

CHAPTER 34

Accrediting an Assassination Accessory

Livingstone is, in his own self-effacing self-evaluation, the world's greatest expert on the JFK assassination and its investigations. Thus he has chapters on "Firearms and Ballistics," the "Acoustics," referring to a study made for the House committee, and on "Lawsuits." Under lawsuits he has no mention of any of those many FOIA lawsuits that brought so many pages of previously withheld records to light. He likewise has no mention of his collaborator-turned-enemy Groden's successful lawsuit against him.

There is a limit to the bogging to which any mind should be subjected, as there is to what ought be allowed to churn stomachs.

How much mastery he has of the fact is clear enough without the torture or the inevitable suffering from now adding to it unnecessarily.

His record is one of monumental ignorance of the actual fact of the assassination that has been established as fact as well as of the subject in general other than as he imagines it and thus wants it to be and therefore is to him when it isn't at all.

But what cannot be avoided are his chapters on his Texas-wide conspiracy to kill the President and the "treason" the lawyer in him attributes to those he first imagined are his enemies conspiring against him and then did all he could to guarantee that.

Treason, by the way, is a crime that exists only in time of war. The only war in this book is Livingstone's war against all others.

He is as fecund in imagining wars and conspiracies against him as he is in seeing fakery of film

and other evidence when that is not the problem with it at all.

But the conspiracies he alleges are not at all against him that he imagines. He charges conspiracies that violate laws. Others and I violated those laws, he alleges. He charges fraud, and that is a law violation. Yet he does not write that he reported these law violations to the proper authorities, or to any authorities at all. That in itself is a crime by which he indicts himself as a criminal. That he does nothing to bring those of us he describes as widely criminal to justice and limits himself to his ranting in this hodge-podge he calls a book does not encourage the belief that he really, deep down, believes a word of it. Well, a word is hardly appropriate. Not counting the endless barbs and arrows scattered throughout the rest of it, 40 percent of his text is devoted to those of us the title describes as, what more than anyone else he is, as this book makes clear, killers of the truth. Our alleged activities he alleges are criminal. Filing charges would certainly help sell his book, as would any indictments, as he and his publisher know. That they made no such allegations to any authority does not encourage the belief they have any faith in the charges they published in such great volume.

His allegations against me and others, if not true, certainly are libel (for which the lawyer Livingstone prefers “lible” in his letters). His publisher did have a specialist in libel law review the book to determine whether there is any likelihood of any lawsuit flowing from the publication. That the book is published reflects that the lawyer’s opinion is either being ignored or that it skirts the law and controlling decisions. One of these controlling decisions is that those who can be regarded as “public figures” must show “malice” to be able to sue.

There is additional possibility, if not probability, that the publisher knew that we could not sue for various reasons having nothing to do with whether or not we were libeled.

I cannot, as is obvious, because I am 81 years old and am seriously ill. Were I hale and hearty

the odds against my living long enough for the suit to come to trial crowded as the New York dockets are – and if the publisher does not do business in the states in which we live, we have to file where he does, New York – are so great any lawyer would be discouraged about the probable waste of his time. Grandmother Mary Ferrell, ten years younger, has recently recovered from several serious accidents. For a long period of time she was even unable to walk or sit upright. Her husband has been in terminal illness for several years. He is frail and requires her constant attention. So she is not in a position to sue.

H.L. Hunt and other Texans he alleges conspired to kill the President are long dead. They cannot sue from the grave.

So the publisher knows there is no likelihood that people like Mary and I can sue.

He knows also that such books have made him much money, Livingstone's and others like it. While they do not advertise their profits and what I was told by someone close to him who told me he was the source, Livingstone's first reported royalties from what I think of as what it is, High Trash 2, was only a little less than \$200,000.00.

I do have copies of his letters in which he bragged that no sooner had Groden filed suit against him that the publisher hastened to get him signed to new contracts. His accounts of them are not consistent. Two of his letters including contracting for this book in which he so clearly earns the title for himself. One of those letters says there is to be one additional book, others say two more of this trash.

Profit does outweigh in the scales in any balance against decency, morality or honesty, to say nothing of decent concern for the nature of the subject or for misleading or confusing the people over it.

No rational publisher or publisher's reader can read this book without the most serious concern about its rationality, if not that of its author, too.

Then there is the absence of any peer reading that publishers have for controversial non-fiction. Supposedly have, anyway. There are current illustrations of major publishers not having peer reviews when they do not fear libel suits.

And the fact that none of this was checked with any of us.

There thus was no concern at all for the harm that would be done us, great harm when the announced initial print was of at least 50,000 copies. That is a large first printing.

