

Harrison Edward Livingstone  
3025 Abell Avenue  
Baltimore, Md. 21218

June 18, 1991

Dear Harold -

I enjoyed our talk and lunch today.  
I need you to keep me straight.  
My problem is separating out fact from  
fiction or mistaken memory.  
I believe these men to be honest, so it's  
harder.

Enclosed are the papers you wanted,  
When I can, I'll get you a new, good  
Canon copier like mine.  
I've got the Wordlaw - James book "Plot or Politics."  
Any help you can give would be appreciated.  
Chapter & verse on Garrison will be printed.  
I hope your tests are okay.

Best,  
Harry

*you were too angry & emotional when you wrote this. You make some very good points but they get lost in what you should not have said. It's unnecessarily long, repetitious when repetition is not effective, and there are errors in it. I had to delete some sentences I cannot understand. This adds to my belief you were in too emotional a state when you wrote this.*

June 19, 1991

Elaine Dutka  
The Los Angeles Times  
FAX 213-237-4712

Dear Elaine:

I wish to say the following things, in addition to what was said during our talk.

The issue has been raised as to whether or not Oliver Stone has the right to make his film in peace without public discussion beforehand, then issue that film and subject it to the normal criticism.

*by Stone*

Stone chose to make various and conflicting public statements beforehand, such as in his Dallas Morning News interview of April 14, and more recently an interview in New Orleans. In so doing he may have thought that he was engaging in the normal hype for a film prior to its release, but he initiated the public discussion himself, when he reveals basic conflicts in his motives, presentation and intent. By so doing, he agreed to a public discussion beforehand. In addition, this film is everybody's business because of the potential impact upon people all over the world, and when there are fundamental issues of ethics and journalistic responsibility involved.

Yesterday the leading person in the research into the assassination of President Kennedy described Stone as a "great monster." Stone, in making a film which relies on the research of such men as this man, must take notice and is not completely free to do what he wants.

In the usual simplistic Hollywood style, the argument has been put forth that Stone has an inalienable First Amendment right to make his film as he sees fit. The implication is that he can do anything he wants to do. Nobody in this life has that right. For Stone, this evidently also includes the usual activities of the usual shark to be found in the Los Angeles waters. He does not have that right.

The First Amendment has certain qualifications, as do all statutes and laws. We are not completely free to say anything we want, including crying fire in a crowded theatre when there is no fire. We are not at liberty to sow hatred or sedition either. Courts have always said that some speech may be forbidden. "The right of free speech is not absolute at all times and under all circumstances. There are certain well-defined and narrowly limited classes of speech the prevention and punishment of which

have never been thought to raise any constitutional problem. These include...words which by their very utterance inflict injury or tend to incite an immediate breach of the peace." This is quoted from a legal decision long ago which has never changed.

There is a doctrine of responsible journalism. Not only do alleged facts have to be corroborated, but journalists have certain unspoken rules of conduct and ethics. This is even more true where crimes are concerned, as in the murder of President Kennedy. When Stone enters the field of journalism, as he has done, he must play by the rules of everyone else. He is not completely free. When he engages in extensive unethical behavior, he must account for it.

At this point probably every single major assassination researcher is against both Stone and his film. Why? He started out praising these people and tried to buy some of them. He has seriously disrupted our work at a key moment. He has wrecked relationships and is making a cartoon of the most serious affair in American political history. The very idea of having many famous stars in his film makes a joke of the great tragedy we have suffered and are still suffering.

To make it worse, he has Robin Hood playing a key role, dancing with wolves. Both Stone and Garrison were and are dancing with wolves, from both sides of the fence. And he bit off more than he can chew or hope to understand.

Stone at first gave the impression that he was going to make a movie from Jim Garrison's life and from his book, On the Trail of the Assassins, but then we find that he has bought a book ostensibly by Jim Marrs, filled with many errors of fact and verbatim plagiarisms without attribution from my own book, and it becomes apparent that Stone intends to discuss the most recent developments in this case. But he does not consult with or work with the researchers that have provided that work. Instead he hired my partner away, swears him to secrecy, and ruins many years of work and relationship.

