

1/23/75

Dear Peter, *K. HISS*

Jerry Polioff gives me to understand that at some time in the past you got some flack because you had faith in one of my conclusions, in my writing. If this is the case, I'm sorry about it and about nobody having ever consulted me about it.

All of us who write know that there will always be those who dislike some or all of what we put on paper. It is the hope of those of us who are honest that we will be fair to fact and to the selection we make. We can't do anything about the prejudices others may hold. We are also humans and humans do err.

However, although I never talk about it, I do take considerable pride in my work. Few people have ever published as much on any subject. Few subjects are as large, as complex and as obfuscated and befuddled with deliberateness. I write complex books with newroom pressures and without an editor. All the Whitewash books are retyped first drafts. Despite these problems and limitations, I do take pride in this work, such as good editing could have improved it.

And there is no part of which in which I take more pride than in the accuracy. I'll stake that today against any non-fiction of anyone's selection.

In all the years there has never been a complaint to my face by anyone who alleged that I had abused him or fact. I have sought every confrontation possible on this. I have gone into more stacked situations than the average man could hope to survive. If there is any interest in this I have the documentation. Even Commission lawyers gave up a to-be-syndicated TV show they'd asked for when they learned that four of them would have one opponent, me. Louis Nizer ended his debating appointments after our one confrontation. Percy Forem flew to New York for some free TV publicity when, while the makeup was being applied, he learned that he would be confronting me, Arthur Hanes on his side. I have tapes of these and more.

With this kind of record - and it includes perhaps 3,000 unsolicited correspondents - it is not difficult for me to guess what could be involved.

It is probably a criticism made long after the fact by one David Lifton about what I said about the speed of the Zapruder camera. About a year after the book appeared. That criticism, designed to be superficially reasonable, was not and was based upon a presumption that has no basis, a combination of factual error and misunderstanding by an FBI agent.

What I said was accurate because I quoted the FBI report accurately. In fact, I also reproduced it in facsimile. That the camera had no such setting was not known until after the book appeared because it is that work which forced the camera into the hands of the Government that had spent two years shedding it. Not until after the book appeared was I able to obtain a duplicate of that camera. Nor many were made. And despite the FBI's error, there remains to this day an open question about how fast the camera was going at any one time. There never was any photo intelligence with the film. I went into this in considerable detail in two of my books. The background was even altered to make dependable photo intelligence impossible. It also was done prior to the pretense of an effort to prevent it by Rankin and that not until three months too late.

If my presumption that Lifton's corruption is what brought editorial wrath down upon you is correct, then I regret that the editor did not follow normal practice and get in touch with me. I'm also surprised that nobody up there had any question about why when Lifton was supposed to be on the same side I'm on he was without complaint about any official handling of any aspect of this, from FBI "error" to Warren Commission uncritical

acceptance of it or even the failure to do the most primitive photo intelligence work.

Or any interest in or question about Lifton. He is very bright and very crazy. He is not renowned for scruple and is lightfingered and indulges in other practises not taught in Sunday School.

You should have heard his exposition to me about how the assassination was committed from a combination of papier mache trees that disappeared mysteriously from Dealey Plaza at night and tunnels dug throughout the Plaza in secrecy by Brown & Root (read LBJ)!

None of the countless mourners saw the disappearing trees, such was the conspiratorial command of science of the future. Nobody ever knew those tunnels were being dug, either. I suppose they have been filled in with equal mystery and skill.

Or his delineation of how -take your choice, for he has both versions - LBJ and Dean Rusk or LBJ and Allen Dulles spent the week prior to the offing in secret meetings throughout Texas. They - meaning all three or one of the pairs - are the real assassins, as the man whose word the Times took without question said it.

From the time I refused to have anything to do with this sickness and particularly after I started bringing to light what he and others missed and failed to do Lifton has had a deep resentment of me. He has spread countless libels and sought to defame me to those who were friends while seeking to swear them to secrecy.

