been merely gullible or unprofessional," but that in 1971 it was simply "propaganda on behalf of a discredited Government paper,"

wrapped in sanctimony and pretending "to seek truth or justice."

Salisbury's reply read in full: "Do forgive the form card which went back to you. That was a product of our bureaucracy, I'm afraid. I hadn't seen your letter, alas, having been out of the office for a few days."

THE KENNEDY PHOTOS AND X-RAYS

The photos and x-rays taken of the President's body during the autopsy represent possibly the most crucial evidence of the assassination. They could resolve once and for all whether the President was hit in the back or in the neck, and they could resolve considerable doubt as to the direction from which the various bullets that struck the President came. Nevertheless, they were allegedly never even viewed by the Warren Commission, nor have they since been released for study. In late 1966 they were deposited in the National Archives under the proviso that only Government agencies could view them for five years at which time "recognized experts in the field of pathology or related areas of science or technology" might be given access.

Toward the end of 1968 District Attorney Garrison of New Orleans took legal steps to obtain this material. In an effort to block access the Justice Department released a report by a panel of forensic pathologists who had been given access and had reported that the photos and x-rays confirmed the medical findings that all the shots came from the rear.

The Panel Report was covered for the Times by Fred Graham. His highly favorable story ran on the front page and consumed eight additional columns on page 17.⁴² But far from resolving the controversy the Panel Report only raised new questions, for even perfunctory study of it revealed radical differences from the original autopsy report and the Warren Commission testimony of the autopsy surgeons. Some of these discrepancies were brought to Graham's attention by Sylvia Meagher. He replied, "I wish I had known this at the time, but perhaps it is not too late to backtrack a bit and see if anybody can come up with explanations..." "I'll see what can be turned up, and if anything can, I trust you'll be reading about it."⁴³ There was no follow-up story.

The following month Dr. Cyril H. Wecht, one of the most eminently qualified forensic pathologists in the United States, testified in the District of Columbia Court of General Sessions to the glaring inconsistencies between the report of the Panel and the autopsy report.

Judge Charles Halleck was so impressed with Dr. Wecht's presentation that he ruled against the Justice Department, ordering that Wecht be permitted to examine the autopsy material as the basis for his testimony on the medical findings (this was later rendered moot when the Justice Department announced its intention to appeal the decision. This would have resulted in an indefinite delay, and Garrison withdrew his suit). Graham did not cover Wecht's testimony. Instead the Times buried a four-paragraph UPI dispatch on page 17. The UPI story omitted any mention of Dr. Wecht's testimony regarding the Panel Report.⁴⁴

When the first person "not under Government auspices" was permitted to see the photos and x-rays this year the exclusive was obtained by Fred Graham of The New York Times. On January 9, 1972 the Times announced on the front page that Dr. John K. Lattimer, Chairman of the Department of Urology at Columbia University's College of Physicians and Surgeons, had viewed the photos and x-rays and found that they "eliminate any doubt completely" about the validity of the Warren Commission's conclusion that Lee Harvey Oswald fired all the shots that struck the President. Dr. Lattimer disagreed with the Commission only insofar as he said that the neck wound was actually higher than the Commission had believed. Therefore the throat wound could not possibly be one of entrance, according to Dr. Lattimer, because the front wound was so far below the back one that "if anyone were to have shot him from the front, they would have to be squatting on the floor in front of him."

Graham noted that "some skeptics" of the Warren Report had referred to Dr. Lattimer as an "apologist for the Warren Commission," but he gave no examples of why they referred to him this way. One of the many examples he could have cited was the following quote by Dr. Lattimer from the March 13, 1970 Medical World News (p.6): "Oswald showed what the educated, modern-day, traitorous guerilla can do among his own people -- working with religious-type conviction, willing to lay down his life, but proposing to kill as many anti-communists as possible. Oswald was devious, skilled at his business, and amazingly cool."

