HAROLD WEISBERG
7627 Old Receiver Rd.
Frederick, MD 21702

August 11, 1994

President
Doubleday & Company, Inc.
1540 Broadway
New York, NY 10036

Dear Sir:

It is reported that Gerald Posner, in your Anchor subsidiary's reprint of his most intendedly and thoroughly dishonest of all the many bad books exploiting and commercializing the assassination of President Kennedy, the book he admitted knowingly mistitling it Case Closed because he believed that title would sell more copies of it, is adding a lengthy personal attack on me. With the help of and using as a source Harrison Edward Livingstone, author of the admirably self-descriptive Killing the Truth, Posner is only critical in his eight mentions of him, including that what he wrote is laughable.

Posner and Random House have had months in which to claim factual error in my Case Open, which exposes Posner and his book as an intended fraud and refers to him as a man who has difficulty telling the truth even by accident and as a shyster and a plagiarist, using the Random House definitions. Since it appeared, I have not had a word of denial or complaint from either of them. Not even when they faced that need in court in a situation they themselves created.

In the case of Robert Groden v Random House et al., Docket No. 94 Civ 1074 (JSM), which is over an ad placed for Posner's book and has nothing at all to do with its content, they sought to prejudice the judge by giving him a copy of the book and a fat file of laudatory reviews by those not one of whom checked out that most dishonest of books that is overloaded with factual errors.

Including even identifying one of the so-called Dealey Plaza tramps as a former major-league baseball star that I presume will not appear in your edition.

Opposing counsel responded with a lengthy and detailed affidavit based entirely on what Posner had not responded to in Case Open and in which I made myself subject to the penalties of perjury.

When it served his interest to do so in court, Posner made no effort to refute my affidavit. Not any part of it.

He dared not, not under oath. Indeed, he could not.

Instead, you permit him to use you, your edition and your reputation for his sneaky, unmanly, irrelevant and dishonest personal

attack on an old, ill and infirm man of 81 who will have no opportunity - because you make it impossible - to refute his intended defamations, which you thereby make your defamations.

Posner is so well aware that his contrived criticisms of me and of my work in his effort to exploit the market be believed the Oliver Stone movie JFK created for him, to exploit by taking the other side, range from carefully and deliberately distorted to outright lies. He also did not answer when I wrote him on August 27, 1993, asking him for his sources for what he wrote about me when I was told that they are unsourced, before I saw his book.

Posner is so fine a gentleman he did not even send me the copy of the book he said he would after, with his wife, spending three days here, three days in which he took my time from my own work and had free and unsupervised access to all my many records, most of which are about a third of a million pages of once-withheld official records I obtained by a series of lengthy and costly lawsuits under the Freedom of Information Act. My not believing that he is also a cheapskate and would send me the book is what delayed my reading it.

For those three days the Posners were here, his limitation, not mine, they also had unsupervised access to our copier. They copied whatever of my records he wanted.

When Posner had free what it was so costly for me to obtain and took more and a decade of my life, his reflection of his appreciation is to make a personal attack on an aging and ailing man in his hardback and he adds to that in your reprint, attacks that I repeat range from the deliberately distorted to outright lies, he describes himself and the kind of man and writer he is.

When he had both the opportunity and the need to refute what I stated under oath in the lawsuit in which he is a defendant, he did not dare, knowing full well the penalties of perjury and knowing also that the court would reject his sneaky, slimy dishonesty he had given you to publish as his substitute for the response he cannot make to the truth he does not face, the truth about him and about his, now also your, book.

For which neither Random House nor you dared have any authentic peer reviews, once the norm in responsible nonfiction, which he pretends his and now your book is.

It is not!

And there is no correction of it that can change this in any way, not with a book remaining. Correcting his many factual errors cannot eliminate the built-in dishonesty of the book itself.

Knowing this he is reduced to the last refuge of a scoundrel, making a personal attack there is no practical way of responding to. By your uncritical acceptance of it, by your making no independent effort to determine whether he is truthful, honest or even fair, you

make yourself both his instrument and his accomplice in his malice that substitutes for fact that is so strange to him in his book and far fom his intentions in it.

What some people won't do for money!

Not only to an aged and infirm man but to our precious history and to what the people can know about the most subversive of crimes in a society like ours, a crime that inevitably has the effect of a coup d'etat, a crime that turned the country and the world around, a crime properly called "the crime of the century"!

Unable to use the established official fact of the assassination for his literary whoring, Posner made a big thing of his claimed almost 200 interviews. At least two of those he says he interviewed deny it. One did to me.

