

LAW OFFICES
ROGER BRUCE FEINMAN

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June 28, 1993

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BY FACSIMILE AND MAIL

David S. Lifton
11500 W. Olympic Blvd., # 400
Los Angeles, CA 90064

Mr. Lifton:

I am in receipt of your fax and mail message dated June 23, as well as the copy of your message to Mr. Charles Kuhn, librarian of Hood College.

First, I instruct you not to communicate with me directly in any manner, way, shape or form, whether by phone, facsimile transmission, mail, electronic mail or otherwise. Any further communication you have for me should be through your attorney. I will not respond to any future direct communications from you, and my lack of response shall not indicate any agreement or estoppel.

Second, I emphatically, categorically and unequivocally deny that I have photocopied any material originating with you from the archive of the late Sylvia Meagher at Hood College. I do not know any Helen Wilson, have neither met nor spoken with any Helen Wilson, nor have I hired or paid such a person. Your allegations are completely and utterly stupid and false.

At the same time, I disagree with your assertion that to photocopy your writings in Mrs. Meagher's files is any violation of copyright law.

Third, I refer to your essays entitled, "Beyond Me: Who is Roger Feinman (and why does he hate me so much)?" and "Screwball Logic: Roger Feinman's Absurd Attempt to Prove Best Evidence was a Hoax, and Paint me in a False Light." These writings that you have published on CompuServe and by mail to third parties are false, outrageous and defamatory, both in whole and in part. You have already caused, and by these writings will continue to cause me incalculable harm and damages as yet to be ascertained, for which I hold you personally responsible. I hereby demand your full and complete retraction both publicly and with respect to your private correspondents. I demand that you provide me with the complete list of those persons to whom you mailed copies of these essays through the U.S. Postal Service, and I also demand that your retraction be sent to each of them without exception.

Fourth, I consider your essays, and particularly the first abovementioned, to be criminally fraudulent in view of your sending them through the mail.

David S. Lifton
June 28, 1993
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Fifth, you have recently alleged that I have violated the law with respect to photocopying your letters. Again, this is false and defamatory and I demand your full and unequivocal retraction.

Sixth, this letter may not be reproduced in whole or in part, nor may its verbatim contents be disclosed to anyone except your attorney(s) or, if need be, a court of law. If you do disclose this letter without my permission, I shall feel obliged to disclose the verbatim contents of other letters of yours in my possession.

Finally, I have engaged in no "hostile activities" toward you, neither do I have any personal vendetta against you. You published a book, I have the right to talk about it. It's really that simple. You chose to make it autobiographical in nature. You, therefore, are the one who made the choice of implicating facets of your personal history in "Best Evidence". Complain to Jones Harris and your agent, not to me. Your agent is the one who left you completely vulnerable and served you most poorly. Do you actually believe that you could not have published a book without falsifying your past? How many other "straight" assassination books have been published without being encumbered by that sort of biographical drivel? You let him make a fool out of you, and through you, the rest of us. You have also granted numerous press interviews since the publication of the book, and have held yourself out as a public figure.

The fact that I have questioned your book in no way entitles you to falsely and maliciously portray my personal background, our personal dealings, or my relationship with Sylvia Meagher, let alone invent or totally distort quotations, especially not with any legitimate expectation that your lies won't be exposed. Did you catch the Jeffrey Masson/Janet Malcolm trial? I suggest you give serious thought to whether you are prepared to meet the cost and expense of defending your conduct.

You have been on "notice" for at least two years that Mrs. Meagher's files (including your correspondence with her) were repositied at Hood College, yet you have apparently never complained and never requested any restrictions until now. How you could expect to deceive both the public and our research colleagues with impunity, preventing access to material which you know proves the falsity of your book and your other lies, is truly "beyond me."