The most recent of these Lifton adventures has been the effort to purloin the work I did on the King case, for pay, for those who produced the film Executive Action. When I learned about it and wrote them, they chided him for his carelessnessness and he chided the lawyer with whom he'd made the effort, only to back off when told he has not asked confidentiality. If you doubt this you can check it for yourself and easily, for this man is a New York City lawyer. And the last I heard of this attempted theft is that it was in court, with the producers, Wakeford-Griff, suing him into seven figures and Lifton having filed a counter suit.

I don't recall whether Polioff has knowledge or not. Probably does.

A man who will steal the copyrighted work of another for pay is the kind of man those who leaned on you would take without question? And then criticize you?

While it would seem to be obvious, I do not allege a cause-effect relationship between my blowing of the attempted plagiarism and the filing of the suits over failure to deliver what was wanted. My point is that the Times above you was in the position of asking a Nixon for a character reference on a JFK.

After I read what Lifton send your editors I challenged him on it. He did not rebut my challenge. But I had no idea that they had taken his evil seriously. Or that you had been a victim of it.

Peter, I think I have approached my work with the intention of integrity to the degree mortal can. I have preserved all drafts and all correspondence so that in the future others may judge fairly. I have had and will have no bonfires. My wife in setyping has transferred final pagination to the drafts for easy checking. I also claim more than intent. I do believe that it will be difficult to find work on so controversial a subject that is as clear of error or reasonable criticism (save on editorial matters).

Should anything like this ever happen again I would like the opportunity to confront or admit error and apologize for it.

Two months have passed since the appearance of my last book. To date not a single protest from anyone mentioned in it. Recently my work has been tested in court for the fifth time. Rather in the fifth case for there were more times and no refutation. No Waldron was there. He kidded me about being too careful, about overkill. Even about trying to look ahead too much. The odds were heavy, but the record is an exceptional one and I do not hide my pride in it.

Four times to date and more in the near future I have tackled the Department of Justice headon in Freedom of Information suits. Where it has been my word against that of the Deputy Attorney General and before a court not prejudice in my favor I got a summary judgement. In a long career I venture to suggest you have not reported many of them. Where it was my word against that of the former Solicitor General of the United States and this time before a judge who is opposed to the law - that judge took my word on the invocation of "national security," as you may by now have read.

The one of these cases that I lost was instrumental in bringing about amendment of the law. (Congressional Record 5/30/74.) I lost through official corruption. And I'm going down that same road again. Now the legislative history of the amendment makes it specific that the Congress has - quite overwhelmingly and over Ford's veto - overridden the Supreme Court's interpretation.

I know of no writer who has accepted - nay, made- such challenges for his work.

The Congress has given me four out of four and against enormous odds in FOI. What has happened in the Ray case is my work or is based on it, with a remarkable young lawyer doing remarkably good legal work against experienced and very strong opposition. Read the decision in our favor by the 6th circuit court of appeals. Or ask me how the State made out in confronting my investigation and other work in the recent hearing.

My point here is that even if I had slipped up on that camera business, the fact is that my work has survived the most vigorous and powerful adversary testing. Few of us who write ever have these kinds of situations or challenges. And in all these cases the initiative was mine.

I did not phone you about Belin or his/Ford's/Rockefeller's commission because I thought the possibility of embarrassing you was too great. It is a national desk story in any event. When no single reporter in the entire country phoned me once his appointment was leaked, I knew there had been a spontaneous policy decision. There is too much I can't do and there was nothing in this for me or my work. However, in the overall there was and is much for the Times, which has done well and has enemies in the press of which it may not know. Once has been indiscrete with a friend of mine. Besides, a Times subsidiary published his sickening book, one in which he knowingly lied.

Besides, I have reason to believe - not proof - that there has been something like this Litton deal afoot.

Please do not misunderstand my purposes. I have taken this time because my integrity and that of my work means much to me and because I would not impose upon anyone's trust. If I have correctly anticipated what made a problem for you, I believe my work is not unreasonable and criticism of you was unjust and invalid. If I have not guessed the right one I am not unwilling to confront whatever it may have been.

This requires no answer and it is not criticism of you. It was the obligation of whatever editor leaned on you to have questioned me and given me an opportunity to confront and respond.

Best personal wishes,