More important than Dr. Lattimer's background, however, is the fact that his "observations" raised some rather interesting questions. Fred Graham is an experienced reporter and a lawyer -- trained to cross-examine in an effort to resolve conflicts. Yet he did not ask how

a urologist who, by his own admission, knows virtually nothing about forensic pathology⁴⁵ (the branch of forensic medicine specializing in the determination of the cause and manner of death in cases where it is sudden, suspicious, unexpected, unexplained, traumatic, medically undetected, or violent) qualified as an "expert in the field of pathology or related areas of science and technology" to view the autopsy material. Nor did Graham ask why Dr. Lattimer, a urologist, was chosen while three doctors with experience in forensic pathology, including Dr. Wecht, were excluded. Dr. Wecht is Chief Medical Examiner of Allegheny County (Pittsburgh), Research Professor of Law and Director of the Institute of Forensic Sciences at Duquesne University School of Law, President of the American College of Legal Medicine, and President of the American Academy of Forensic Sciences. By coincidence, among the three with experience in pathology and the urologist who requested access, only the urologist had spoken or written about the Warren Report in an uncritical fashion. In addition, despite the inconsistencies of the Panel Report, it did not cite a higher location for the "neck wound." Thus the autopsy report said one thing, the Panel Report said another, and Dr. Lattimer gave yet a third different description of the President's wounds. Nor did Graham question Dr. Lattimer's contention that the photos and x-rays "eliminate any doubt completely" that Oswald had fired all the shots -- something they could not possibly prove to Dr. Lattimer unless he is endowed with telepathic powers. Moreover, if a shot from the front would have had to come from the floor of the President's car as Dr. Lattimer suggests, a shot from the rear following the same trajectory in reverse would have ended up in the floor. Dr. Lattimer did not explain, and Graham did not inquire, how a bullet following this new steeper trajectory could have altered its course to strike Gov. Connally below the right armpit and exit below his right nipple as the Warren Commission contends it did.

Thus the Times revelations that the Warren Report has finally been proven right would logically seem to imply the opposite. One can only wonder what they will come up with next.

THE TIMES AND THE KING CASE

On March 10, 1969 the official curtain closed on the assassination of Dr. Martin Luther King. James Earl Ray pleaded guilty to a technical plea of murder "as explained to you by your lawyers," and was sentenced to 99 years in prison (Ray has always maintained

that he killed no one). Thus the State of Tennessee, by an arrangement that had the advance blessings of the Federal Government, dispensed with the formality of a trial for the accused assassin of Dr. King.

The next day a scathing editorial in the Times entitled "TONGUE-TIED JUSTICE," denounced the proceedings, calling "the aborted trial of James Earl Ray" a "mockery of justice" and "a shocking breach of faith with the American people." The Times demanded to know, "was there a conspiracy to kill Dr. King and who was in it?" They demanded the convening of formal legal proceedings, by the Federal Government if not the State.

For all its editorial eloquence the Times record on the King case once the "official" verdict was in would be no better than it had been in the John F. Kennedy case (prior to the Ray trial the Times reporting, particularly that of Martin Waldron, was excellent). Ray's efforts to obtain a new trial and his contention that he had been pressured into his plea were, and continue to be, almost completely blacked-out by the Times.

March 1971 brought a startling challenge to the "official" contention that Ray had killed Dr. King and that there had been no conspiracy. The challenge was a new book by Harold Weisberg, "Frame-Up: The Martin Luther King/James Earl Ray Case." Weisberg has dedicated the past eight years to the investigation of political assassinations that plagued the 60's -- a vocation that is far from lucrative despite the inferences of some. "Frame-Up" was the culmination of more than two years of investigation, legal action, and research. Much of his evidence Weisberg obtained when he successfully sued the Justice Department for access to the suppressed James Earl Ray extradition file. The suit resulted in a rare Summary Judgment against the Justice Department (not news fit to print to the Times), and the release of official documents which were exculpatory of Ray.

