

Dear Richard,

12/18/93

Charlie Whiton? phoned me and we had a long conversation. I'm sorry he had not been able to read it all. He would like to be able to take it with him when he leaves for a while on the first of the month. I hope that can be possible. He sees that having the page proofs available by the time of the NBC-TV mini-series with and on Posner in February can be very important and says that will be, with publication later. He said probably June, but earlier if the need is indicated. This is Herman's original schedule. ^{rich February, put in April} He sees also not only that I want to be available when the book is first available but that the book needs it. I regret that this is not just a figure of speech but how I feel. While I want no association with some of the people he mentioned I offered instead what he agreed to, to add a chapter on other criticisms or an appendix of them. I also mentioned, when he mentioned appendix, that there can be documents and pictures for an appendix but I also said the book may be long and that may not be wanted for that reason. I like him, I like the way he spoke, I regret that I misspoke myself ~~once~~ once of he misunderstood me, corrected immediately and I think he understood that, I believe we wound up in agreement, and from this conversation I can understand why Publishers West has grown the way ^{you} he told me it has. But I do believe he is under the impression that the book is like what he has read on the various computer networks, as from what I've seen on that it is not at all. It is ever so much more definitive.

I made it a point to tell him how blunt the language is and he liked that, my referring to Posner as a fraud, a plagiarist, a subject-matter ignoramus, a phony, ^{a him} etc. I did this deliberately, intending the most direct possible challenge to him and to his publisher.

There are many possible criticisms I did not make because I feared the book was getting too long. There is also what I did not have when I did the writing. I had planned to have a chapter on them or to add some. But when I looked for this folder last week I could not find it. I'll return to one part.

I like his approach of doing some investigating of Posner. He said he would discuss that with you. He referred to Bill Turner doing that. I told him I do not trust Turner, have substantial reasons for that, he did not ask what they are and I did not then go into it. But despite his FBI background, and he is a rarity, a man that ^hover actually fired, ~~his~~ work ranges from shoddy to simply awful. He planted the fake French ~~spook~~ spook book on Garrison and had another phony working ~~it~~ on it when I caught him in a terrible fraud that could have had incredible consequences. Turner has the morals and ethics of what he was in the FBI, a black bag job expert: a burglar and not infrequently in political cases. But all the investigating that need be done does not require a professional investigation. It requires only a few things that are probably simple enough. In part this is because I have enough without that.

What seems to me to be the most important is his representation of the people in the enclosed page of his Acknowledgements in Mengele. In this, typical of him, he does not say that he represented them in what was to have been a lawsuit and then when he had ~~enough~~ for his book or at least its beginning, he told them that under the law they could not sue. Well, they could. But as a lawyer he should also have known that before he took such a case. He has given a number of inconsistent versions of this. What is included in what I've mislaid or misfiled is still other versions. If you have access to Lexis, that is what I need to be duplicated. I'll also ask my original source, who did not have direct access and for whom it took some time. It quoted several New York law publications. If as I suspect he took advantage of those people, that would be something! So those named on the enclosed page, who may be in New York, should be spoken to to learn about ^{that} the case and particularly about his financing. If he took money from those victims and then screwed them for his book that would be a zinger! But he may also have conned them. The Simon Wiesenthal people at first did not respond and when I wrote I would say that they did and it came to nothing. But they did send me a few interesting clippings that I did use. A friend who used to be with the ADL replied that they love Posner, he is that effective as a con man. Especially with the replacement of the Lexis yield there is enough, but it would be much better, could be improved upon, if some of those people have information I suspect exists and will provide it. But it simply is not true, as the existing draft says, that he could not sue under existing law. And that is the reason he has given for not filing.

In fact, as the book ^{already} says, in his career as t "Wall Street lawyer" he did not file a single suit, ^{nor} has he since then. His work at Cravath was on discovery in a major case, IBM's. And that work does not require even a law degree. I have a friend who as a young woman and no law training did that for several years for Westinghouse in another of those major cases.

I suspect, as the book now indicates, that he keeps himself listed as a lawyer in Hartindale Hubbell ~~is~~ to con the bar association in the event he later decides to return to the law. He abandoned that with his Mengele book. His phony listing ~~as~~ as a practising lawyer is to avoid taking any test if he returns to the practise of law, I understand. I'd like this check ^{ed} with some confirmation of what I've been told.