I do not know about others but when he actually phoned and told me what he would say in his book and even wrote it to me, I told him the truth, so if he is rational he knew in advance that the crimes he alleges against me did not and do not exist. He also knew, because I told him in detail, the animus of his unhidden sources, vengeance seekers.

From the forgoing alone which is not all that can be said about those considerations, it is clear that neither honesty nor decency nor truth was any consideration at all in the publishing of this paranoid, disorganized dumping together of a great volume of verbal rubbish.

Nor was Livingstone's clear record of not knowing what he writes about at all a consideration or his also clear record for error. His mistakes are legion. Some are from ignorance, some from carelessness, some from his insatiable ego and some perhaps are from his mental state. The more he is into this subject or at least his strange concept of it the more his deterioration is increasingly apparent.

What appears to be certain is that if he reads what is not congenial to his utterly nonsensical preconceptions and theories he regards as fact it is impossible for him to understand what he reads. The previous illustration of his saying repeatedly that Post Mortem is a "crucial" book and his many references to the Department of Justice panel leave him incapable, or at least seeming to be incapable, of understanding the simple language in it to which I referred him. He actually said he could not

understand it. But school children do and write me about it.

At that same point in the book (pages 560-4) I reprinted in facsimile the agreement between the executors of the President's estate and the General Services Administration. There is a full explanation of it in the text, including its antecedents. Yet under "Lawsuits" (pages 245-6) he says nothing about how it came to exist and says what may in general be true but as a matter of fact and law is not, that Burke Marshall wrote GSA for the family. He wrote on behalf of the executors and they are not "the family".

At the same point he says, "The question that the two (unnamed) Baltimore police officers and Mark Katz (the appellant) raised was whether the Kennedy family even had ownership of that autopsy materials in the first place." All the "autopsy materials" cannot be lumped together. He apparently intends to refer to the film. I published years ago that under what is known as "The Pittsburgh Code" the film itself was the property of the Navy. There was no authority for giving it away. Then there are the requirements for record and film preservation prescribed by the Navy's regulations.

In this writing he was repeating something without going back to his source and he was less than accurate.

For him, however, better than average.

In the previously referred to interview with Publisher Weekly's Robert Dahlin Kent, Carroll of Carroll and Graf said after describing us all as accessories after the fact: "Livingstone knows what he is talking about. He's the guy who discovered and made public the fact that Kennedy's adrenal glands had atrophied because of medication he was taking." After a copy of that was sent to me, particularly because the nature of the false allegations Livingstone had already made indicated problems were possible for the publisher I used that to illustrate Livingstone's undependability.

Instead of responding to me Carroll sent my letter to Livingstone. Under date of July 15, 1993, he sent me a diatribe in which his salutation was childishly my last name only. It took him a page of paranoid diatribes, all those who disagree with him out to get him and me the leader of that “gang,” for him to allege I had misquoted and “This proves you not only did not read my last book, but that you have never understood the medical evidence.”

Can it be because I did not understand it that in two of his books he refers to what I wrote about the medical evidence as “crucial”?

I had told Carroll that the information had been brought to light by my friend the late Dr. John Nichols, who had published it in late 1966 or early 1967. I then referred him to and cited the pertinent passage in Livingstone’s second book. I had not misquoted. I knew his book, he demonstrated that he does not or did not speak the truth.

These various things small perhaps of themselves, most of them, together with the earlier assessment of the key parts of the alleged fact of his book that relate one way or another to his extraordinarily serious charges he makes wildly and indiscriminately, are intended as preparation for better understanding his charges and him in making them.

Comparison of his mutually contradictory statements also can help.

His acknowledgments in High Treason 2 include only one longer than what he said about me.

That one no longer has anything to do with him, he told me months before this writing:

Then there is Harold Weisberg, who, having endured a painful triple bypass operation and many serious infirmities of age, puts up with me and the many questions I should know better than to ask. But we must always go to the father to test our sometimes incredibly wild or dumb ideas, and Harold is the man to kick them in the ass. I am grateful for his time and great help and friendship, though I am sure he wishes I were dead. (pages 11-12)

But only a few months after this book was out, in saying that the back of JFK's head had been blown out according to the Zapruder film, he, on seeing how wrong he was, started building his imaginary conspiracy because, after all, he is never wrong

Earlier, I referred to him as a poet, a nuisance and the waster of very much of my time.

He said I didn't answer his questions in his third book? He said the opposite in his second, unsolicitedly. He also described them accurately, many of them.

