

Ms. Lisa Frost
McGraw-Hill Book Co., General Books Div.
1221 Avenue of the Americas
New York, N.Y. 10020

7627 Old Receiver Road
Frederick, Md. 21701
2/4/89

Dear Ms. Frost,

As I wrote you three weeks ago, I was surprised that after all the time I took to help John H. Davis after he sought my help with a letter from you and after all the records I provided, at no cost for any of my time or investment, I was surprised and disappointed that neither of you thought to send me a copy of the book. I have no personal interest in and in fact I oppose all theorizing about the political assassinations. But I do get inquiries about them that I would like to be able to respond to.

Two months before I wrote you, after getting some inquiries, I wrote Mr. Davis and needed him a little, suggesting that he feared his work would not withstand critical analysis. Whether it was this or niggardliness or indifference is immaterial now because the most recent inquiry of me includes a copy of one of the references I alluded to in writing you.

On page 414, in plain English, Mr. Davis is a liar in what he says about me and it is possible for some to draw unfavorable impressions from this. I ignore a few inaccuracies of different character but they do make me wonder about taking his word on other matters.

Except that it is dirty writing, making the wrong and unjustified kind of suggestion, I have no real objection to his saying that he "examined" correspondence between the late Jack Wasserman and me. The simple truth is that, knowing his interest, I gave Mr. Davis copies. As I did with Mr. Wasserman. As I did with so many recent TV shows all of which I disagreed with, as I disagreed with what Mr. Davis was doing. FOIA places public responsibilities on me and to the best of my ability I undertake to meet them. But even "correspondence" is an exaggeration as "I have examined" implies what is neither true nor justified. I've just searched the file the student who was helping Mr. Davis used and all that remains in it is my 12/31/79 letter to Mr. Wasserman. There may have been another letter by me and I recall one from him. Mr. Davis has copies and I will appreciate your asking him to provide me with copies of them for the file so that others who use it can have them.

Please keep the date in mind, 12/31/79, for what I now quote, based on this alleged correspondence, from the same sentence: "...it appears that throughout the summer and fall of 1979 Jack Wasserman (Marcello's lawyer so people can read Marcello/mafia into this) foraged in Weisberg's files in an attempt to retrieve every FBI document that could relate to the possibility of his having been involved in the assassination."

I mix no words in characterizing Mr. Davis as a deliberate liar in this language. I have never laid eyes on Mr. Wasserman. He was never here. He had no access to my files by an assistant, as Mr. Davis did. He never asked me to "retrieve every document" the description that follows being Mr. Davis' personal fabrication and I never offered this. As Mr. Davis knows very well, as I read the records I made duplicate copies of some for subject filing that I thought might interest others, only a selection of some. If I had by then, assuming what Mr. Davis invented to make his book were true, as it isn't, retrieve(d) every document that could relate to the possibility of his client's ~~involvement~~ ~~involvement~~ having been involved in the assassination, there would not have been any need for Mr. Davis to engage the student, Amy Stevens, to spend just about all of her free time in the last half of her senior year making searches for Mr. Davis. (Aside from this I have seen no FBI record involving Marcello in the assassination in my files.)

This is dirty writing. It is untrue. It can be taken by others as defamatory. And I emphasize, Mr. Davis knew it was not true, not in any part,

This is followed by the dishonesty to provide a basis for which it was fabricated: "Based on this frantic response of Marcello's principal attorney to the House Committee on Assassinations findings, we can safely assume that these findings were a matter of deep concern to Carlos Marcello."

Aside from the fact that Mr. Wasserman was not Marcello's principal attorney except in the immigration matter, he did not either react in any way or make any response to the HSCA's report. It was I who took the initiative, as I took the initiative in calling these few letters to Mr. Davis' attention, as I did with those who produced the recent Jack Anderson show and others, in my personal interest in trying to keep the record so profitably corrupted by the John Davis as reasonably straight.

Mr. Wasserman is safely dead and can't complain to you. But "frantic" to describe the nonexistent "response?" "Frantic" when he wrote me the letter I'd like to get a copy of merely explaining how the defense, not Marcello, hired David Ferris as an investigator on Mr. Wasserman's approval?

My obligations as I see them may not be easy for commercializers and exploiters to understand but I have "defended" those I also criticized, like the FBI and the CIA, in an effort to diminish the disinformation about what to me most subversive of crimes in a society like ours, the assassination of a president.

I don't know what basis, if any, Mr. Davis had for saying this nonexistent Wasserman "foraging" through my files, as "throughout the summer and fall of 1979" but I note that the one letter I still have, mine, is dated the last day of 1979.

If there are any further printings of this book by you or any reprints I want this language removed. If you and or Mr. Davis want to replace it with other language referring to me I want to see and approve it in advance. I have no objection at all to fair and honest comment of accurate and faithful quotation but I am complaining to you about deliberate lies that can be taken as defaming me. Which I think is one hell of a way of repaying me for all the unpaid time I gave him and you, to say nothing of having unsupervised access to my records some of which as a result are not now in the files.

In coming to another matter I've been asked about I note the complete absence of footnotes on these two pages. From this I assume there are no footnotes at all. That is the safer if unscholarly way when lies are fabricated to advance a preconception. I am told that Mr. Davis says that I said the FBI picked the lock on a footlocker of JFK autopsy materials. I have no recollection of this or of context. Maybe I did say it and maybe there is no unfair context. However, there being no source given, I think it is not asking too much to be given the source and the context, in part for my own records and their future uses by others and in part because I would like to know. I'm almost 76 and in impaired health and my once rather good memory now does not serve me as well.

I am told that Mr. Davis says I filed but one lawsuit against the FBI and that it was handled by the Committee to Investigate Assassinations. I filed many and I was never a member of that committee and it had nothing at all to do with any of my FOIA lawsuits. Bernard Fensterwald was one of my lawyers in the first of the several lawsuits I filed for the scientific evidence and he dropped out before that first one went to the Supreme Court, where Jim Lesar took it. After the Act was amended, as it happens the investigatory files exemption being over Mr. Lesar's perseverance and mine, as Judge Gesell stated (and as the legislative history is quite specific in showing), I ~~refined~~ ^{refined} and expanded that case as the first case under the amended Act, with Mr. Lesar being my lawyer for most of it, the ACLU for part of an appeal, and I was also pro se in it. I would like this corrected, as it can be much more simply that I recount above, in any future printings by anyone.

I apologize for my typing. I am not able to face the typewriter directly and must keep my legs elevated when typing and I still have stitches in my better eye. And I hope that you find time to respond this time. Sincerely, Harold Weisberg

Harold Weisberg