

Whippening / Sept. 28, 1978

Dear Mr Lipscomb,

Referring to our phone talk of last week, the more I think of it the more I like your suggestion to make the outcome of the trial more suspenseful and uncertain and Jason Spurrier's part in it ^{even} less certain and more ambiguous. In fact I'm thinking of at least suggesting the thought that the defendant's defense might itself be a clever way to hide his own guilt. My Anatomy novel had that quality, and I thank you for sensing that my new yarn needs it.

To this end I am thinking along these lines: eradicate the diary and Jason's suicide; instead plant his wood's retreat on the shore of Lake Superior and have him sail away into a storm and have the wreckage of his boat found but no sign of Jason. Maybe I'll have enough of charred papers or diary left in the charred body (the question of arson to be made ^{more} ambiguous) to raise ^{even} more uncertainty.

9/28/78

To this end I will need the manuscript back not only to make these large revisions but also to incorporate a lot of routine changes and corrections since I sent you the script last March.

About any contract I have these thoughts that I'd better pass on pronto. I didn't ^{do so} the other day because that was our first direct contact since March and contract terms were far from my thoughts. Those thoughts are these:

(1) I don't want to give an option for a next book. If we hit it off of course you'd get any next book; if we don't I certainly don't want to be tied to do so.

(2) While in no sense do I want to be a party to negotiating so-called subsidiary rights (paperback reprints, movie and TV rights, etc) I do want to know about them and ^{to} consent in writing to any deals before they are made.

If you can't or won't "buy" these terms then we both better know it now; if you can I'd like to add that I'd like any advance to be split into two calendar years.

This letter is getting pretty long, so I'll stop and await your verdict.

Regards.

John Walker

Dshpeming / Jan. 4, 1979

Dear Ned,

While I swear I'm not a chronic first-namer, it does seem a little less stuffy this way...

By the time you get this I am pretty sure I will have completed the revisions I had in mind -- in fact it's now largely a matter of typing. I suppose there's not much ^{point in} sending this material on to you until I hear your suggestions for possible further revisions (which I shall welcome), but since your suggestions might ^{well} be affected by what I've already done, perhaps I'd better tell you ^{a little} more about it.

^ In the original story I sent you I had Jason Spurrier run shouting from the courtroom after Kirk accused him of using hypnotic compulsion to perpetrate the homicide ^{for} of which he, Kirk, stands accused.

After that [^] I had Jason flee to his camp and commit suicide by shooting himself while at the same time setting fire to ~~the~~ ^{himself} his bed while clutching a diary that pretty conclusively shows Kirk's story is true.

Jan. 4, 1979

That version not only possesses large fields of improbable corn but, worse yet, pretty well dissolves any further reader suspense over the outcome of the trial.

The bulk of my present revision is aimed squarely at mending that ^{sad} state of affairs, and while I still have Jason flee the courtroom during Kirk's memory-restored accusation from the witness stand, I have scrapped the bang-bang suicide and arson fire (why would a covetous soul who'd banish his wife for her money burn down his own expensive lodge?) along with his diary.

Instead I now have him leave a ^{cryptic} note expressing his intention to return to court to refute Kirk's "slandorous" charges after taking a brief sail on Lake Superior to clear his outraged thoughts. Meanwhile a storm comes up and when the law boys get there they find Jason's unmanned sailboat but no Jason and both the reader and jury are left wondering whether Jason ^{really} do ^{downed} was accidentally or ran away. This ambiguity is strengthened by the prosecutor injecting the thought that Kirk ^{may have} made up his defense and that Jason was ^{really} indeed ^{foully} slandered.

strongly

[Jan. 4, 1979]

3.

There are many details and, I hope, tense moments I have not covered in this summary, but this is the gist & heart of my revision and I do hope I've added both ~~of~~ suspense and tantalizing ambiguity to the story.

To this end I have completely rewritten and retyped Chapters 32 through 40, still the last chapter, making all of them shorter, faster-paced and, I hope, far more suspenseful. Other earlier chapters have been ^{briefly} corrected to move Jason's fishing ~~ledge~~ ^{farther} ~~from up~~ ^{down} on the Yellow Dog River ^{farther} where it joins Lake Superior and making a sailor out of him. (Yellow Dog River is an actual ^{tribut} stream I've often fished ^{hemp} the English version of its old Chippewa Indian name.)

I guess this is enough for now.

Best to you and Addie Sneider.

