

Dear Sol,

11/1/93 12:15 a.m.!

I face what can be a serious problem for us in New York, as you can see, it troubles me so I cannot sleep, and I write to ask you if I face the need can you file for an injunction or a TRO to prevent the publishing house of Carroll & Graf, Richard Gallen co-publisher, from stealing my title (titles cannot be copyrighted) Whitewash in violation of an agreement which, first of all, did not include the use of this title and then the agreement not to use it, It bothers me more because of something they have just done to me and more because it means costs to us. We do not have much income from books ~~but~~ last year about half was from this one title, Whitewash. Besides which, frankly, at this stage of my life, weak and ill, I do not want my conditions to be imposed upon so that I can and will be damaged merely because someone up there is greedy and sees the chance to make some extra dirty money at my expense. The complications for people like us can be serious.

First they have just published, Carroll & Graf alone, an outrageous, indecently malignant attack on me and others by a certifiable mental case from whom, with two terrible books, they have already made much money, When parts of it were read to me as I was going to bed night before last, that cost me that night's sleep. I tried to catch up a bit by going to bed at 6:10 last night. I've fallen asleep but found it impossible to stay asleep and this business came to mind when, for the fourth time, I returned to bed at 11:40. (I have to keep efforts to try to force myself not to be up and ~~am~~ working with only a couple of hours of accumulated sleep. The prostate problem and the sleep apnea do get me up. At my age, weak as I am, with a heart condition, this is very bad for me, as I think is obvious. When I'm writing and have the drive to get up and return to writing, I still am able to stay asleep recently for an hour or two more than in recent months. But this is the first time anything like this has happened. I believe it can be a threat to my life.

What happened is that the son of a dear friend, Richard Gallen, who works with him, wanted to reprint Whitewash. I refused absolutely. It is only because he is the son of this man who has been a good friend to me that I would have anything to do with any reprinting of any of my JFK assassination works. The main reason is that it makes too much confusion and extra work for us, and we, at our ages and in our states of health, just are not up to that. It is only because David is Richard's son that I had anything at all to do with such a project. But I did agree that, as a substitute, they could reprint in a single volume selections from all my JFK assassination works. They sent me an advance of \$5,000. Trusting Richard as I do, I did not even ask for a contract. I knew he would not cheat me and I did not want to have to worry about the terms of a contract and did not understand anyway. *He Co-publishes with Carroll & Graf.*

The next thing I know, and not from them, is that they have announced a book with the title "The Complete Whitewash." I protested immediately that this could not be, that I had not agreed to that and it would not be that in any event, that would be a fraudulent title. Someone from Carroll & Graf phoned me and we agreed on the title "Selections

from Whitewash." Then I heard from a bookstore that they had withdrawn the book, were not going to publish it. So, Gallen being a good friend, I returned the advance. Of course the advance does not have to be returned but he is this dear friend. He sent that back and said they would be proceeding.

I did not ask when they would print it, that making no real difference to me, and it was out of mind until I think this past Thursday. Then, with no ~~xxxxxxx~~ prior notice, I get by Federal Express a set of page proofs I'm asked to read and correct and return by the 4th. As soon as I noticed the title, Whitewash: selections from Whitewash

I-IV and Post Mortem, (I do not have it before me but this is, if not the exact words, what it says), so I immediately wrote and said that this title cannot be, that the agreed title is "Selections from..." and asked to be notified that this change will be made. There has not yet perhaps been time for me to be told and maybe I will be. But I am disturbed that I'll be confronted by a fait accompli.

There are 500+ pages and each left-hand page has the title "Whitewash" on it.

This means that the standard directories will list two books on the same subject by the same title! And it means also that about half of our book income, which is small in publishing terms but significant to us, will be wiped out. Plus all the calls and letters I'll have to respond to.

I'll, of course, be as l as possible. But my recollection is that last year about half of our book income of about \$40,000 was from Whitewash, we can keep it in print only by a quality, actual-size xerox edition.

I simply cannot have this for the above and for other reasons, it is a violation of our agreement and I know it can mean what for me are significant complications if they refuse to agree to abide by the agreement voluntarily.

We simply cannot ^{at} ~~out~~ our ages and in the states of our health put up with all the troubles this will cost us and we can ill afford the loss of that income.

So I ask if you can think about this and be prepared to file what you think is appropriate to stop this and it may have to be soon because the book is in page proof.

Not today because a researcher from the Washington Post will be here today but maybe tomorrow if I have not heard I may phone. I may write instead.

I have two separate verbal agreements with Gallen for him to copublish two more books. The first, Never Again! of which you know a little. enjoys the highest reputation among historian friends who have read the draft. I think that is in the hands of a copy editor now. The current one, Hoax, they are retyping as I send the draft. I've sent all the draft except the preface and conclusions. It has the making of a real sensation and is historically important. Several weeks ago Gallen told me he would copublish with Carroll & Graf and I agreed. And in my condition if they do not do it it may well mean that those books will not be published. They have scheduled Hoax for

April publication. That represents a real rush. So they see the possibilities in it. The two profs think that NEVER AGAIN! is the most important JFK assassination book of all.

I'm so upset I may not be thinking as clearly as I should and it is abnormal for me not to be able to return to sleep when I have no drive to get up and write. I do not recall it happening even one time since the 1989 heart operation.

Yesterday I wrote Gallen at some length over the Carroll & Graf current Killing the Truth which I've not seen but had parts read to me and other parts described to me. I do not know that he'll take the time to read 11 pages like this but if he does not it will serve as a record for the future. I did not trouble you with a copy but now I will.

It is a despicable business, not really relevant anyway, by a sick man who has made them much money and they are not concerned about the baseless but probably not action-able harm to many people of whom I am one.

Livingsstone is really crazy and they know it.

But when they make money from him, they care about nothing else. The insanity is what sells in the JFK assassination field!

I recognize this can mean a problems for you, even that you cannot type the papers you'd have to file. But I have no reason to believe that they do business in Maryland so they can be served and I know nobody else in NY ~~to~~ I can ask. Oh, if you have to get someone else, I'll pay, of course.

These people will face a cost of their own creation. The line at the ~~the~~ top of ~~ex~~ every other page will have to be changed. I'll enclose the title page and one of those.

Now I'll try and get some sleep. I'll read and correct this after my return from my rea early-morning routine, today first walking and resting, then a blood test and then a little physical ~~then~~ therapy. This is my Monday, ~~Wed~~ Wednesday and a Friday routine.

The other ~~2~~ mornings it is just the walking.

Researcher from Wash. Post here all day yesterday, I was unable to sleep again last night, I've written them and enclose those letters. Our best to you both,

*In effect they are trying to steal
The first and today only overall
book of fact on the assassination*

Harold