It is not ethical to hire the co-author of a book which you intend to pirate and not deal with the real author of it. His scheme is to hire authors in such a way that he doesn't have to buy the rights to their work, and make day laborers out of them.

Everything he does with regard to the making of a film which deals with such a great national tragedy must be beyond reproach. If his actions are typical of Hollywood customs, it is a terrible commentary.

The Washington Post and George Lardner, Jr. was trying to tell Stone and Hollywood something of great importance. Other signals should have been given when Lardner's byline read, "George Lardner covers national security issues for The Washington Post." A very big signal should have come across when the same article made it clear that the leading researcher into the assassination of President Kennedy had joined forces with the Post and given them Stone's script. In fact, every communication Stone makes was being presented to this research community by the Post for response, by overnight courier.

Stone's lawyers claimed in a form letter to numerous people who opposed his script after it was pirated and published that it was a trade secret. Granted each industry has customs which can govern in a law suit and be interpreted as law, Stone has intervened in our business where the rule is one of total disclosure. I have trade secrets too, and I certainly object to having Stone hiring my co-author, who is privy to the cutting edge of my research and grabbing that, including my discoveries, and not talking to me to this day. The only person in this research who never shared his work was David Lifton, who allegedly published Stone script.

In addition, as Time Magazine noted in a highly critical article, Stone seems to be interfering in any other documentaries being prepared in this case. Time owns Warner Brothers, which is making the Stone film, and it is an extraordinary step for them to print such an article. They are saying that he does not have total license. I'd add that I personally have sustained a terrible loss by having him hire my partner away from a pre-existing film project. Is that ethical? What respect does this man have for "trade secrets?" Why shouldn't his script be published, then? I personally had no part of that and would not engage in that, nor did I distribute his script, but I don't feel that it was wrong.

Much law is ill defined, and remains for interpretation by the courts. Custom often governs. The custom in our field of research precludes the kind of secretiveness Stone attempted to engage in, and when his wall of security was breached it was found that he was perpetrating numerous false statements and historically inaccurate events. He was fictionalising on a broad scale certain aspects of John Kennedy's murder. Hollywood has a very imperfectly defined set of customs which presumably Stone is attempting to enforce as a precedent for his claim of total "artistic" freedom. This is not a matter of art. Stone has intruded into journalism, documentary film making, and academic research. The customs governing those fields of endeavor govern, and if necessary, can be enforced in a court of law.

Various people including myself had a lot of good will towards Stone and his film. I wanted to see it succeed, and we all hoped to benefit from the publicity. But the enormous propagandistic value and potential for rewriting history of such a work precludes "artistic freedom" or "freedom of expression." It must be historically perfectly accurate.

He has also claimed that this is just an "entertainment" and should be judged as such. Here is a man who starts out saying that he is going to present Jim Garrison's case, a man whom George Lardner considers a fraud (it took the jury only one hour to acquit Clay Shaw in Garrison's prosecution in the John Kennedy conspiracy murder trial).

Garrison nor any public law enforcement official has the right to bring charges against anyone in this nation without a very solid case, without just cause. Conspiracy is the most difficult crime to prove of all, and charges are almost never brought because of the impossibility of proving a case. There was almost no case against Shaw, other than hearsay. The case was a fraud, as the Post said. And no public official has the right to prosecute someone in order to justify a massive fishing expedition. Granted, we all hope for the subpoena power in order to investigate the case, but I feel that I am doing relatively well without it, as are many others.

Sedition is defined as "communication or agreement which has as its objective the stirring up of treason or certain lesser commotions, or the defamation of the government...attempts made by meetings or speeches, or by publications to disturb the tranquility of the state." (Black's Law Dictionary. There are some fine lines in our society, and both journalism and film making are subject to those fine lines of the law. No film maker or journalist has the right to say or do anything as they see fit, if it wrongly undermines in a fundamental way this country. It seems to me that to make a film based on the research of myself and the people I am associated with which makes a joke of that work and basically defames institutions of government without reason is wrong and perhaps illegal.