John

(more)

1/4/79

One thing I forgot: at Chapter 8, page 6 occurs the one lone footnote in the book referring to a Table of References at the end, which ^{footnote} I wish you would read so I don't have to repeat it here. You have not yet seen this end-of-book Table ^{the paging of} which I now have to revise in the ^{light} of my own and any new revisions.

The point is that I seek to cite actual authority for virtually ^{important} every legal or psychological reference made in the main

text, something new in any novel I've ever seen or heard of ~~and~~. Both lay readers and lawyers could find these references quite beguiling, and while I didn't write this book for my fellow lawyers possibly I unconsciously sought to soften their ^{wide} reputation for never reading anything but laws and law books.

One more point: I guess I've also tried to recreate the actual, ^{rather} shifting, rough and tumble of a hang-up, criminal trial, many of which I've ^{naturally} engaged in during my 14 years as D.A. and following years as a defense attorney before I was ^{abruptly} judicial ^{judicial} hucked up on a bench clad in a black judicial nightgown before I quit to find time to fish & write. John

Iskpeemig | Jan. 29, 1977

Dear Ned,

Thanks for your letter of the 18th telling me you got my revisions and all the rest. I now enclose a new batch of corrections and replacement pages which, to avoid further cluttering this ^{long} letter, I'll explain in more detail on a separate sheet.

I think a good many of your editor's suggestions for possible revisions may be covered by these corrections and replacement pages and especially by the ⁹ revised chapters 32 through 40. Let me try to name a few. Thus, by now banishing Jason's diary we have also banished the accompanying narrative necessity of telling the expectant reader ~~what~~ ^{the facts} what it contained, including that Jason indeed hypnotized (let's call it X) ^{Connie} into marrying him; X'ed her into making a new will; X'ed her into forgetting she'd make it. All this and indeed whether Jason did anything at all now remains deliciously (I hope) ambiguous.

All we now have is the guess of Frederic's talkative law partner, Jeremiah, made from the witness stand -- the same Jeremiah who earlier hazarded the wrong guess that the old housekeeper ^{Apholm} might be the guilty witch; that plus Doctor Hughes' ^{later} testimony that, under X, some of these things ^{here} might take place ("armamentarium," remember?) although ^{at the same time} he is ~~also~~ ^{also} obliged to concede that ^{Connie} ~~might~~ ^{might} have framed his whole defence story.

[Jan. 29, 1979]

2

Why TRADE DIARY FOR OLD LAW BOOK?

^{diary and → introducing}
^{law book had, keeping}
 Banishing Jason's old ~~law book~~ ^{diary} ~~had~~ ^{→ introducing} that old law book was deliberate. Without it it simply becomes a question whether the jury will believe Randy's story. The diary left no room for ambiguity; the law book does because "under this ~~version~~ ^{version} we are ^{still} not quite sure whether Jason got his "plot" from it or whether Randy did, who after weeks of absence knew precisely where ^{on his shelves} Jason kept his books.

TOO MUCH HYPNOSIS?

^{attending novel} Much of the early "hypnosis" buildup I feel is necessary because the whole defense ^{story} here is tied up with it. We not only have the, I hope, absorbing question of whether a crime ^{ever} can be perpetrated by ~~it~~ ^{also by it might be} and then, for gotten, but the legal question of whether it may be used to recover that lost memory (the actual California Conroy case), and then, coupled with that, the further ^{novel} legal question of whether, granting all this, hypnosis induced crime ^{may even} comes ^{equally} under the sheltering umbrella of the ^{same} degree of impaired consciousness - one reason I felt impelled to cite actual existing authorities.

[Jan. 29, 1979]

23

BARKIS IS WILLING

I am sure that there are many places ^{in the book} that need further cutting and polishing and possibly major revision, but until you've had a chance to read ^{and ponder} the corrections and revisions I've sent you, including ^{those} with this letter, I feel I'd better rest my oars a bit until I hear from you. Meanwhile, in the hope that I can help with your appraisal, I'll venture ~~venture~~ a few ^{general} comments on some of the ^{other} points you raise in your letter. None of my thinking is frozen and I'll continue to assume that all of us are only seeking to improve what I hope is already basically a rattling good story. Here, ^{off the top} are some ^{informal dashed-off comments} ^{some occasionally by repetition} of these points, not all related, which I find easier to write separately rather than try to weld them into a ^{coherent} neatly-paragraphed letter:

[Jan. 29, 1979]

4

ON "SOFTENING" HYPNOSIS is

1: I agree that hypnosis lies at the heart and core of my story and that I've tackled quite a chore in trying to convince an intelligent reader that hypnosis not only solves the crime but reveals how it was pulled off. My present reaction is that plausibility is not increased by diluting and backing away from this unusually coincidental plot ~~scenario~~ mixture, which might only weaken it, but ^{rather} concentrating on it. For better or worse, this is ^{background up to and} my story and I feel I must ^{try to} meet the narrative dare I've dreamed up, not back away from it.

