

Mrs. Marina Porter
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Dear Marina,

After speaking to Deborah Crouch yesterday I returned to the writing and when I resumed it again this morning and came to what I'd marked for writing and then forgot about I was puzzled. About ~~se~~ several things that may be of interest to you.

One is that as best a non-lawyer can determine, and I am not a lawyer, I think that Mailer ^{crosses} ~~crosses~~ the line that distinguishes whether any person who can be referred to as a "public person" can sue for libel. That is malice. If this is true, or even can merely be argued in court, then it is to wonder why Mailer did it, assuming he is not mad (a question I raised in writing earlier this morning), and why Random House, which has the best lawyers, published it. One can conjecture about this endlessly and not being a lawyer I do not, at least now now.

I do not know how much of that atrocity you have read. Mailer said in an interview I have that you read all the Minsk part and said to him "Tolstoy it isn't." An understatement. If you could bring yourself to read that volume, as he calls what was what he contracted as "Oswald in Minsk," you may have observed what follows.

First Mailer uses Merezhinsky to defame you, saying among other things that you were expelled from Leningrad because you were a whore. He also quotes you as telling ~~like~~ them you were raped. In the part where he uses Merezhinsky he also has what makes a liar of Merezhinsky. That alone causes wonder about what ~~he~~ ^{Mailer then} did it. Then later he admits, where near the end of that Volume he reinterviews him, that time with his mother, to refer to him as a "prodigious liar" and to say that, and this is paraphrase, not a word he says can be believed. That alone was more than enough to cause all of that writing to be eliminated. He published the defamation that was based on "prodigious" lying.

While I cannot begin to understand that any decent man would question a woman about anything like that, they did. What you told them in all I have no way of knowing (and I'm not asking) but what Mailer used is more than your telling him it was a rape. What I'd forgotten until I saw the marker I'd put at page 37 is that he had confirmation from the best source in the world that you were raped, Irina, who set you up for it. But what is impressive is that her account confirms the part of what you told them that Mailer used.

I can think of no way any lawyer can finagle around that and that is magnified by his Merezhinsky as that "prodigious liar" use in any form.

I had decided earlier this morning to address this in a different way and I've begun it. In what I've written I wondered how Mailer could have put that on paper and how on just reading it Random House could have published it. They could not have helped notice what I did and I can think of no defense against that. That led me to thinking of other

possible explanations. The only ones I can think of are that you would not sue because that is so costly and could be so embarrassing (They have faced that cost at least twice with Posner's book and I am confident that if it was not a loss to begin with it became that through the legal costs of those two suits alone. One ~~is~~ is up on appeal now, and that escalates their costs.) and that perhaps they have what could be embarrassing to you that they did not use in the book.

I cannot believe that ordinarily Random House would have gone for such vilification that I believe is libel ~~and~~ or that their lawyers would not have counselled against publication if it.

There is the additional factor, that there is no legitimate reason for using it at all in the book which is to tell Oswald's story in the sense that he was impelled to kill the President for the "fame" he would get from that. There just is no relevance and even if there were they eliminate that by saying that Lee did not know you were not a virgin. So that could not have had any meaning to him.

What I am saying is that none of this makes sense.

And that it does seem almost to ^{be}enticing a lawsuit over it.

Which I am not suggesting.

At the same time you ~~may~~ want to inquiry into it.

You may not even want to learn if as a matter of law you have a basis for a ~~suit~~ as I think you do.

I am going to ~~raise~~ raise it ^{entirely} independently with a lawyer friend who is one of my executors and whose practise is general, not specialized. When I get his opinion I may want to include it in what I'm writing.

If you give this any ~~thought~~ thought I call to your attention ^{to} what I believe is ^{true} true, that any conference you have with ~~any~~ any lawyer is required to be kept confidential. Also, if Random House "does business" in ~~Texas~~ Texas you can sue them there and not in New York. That is a technical thing but would not be difficult to learn. If they can have a legal paper served on them in Texas they "do business" there, as ^I understand it. You may not need a lawyer or go ~~to~~ to any expense to learn that. That will mean much to them as it can to you. It will greatly increase their costs whether they win or lose. Perhaps there is a basis other than libel for suing them. Perhaps a different kind of suing for defamation. And in Maryland the law has a provision that makes it a felony to charge any person with "an indictable offense" that has not been charged by the government. That makes ^{it a criminal offense} ~~it a criminal offense~~ ^{if used to be and may still be that the alleged damage was more than \$10,000 federal rather than state} ~~would~~ ^{could} be used.

I do not pretend to understand this and I do not, not at all.

And while as a matter of law, meaning my very limited understanding of the law, it would seem that any suit would not clear Lee, I do think that if this went to trial

that could easily become a relevant matter in what the lawyer could argue.

that is because the stated basis for Mailer's writing is that ~~Lee~~^{Lee} was guilty and his book is to explore and report on how it all came to pass.

I am not yet at my writing on that part of his book but I assure you that ~~if~~^{if} his life depended on making such a case Mailer would lose his life.

Let me tell you a little more not related to the above.

My wife has lost her skill in typing but she has offered to retype this part of what I have written. I think I have a student who has a computer who can rewrite all of it after the college years ends, as it will shortly. It will be quite some time if she does do the retyping, or if anyone else does, before she reaches this part. I want a fairly clear version in the event that may be a bit remote, that NEVER AGAIN gets any attention. If that happens there may be some interest in other of my ^{Mailer} writing. In that event I'll want something ~~not~~^{not} as difficult to read as what ~~it~~^{it} turn out.

This may have the chance that writing on the assassination itself does not have.

I build no real hopes on this but I want to be ready in case it does happen.

And for that reason, as I told Deborah in the interview she will use instead of a review, which she asked of me and for which I do not want to ~~take~~^{take} the time from this writing, I do not want any of this used in any way that ~~discourage~~^{could} any use of it where more people might be reached.

My wife, who at 83 has a year on me, will ~~not~~^{not} be able to work on the retyping steadily. But absent anything that requires her immediate attention she'll ~~keep~~^{keep} at it until it is finished. If you would like to read it then I'll be glad to send you a copy.

Deborah also told me you had found some errors, I believe factual errors in that atrocity of a book. As you'll see I need nothing more to have a very powerful case against Mailer and his book but an indictment cannot be too powerful and I might want to add it and I would, of course, also like to know.

But I also repeat, I just can make no sense out of Mailer's writing this or of Random House's publication of it. And they are not crazy and they do have excellent counsel. Their assistant general counsel ^(Leslie Oelsner) used to be a New York Times reporter. She has to be a very good lawyer for them to even consider making her next to their top lawyer. And they do hire the most expensive outside counsel for litigating such cases.

I'll let this wait a day in the hope I'll perceive more of my inevitable mistakes.

I repeat saying something I said in a different way: think if you decide to explore any possibilities of how else they may be able to hurt you. When people like them get into court they try very hard and in any way they can. I emphasize this because it makes no sense at all that they published these irrelevant and intendedly harmful defamations. Which to the best of my knowledge have not been mentioned in any review.

NEVER AGAIN! Has been sent to you. If the index, which by accident is not in the book, was not included I can send you a copy.

Sincerely,

Harold