Thus Weisberg revealed that ballistics tests which failed to link Ray's rifle with the crime were misrepresented by the prosecution in the formal narration, implying the opposite by substituting the word "consistent," a meaningless word in ballistics terminology. The alleged shot from the bathroom window would have required a contortionist, and tangible evidence suggested that the shot had come from elsewhere. Numerous contradictions and conflicts impeached the testimony of the only alleged witness placing Ray at the scene. Ray left

no prints in the bathroom, or in another room where he was alleged to have rearranged furniture, or in the car he allegedly drove 400 miles after the slaying, or on parts of the rifle he would have had to handle in order to fire it. Persuasive evidence suggested that a bundle conveniently left behind in a doorway near the rooming house and which contained the alleged assassination rifle and several of Ray's personal effects, had actually been planted on the scene by someone other than Ray. Much more in "Frame-Up" pointed toward a conspiracy in which Ray had served the role of "patsy."

The Times found no news fit to print in "Frame-Up," though even Fred Graham had called Weisberg a "painstaking investigator," and Times reporter Peter Kihss had written lengthy and favorable articles about two of his previous books.⁴⁶

"Frame-Up" was enthusiastically received at first. Publishers' Weekly said: "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 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... Weisberg has brought forth a blistering book."⁴⁷ Saturday Review said: "Evidence that Ray fired the fatal shot. There is none... The reek of conspiracy is on everything. Weisberg is an indefatigable researcher... he has pursued the facts... And they are facts that lay claim to the conscience of America."⁴⁸ The Chicago Sun Times said: "Weisberg has dug up much material, some of it properly designated as suppressed, that must give any reasonable and unprejudiced person pause."⁴⁹ The Times of London, in a news story on "Frame-Up" called Weisberg "one of that small but impassioned group of authorities on recent American political assassinations... 'Frame-Up' is a detailed analysis of the entire process of Mr. Ray's arrest and trial... There is remarkably little evidence to connect Ray with the shot that killed Dr. King."⁵⁰

"Frame-Up" was reviewed in The New York Times Book Review on May 2, 1971 by John Kaplan. The review began: "The silly season apparently is over so far as the critics of the Warren Commission are concerned... Now Harold Weisberg... hopes to repeat the triumph of his 'Whitewash' series with 'Frame-Up' ... Mr. Weisberg's theory is that James Earl Ray was merely a decoy, part of a conspiracy, ap-

parently... his evidence is exiguous at best." The review continued: "Mr. Weisberg's grasp of law is, to say the least, somewhat shaky (he is described elsewhere as a chicken farmer)**... Whether or not Ray fired the fatal bullet or merely acted as a decoy does not influence the propriety of his guilty plea. In either case, he would be a murderer... A review such as this in which nothing favorable is said obviously prompts questions as to why one might wish to read or, for that matter, to devote newspaper review space to the book... Finally, one might ask if 'Frame-Up' tells us anything significant about the Martin Luther King assassination. Regrettably, the answer is no..."

Kaplan's review was nothing short of a personal attack upon Harold Weisberg which totally ignored the contents of "Frame-Up," and falsely implied that "newspaper stories" were the basis of his "exiguous" evidence.

An article on the front page of The Wall Street Journal, "HOW BOOK REVIEWS MAKE OR BREAK BOOKS -- OR HAVE NO IMPACT" described The New York Times Book Review as "generally considered the most prestigious and influential review medium."⁵¹ The article described how a particularly poor review there can discourage further reviews and cut-off bookstore orders. "Frame-Up" received no further reviews, and for all practical purposes the book was soon dead.

The Times capsule biography of the reviewer said that "John Kaplan teaches at Stanford Law School and is author of 'Marijuana: The New Prohibition.'" It was inadequate, to say the least.

