

Richard Gallen
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11/18/93

Dear Richard,

Two hours after I went to sleep last night "il awakened me to take an antibiotic. When she awakened and I was in the middle of a dream. When I had all those tests for sleep apnea a couple of years ago I was told that we all dream so I suppose we do. I am ^{now} ~~recently~~ aware of it when I waken. The dream was about you and we were in some kind of disagreement. I sat and thought for about a half hour before returning to sleep.

I believe I told you a while back that my health was deteriorating and that I have new medical problems. One is a lump in my mouth. With others the dental surgeon to ^{at 10:30} ~~my dentist~~ sent me would, as he then said, have then taken a specimen for biopsy. In balancing the risks he decided ^{instead,} because of the risks and because I'd have to be hospitalized for it, to have monthly visual checks on it. Because my dentist hopes the symptoms I reported ~~are~~ an infection rather than from that lump, he has me on this antibiotic. Like wise, after I ^{developed} a chronic bronchitis, with the possible cause down to the voice box not being visible, that is eliminated, and chest X-rays every three months being clear, the remaining possible test, normal for others and no problem, has been ruled out for me because to me it is a risk and a danger. So, although ^{these} normally ~~these~~ do not interfere with my functioning and are not in the front of my mind, they do, from time to time come to mind.

Sitting and thinking about it I remembered that yesterday I'd again written Raphaela asking her to send me at least the first two chapters of Hoax so I can ~~re~~write them in accord with your criticism that I agree with.

When Peter Skutches phoned me I think a week ago Tuesday I asked him to have her send me at the least those two chapters. When I mailed her a revised chapter I again asked that she please send those chapters. And here it is the end of the next week and I've not gotten them or heard anything and the word from you and Herman Graf was that he would ~~wish~~ the book for April publication. And first of all, of course, the manuscript must be completed. So it struck me as odd, as unusual, that I do not have those two chapters. Perplexing.

Then I remember that it was not until after my third letter ~~on~~ what is not authorized by our agreement on the condensation of my earlier books that Peter phoned me. Earlier that day I had sent C & G a certified, return-receipt letter about it. That receipt had just come and ~~that~~ yesterday I'd filed it. And then I realized that I have only Peter's word that what I asked for is agreed to. I do not know what position he has, what authority, and then I wondered why was I not written this assurance, especially after I asked for it and said more than that by certified mail. I did not hear from you and I have nothing in writing.

As I told you, I deal with you on a basis of trust. Not only have we been friends for so long, not only have you been a very good friend, but I also know that any contract with a publisher is worth only what it can be made worth in court. At my age and in the state of my health, court is unreal. Friendship is a real value and friendship means trust anyway.

But friendship and trust do not preclude what is normal, confirming in writing. What is not normal is not confirming in writing.

So, I decided that I would write you. I did not decide to do it when I awakened and I did not. I suppose I thought I'd then decide whether to do that this morning or to wait and see whether I got those chapters and anything else in writing for a day or two, it having taken that long before I heard from Peter. I was up, as usual, at one and returned to what I was writing yesterday, for the record for the future, a response to the truly outrageous, infamous and irrational allegations by Livingstone. And at four I left for my usual early morning walking, picking the papers up to read them when I rested. It was like other mornings. None of this was then in mind. Until I came to the Style section of the Post. I ^{recall} ~~recall~~ it. I'll get myself one when I'm out for a ~~miss~~ medical appointment.

So much more came to mind then, and it was so upsetting that by the time I was toward the end of the story it was not registering. I was remembering instead part of the time.

I remember clearly that some time ago I wrote you that NEVER AGAIN! could be of interest to the Congress. I am pretty certain that I told you that I believed I had had contact with several of the chairmen of the oversight committees and that I believed that book's contents could be of real interest to them. I remembered also telling you or Peter that I believed that, regardless of what the planned pub date is, it would be good to have it ready to print because there could very well be developments that indicated it should appear promptly. And now both have come to pass! And all these months that book has just been sat upon!

I recalled again and again clearly when you paid me the high compliment of telling me that while what I sometimes say may seem unlikely or extreme, it turns out that I have been conservative and correct while understating. And so today's Post shows that to be.

The potential of NEVER AGAIN! was enormously enhanced by Case Closed and the attention to it. It could have appeared earlier and had it been possible for me it would have appeared much earlier. It could have and I believe would have had an enormous impact to a remarkable if not an unprecedented degree.

Do I have to tell you how damaging this has been to me? And what means more to me, the reason I have done and continue to do despite my age and health the work I have done and do, this work?

There is no question about the importance of that book. My two dear history professor

friends who are the outstanding professional experts in the field have given their opinions. One already uses part in his teaching. From a non-historian professor who is a subject expert and teaches it I have the same opinion. From a lawyer who knows more about the actualities of the subject than some who write in the field, too. And from several others who read parts as I ~~has~~ discarded them when they were replaced. And now we have this fantastic confirmation of more than a full page in the Post alone and I have no way of knowing what other attention that ~~bearing~~ of the Congress got.

If you can give me a better description of a probable best-seller I'd like it.

And I laid it all out months ago. Without response.

And also without a word in writing. I have your word but I now must wonder why you have put nothing in writing. Not even that what I asked under the agreement for the condemnation of my earlier books.

"It has just awakened. I've discussed this briefly with her and her comment is, "At the least it is unusual." I agree, but I think it is more; abnormal. ~~XXXXXX~~

Quite abnormal.