I not only enjoy the protection of the "Fair Use" provision of the copyright law, but also a personal privilege to defend my reputation against your mendacious attack, and I consider myself free to use the material in the manner that I have. Although Hood will seek its own counsel, I also believe that as the successor-in-interest to the Last Will of the late Sylvia Meagher, her letter agreement with Gregory Stone, and the Last Will of the late Gregory Stone, Hood College has sufficient interest in protecting the value and importance of Meagher's collection, her writings, and her reputation to release such material as it deems warranted, especially when those property interests are subjected to the kind of attacks you have made against her integrity. Indeed, they may have a legal obligation to do so under the terms of those instruments. More, if Hood failed to meet their responsibility in that regard, I might deem it personally necessary to submit the question of their compliance with the terms of her testamentary instruments to a court for determination, as there was sufficient ambiguity in Greg Stone's Will to leave an opening for me (or, for that matter, Sylvia Meagher's executrix) to step into the situation any time I might choose.

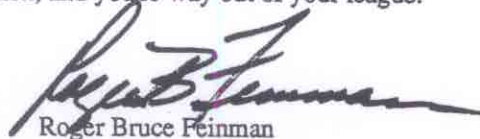
In any event, when you corresponded or spoke by telephone with Sylvia Meagher, you knew that you were dealing with a publicly known figure in the assassination contro-

David S. Lifton
June 28, 1993
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versy and had every reason to expect that, upon her death, her papers would be available for the use of scholars, journalists, assassination researchers and writers, etc. I have not reviewed your correspondence before writing this letter, but to best of my recollection there is nothing labeled "Confidential" or "Private", certainly nothing that I have deliberately exploited to your disadvantage. The sole exception that I recall is your memorandum on your first meeting with Liebler, but you describe that meeting in your book, so I used it. Since you undoubtedly have had the opportunity to review your files for the purpose of "damage control", you are surely aware that I was most judicious in not calling attention to your vile and ugly disparagement of other critics mentioned in your letters, most notably Ray Marcus and Fred Newcomb, among others. I also believe that I could have taken the Zapruder film episode a lot further than I did, although people may draw their own conclusions from what is contained in my manuscript.

Any quarrel that you may have relating to the availability of your letters to Sylvia Meagher is with Professor Jerry McKnight and Mr. Charles Kuhn of Hood. Without knowing the particular procedures they have followed, I nevertheless assume that they have exercised their judgment and discretion in deciding what can or cannot properly be made available to the public based upon their training and experience in academic matters.

I suggest you stop sniveling and sniping and face the music. You're no longer dish-ing with women or the genteel highbrows of the publishing world. You're not just trading barbs with the aged and weak (your exchanges with Harold Weisberg are very entertaining on both sides, but you know as well as I that he'll always have the better of the argument). You're playing hardball with the men, and you're way out of your league.



Roger Bruce Feinman

RBF:msw

David S. Lifton
11500 W. Olympic Blvd., #400
Los Angeles, California 90064

Tel: (310) 445 2300
Fax: (310) 445 2301

FAX TRANSMISSION --- COVER PAGE

TO: Roger Feinman
237 Park Ave., 21st Floor
NYC NY 10017

Fax Number: FAX: 212 697 8486

Number of pages (including this cover page): 3

DATE: 6/23/93

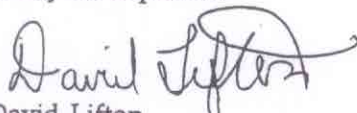
MESSAGE:

Attached a communication I sent late last night to Charles Kuhn, Director of Libraries, at Hood College. It is self explanatory.

I am angered beyond words at your actions in photocopying my personal correspondence at Hood College, and I request that you cease all further hostile activities toward me.

I am at a loss to understand why you have embarked upon this personal vendetta against me.

Needless to say, you are not to use, disclose, or otherwise disseminate any of my confidential and proprietary letters or other correspondence to Sylvia Meagher, to any third parties.


David Lifton

ATT: Fax to Charles Kuhn at Hood College, June 23, 1993; 2 pp.

David S. Lifton

11500 W. Olympic Blvd., #400
Los Angeles, California 90064

Tel: (310) 445 2300

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FAX TRANSMISSION --- COVER PAGE

TO: Charles Kuhn – Director of Library,
Hood College, Frederick Maryland

Fax Number: 301 696 3796

Number of pages (including this cover page): 3

DATE: June 23, 1993

MESSAGE:

Dear Charles:

I spoke with a copyright attorney on Tuesday evening.