[Jan. 29, 1979]

5

FAR MORE THAN X INVOLVED

~~As~~ While hypnosis dominates my story, it does not stand alone. Of almost equal importance, I hope, is the unusual defense Rand's lawyer dream up for him: impaired consciousness. That it is unusual I know because for 14 years I was DA of this sprawling mining and logging county during which I collided with some of the toughest and savviest old lawyers in this sprawling Upper Peninsula and yet never once did I face or hear ^{a hint} of this defense until, ^{it was out of} dug ⁱⁿ the law books to be able to write my book.

Yet impaired consciousness is, ^{a venerable,} an actual, honest-to-God defense to crime, if rarely used. Indeed, had I been Patty Hearst's lawyer, almost surely I would have come up with some form of this defense and I can only guess that the reason F. Lee Bailey didn't was because, like most lawyers (including ^{one old} ^{son} ex-DA until fairly recently!) he ^{didn't} ^{even} know about it.

[Jan. 29, 1979]

6

ARE MY REFERENCES "FICTIONAL"?

None.

All are actual, including laws, statutes, cases, opinions, quotations, books, articles (law review & psychological), ^{everything} all of which I state in my lone footnote in Chap 5, ^{et seq} and ^{further} ⁱⁿ the Table of References.

As far as I can find, this is something new in a novel, which the average reader ^{is free to} ^{ignore} and yet ~~such~~ just might attract a whole batch of new readers -- though that isn't why I ^{do} it. In a sense it is a sort of courtroom "Roots" or possibly akin to that so-called non-fiction novel by that writer whose name eludes me, ^{unlike} Other Voices, Other Rooms ^{at Jefferson}.

At the same time I have tried to catch ^{some} some of the ^{highly} drama and ^{often} ^{more} ^{heightened} ^{to} ^{my} ^{mind} ^{by} ^{the} ^{ancient} ^{decorum} and imposed understatement with the lawyers ^{acting} ^{many} ^{roles} ^{chiefly} ^{simultaneously} trying to charm the jury ^{and} ^{convince} ^a ^{skeptical} ^{giz} ^{giz} ^{giz} -- and find a cool glass of water.

* EUREKA! In Cold Blood by Truman Capote

[Jan. 29, 1979]

7

Is this just another Svengalian yarn?

I like to think it is far more than that. Most of ^{the} relatively few hypnosis-based stories I've run across have been pretty much Svengalian-type pot-boiling thrillers in which hypnosis is little more than a melodramatic plot gimmick -- "Ah, Cheryl, my concupiscent little pigeon, now you ~~are~~ ^{I have} in my power - n - n!"

At least I have ^{worked my damn ass} ~~really~~ ^{tried} to explore the subject, not to further cheapen it, and while I've tried to keep both my pulpit and soap box decently hidden, perhaps ^{also} in the incidental hope that ^{maybe} it can ^{help} get out of the universal doghouse where it ^{has} so long been tethered.

Perhaps the very unusualness of my yarn may account for some of your editors' wariness over parts of it. It is unusual, and yet I hope that some of the density some of you ^{feel you} may detect may be at once both necessary and diversionary enough to lure the patient into swallowing the pill. (Hell, sometimes I think I should have taken up the law!) (Or is it writing greeting cards?)

[Jan. 29, 1979]

8

ON SUSPENSE A Swift reading.

I agree with your passing comment on the desirability of maintaining suspense and closing swiftly once the peak is reached. At the same time it ^{invariably} makes me think of my ~~the~~ only other ^{modern} courtroom novel, Anatomy of a Murder, which ^{Diagrams} was glued to the B.S. charts for many months. There the trial doesn't start until C. 28, here at 18. There it ran along into Chapter 57 and over 500 pages (I forgot to weigh it), here to C. 40 and I'd guess much fewer pages.