From 1957 to 1961 Kaplan served the Justice Department (against which Weisberg obtained the Summary Judgment not mentioned in the Times review), first as a lawyer with the Criminal Division, then as a special prosecutor in Chicago, and finally as an Assistant U.S. Attorney in San Francisco. He wrote an article, "THE ASSASSINS," which appeared in the Spring 1967 American Scholar. The assassins John Kaplan was talking about were the critics of the Warren Report whom he characterized as "revisionists," "perverse," and "silly." He was also critical of Life's call for a new investigation and the Times call for answers to unanswered questions. These, according to Kaplan, "contributed relatively little in the way of enlightenment."⁵² In

**In addition to having been a newspaper reporter, an intelligence analyst for the Office of Strategic Services, and a Senate Investigator, Weisberg had also once owned a poultry farm.

its original form "THE ASSASSINS" was considered so libelous by the legal counsel of The American Scholar that the latter refused to publish it until Kaplan reluctantly agreed to revise it.⁵³ Kaplan's most recent venture, published the same week as his review of "Frame-Up," was an article written for the U.S. Information Agency (the official propaganda arm of the Government) entitled "THE CASE OF ANGELA DAVIS: THE PROCESSES OF AMERICAN JUSTICE."⁵⁴

John Leonard, now editor of The New York Times Book Review told me that he had been totally unaware of Kaplan's background. He had received a letter from Mr. Weisberg, and its contents distressed him. Leonard told me that "another editor" had assigned the book, but he implied that the matter would be rectified on the letters page.⁵⁵ It was John Leonard, then a daily reviewer, whose review of "A Heritage of Stone" had been edited because it was "excessively editorial."

Weisberg's letter received no reply, nor did a subsequent one addressed directly to Leonard seeking some acknowledgment to the first, "if only to record that you did not consciously assign this review to a man so saddled with irreconcilable conflicts."

On May 29 the Times Book Review published but one letter dealing with the Kaplan review -- that a strongly worded denial of a footnote unrelated to the Ray case in which Weisberg said, in the context of discussing press coverage, that in 1966 the book reviewer of the Washington Post had been ordered not to review "Whitewash" after he read it and decided on a favorable review. Kaplan chose to quote it out of context as an example of how, in Kaplan's words, Weisberg thought he was being picked on. Geoffrey Wolff, who had been Book Review Editor of the Washington Post in 1966, vociferously denied the footnote in a letter which the Times, in total disregard of publishing ethics, chose to publish without sending Weisberg a copy so that he could respond. Thus Weisberg was not permitted to quote his dated contemporaneous notes of his meetings with Wolff and a letter he had written Wolff in August 1966, and readers of the Times were given only Wolff's version of what had occurred, leaving them with the impression that there was only one version.

Thus the Times assigned a biased reviewer who was permitted to misrepresent "Frame-Up's" contents and to quote a tangential footnote completely out of context as an exercise in personal invective against Weisberg. This was followed by the publication of only one letter which compounded the defamation of the Kaplan review. This train of

events suggests that the Times never intended anything less than to kill "Frame-Up" and discredit Weisberg.

Following the appearance of Wolff's letter John Leonard told me that it had been published at that time because it had been set in type while others had not been, but that a "full page round-up" of letters dealing with the Kaplan review would be published "in about three weeks."⁵⁶

Weisberg's letter responding to the published Wolff letter received no reply from the Times and was never published. The full page round-up never appeared. Instead on August 29, seventeen weeks after the Kaplan review and twelve weeks after the publication of the Wolff letter -- after "Frame-Up" was already dead -- Weisberg's original letter (which Leonard told me he had just received when I spoke to him on May 5) was published in the Times Book Review along with a self-serving reply by Kaplan, who was permitted the traditional right of reply that the Times had previously denied Weisberg.

Weisberg wrote John Leonard: "...I think you owe me... more than this too late, too little, too dishonest feebleness... "You have my work, which stands, as it must, alone. You have my detailed and lengthy letters, which remain undenied by anyone, unanswered by you. You have enough to show that the Times and John Leonard will at least make an effort to be decent and honorable. Will you?"

For the first time Weisberg received a reply. Leonard's response read in full: "Apparently everyone in the country is without honor except you. I don't think we have anything useful to say to one another." ⁵⁷

THE TIMES AND THE RFK CASE

If many were unsatisfied with the "official" facts about the assassinations of President Kennedy and Dr. King, there seemed little reason to doubt that Senator Robert F. Kennedy had fallen victim to the deranged act of a single sick individual -- until the publication of Robert Blair Kaiser's "R.F.K. Must Die!" Kaiser is an established and respected reporter and a former correspondent for Time magazine. His previous reporting had won him a Pulitzer Prize nomination and an Overseas Press Club Award for the best magazine reporting in foreign affairs.