I am not a Livingstone or a Posner so I do not read minds.

As I think about this I can find no normal explanation of it.

One suspicion is obvious immediately, Crazy Livingstone, his crazy book and the investment C & G have in it. If it is that, I think it is a very serious business. (And as I read it, it became crazier and crazier. Frankly, if it were not published I would believe it to be unpublishable. But the announced first print is 50,000 copies! So far, by the way I've heard only from those offended by it, some with expressed feelings much stronger than that. Do I have to say ^{anything} about the intent to harm me and my reputation and my work? Or utter the word you know I can do nothing about, "malice"?)

So here I am as the sun rises, faced with a missed dream opportunity for which I have worked so long and so hard and so much effort or most people would have stopped working and given up so much to be able to do it because of what doing it has meant and means to me. The opportunity I saw and forecast! Among others like it.

Another so: what do I do? What I say now I say with the honesty friendship requires, is instinctive and emotional, not the result of the long and deep thought that is better. (But then how much time have I possible for long thought?)

First, there is nothing in friendship that precludes putting what I want in writing. I ask for that and I ask for it promptly. This includes the written assurances I asked regarding Selections from Whitewash, including the title, without any exaggeration of Whitewash on the cover that could be misleading or deceptive. ^{ad exploitation}

I want also a written agreement for April publication of Hoax with a meaningful description of a satisfactory effort for it.

I want the same thing for NEVER AGAIN! with an agreeable pub date.

There is a real market for it right now and in the terms that mean much to me, a real need for it. Obviously what this Post story reflects is the beginning, not just the beginning and the end. (The Post also has a critical story on the law for the disclosure of the JFK records being violated, from the White House down, and first below the White House it lists the FBI.) My belief ~~is~~ is that it, too, should be rushed. Preparation for which I did recommend some time ago.)

I am simply stunned that professionals in publishing did not see this all along and not want to be able to benefit from it.

Do I have to remind you when I first told you what I would be doing and you said you were interested I also told you what I saw possible? And I did it. Finished it long, long ago, so far ahead of time for the anniversary commemoration.

I see nothing abnormal in what I ask for and ask for now promptly. I believe it is the norm. In writing.

The alternative is to return all to me, in good order, making no use of any kind of any of it.

I hope the wheel has not turned full scale on me and that I am reliving what I did live through almost 30 years ago.

I hope also that another part of the record for history that I still seek to perfect to the degree possible for me is not already written.

Think if I want to say anything more I wondered if when I told you that the college is getting all my records I told you that it gets everything, including the ~~rights~~ rights to my work. It gets all and it is in order. It provided the lawyer who drew it all up. And I thought in the event you ~~has~~ have not read this Highest Trash to refer to it also as ludicrous, ridiculous, also understates. Whether or not you have, you might look at his acknowledgements in his second High Trash. And compare that with the Highest.

Sincerely,

Harold

Harold Weisberg

Deadlines Missed on Release of JFK Data

Review Board Not in Place; Agencies Have Not Produced Records

By George Lardner Jr.
Washington Post Staff Writer

There are plenty of scofflaws in town when it comes to the JFK records act, a House committee was told yesterday.

Not all of the offenders were listed at the hearing by name, but they include President Clinton, two congressional committees, the FBI, the Immigration and Naturalization Service, and the Office of Naval Intelligence (now the Naval Investigative Service).

The underlying principles of the law, according to the Senate report on the measure, are "independence, public confidence, efficiency and cost effectiveness, speed of records disclosure and enforceability," Washington lawyer James H. Lesar told the House Government Operations Committee yesterday.

Lesar, who is head of the non-profit Assassinations Archives and Research Center, added that with the law now more than a year old, "it can only be said that these principles have been repeatedly violated. At best, only 10 to 20 percent of the total universe of Kennedy assassination records has been released."

The law, enacted by Congress 13 months ago, called for public disclosure of all government records on

the 1963 assassination of President John F. Kennedy unless there are "clear and convincing" reasons for continued secrecy.

Government agencies and affected congressional committees were to make initial disclosures under the law no later than last Aug. 23. A five-member review board, appointed by the president and confirmed by the Senate, was to sift through remaining records and decide which should be made public. The board can hold hearings and subpoena witnesses and documents if necessary.

The deadline for Clinton to make his nominations under the law expired last Jan. 25, five days after his inauguration. His first four appointments were made public in late August and early September, but the formal nomination papers were not all sent to the Senate until late October, the White House said yesterday. The fifth name was submitted on Nov. 4.

Under the meticulously written law, the Senate Governmental Affairs Committee is supposed to hold confirmation hearings "within 30 days in which the Senate is in session after the nomination of three review board members."

With the 30th anniversary of the Kennedy assassination coming up Monday, there had been talk of holding hearings then, but it appeared yesterday that the Senate would adjourn this weekend. That would make it impossible for the review board to begin work until next year.

Steve Tilley, who is JFK liaison officer at the National Archives, where all the records are to be kept, confirmed yesterday that the FBI, the Immigration and Naturalization Service, the Naval Investigative Service, and both House and Senate intelligence committees have yet to produce a single page under the law.

The FBI, Lesar complained, also is taking the position in federal court that more than 265,000 pages of records it made available to the House Assassinations Committee in the late 1970s "are not Kennedy assassination records because they relate to organized crime activities."

It will be up to the review board to try to settle such disputes. Under the law, it was given three years at most "from the date of enactment" to do its work; more than a third of that time already has expired.