Posner misused that one, as he did the others, as his means of saying the opposite of what was established as fact by the Warren Commission. They are his way of lying about what he could not live with in his determination to seek fame and fortune with a thoroughly corrupt formula for commercialization and exploitation.

He was dishonest and corrupt also when he misused that official evidence.

He claimed loudly and often that, as his publisher did in advance of publication, his is a new biography of Oswald and in it he proves that Oswald was a born assassin just awaiting his historical moment. His alleged authority for this is the psychiatrist, Dr. Renatus Hartogs. He refers to Hartogs' report on his examination of Oswald as a child truant and to Hartogs' testimony about that examination before the Warren Commission. In this Posner referred to pages on both sides of the page on which Hartogs could not have been more explicit, more definitive, in swearing to the exact opposite of what Posner attributes to him and is the basis of his book. I enclose that page.

He also suppressed from his book what he would have learned if he had looked into my file that was accessible to him labeled "Hartogs, Renatus," that Hartogs was one of those shrinks who used his women patients for free sex. Free to him, not to the women, who paid him for it! Until a court awarded one $350,000.00. (Copies enclosed)

What a basis for a book!

As a fair sample of Posner's prize and prime special sources in his boasted-of interviews, I cite Robert Badeau, the Louisiana refugee from a political booby-hatch of the most extreme of the far-out right. Badeau not only published an ugly book equating nudism with Communism, copiously illustrated in it. With it he distributed literature referring to the late respected conservative Louisiana Congressman, Hale Boggs, who was also a Member of the Warren Commission, as a Communist!

This book, with that literature in it, virtually stared Posner in the face when he was using the files below that bookshelf.

Posner's most prized source was the defected minor KGB official, Yuri Nosenko, who for a short while after the assassination had and examined its Oswald files. This is an excellent example of his misuse of interviews to lie about the official evidence by ignoring it and saying the opposite of what it says and means.

Posner has stated publicly that his bibliography is limited to the books he read and used. He lists in it all my books except Oswald in New Orleans. In fact, in order to contrive a criticism of me, he used it dishonestly in his book.

In my Post Mortem I summarize several FBI interviews with Nosenko as soon as he defected. He told the FBI the KGB suspected that Oswald was an "agent in place" or a "sleeper" agent. He also told the FBI that inside the Soviet Union Oswald was openly anti-Soviet. This, of course, is the opposite of what Posner says about Oswald. Those FBI reports are in a file labeled "Nosenko, Yuri," in the file cabinet in which Posner spent most of his time searching when he was here. Whether or not Posner looked at or copied my Nosenko records, he could not have missed them. He did not miss my summary of it in Post Mortem, which he said he read.

Nosenko also told the FBI that when Oswald went hunting in the USSR, with a shotgun, private ownership of rifles then prohibited there, his fellow members of that hunting club always had to give him game to take home because he never once hit anything.

When the CIA provided Nosenko to appear on 20/20 to plug Posner's book, Nosenko laughed in Posner's face about the shooting he attributed to Oswald and on coast-to-coast TV related that Oswald was the lousiest of shots and never hit anything at all.

Posner makes Oswald the superior of the best shots in the world. And he knew this if he did not lie about reading and indexing what the Commission published, as I think without doubt he did lie about it. He knew it also from my Whitewash: The Report on the Warren Report, the first book on that Commission. It is in his bibliography and he misuses it to criticize me. Thrice. In it I not only report that the best shots the Commission could get, all evaluated as "masters" by the NRA, were all unable to duplicate the shooting attributed to Oswald. I cited to where that evidence was published by the Commission.

As I also did Oswald's hatred of Communists, Russian and American both

One of Posner's criticisms of me is for writing that the Marine Corps evaluated Oswald as a "rather poor shot." Yet at that very point in that book, I printed in facsimile the official Marines evaluation of him as a shooter. It was made by order of its commandant in which these exact words are used. I also enclose that page.

Another of his criticisms of me and that book is for my not going for his fabrication of the Hartogs textimony. Not only would I not make up and tell the country what Posner was so blatantly dishonest to do, my book was not about Oswald. As its title says, it is about the Warren Commission.

Posner lied in saying that my Oswald in New Orleans is not in his bibliography because he did not use it. In fact, he had to suppress what it reported - in 1967. He read that book. He uses it on page 150 as his lying basis for criticizing my writing and for his contrived false portrait of Oswald. I referred to Oswald's entries in his address book that were not real but could have directed him to what he wanted to find. I said that one of those addresses, 1032 Canal Street, was an empty lot. It was. I took pictures of it and of what was on both sides of it. If Posner had looked in my file clearly labeled "New Orleans, Pictures," he would have seen them. Instead, this is what he wrote (page 150):

"1032 Canal was at the corner of Canal and Ramparts, the New Orleans Discount Center owned by a Jewish Cuban. The addresses were part of Oswald's efforts to discover the headquarters of the Cuban exiles."