Kaiser signed on with the Sirhan defense team as an investigator. In the course of his studies and investigations he became the chief repository of knowledge in the case and the bridge between the

defense attorneys and the psychiatrists probing the motivations of Sirhan Bishira Sirhan. Kaiser was to spend close to 200 hours with Sirhan, and that exposure together with his researches were to convince him that there had been a conspiracy.

Kaiser was unimpressed with the investigations turned in by the Los Angeles Police Department and the F.B.I. He felt that they were predisposed to the conclusion that no conspiracy existed, and they were consequently unwilling to pursue leads that might lead in that direction. Thus when the "girl in the polka-dot dress" seen with Sirhan just before the assassination was not turned up, the authorities concluded that she did not exist despite overwhelming evidence to the contrary. Nor was a zealous effort made to locate or thoroughly investigate certain acquaintances of Sirhan who could not be regarded as above suspicion.

Kaiser became perplexed by Sirhan's notebooks in which he had often repeatedly written his name, and in which several pages bore the similarly repeated inscription "RPK must die," always accompanied by the phrase "please pay to the order of Sirhan." Sirhan had no recollection of these writings, nor did he recall firing eight bullets at Senator Kennedy.

On the night of the assassination Sirhan had behaved oddly. He was observed staring fixedly at a teletype machine two hours before the assassination, and he did not respond when addressed by the teletype operator. Several bystanders could not loosen the vice-like grip or sway the seemingly frozen arm of Sirhan when he began firing. After the shooting it was reported that his eyes were dilated, and he was described as extremely detached during the all-night police interrogation. In the morning he was found shivering in his cell.

Dr. Bernard L. Diamond, the chief psychiatrist for the defense decided upon the use of hypnosis on Sirhan. His subject proved so susceptible that Diamond concluded that Sirhan had likely been frequently hypnotized before. Under hypnosis Sirhan proved adept at the same type of automatic writing that appeared in his notebooks. Given a pen and paper he filled an entire page with his name, continuing to write even at the end of the page. Instructed to write about Robert Kennedy he wrote "RPK must die" repeatedly until told to stop. Under hypnosis Sirhan recalled his previous notebook entries which had been made in a trance-like state induced by mirrors in his bedroom. The hallways of the Ambassador Hotel were also lined with mirrors. Dr.

Diamond programmed Sirhan to climb the bars of his cell like a monkey, but to retain no memory of the instructions. Upon awakening Sirhan climbed the bars of his cell "for exercise." Hypnosis produced an interesting side-effect on Sirhan. Upon emerging from a hypnotic state he would suffer chills -- just as he had the morning after the assassination.

Dr. Diamond became convinced that Sirhan had acted in a dissociated state, unconscious of his actions, the night he killed Senator Kennedy. He concluded that Sirhan had programmed himself like a robot. Kaiser reached a slightly different conclusion. If Sirhan had programmed himself, he reasoned, why did he retain no recollection of the programming or the shooting. Furthermore, when asked under hypnosis if others had been involved, Sirhan would go into a deeper trance in which he could not reply or he would block -- hesitating for a long period before giving a negative reply.

Kaiser's research turned up several case-histories in which a suggestible individual had actually been programmed by a skilled hypnotist to perform illegal acts with no recollection of either the deed or the programming, including a relatively recent case in Europe in which a man convicted of murder was later acquitted when a suspicious psychiatrist succeeded in deprogramming him with the result that the programmer was convicted in his stead. Kaiser felt that Sirhan, too, had been programmed and his memory blocked by some kind of blocking mechanism.