He also could be considerate. He visited me in the Johns Hopkins Hospital in Baltimore, where he lives, after that heart surgery when he learned I was there. He offered to drive me home but I had made other arrangements.

He twice sent me unsolicited modest checks. I had not decided to deposit the second when his megalomania was overt, aimed at me, and I then did deposit it.

I never wished him or anyone else dead. I wish him health, an end to his sicknesses in his head. And some control over his unequaled excesses until then and afterward.

But even before his irrationality was overt he wasted so much time simply because like so many of those would-be Perry Masons, he never took the time to learn the readily-available, established official fact. Because it is official does not mean it has to be wrong. If it is wrong it is not fact.

From the time he wrote these quoted words until this writing I have not been more than five miles from home except when I was driven to that hospital.

He knows that. So he also knows on that basis alone I could not go around and organize or lead any "gang" against him if I had wanted to. I had no reason to, no interest in doing that and in all almost 800 pages, he has not even the suggestion of a suspicion that I did. It is in his head and once there like all else that is wrong in what he writes, it becomes instant fact. That he could publish such

allegations without even the slightest suggestion of any evidence of it speaks about much for publishing.

Here I remind readers again that he and his publishability are also symbolic in this book. They represent the publishing part of the failure of the media that is the central thrust of my work.

He quoted me extensively in his second book and he used my records. I never chided him for not identifying his source. Here, for example, from pages 68-9:

“Nearly half the members of the Warren Commission never accepted the single - bullet theory, but the conservative Senators Russell, Cooper, and Congressman Hale Boggs were overwhelmed by the CIA connected persons on the panel: Allen Dulles, former Director of the CIA, whom Kennedy had fired; Gerald Ford, known as the CIA’s man in the House; and John McCloy, Rockefeller’s lawyer. Boggs at first believed that theory, but later changed his mind.

“Senator Richard Russell reportedly said that he would not sign a Report which concluded that both men were hit by the same bullet.” Researchers and authors Gary Shaw and Larry Harris write: “Russell later told Harold Weisberg that he had asked Chairman Earl Warren to include a footnote at the bottom of the page saying, ‘Senator Russell dissents,’ but that Warren refused, insisting on unanimity. According to author-researcher Harold Weisberg, Russell was satisfied that there had been a conspiracy, that no one man could have done the known shooting, and that ‘we have not been told the truth about Oswald’ by Federal agencies. Russell encouraged Weisberg to challenge and disprove the Commission’s findings.

“Senator John Cooper said, ‘I, too, objected to such a conclusion; there was no evidence to show both men were hit by the same bullet.’ Representative Hale Boggs said, ‘I had strong doubts about it (the single-bullet theory),’ adding that he Felt the question was never resolved.”

In an internal FBI memorandum from Cartha D. DeLoach to Clyde Tolson, J. Edgar Hoover’s assistant and living mate, DeLoach writes: “the President (Lyndon Johnson) felt that CIA had something to do with this plot.”

Plot!

This also illustrates his addiction to secondary sources. He has my books but he was not familiar enough with them to have spotted this in them, so he used an imprecise misinterpretation. For example, Russell did not tell me that he was satisfied there had been a conspiracy.

When Warren wanted anonymity and Russell did not agree with the single-bullet theory, he told Warren to “just put a lil ol’ footnote in saying, ‘Senator Russell dissents.’” What Russell wanted was a

change in the language. He knew Warren wanted unanimity and no dissents. (There is much more on this in NEVER AGAIN!, including some of Russell's own records from the deposit of them at the University of Georgia, at Athens, along with confirmation by Senator John Sherman Cooper, from his archive at the University of Kentucky, at Louisville. Cooper agreed with Russell.

Tolson was Hoover's top assistant and closest friend and heir. He was not his "living mate." What that means is not clear. If he meant "live-in," that is not true. Tolson had his own fine home.

As part of his discussion of bullets in his first book he quotes me on Page 65:

Weisberg writes:

"Unless the metal from Connally has the same composition As Bullet 399, poof! and the Report goes up in smoke. If there is *any* variation In the lead composition of *everything else* – the erroneously accounted for Fragments removed from the President's head, the fragments found in the car, The scrapings from the windshield, the traces from the curbstone – all other Lead of which there is any relic – then this Report is revealed as a lie. *All this lead must be of exactly the same composition* or it cannot be claimed that the fatal bullet was fired from 'Oswald's rifle.'"