It is a violation of Federal copyright law to copy my letters without my permission. Period. I stress the word "copy". They can be looked at, studied, etc. But they cannot be photocopied—not without my permission. That is what "copyright"—the right to copy—is all about. That is what the J.D. Salinger case was all about, and it went all the way up to the Supreme Court. As the attorney I spoke with stated, "A lot of historians and writers don't like it. We tell them to complain to Congress. They wrote the law."

I reiterate my demand that my letters not be photocopied, and urge you to look into the circumstances under which this already occurred. I called Professor McKnight this evening to tell him of my discussion with the attorney. The attorney says that Feinman and Helen Wilson, who did the copying, had an Master/Agent relationship, and that they broke the law when they did this.

Of course, Feinman is carrying this further, using these letters as the basis for a "book," and then distributing that book consisting of some 200 or more pages to anyone and everyone on Compuserve, and urging all recipients to post the file on "bulletin boards around the world." That "book" is apparently chock full of information from those letters.

Charles Kuhn, Director of Libraries
June 23, 1993
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On this score, I attach, for your information, the notice Feinman has posted on the Compuserve bulletin board. He states he will prove my book BEST EVIDENCE is "a literary fraud" and touts the fact that he has access to Sylvia Meagher's letters, and writes: "The light that Sylvia's archive sheds on "Best Evidence" is of particular interest since it includes extensive correspondence with Mr. Lifton."

I am not addressing in this fax what I believe to be the very arguable and probably illogical methodology that I am sure pervades Mr. Feinman's "book", if I am to judge by his other writings about me. I am addressing the issue of how he got his so called "source material", and whether he did so within the law, or infringed on my copyright.

If he photocopied the letters without my position, he infringed. Pure and simple.

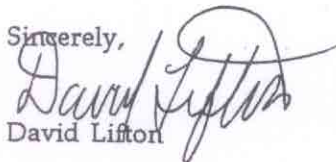
I am definitely going to carry this further. If a "second opinion" confirms what I already have been told, and if his so called "book" is the travesty that I suspect it is, I may very well file a grievance with the New York Bar Association.

In my opinion, an attorney should not be at your facility, maneuvering behind your back, and copying my personal correspondence, in the service of a personal, almost irrational, vendetta that he has rationalized as "scholarship." Moreover, I believe that Hood has to be (and should have been) knowledgeable about the basic tenets of copyright law if it is to be the proper custodian of personal correspondence; and before permitting such copying to take place.

I urge you to bring this whole matter to Hood's attorneys' attention, and to feel free to communicate with me. Moreover, I think a formal request should go to Roger Feinman to get the letters he illegally copied returned.

I realize that some toothpaste is out of the tube here; nevertheless, I think it will show Hood's good faith and help clear the air that such a step be taken.

Sincerely,


David Lifton

Att: Feinman's "message #93448 posted on Compuserve, touting his "book".

David S. Lifton
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Los Angeles, California 90064

—
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5/6/93

Dr. Cyril Wecht
5420 Darlington Rd
Pittsburg, PA 15217

Dear Cyril:

As we get older, we get more philosophical, and in that spirit, I write this letter.

Do you remember when we first met? I am not referring to our trip to Washington together (summer of 1972), but to the year before, the first or second working day after New Years Day, 1971.

In December, 1970, I had made an appointment to see you. I flew directly from Los Angeles to Pittsburgh about January 2nd or 3rd, 1971, and we spent the better part of a day in your office. At that time, I shared my work with you, for the first time. I gave you a very detailed briefing. I set forth my theory of wound alteration, played you copious excerpts from my tape recorded interviews (with the Dallas doctors, Commander Humes, the casket team ,etc). And you sent out for lunch.

At the end of our meeting, you said: David, please send me all this in writing. This I did, about a month later—a series of detailed "Summary Research Memos," dated February 1971, from David Lifton to Cyril Wecht. Many of these memos, by the way, became my guide when I later wrote BEST EVIDENCE.