"R.F.K. Must Die!," which was also not "news fit to print" was reviewed in The New York Times Book Review on November 15, 1970 by Dr. Thomas S. Szasz. Kaiser was described as a "conscientious and competent reporter," but the review totally ignored the contents of the book, the reviewer preferring to expound upon his own philosophy that it is "absurd" to judge Sirhan's act in any context other than the fact that he had committed the act, because in courtroom psychiatry "facts are constructed to fit theories." Dr. Szasz also expounded upon his faith in capital punishment as a deterrent to crime and upon several other irrelevancies. Only one sentence of the review addressed Kaiser's premise: "And Kaiser uncritically accepts Diamond's theory of the assassination '...that Sirhan had -- by his automatic writing -- programmed himself exactly like a computer is programmed by its magnetic tape... for the coming assassination.' "

Dr. Szasz completely misrepresented the thesis of the book he

was reviewing, for Kaiser explicitly disagreed with Dr. Diamond. Dr. Szasz' review gave no hint that Kaiser had postulated a conspiracy. Robert Kaiser wrote me: "My narrative of the facts, most of which have been hidden from the public, cried out for a re-opening of the case by the authorities. That was news and Dr. Szasz ignored it."⁵⁸

Assigning Dr. Thomas Szasz to review "R.F.K. Must Die!" was like assigning Martha Mitchell to review Senator Fulbright's "The Arrogance of Power." Kaiser's book was largely a psychiatric study of Sirhan and a narrative of the psychiatric nature of the defense strategy (Sirhan had definite paranoid-schizophrenic tendencies). Dr. Szasz is generally regarded as the most controversial figure in the psychiatric profession, for he contends that mental illness is a myth, and he is irrevocably opposed to the use of psychiatry in the courtroom. His views are so controversial that The New York Times Magazine devoted an entire article to them.⁵⁹ Dr. Szasz' philosophy regarding courtroom psychiatry and mental illness precluded in advance an objective review.

The relationship existing between Dr. Szasz and Dr. Diamond (who Kaiser describes as "the only hero in my book"⁶⁰), moreover, should have further disqualified Dr. Szasz, for their views diametrically oppose one another, and the two men have faced each other in public debate. Dr. Diamond is a leading expert on and advocate of the legal concept known as diminished capacity, a psychiatric defense. In the October 1964 California Law Review Dr. Diamond reviewed one of Dr. Szasz' books. A quote of the opening lines of that review illustrates sufficiently well the enmity existing between the two: "Law, Liberty and Psychiatry is an irresponsible, reprehensible, and dangerous book. It is irresponsible and reprehensible because the author must surely know better. It is dangerous because its author is clever, brilliant and articulate -- the book reads well and could be most convincing to the intelligent, but uncritical reader."

Kaiser cogently summed up the Szasz review: "An honest review of my book, pro or con, one that would have dealt with the facts I revealed and the issues I raised, could have been a valuable service to the large reading public that depends on the Times Book Review. From a purely personal viewpoint, it made the difference for me; instead of being a bestseller, my book was only a modest success -- not because the reviewer made a successful attack on my thesis, but because he simply ignored it."⁶¹

One of the confusing facts in the Robert Kennedy case is that the fatal bullet entered behind the left ear and was fired from only about an inch away, a fact that was attested to by the massive powder burns the weapon produced around the wound. Sirhan was several feet in front of Senator Kennedy. It was generally assumed that Kennedy had fallen in Sirhan's direction, receiving the wound as he fell, but events of the past Summer have challenged this theory.

On May 28, 1971 Los Angeles attorney Barbara Warner Blehr challenged the qualifications of DeWayne Wolfer, acting head of the LAPD Crime Lab, in an effort to block his permanent appointment. Her challenge included declarations by three ballistics experts alleging that Wolfer had violated the four precepts of firearms identification when he testified at Sirhan's trial that Sirhan's gun and no other was involved in the shooting of Kennedy and two other persons on the scene. Mrs. Blehr charged that Wolfer's testimony established that three bullets introduced in evidence were fired not from Sirhan's gun but from a second similar gun which, though evidence in the case on June 6, 1968, "was reportedly destroyed by the LAPD... in July, 1968." She charged that a second person with a gun similar to Sirhan's had also fired shots at Senator Kennedy.

