

7627 Old Receiver Road
Frederick MD 21702

July 4, 1993

Mr. Arthur Schlesinger
Graduate School
College of the City of New York
New York ny

Dear Mr. Schlesinger:

Last week my friend, Dr. David Wrone, History Department, University of Wisconsin-Stevens Point, told me he had not written you as he had planned to because he was not satisfied about how to do it. I think he feared being misunderstood. In any event, because he was going to write you about something I want to do and what grew from our discussion of that months ago, I write. I hope that in your busy day you will take time to read this with patience. I'm past 80, in ill health and limited in what I can do.

I am the author of the first book on the Warren Commission, WHITEWASH: The Report on the Warren Report. Completed mid-February 1965, it was rejected by more than 100 publishers internationally without a single adverse editorial comment. Broke and in debt, I was nonetheless able to publish it and then make a fair success of it. Like all my subsequent work, it is factual, not theoretical. I've published seven books, one on the King assassination, six on JFK's assassination and its investigations.

Just after the 1974 amending of the Freedom of Information Act, Tom Susman, then counsel to Senator Edward Kennedy's administrative practices subcommittee, invited me in. We talked for some time. In answer to his questions I told him what I had learned, was learning and yet hoped to learn. In the course of our conversation he told me that he had asked the Senator if he knew what he was doing when as he intended he was going to make the legislative history specific on the causes of amending the investigatory files exemption. The Senator said he knew what he would be doing. He then made it clear that one of my earlier FOIA suits, for the results of the non-secret JFK assassination scientific testing by the FBI, was such a cause. (Congressional Record page enclosed)

I had never attempted to involve any Kennedy or staffer in my work, believing I should not. So I was gratified when I could speak with Susman and I hoped he had in mind informing the Senator. I did not ask. It was, for me, an animated conversation and I was then oblivious to all else.

My wife was sitting in the back of the room, waiting. When we left she asked me if I had noticed the young woman sitting on the floor near us. I had had only a glimpse of a cross-legged, barefooted young woman I had assumed was an intern and had paid no attention to her. My wife told me it

was Caroline Kennedy and that she had taken in every word, had been very interested, and had done nothing else throughout the long conversation between Susman and me. I never forgot this but never exploited it in any way. I do not now.

After the effective date of those amendments, I made extensive use of FOIA. Still broke and in debt and then in failing health, in the course of getting about a third of a million once-secret pages, I also set a few precedents.

Those records along with all my work will be a free public archive at local Hood College, a small and an excellent one. There was no quid pro quo, I asked for none and I refused to sell the archive to a wealthy man. While I can still use it, make it available, as I do, to all writing in the field and can direct others to specific records, I retain it.

My physical limitations and problems deny me any real access to most of these records because the only place we have for them is in our basement and I can use those stairs only a few times a day and then with difficulty and some hazard. That is why for so long I wrote no more books. I decided that the best use I could make of the time that remains to me would be to perfect the record for history as best I can.

The propaganda exploit by the Journal of the American Medical Association that began in May 1992 provided me with a means of overcoming my limitations and liabilities. I use it as a skeleton and I flesh it out with

some of my earlier writing that is so little known and with what was either in my office files or what a Hood student, since graduated, could do for me in a few hours weekly.

That book exists in a rather large draft I have not edited, ^{it} Wrone asked that I send him a few chapters, and without telling me he began to retype it on his computer. He continued the retyping and has it all on discs. This means it is no big deal to make additional copies.

Wrone's opinion is that the book is "unprecedented." Also my dear friend, Dr. Gerald McKnight, head of Hood's history department, told its president in recommending my wife and me for honorary degrees that "it should revolutionize thinking about the JFK assassination."

The thrust of all my books is that in time of stress and since then all our institutions failed and continue to fail our society. I develop that in more detail in this new book. It is at the same time a rather inclusive overview of the corpus delicti, the assassination and its investigations. It also brings to light new and significant information, mostly from those FOIA records.

