

Jeffrey Frank, Outlook  
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Dear Jeffrey,

When I told you I had reason to believe that a lawsuit had been filed against Posner and Random House over Case Closed you said there are people at the Post who have an interest in such matters. Separate from that I have first-person knowledge of such a suit but that is not the purpose of my writing you. I'll return to it.

I've been told by what should be a dependable source who asked for confidentiality that for the Anchor (Doubleday) paperback reprint Posner has added much and that a perhaps large part of ~~what~~ what he added has to do with me - with Harry Livingstone as his collaborator on it. Livingstone has written some bad books the worst of which is his Killing the Truth, a self-descriptive title. I believe he is not rational. What he wrote about me I had denied in advance when I got some of his letters about it, some of them to me. He actually accused me of being an <sup>a</sup>ccessory in the JFK assassination!

What he and Posner wrote about me ranges from the carefully distorted to outright falsehood.

I presume you got a copy of Case Open. You said you would when I offered to send you one. In response to it I have had not a word from Posner or Random House.

Posner's response, I've been told, is to defame me, with Livingstone's help, in what he adds to the original book. Along with innumerable corrections of factual error that has been called to his attention.

As he knows full well, I am not on a position to do anything about it. And there is no way of correcting what is published in considerable volume.

I think it could lead to a rather interesting story if Anchor were to be asked about its reprint and whether it has made any effort to check anything in it, in the original or what is added. I've not been asked anything.

Bearing on this I think is ~~that in~~ a lawsuit that was filed against Random House and Posner and against the Times, over an ad, not over the content of the book. In it the RH lawyers gave the judge a large quantity of what is irrelevant, of reviews favorable to Posner's book. Along with a copy of it. (Of which I heard the government bought many, by the way.) The plaintiff's lawyer, Roger Feinman, prepared a lengthy affidavit based on Case Open and with a few slight corrections I ~~submitted~~ attested to it and it was filed. Feinman told me that there was no response to it, merely a snide footnote about me. So, Anchor is about to print a book that was <sup>exposed as false</sup> ~~seriously questioned~~ in Case Open and in addition when much of its content was attested to in a lawsuit.

Without checking. Without any legitimate peer review, if any. And defaming an old man who is also ill.

The questions that come to mind include did they read Case Open? Did they find any disqualifying error in it? Are they aware of the affidavit based on it? Do they know of any error in it?

Are they knowingly publishing a work that has been proven to be so wrong, so dishonest without any effort to check it out either because they expect to make money from it or because they think the government will like it?

Do they believe that decent publishing includes defaming an old and ailing man without asking him whether that they are publishing is true or false or in any way distorted?

Have they done any checking on Livingstone if he was Posner's helper and source to determine his credibility?

Have they evaluated whether, after Case Open, as well as because of the affidavit to which Posner did not respond, there is malice?

Have they sought to learn whether malice can be attributed to Livingstone?

Nonfiction books are supposedly serious work and they endure.

Do they believe they are professional, even minimally fair, in publishing what has been proven to be at the very least entirely undependable and doing that, as has been <sup>reported</sup> ~~repeated~~, with defamation added?

There has been much of this, with many people hurt by it, and the papers have been silent. Without that silence these ugly, evil things might be discouraged.

And remember, they do corrupt our history.

As you can see, my typing is <sup>no</sup> ~~is~~ better. I've had further health reverses.

I hope the Post can get interested. It is past time for the profit to be made from this awful stuff, at the hurt of people and of our history, to get a little light and truth on it.

Posner has nothing good to say about Livingstone, as the enclosed pages from his book reflect, Second book. Posner was published before Livingstone's atrocious but appropriately self-titled Killing the Truth appeared.

Best,

*Harold*  
Harold Weisberg