Mrs. Blehr's charges resulted in the convening of a grand jury which ultimately found that serious questions concerning the integrity of exhibits in the Sirhan case were raised as a result of handling of the evidence by unauthorized persons while in the custody of the Los Angeles County Clerk's office. District Attorney Busch claimed that the confusion was the result of a clerical error made in labeling an envelope containing three bullets test-fired from Sirhan's gun by Wolfer. He claimed that Mrs. Blehr's charges also contained serious errors, but he did not specify them.

Meanwhile there still seems to be a strong question as to whether the ballistics markings on all of the bullets match up. Retired criminologist William Harper viewed two of the bullets, one taken from a second victim and the other removed from Kennedy's neck. He stated that he could find "no individual characteristics in common between these two bullets."

The Los Angeles Times has given each of these developments large play, and a summary article on August 8, 1971 by L.A. Times staff writer Dave Smith ran on page one and continued onto pages eight, nine and ten, taking up approximately 125 column inches. By the same

token these developments have been almost totally blacked-out by The New York Times. National Editor, Gene Roberts, told me that he could not explain why these developments had received so little coverage, claiming ignorance of them -- a situation for which he acknowledged there was little excuse. He suggested that I contact Wallace Turner, a reporter with the Los Angeles bureau whom Roberts said was familiar with the Robert Kennedy case.⁶² I wrote instead to the L.A. bureau chief, Steven V. Roberts, suggesting that a policy decision was responsible for the black-out. He replied that "the questions were of the most tentative and flimsy character" which "just did not merit doing a full-scale investigation." Roberts wrote that he had told New York (meaning the National desk) "to use whatever they wanted that was run by the wire services, but that I was not going to do anything myself..."⁶³ I wrote again asking why these events were not news simply because the Times had not investigated them, and why Robert Kaiser's book also contained no news fit to print. He replied: "As I told you the first time, we have to set priorities here. We can report only a small percentage of the many stories that come our way every day. I have decided that the controversy over the Sirhan bullets is not substantial enough to warrant my time, when there are so many other things to worry about. "I appreciate your concern, but I think that's about all I have to say on the matter."⁶⁴

One must wonder, should the controversy over the Sirhan bullets prove substantial after all, how the Times will explain to its readers that other priorities demanded that previous developments were not "news fit to print."

Only The New York Times can answer why they have for nine years maintained a consistent policy of literary assassination of literature and deliberate management of news suggesting that three of the greatest crimes of the twentieth century may, despite "official" findings to the contrary, be yet unsolved. But the unassailable fact is that in the process they have acted as little less than an unofficial propaganda arm of the Government which has maintained so staunchly -- and in the face of all evidence to the contrary, great and trivial -- that assassinations in the United States are inevitably the work of lone demented madmen. Justice Hugo Black in his concurring opinion in the Supreme Court decision favoring The New York Times in the case of the Pentagon Papers said, "only a free and unrestrained press can effectively expose deception in government. And paramount

among the responsibilities of a free press is the duty to prevent any part of the Government from deceiving the people..." Far from preventing deception in the case of political assassinations, the Times has practised it, and in the process defrauded its readers and violated every ethic of professional and objective journalism. The greatest tragedy is that the Times is America's newspaper of record. As was demonstrated with the Pentagon Papers it wields the power to command international headlines. Along with The Washington Post it is read daily by statesman and bureaucrat in the nation's capitol. It appears in every foreign capitol and in 11,464 cities around the world.⁶⁵ Yet it seems all too evident that the "news fit to print" is often little more than propaganda reflecting the biases and preconceptions of Publisher and editors of The New York Times.