The Hartindale listing of him is incorrect in his law school. They have admitted that. I never dreamed that would be possible. So I have to correct that. But it does give two different addresses for his supposed law office. I suspect it is the office of his former partner, Ferrara. Both are Madison Avenue, and it may well be that the phone book lists him as practising law there. One was 1015, the other 1021. A check of the yellow sections should disclose that. And if ~~some~~ someone could take a look at the door to see if his name is on it, or on the building directory, that would help. Perhaps with pictures.

Charlie also like the idea I mentioned some time ago, writing a challenging letter to those ~~me~~ who provided the fabulous dust-jacket puffery for so fraudulent and dishonest a book. He said he'd discuss that with you, as I recall.

There are no certainties in bucking the major media but any kind of controversy is most helpful to a book. A direct challenge to NBC-TV News/~~NBC-TV~~, whichever is producing the miniseries, can get attention, including in the trade press, and that can do more for a controversial book than any advertising or norm of the business. My best source for this possibility will be off for six months beginning the first of the month writing a book but when the time comes I can speak to him and to others. I have no doubt that Charlie can get that started with Holt on the S.F. Chronicle if not also with others, as perhaps Carroll or Graf can with the media in New York.

Case Opened could the have a second life with the paperback appearance, if that is not bombed with the kind of attention we'd like, hope for and try for if only with page proofs.

Is it possible for Raphaela to work more days to speed this up? That would be a real help and Charlie could have it all as it now stands or at least more to read and I could get more done.

Lil is going to Hopkins for a rare and still partly experiment^{al} new treatment for facial spasms that are troubling and interfere with her vision on ~~the~~ Tuesday. She will be driven by the cousin who has provided our transportation there so if they say ^{it} should come up we'll know if I have transportation for that day. The way it usually works is that is when ^{the} surgery is decided. I'd then go up for the surgery, if that is the decision. The only real question is the balancing of risks. I have~~d~~ no use of the left eye now and I believe the local man recommended the surgery to keep from losing it entirely in the event something happens to the better eye. There are other ests that are indicated and have been ruled out because of the risk, other parts of the body. If the eye is operated on I do not know how limited I then will be, it at all, other than not being active for a while. And that presents another problem, with ~~the~~ the legs. My more severely damaged leg, the last time we measured it, is much larger than the other, two inches more at the bottom of the shin! And at the time of the 1989 heart surgery the ~~is~~ family doctor told me he'd expected me to lose at least one leg ^{ten} years earlier. So there are medical problems.

Beginning in about four hours, at about 7, I have something that will take some time possibly for a while. A reporter from the Nashville Tennessean came to ~~tyon~~ last night to ~~wrk~~ work on my King-Ray files. I'll give her my last copy of ~~the~~ the reprint rather than of Frame-Up. Appreciate it if you replace it for similar future possibilities. I do not know the extent of the paper's interest but they decided fast. She phoned me yesterday afternoon, ~~and~~ following the ABC show I did not stay up for, asking me what I have. I told her, told her she is welcome to access to all of it and to use our copier, and it

was less than an hour before she phoned to tell me what plane she is on.

If you saw that show, the story is not credible. I know and interviewed the man. He is one I produced for the two weeks of evidentiary hearing for which I did the investigating. He may have flipped out, may have been influenced, is not the kind of man anyone would use for such a purpose, did not indicate any such thing to me, and who can believe a man who says I am an accessory in a murder so put me away?

I did explain to Charlie that Raphaela was using a computer for the first time and that that led to some problems. I also told him the truth, that considering the nature of the copy she was retyping she did magnificently. As I've also told her. I did not think to tell him that big chunks are not where they belong in her first typing, which I fear is what you may be sending him. (She seems to be a very fine person.) I do hope that it is possible for her to speed up. I did send her the new preface several days ago.

Our best,

mation and sources: Ralph Blumenthal of the *New York Times* and John Martin of ABC Television. We owe a special thanks to Elliot Welles of the Anti-Defamation League in New York, whose commitment to the work of bringing Nazi criminals to justice was a constant inspiration to us.

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