As I neared the end of the writing I was reminded by her book of Caroline Kennedy's interest in what I was telling Susman. Knowing that if and when published some cutting would be inevitable, I wanted to give her a copy. Without my ever making any use of that, as I did not of her interest

in the subject. She is now a lawyer and I think it is just fine that, as her father did, his Profiles in Courage, she and her coauthor ^{and} ~~and~~ their book on "The Bill of Rights in Action," its subtitle. I also believe that with the interest she manifested, she would like to know what is in the book without any obligation and asking nothing of her, along with the promise of confidentiality.

But I feared that anything with my name on it would be misunderstood, especially given the exploitative and commercializing nature of the flood of so-called assassination books that poison the well of the national mind as they do.

Wrone said he would undertake to do that. As we discussed how he might do it, he wondered whether he could do it through you. I then wondered if you might want a copy, with the assurance that no use would even be made of that. He said he would write to you and ask you.

When a friend who is also a publishing lawyer and copublishes with Carroll & Graf, whose record in the field is not to my liking, visited us almost a year ago, he expressed an interest in what I said I would do in the book. After reading the entire draft, he said he would publish it with Carroll & Graf. I then was sure it would be out and that some of the content would not be available to Mrs. Schlossberg. Or anyone else, including you, so I again mentioned his planned letter to Wrone. By then he was involved in finals, grades and the like as the term ended.

Since then the situation has changed radically. I tell you about it because I believe I should, not asking anything of you, much as I think the book will not now be published. I also do not want to blindside you or leave any suspicion of it.

Carroll & Graf found particularly profitable two trashy books by an irrational man. When I began the new book, I had no reason to believe that, insane as that man, Harrison Edward Livingstone, had been in his monstrous allegations he had told me were for a TV documentary, they would suffer him again for another book. It was quite long after I reached the verbal agreement, later confirmed in writing, that I learned he was working on a book in which he will say that all the others of us, generally and less than accurately lumped together as "critics," have conspired against him and his "breaking the case wide open." When interviewed by Publishers Weekly, Kent Carroll said, in effect, that it will prove that we are all accessories after the fact. He also said the first hardback print will exceed 50,000. And thus there will be further JFK assassination disinformation and misinformation.

After reading that PW story and having heard nothing about any planned pub date or any plans for promotion of my factual book, I wrote my friend and asked him. In two weeks he has not responded. As belatedly I thought of this, it troubled me because of the clear inference I had not considered earlier as I should have, that Carroll & Graf are delaying my book because with attention it can ruin their irrational and unfactual gravy pot Livingstone's.

So, I am withdrawing my book.

I will not be blackmailed and I will not be silenced. I think this is their intent. In writing the book that, from their history and mine, I had no reason to believe publishers would be interested in, I recognized it might be no more than an unpublished record for our history. It will remain only that with my refusal to accept what reflects on my personal and professional honor and integrity.

As I thought about what to me is this dirty business, the publisher blackmail and the coming flood of books I have no reason to believe any one of which will be factual and not an exploitation and commercialization, I decided to make another record for history in the form of another book that may never be published. I think the working title is descriptive enough. It is "Inside the JFK Assassination Industry." Two parts will deal with the two authors of frauds that reached most people and made most money.

I am not Merlin and cannot, of course, remember the future. I know what can be possible and what is not likely. Given our ages, states of health of the older victims of this coming Carroll & Graf defamation, it does not appear to be likely that any lawsuit can be expected. I think C&G are depending on that.

Because Livingstone was so menacing to me, I felt I had to make a gesture at self-protection. I am feeble, may not lift more than 15 pounds and I live in a woods in a house not visible from the highway. When Livingstone was making wild accusations against me, I took a rather large collection of his letters to me and to others to the local prosecutor. There is a prima facie case of a felony under the Maryland code. The prosecutor also believed on merely skimming what I gave her that there is probably violation of federal laws in what he wrote. I also told her of an uncompleted Baltimore police internal investigation of policemen who investigated for Livingstone, a violation of their rules, and of their misuse of the police computer for him and his book. Livingstone also represented himself as of that police department in letters he wrote. He was in his sick mind so carried away with this that he even wrote a letter to a hospital complaining about a doctor on its staff - on a Baltimore police letterhead.