FOOTNOTES

1. Gay Talese, The Kingdom and the Power, Bantam Books, N.Y., 1970 p.547
2. New York Times, April 7, 1961, p.2
3. Turner Catledge, My Life and the Times, Harper & Row, N.Y., 1971, p.288
4. Talese, op. cit., p.148
5. The Kennedy Assassination and the American Public - Social Communication In Crisis, edited by Bradley S. Greenberg & Edwin B. Parker, Stanford University Press, Stanford, Cal., pp.37-45
6. New York Times, November 25, 1963, p.1
7. New York Times, November 25, 1963, p.10
8. New York Times, November 26, 1963, p.15; November 25, 1963, p.9
9. Edward J. Epstein, Inquest, Bantam Books, N.Y., 1966, p.19
10. New York Times, March 30, 1964, p.26
11. New York Times, September 28, 1964, p.1
12. New York Times, September 28, 1964, p.28
13. New York Times, September 29, 1964, p.42
14. New York Times, September 28, 1964, p.28
15. New York Times, October 18, 1964, VII:8
16. New York Times, January 10, 1969, Ed. "UFO's And All That"
17. New York Times, November 25, 1964, p.36
18. Epstein, op. cit., p.50
19. Book Week, July 24, 1966, p.1
20. New York Times, July 24, 1966, p.25
21. New York Post, March 6, 1967, p.4
22. Letter from Peter Kihss to Harold Weisberg - dated June 7, 1966
23. New York Times, September 25, 1966, IV:10
24. New York Times, November 17, 1966, p.46
25. Newsweek, December 12, 1966, p.20
26. Telephone interview with Gene Roberts - October 18, 1971
27. Telephone interview with Gene Roberts - September 29, 1971
28. Letter from George Palmer to Mr. Richard Levine - dated March 8, 1971
29. Letter from George Palmer to the author - dated August 26, 1971
30. Letter from Walter Sullivan to Bernard Fensterwald, Jr. - dated March 19, 1970
31. New York Times, May 21, 1967, VII:48
32. Playboy, February, 1968, pp.16-18
33. Sylvia Meagher, Accessories After the Fact, Bobbs-Merrill, N.Y., 1967, back jacket
34. Ibid
35. Josiah Thompson, Six Seconds In Dallas, Bernard Geiss Ass., N.Y., 1967, p.293

36. C.B.S. News Inquiry - The Warren Report, June 25-28, 1967, transcript - Part II, p.15
37. Epstein, op.cit., p.40
38. the two reviews were first discovered by the Washington based Committee to Investigate Assassinations which also first published the two side-by-side in its newsletter.
39. Letter from George Palmer to the author - dated June 22, 1971
40. Letter from George Palmer to Mr. Howard Roffman, Phil., Pa. - 7/22/71
41. New York Times, November 27, 1963, p.36
42. New York Times, January 17, 1969, p.1
43. Letter from Fred Graham to Sylvia Meagher - dated January 26, 1969
44. New York Times, February 13, 1969, p.17
45. Interview of Dr. John K. Lattimer by Long John Nebel - WNBC radio, January 10, 1972
46. New York Times, December 8, 1966, p.40; July 9, 1967, p.51
47. Publishers' Weekly, February 1, 1971
48. Saturday Review, April 10, 1971
49. Chicago Sun Times, April 4, 1971
50. Times of London, June 5, 1971, p.4
51. The Wall Street Journal, June 9, 1971, p.1
52. American Scholar, Spring 1967, p.302
53. Telephone conversation with Mary Moore Maloney, Managing Editor, The American Scholar - August 18, 1971
54. USIA Byliner -- L-5/71 -F- 111 May, 71 IPS/PO/OISETH - May 5&6, 1971
55. Telephone conversation with John Leonard - May 5, 1971
56. Telephone conversation with John Leonard - June 1, 1971
57. Letter from John Leonard to Harold Weisberg - dated September 9, 1971
58. Letter from Robert Kaiser to the author - dated August 9, 1971
59. New York Times Magazine, October 3, 1971, "Normality Is A Square Circle or a Four Sided Triangle," by Maggie Scarf
60. Letter from Robert Kaiser, op. cit.,
61. Ibid
62. Telephone interview with Gene Roberts - September 29, 1971
63. Letter from Steven V. Roberts to the author - dated December 29, 1971
64. Letter from Steven V. Roberts to the author - dated January 21, 1972
65. Talese, op. cit., p.89

Why defense memos, a
times & only 1 literally.