There all the basic facts are revealed and on the line from virtually Chapter 1; here the "big revelation" doesn't come until C. 30, but 10 from the end. There, ^{virtually all of} the "real judge's long and densely complex charge to the jury is quoted word for word; here it is skimmed ^{over} in a few paragraphs, largely because the reader ^{has} been up to his ears in "various ^{from the pickoffs} ~~conversations~~". (In passing I may say, all the while modestly fluttering my lashes, that I keep hearing that Anatomy is still recommended as outside reading to the kids at Harvard law school and elsewhere, including my own ^{U. of} Michigan.)

There in ~~the~~ a sense the whole book is a kind of prolonged denouement accompanied by a running trial bits in dialogue; here, I like to think, the suspense ^{only} really begins to mount after C. 30 -- did? did? did? Yet the most persistent comment I continue to read & hear about that ^{old} ~~book~~ is the powerful ^{air of} suspense it creates. I guess what I'm trying to say is

^{2. Swift} that suspense isn't simply a matter of word count and ~~length~~ slide from the Peak, but much more. Really the only question in Anat. was what the jury might do; here there are many questions one can pose, but my want is getting weary to list them. (I mention the best-seller bit merely to show that a long dense courtroom yarn ^{can} ~~ever~~ gap and hold a general reader.)

[Jan. 29, 1979]

9

In conclusion I guess in trying to say that I think I may ^{now} be nearing pretty close to the book I want to write. It is a dense and complicated yarn in which many pieces must fall in place, else all may be lost. Since ^{am the one who} I wrote the thing perhaps it is not too unimmodest to say that I ^{probably} know these pieces better than anyone. For this reason I think, when the time comes, that no large cuts ^{should} be made without first taking them up with me, ^{preferably} ^{by} chapter and page.

I am open to all manner of suggestions to this end; all I want is to know about them before the script is blue with blue pencil ^{marks} so that I ^{may first} see and make sure that no crucial pieces are lost. A further reason ^{is}, I guess ^{is}, that in the unlikely event we do not ^{finally} see eye to eye, I will not be faced with the delaying and expensive prospect of retyping a ^{whole} long manuscript.

Good reading and regards,

John

Shpeming / April 21, 1979.

Dear Ned, ^{and welcome}
your candid letter of April 16th
moves me to make a suggestion: Why don't
you people strike out the words and phrases
that bother you and ^{also} point out but leave
any needed ^{larger} revisions ~~to~~ to me? after all
you already know which words and phrases
they are, while I don't, and it would be far
easier to strike them out at your end than
to try to pass them on to me. And while
deletion is doubtless ^{physically} far easier than rewriting,
oddly enough it is often less painful
for a writer to rewrite whole sections and
chapters than to bring himself to banish
particular words and phrases he once so
lovingly toiled over -- something I again learned
this past winter when ^{in a few weeks} I revised the entire last
eight chapters.

If you "buy" my suggestion I also
suggest you ^{might} go light on softening the wordiness
of the defense lawyer's partner, Jeremiah
Dundell, for I've deliberately tried to make him
a gabby old Irishman (the author disguises, John?)
and too much rhetorical austerity from him
might only distort his character and dissolve
what ^{hope is} his charm.

[Apr. 21, 1979]

2

Of your "misgivings" about the plot embrace soft-pedaling and cutting the stress on hypnosis, as I ^{rather} suspect, especially in the opening section (the earlier summer ^{court} hearing before the trial) let me again point out, as I've tried to do earlier, that in my opinion hypnosis ^{lies at} the heart and guts of my story; that most people still tend to equate it with yoga and astrology and divination by tea leaves; that to too drastically cut the admittedly ^{and} extensive background and history of the subject will not only remove something absorbing in itself but make the story ^{less} not more but less believable; (also hence) my table of references.

Speaking of references I've decided it would be easier and cheaper and less fuss all around if I checked them out myself at this end. ¶ A final small point:

¶ [^] If ~~any~~ of your readers have already pounced on my spelling of "goddam", which runs through ^{out} the book, let me say that I use it only for small stress and as a mild expletive and emphasizer (much as "shucks" to an Indiana farmer, say) and not as a curse or divine imprecation. William Safire shares my view and spelling in last Sunday's Time magazine, which I hope may please your stylist.

[Apr. 21, 1979]

3 or early rejection

Finally I do hope you are, ^{either} aiming at fall publication as you've now had this book well over a year; time marches on and I grow no younger; and I'd like to turn to something else, which I can't ^{very well} do with this one still in typescript. So I welcome the prospect that we can ^{soon} happily resolve any problems and that I will be shortly hearing from you and Jo Anna. -- though I guess I've been spelling ~~to~~ ^{her first name} ~~as out word~~ wrong.

Good luck and regards,

John