While I believe that all public authority will be reluctant to take any steps against a writer, it does not appear to be impossible that some may be taken, resulting in another regrettable assassination stink. I deplore it if it happens but then I also deplore all the misleading and overly fraudulent books on such a subject.

If you will be kind enough to get a copy of the unedited, remember, manuscript (written much too rapidly because I've been on borrowed time so long and do not know when my credit will run out) to Mrs. Schlossberg, I do not have to know. The same if you would like one. David Wrone's address is 1518 Blackberry Lane, Stevens Point, WI 54481. His home phone is 715/344-8148. He will provide it or them.

Wrone is one of three professors who know me well and can answer any questions about me, particularly whether my word can be depended upon. The

others, and they all are subject experts and teach not whodunits but the politics of assassination courses, are Dr. Gerald McKnight, 310/473-5639, and Dr. Gerald Ginocchio, sociology department, Wofford College, Spartanburg, SC, home 591 Lucerne Drive, 29302.

I hope I have not taken too much of your time and I thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harold Weisberg".

Harold Weisberg

the agencies operated illegally. The problem is that in the quest for law and order, case after case after case after case has been thrown out because the law enforcement and intelligence communities acted illegally. So I do not think we attain any particular status of accomplishment in conquering organized crime, or any crime whatsoever for that matter, with illegal activities resulting in cases being thrown out of court.

I would suggest that the record speaks for itself. Frankly, I never thought the record of former Attorney General Ramsey Clark was that good. But, comparing his record with that achieved by succeeding Attorneys General, he looks like Tom Dewey in his prosecutorial heyday.

Mr. HRUSKA. That record is bad, but do we want to make it worse by adopting this amendment which threatens to tie the hands of the FBI and dry up their sources of information? I say, with that, the soup or the broth is spoiled, and I see no use in adding a few dosages of poison.

The pending amendment should be rejected.

Mr. KENNEDY. Mr. President, I do not recognize the amendment, as it has been described by the Senator from Nebraska, as the amendment we are now considering. I feel there has been a gross misinterpretation of the actual words of the amendment and its intention, as well as what it would actually achieve and accomplish. So I think it is important for the record to be extremely clear about this.

If we accept the amendment of the Senator from Michigan, we will not open up the community to rapists, muggers, and killers, as the Senator from Nebraska has almost suggested by his direct comments and statements on the amendment. What I am trying to do, as I understand the thrust of the amendment, is that it be specific about safeguarding the legitimate investigations that would be conducted by the Federal agencies and also the investigative files of the FBI.

As a matter of fact, looking back over the development of legislation under the 1966 act and looking at the Senate report language from that legislation, it was clearly the interpretation in the Senate's development of that legislation that the "investigatory file" exemption would be extremely narrowly defined. It was so until recent times—really, until about the past few months. It is to remedy that different interpretation that the amendment of the Senator from Michigan which we are now considering was proposed.

I should like to ask the Senator from Michigan a couple of questions.

Does the Senator's amendment in effect override the court decisions in the court of appeals on the Welsberg against United States, Aspin against Department of Defense; Diltow against Brinegar; and National Center against Weinberger?

As I understand it, the holdings in those particular cases are of the greatest concern to the Senator from Michigan. As I interpret it, the impact and effect of his amendment would be to override those particular decisions. Is that not correct?

Mr. HART. The Senator from Michigan is correct. That is its purpose. That was the purpose of Congress in 1966, we thought, when we enacted this. Until about 9 or 12 months ago, the courts consistently had approached it on a balancing basis, which is exactly what this amendment seeks to do.

Mr. President, while several Senators are in the Chamber, I should like to ask for the yeas and nays on my amendment. The yeas and nays were ordered.