Aside from the fact that there then was no such thing in New Orleans as "the headquarters of the Cuban exiles," if Posner had used the New Orleans phone book, page enclosed, he would have seen that he had that wrong. And that it was in the next block of Canal Street.

But Posner being Posner with dishonest points to make, lying is essential for him. So he lies.

In his malicious attempt to put all others down so that he and he alone would appear to be correct and the ultimate authority of authorities on the subject, he had to lie and say he had not read my Oswald in New Orleans. He said that when questioned at an appearance in his native San Francisco, with his mother present. I have three witnesses to this, including the man who asked him that question. Not only is his lying criticism of me above uniquely from that book and from it alone, Posner could not have used what I brought to light about Oswald in that book and still have dared write his corruption of our, to me at least if not to him or you, our precious history.

In that book I brought to light (on page 87) the fact that when he was a Marine Oswald had one of the very highest of security clearances as reported to me by one of Oswald's then marine comrades and his friend. Oswald had a "CRYPTO" clearance. On checking this out I got records properly labeled and available to Posner in the files he had unsupervised access to confirming this.

Posner, remember, boasted so often of his close reading and of his indexing of what the Warren Commission published. If that were true, as obviously it is not, Posner still knew the truth from pages

91 and 93 of my book where I quote the testimony of an enlisted man with whom Oswald worked and the commissioned officer under whom he did his highly classified work. Both testified that he had at least a secret secuity clearance or a higher one.

I could go further on this but you need no more than the above to let you know what you are into, particularly in publishing defamations of me by a man who has so clear a record of malicious intent. You should have read Case Open. It is only about a fourth of what I wrote, that is how simply terrible, dishonest, inaccurate and deliberate Posner is in his knowing dishonesties. (The publisher wanted a shorter book.)

Yet you are going to publish his defamations of me without asking me whether they are truthful or in any way distorted or anything about his sources and whether they are fair or accurate or truthful or have malicious intent.

For Posner to seek help in this from Livingstone is, even for a man with Posner's established record of deliberate dishonesty and total disregard for anything other than what he thinks he can use for his personal benefit and profit, pretty extreme. This is not only because he himself condemned Livingstone as completely undependable in his book, either.

Posner had no need to lie to get the unsupervised access he had to all my records. It is well known in the field in which he is a greenhorn, a Johnny-come-lately when he sniffed money in it, that I give anyone writing in the field the same unsupervised access. It is also well known that virtually all write what I do not agree with yet they always have unsupervised access. This is still a matter of principle for me because I believe that FOIA makes those of us who use it surrogate for the people.

But Posner did lie. He told me that his book would be consistent with my own record, that it would expose assassination nuttiness and those who exploited and commercialized the subject.

He did discuss Livingstone with me in this regard and I told him in detail that Livingstone was, if even rational, the most undependable of sources, from his own writing which Posner read and criticized.

What Livingstone has been saying about me for years is at once untruthful and it is utterly malicious and clearly so. Posner cannot have used him as a source or in seeking anything at all from him without having read his self-descriptively titled Killing the Truth. If Posner can hold down the contents of his stomach after reading it, his is a cast-iron gut. In it Livingstone refers to me as an accessory in the JFK assassination!

As I did tell Posner, when Livingstone comes to official evidence that disproves what comes from the murk of his mind, ipso

facto that official evidence was faked. Thus, he insists that the Zapruder film was faked because it shows that the back of President Kennedy's head was not blown out when Livingstone believes it was!

This is but a peek, the tiniest of glimpses, at the monstrosity you are going to publish - to make money from it and without regard to the harm to the nation and to individuals like me.

Without once in any way asking me if what you are going to publish is fair or honest or distorted in any way or has any ulterior purpose of any kind.

It is clearly malicious and is intended to be malicious.

For hoped-for money you are libeling an aged and infirm man without even asking him if what you are going to publish is in any way faulty or malicious and in doing that, do it in a way that denies him the opportunity of correcting any error or calling any malice to your attention.

This letter informs you of the truth and of the fact that you will be part of the malice in libeling me.

For money you do that!

If you have any questions or want copies of anything I refer to and do not enclose, feel free to ask.

Regretfully,

Harold Weisberg

Harold Weisberg

My typing is poor. Ordinarily my wife's is good. I regret that it now is not because, at 82, she still suffers the effects of a fall that broke her wirst and hurt and impairs her in other ways.