Stone seems to think that if his lawyers say there is not law governing some point or action of his, that he can do it, notwithstanding ethics or custom. I'm sorry but that doesn't work and it never has, even though America, almost alone among nations, has always given more latitude to robber barons and Robin Hoods than Europe, and so the custom in Hollywood seems to give more latitude than is allowed in journalism or academic research. Well, I am herein redefining the limits wherein Hollywood dare not tread, or go at their peril, as Stone is

learning.

When Garrison and Stone make blanket charges that the CIA or the FBI killed Kennedy, they are basically way over the line on many scores. First of all, no responsible researcher in this case has ever said anything like that, J. Edgar Hoover not excepted.

Stone hired a man as a technical advisor for the events which occurred at Parkland Hospital when John Kennedy was brought there mortally wounded November 22, 1963. That man reported to me just after the film crews left that the whole scene was an "abortion." He told me that they insisted on doing some things that were not accurate, and he was told by Stone, "this is just an entertainment. It doesn't have to be perfect." In addition, my witness was appalled by the great amounts of blood and gore that were slung around. "It wasn't nowhere near that way at all," he told me, speaking of Nov 22nd.

I'm sorry but Stone does not have the right to trade and shock and horror in this fashion, to make it even more gory to sell tickets. Granted that murder was a great obscenity and granted we need to ever be aware of just how terrible it was, but we don't need to be deliberately terrorized with gore, as in the fashion of the Chainsaw or Sorority House murders. What is wrong with making it more gory than it was? It becomes an entertainment to a society conditioned to the acceptance of violence by the visual media.

Stone did not need to recreate these phoney and gory scenes, and the murder itself. He could have used the existing footage, but he has made a charade of it by recreating it. He has a nobody playing John Kennedy and getting shot for it, and that in itself is greatly objectionable. The point is that our country has a fast rising level of violence because of all of the film and TV producers and directors who revel in it, who make life cheap and guns meaningless. This film is not at all about John Kennedy. What can we feel for him when he is shot? What can young people feel who know nothing but slander about John Kennedy feel when they see him blown away? Great! This is what the power structure wants, someone will say, and Stone is doing their bidding: Making a joke of that terrible murder.

Stone has got scenes with whips and chains, and Jim Garrison in the toilet, but does he have John Kennedy sleeping on boards or getting in and out of his back brace, struggling with the great pain the man lived with every day? A man who perhaps had TB of the spine whose doctors and medicines were secretly killing? What can we feel for John Kennedy when he is blown away on the silver screen, or subjected to an autopsy

Stone cannot possibly know anything about?

Well, it does have to be perfect. If Stone knew in his own mind what it is he really intended to do, an "entertainment" or a "Docudrama," perhaps there would not be so much trouble. If he had not tried to be so heavily secretive, perhaps he would not have so many people against him. But if he is going to make a docudrama about John Kennedy's murder, he has to be absolutely accurate on every small detail. That murder concerns this nation to its core. We cannot have assassination as a political instrument in this country, and we cannot have anyone making light of it or making a cartoon of it as Stone is doing with Kevin Costner as Robin Hood (Jim Garrison) in this movie. We cannot have Jim Garrison himself playing Chief Justice Earl Warren, or Willem Altmens playing George Demohrenschildts. Or Sex Pistol Sid Vicious, and Kevin Bacon who played a psycho in Criminal Law in this film. Kostner and the rest are associated in viewer's minds with past roles, and their appearance in such an extravaganza creates psychological signals, like the daily assault of violence in the media upon the public.

The bottom line of the Stone affair is an absence of responsibility. When a man or a film company does not act in a responsible way, they make a joke of a great tragedy. Stone makes a joke of everything.

Sincerely,



Harrison Edward Livingstone

Author of **HIGH TREASON**,  
number two best seller,  
New York Times, last winter.

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