I mention all this for a reason. As discussed on the phone, Roger Feinman has posted an essay on the Compuserve and has been going on night after night on its bulletin board, spreading the idea that I invented the theory set forth in my book to fulfill a book contract, circa, 1978! In other words, Feinman has this idea that I didn't come up with evidence, and then a theory, and then wrote a book—but the reverse: that my agent suggested I write my book as a personal odyssey, and so I invented the theory to fulfill a book contract!

I have no problem when someone disagrees with my theory, and I enjoy the back and forth of debate. But, in his personal attacks on me and my integrity, Feinman really crosses the line.

Dr. Cyril Wecht
May 6, 1993
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He writes:

- "I sincerely believe that *Best Evidence* is one of the greatest publishing hoaxes since Clifford Irving's book on Howard Hughes. The theory of body snatching and body alteration has no merit whatsoever. I do not believe that [*Best Evidence*] . . . could have [been] written . . . in good faith."
- "Lifton's theory is garbage, and he subverts the evidence that he cites in his book to suit his theory, which makes it a piece of garbage as well."

And:

- "I believe Lifton reached a dead end until his agent persuaded him that he could sell a book cast in terms of a personal odyssey . . . Lifton's "solution" to the crime arose as the expedient method of overcoming the obstacle of the autopsy photography and concluding this odyssey."

And still another:

- "... the obvious haste with which the later chapters of the book are formulated, relative to the earlier portion of the book, all tend to the conclusion that Lifton had an urgent need for cash."

When I see Roger Feinman's posts on Compuserve, I am reminded of these lines from Rudyard Kipling's poem, "IF":

"If you can bear to hear the truth you've spoken twisted by knaves and make a trap for fools, or watch the things you gave your life to, broken, and stoop and build them up with worn out tools . . .

Really, Cy: At first, I didn't want to dignify such absurd charges, and I even considered going to the attorneys connected with Compuserve, to reign him in. But I finally I decided to write a response.

Attached find two essays:

One part is titled: "Screwball 'Logic': Roger Feinman's Absurd Attempt to Prove BEST EVIDENCE WAS A HOAX, and Paint me in a False Light." (There is a page

Dr. Cyril Wecht
May 6, 1993
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sent you, a month later, happen to be one of the earliest written records of my book.)

The second item is the one I really hope you find the time to read. That item is titled: "BEYOND ME": WHO IS ROGER FEINMAN? (and why does he hate me so much?)

This essay is a look at Roger Feinman, and the history of our case. I think you will find it interesting. Please read this second essay. You're a smart guy. You've had plenty of life experience. I think Feinman's going to far, and what he is doing is not healthy, psychologically.

But I'll let you be the judge.

Meanwhile, I want to applaud your re-entry into the case, and your willingness to take a new look at the evidence. I am also so pleased you met the technicians, yourself, because I think their recollections permit a new perspective on the question of the authenticity of the photographs and X-rays. I certainly appreciate your willingness to be open-minded on all these matters.

Also, your willingness to lend your prestige against JAMA has been very significant. Without someone like you on our side, we would be steamrolled.

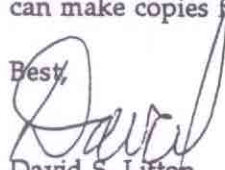
About the past. I now believe that, given what you were shown in 1972 in Washington DC, you had little choice but to say what you did. As I said on the phone last night, if BEST EVIDENCE was being written today, my chapter 20 would have a different tone. I am sorry I wrote it the way I did.

Meanwhile, as discussed, I want to point out that although many of us may have seriously differing views on what the evidence means, I don't think the kind of attack which gets very personal or which accuses people of acting in bad faith, or fraudulently fabricating a manuscript, is constructive.

I know you don't engage in that sort of behavior, and I don't either. I make an effort always to stay focused on the issues. That's the way it should be.

Happy reading. No reaction necessary. FYI. And there are no restrictions: you can make copies for anyone you choose.

Best,



David S. Lifton

Dr. Cyril Wecht
May 6, 1993
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ATT:

Two essays (bound):

1. "BEYOND ME": WHO IS ROGER FEINMAN? (and why does he hate me so much?)
2. "Screwball 'Logic': Roger Feinman's Absurd Attempt to Prove BEST EVIDENCE WAS A HOAX, and Paint me in a False Light."