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June 13, 1966

Mr. William A. Emerson Jr.,
Editor, The Saturday Evening Post
641 Lexington Ave.,
New York, N.Y. 10022

Dear Mr. Emerson,

Five Supreme Court decisions were foreshadowed in my letter to the Post of May 9 and in Part 2 of my book WHITEWASH: THE REPORT ON THE WARREN REPORT. These are today's decisions on the rights of the accused in the hands of public authority and the Shepard decision.

But for Jack Ruby, all might have been the Casald decision.

John Appleton read WHITEWASH in manuscript and indicated an interest in a 20,000 word summary. He later paid me the unhappy complement of saying the book was too ^{lightly} drafted to summarize in less than 40,000 words, which, of course, is book length. While I did not agree, I did not argue. Instead, when I brought the book out in what is becoming a spectacularly successful private edition, I called to his attention my design with Part 2, which deals with Casald in custody, that it stand pretty much alone and lend itself to the treatment I suggested to him.

Mr. Appleton's reply of May 12 reported "the feeling here that the zeal and skill of Robert Kennedy as Attorney General would have exposed any major defects in the investigation." This is a common misapprehension. As Attorney General and as a Senator, Robert Kennedy has disassociated himself from any connection with the investigation of the assassination. Had he not, for reasons that are quite understandable, the entire story might well have been different.

There should be a copy of WHITEWASH at the Post. If there is not, it is available from the major distributors, including Bookazine, and I am also sending you one separately. The chapters to which I refer are "Oswald's Legal Rights" and "Oswald's Murder: The Police and the Press." These chapters show that "At almost every step and in almost every way, with the pretense of legality always emphasized, Lee Harvey Oswald was, as a practical matter, either denied or prevented from exercising his rights." Inherent was the legal question "'cul bono', or 'who profits?' Was there a purpose behind the persistent and systematic abuse of this unknown and almost unwanted man, entirely unimportant except for the crimes with which he was charged, if any American can be legally unimportant?"

Then, step by step, WHITEWASH shows how all his rights were violated: his right to silence, with the interrogations persisting after he declined to talk; his right to counsel, with counsel of his choice being falsely told Oswald wanted no lawyer (page 69); in palpably illegal searches; and even with his property being stolen and sold for profit.

Here was not an ordinary criminal proceeding but the crime of the century. Nor was it a jerkwater police, but a modern one, with a brilliant district attorney (he bested Melvin Belli) who had long experience with the FBI. And here all the federal police agencies were involved, including in the interrogations on which the Supreme Court today ruled in other cases. Yet there was nothing in these interrogations that could have been used against Oswald had it been possible to bring him to trial, for as WHITEWASH shows from their quoted reports, the interrogators disagreed with themselves and with each other on what he allegedly said.

But it was not alone the accused who was denied his rights. Society lost its rights for a legal determination of guilt in the crime was almost if not entirely precluded by the denial to Oswald of his rights. Here, in the crime of the century, WHITEWASH answered in advance the position of the Court minority. Society as much as the individual is protected by the preservation and observation of the rights of the accused. Denial to Oswald of these rights denied society of its rights. Present early indications are that these decisions will be the cause of considerable legal and political controversy.

And if such things can happen to a man charged with the assassination of the President of the United States, with the local and federal police involved, including both the FBI and the Secret Service (whose inspector seemed to detect there was a reason for Oswald's lack of counsel - see page 75), to whom can they not happen?

When first I spoke to the Saturday Evening Post about WHITEWASH more than a year ago I was so excited by the reception that on the way home I drafted by tape a piece intended as a contribution to "Speaking Out" on the true meaning of freedom of the press in modern society, hoping it could also serve as an introduction to what seemed to be your singular courage. The history of this book, in the preface and on the covers, explains this. I do hope you can again become interested. I have subjected the book to every conceivable test and there has been no challenge.

Meanwhile, in the past month, with no advertising, no publisher or any other organization behind it, it has become a success and was launched with news attention received by few other books. It is getting considerable attention from the electronic media, for which I have just taped a half-hour coast-to-coast broadcast. It was so well received at the recent annual convention of the American Booksellers Association that it is represented by a major sales organization and is stocked by four major distributors. Of the 5,000 copies printed (and how is in itself a story) 2751 are in normal distributive channels or already sold, about a hundred have been sold in response to unsolicited mail orders, and about 200 have gone to the press. Sales in the Washington area have been very good. At the University of Maryland, with the school in recess, sales have been so impressive that I was today invited to address a student-faculty meeting during the summer session.

And as your Mr. Swald knows, having seen the draft of a recent article I have written on this subject, I am continuing my investigation and have discovered major new evidence relating to the suppression and disappearance of evidence that is almost as shocking as what is in WHITEWASH.

More exciting to me are indications of reprint interest, manifested less than a month after the book was available in Washington and before it was on sale elsewhere.

I do hope you will agree that your ^{use} of WHITEWASH today will both interest your readers and serve a worthwhile national service.

Sincerely,
Harold Weisberg