A few pages later, on page 85, again omitting what he quotes from so the reader can find it, he has this footnote: The death certificate was found by Harold Weisberg during his search of the files at the National Archives." It was the President's death certificate, it was the official certificate of death, the search was of the commission's records, and I published it in facsimile, where he saw them, in Post Mortem. Omission of the citation denied readers reference to a large amount of related information nowhere else available to them and not consistent with Livingstone's gibberish.

In his first book he says what he omits in the third relating to me and the great volume of previously-withheld records I brought to light:

"Some of it has now been released thanks to the efforts of researcher Harold Weisberg and his suits under the Freedom of Information Act. This information has gone a long way towards resolving

many questions surrounding the case.” (pages 90-1)

He has a brief reference to my work on page 95, and this additional reference to all those FOIA suits I filed on Page 200: “Harold Weisberg battled in court for years to get those results (of the FBI’s scientific testing), as the dead President’s brother, Edward Kennedy well knows.”

On the next page, again referring to those tests, “Harold Weisberg finally got the actual test results after another long suit, and they were again inconclusive.” Again not quite accurate. The FBI never stated formal results in a formal report all on those tests, believe it or not. And that is what they swore to in court. And rather than being “inconclusive” they were incomplete.

Referring to that litigation again (pages 285-6) and to those test results he personalizes what the bureaucracy did, with no indication of any consultation with the former Nixonian attorney general, John Mitchell:

Mitchell tried to fight assassination researcher Harold Weisberg’s suit to get this report, and he had the Justice Department file “an unusual supplemental motion to dismiss the spectrographic suit on the grounds that the release of the FBI analysis ‘would seriously interfere with the efficient operation of the FBI’ and would also ‘create a highly dangerous precedent in this regard.’” The U.S. Attorney then disclosed during the hearing in November, 1970 that “...the Attorney General of the United States (Mitchell) has determined that it is not in the national interest to divulge the spectrographic analysis.” The suit was dismissed, and the Report of the analysis disappeared from the National Archives.

“Tried to fight me” is hardly descriptive of stonewalling me for a decade and then avoiding disclosing all the relevant information. I did get much but far from all and did it wear me, not them, out!

The assistant United States Attorney did not “disclose” such a determination by Mitchell. He lied. There not only was none but that was not permitted under the law. It required the invocation of its specific exemptions. But that lie was one of the considerations in that suit that led it to cause the Congress to amend the Act of 1974. If such a report as he says “disappeared from the National

Archives” had ever existed I’d have gotten it before that litigation. It was the absence of that report that caused me to sue for those results.

Here again writing without understand and without checking, characteristic of his attitude and of his writing. He could have pestered me less about nonsense and sought the available information for his writing.

The suit was not “dismissed.” It went to the appeals court twice and then the Supreme Court declined to accept it. It was not refusal to grant certiorari that was cited in the Senate’s debates.

Edward Kennedy, the surviving Kennedy brother, asked during the floor debate, “As I understand it . . . the impact and effect of your amendment would be to override (the above decision). Is that correct?” “The Senator from Massachusetts is correct,” replied Senator Hart, whose amendment it was.

Kennedy: “Then I support it and urge my brother Senators to do so too.”

Kennedy said “colleagues,” not brothers.” (Congressional Record May 30, 1974, page S9336)

He also quotes my public criticism of the House assassins committee (page 337) from a Washington Post story of December 30, 1978: “‘There is nothing of any substance that has come out of these hearings that wasn’t already in the public domain,’ declared Harold Weisberg, the patriarch of them all, who had boycotted most of the previous months’ hearings.”

From his own account in his first books he asked nothing of me he did not get, realized he was a king-sized nuisance and apologized for it, acknowledged getting much information without a single complaint about anything I told or gave him, and I’ve cited every mention of me in his second book.

These were his experiences, this is what he said, this is how he reflected his experience with me and his opinion of me – until he suddenly saw that the Zapruder film I cautioned him he would not like showed that the back of the President’s head was intact after the fatal bullet exploded out of its right

side.

That is when he decided all those things he made up about me, unable to face the most dramatic of possible proofs that he did not know what he was talking about and was the supposed factual basis of his second book.

He knew, as he makes clear, that he is just never wrong. Therefore the film was faked and because I had told him what it shows – and it really does show – I was involved in some kind of conspiracy against him.

It grew, and it grew rapidly, that imagined conspiracy!

If what this chapter reports does not seem like your everyday accrediting of an accessory in a Presidential assassination or like the “leader” or a “gang” out to keep derring-do, Sherlockian Harrison Edward Livingstone from “breaking the case wide open in a couple of weeks,” it will have to do because there is nothing else.

It must have had some persuasiveness, however, because the book did get published – 50,000 copies hardback for a larger than normal announced first print.