Mr. KENNEDY. Furthermore, Mr. President, the Senate report language that refers to exemption 7 in the 1966 report on the Freedom of Information Act—and that seventh exemption is the target of the Senator from Michigan's amendment—reads as follows:

Exemption No. 7 deals with "investigatory files compiled for law enforcement purposes." These are the files prepared by Government agencies to prosecute law violators. Their disclosure of such files, except to the extent they are available by law to a private party, could harm the Government's case in court.

It seems to me that the interpretation, the definition, in that report language is much more restrictive than the kind of amendment the Senator from Michigan at this time is attempting to achieve. Of course, that interpretation in the 1966 report was embraced by a unanimous Senate back then.

Mr. HART. I think the Senator from Massachusetts is correct. One could argue that the amendment we are now considering, if adopted, would leave the Freedom of Information Act less available to a concerned citizen that was the case with the 1966 language initially.

Again, however, the development in recent cases requires that we respond in some fashion, even though we may not achieve the same breadth of opportunity for the availability of documents that may arguably be said to apply under the original 1967 act.

Mr. KENNEDY. That would certainly be my understanding. Furthermore, it seems to me that the amendment itself has considerable sensitivity built in to protect against the invasion of privacy, and to protect the identities of informants, and most generally to protect the legitimate interests of a law enforcement agency to conduct an investigation into any one of these crimes which have been outlined in such wonderful verblage here this afternoon—treason, espionage, or what have you.

So I just want to express that on these points the amendment is precise and clear and is an extremely positive and constructive development to meet legitimate law enforcement concerns. These are some of the reasons why I will support the amendment, and I urge my colleagues to do so.

The PRESIDING OFFICER (Mr. DOMENICI). The Senator from Nebraska has 6 minutes remaining.

Mr. HRUSKA. Mr. President, I should like to point out that the amendment proposed by the Senator from Michigan, preserves the right of people to a fair trial or impartial adjudication. It is careful to preserve the identity of an in-

former. It is careful to preserve the idea of protecting the investigative techniques and procedures, and so forth. But what about the names of those persons that are contained in the file who are not informers and who are not accused of crime and who will not be tried? What about the protection of those people whose names will be in there, together with information having to do with them? Will they be protected? It is a real question, and it would be of great interest to people who will be named by informers somewhere along the line of the investigation and whose name presumably would stay in the file.

Mr. President, by way of summary, I would like to say that it would distort the purposes of the FBI, imposing on them the added burden, in addition to investigating cases and getting evidence, of serving as a research source for every writer or curious person, or for those who may wish to find a basis for suit, either against the Government or against someone else who might be mentioned in the file.

Second, it would impose upon the FBI the tremendous task of reviewing each page and each document contained in many of their investigatory files to make an independent judgment as to whether or not any part thereof should be released. Some of these files are very extensive, particularly in organized crime cases that are sometimes under consideration for a year, a year and a half, or 2 years.

Mr. HART. Mr. President, will the Senator yield?

The PRESIDING OFFICER. All time of the Senator has expired.

Mr. KENNEDY. I yield the Senator 5 minutes on the bill.

Mr. HART. Mr. President, I ask unanimous consent that a memorandum letter, reference to which has been made in the debate and which has been distributed to each Senator, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

MEMORANDUM LETTER

A question has been raised as to whether my amendment might hinder the Federal Bureau of Investigation in the performance of its investigatory duties. The Bureau stresses the need for confidentiality in its investigations. I agree completely. All of us recognize the crucial law enforcement role of the Bureau's unparalleled investigating capabilities.

However, my amendment would not hinder the Bureau's performance in any way. The Administrative Law Section of the American Bar Association language, which my amendment adopts verbatim, was carefully drawn to preserve every conceivable reason the Bureau might have for resisting disclosure of material in an investigatory file:

If informants' anonymity—whether paid informers or citizen volunteers—would be threatened, there would be no disclosures;

If the Bureau's confidential techniques and procedures would be threatened, there would be no disclosure;

If disclosure is an unwarranted invasion of privacy, there would be no disclosure (contrary to the Bureau's letter, this is a determination courts make all the time; in-

Full text of Congressional Record of which this is part in top drawer of JFK appeals file cabinet.