

Draft of proposed JL ltr to Judge A. Robinson

When Mr. Weisberg sent me the letter from the ~~xxxx~~ readily-available Warren Commission files attached to my letter of _____ he proposed a simple method by which fact might help be made available to this Court.

This Court will recall the earlier letter discloses that as a Member of the WC Pres. Ford sought the dismissal of Professor Norman Redlich, then on the staff of the New York Univ. School of Law and now its dean.

Defendant's claim in refusing to ~~provide~~ ^{permit} Mr. Weisberg ^{to have} with access to the executive session transcript of May 19, 1964 is that the transcript must be withheld to preserve the rights of privacy and to prevent the defamation of two former and unnamed Commission counsel whose names were never secret and ~~whose~~ against whom the campaigns of vilification had been well publicized at the time.

Mr. Weisberg has made a long and detailed study of these executive sessions as part of his intensive study of the Commission and its executive-branch agents. In C.A. 75-226 in which I represented Mr. Weisberg, the Department of Justice attested that he knows more about the subject than anyone in the F.B.I. This endorsement was filed by Mr. Ryan, who represents the government in the instant case. Mr. Weisberg's study of these transcripts is partly incorporated in an incomplete manuscript the size of which he estimates at close to 100,000 words.

From his work Mr. Weisberg was confident that rather than a concern for the privacy and reputations of Dean Norman Redlich and Joseph A. Ball, Esq., Defendant's interest is really in seeking to prevent embarrassment to President Ford in an election year ^{the actual content} because of what is withheld from him.

Mr. Weisberg maintains a non-interest bearing account with The National Archives. When he sent me Congressman Devine's letter that bears of President Ford's secret record with regard to those of the Commission staff considered liberal Democrats, Mr. Weisberg asked me to perform a simple experiment for the information of this Court.

He asked me to phone the National Archives and to ask it to xerox from the file

identified as PC-8 what it holds about this flap inspired by racists and other extremist of the far right. Neither Mr. Weisberg nor I personally examined that files. We did what any person can do, phoned Defendant National Archives and asked that copies be made. Last week I obtained more than 350 such pages, made copies and provided Mr. Weisberg with the copies for his examination.

This examination discloses exactly what Mr. Weisberg had told me, that there had been an extraordinarily extensive and extremely well-publicized campaign in ~~which~~ which libel tinged the venom of political Neanderthals and that a large number of Members of both Houses of Congress had been involved by their constituents and others.

The amount of publicity exceeded his recollection of it as reflected in only those pages provided ~~in~~ by Respondent National Archives in response to this request. These pages provided refer to countless other pages of letters and attachments to letter from the public press. These pages include numerous responses to Members of the Congress without including the Congressional letters and the attachments to them.

That more than 350 pages of ~~pages~~ character defamation can be obtained from Defendant by only a phone call is the experiment Mr. Weisberg wanted performed to establish a basis for evaluation Defendant's representations to this Court; the transcript must be withheld to protect the reputations of two of the country's more prestigious Members of the bar. (Mr. Ball's partner is former California Governor Edmund "Pat" Brown, whose son, the present Governor, has been campaigning against President Ford and would like to run against him.)

Examination of the pages provided in response to the phone request ~~established~~ establishes that there was a large, probably centrally-directed, coast-to-coast multi-media campaign most ~~in~~ against Dean Redlich (but including the former Chief Justice also) redolent with the equating of civil libertarianism with subversion. The campaign extended into the Congressional Record and the newsletters of Members.

Dean Redlich, whose name was commonly misspelled, indicating the influence of

the electronic media. He was called in these readily-available records a pinko, a Commie, a Communist S sympathizer, a Communist front, a subservice and even a Russian spy.

There were not fewer than two coast-to-coast electronic campaigns, one by Paul Harvey on ABC and the other by Fulton Lewis Jr on Mutual, which they served more radio stations than any other network. Numerous newspapers were part of this campaign. What radio stations described as editorial opinion was libel. These personal defamations were spread by individual letter-writers who often attached newspaper clippings. Extremist publications of greater virulence and lesser circulation joined in lustily.

The late Mr. Lewis included a number of his newsletters in this campaign.

The crimes allocated to Dean Redlich centered around his association with the Emergency Civil Liberties Committee, which defended the Constitution rights of minorities from right to left; and his advocacy of the abolition of the House Un-American Committee, which the Congress ultimately did do.

Fulton Lewis Jr. employed several former members of the Un-American Committee staff on his staff. His son, Fulton Lewis III, was the spearhead of the Un-American Committee's use of public fund to resist the effort to terminate it by legal and proper means. ~~xxxx~~ The third Mr. Lewis' functions included making a movie in defense of the Un-American committee. While he was so engaged there were charges that violence was caused in San Francisco just for his filming and use as propaganda. There would thus appear to be motive for the baseless and defamatory campaign against Dean Redlich.

Where these numerous ~~xxxxxxxx~~ poison-penners were specific in complaints against Dean Redlich, one of the two ~~xxxxxxxx~~ predominating complaints had to do with the ECLC's defense of the late Carl Braden. Mr. Weisberg remembers that Mr. Braden sacrificed a successful career in journalism in Kentucky by making it possible for a black family to purchase a home in a white neighborhood. This is what led to Mr. Braden's characterization as a "red" by racists and other extremists.

Over its duration this campaign of political defamation no part of which is secret became a major diversion of the Commission's ~~own~~ time and that of its staff. It is certain that there is no single state in which these defamatory charges were not extensively aired in public.

There was outrage over this public vilification and the inferences that the Communists, allegedly having killed the President, were controlling the investigation from inside it. Students and friends hastily submitted 21 pages of supporting petitions. In addition to those letters written by faculty associates, ~~one~~ ~~was~~ was signed by 28 members of the law faculty.

after considering an FBI full-field investigation
In the end, the Commission rejected President Ford's efforts and ~~jointly~~ at the conclusion of the May 19 executive session made a public statement of clearance. (This statement is included in several different form letters it actually was necessary to employ at various time before and after May 19.)

The actuality is that rather than being a "red" Dean Redlich was selected by a Republican J. Lee Rankin, who had been Solicitor General of the United States. Dean Redlich was later Rankin's assistant on the Warren Commission. When Mr. Rankin became Corporation Counsel of the City of New York under a Republican administration he chose Dean Redlich as his assistant who serves in that capacity during Mr. Rankin's long incumbency.

Attached are samples illustrative of the ^{public} nature and character of this campaign so utterly defamatory to to RD Defendant's knowledge so public. The entire file can be provided if the Court desires it. Without doubt there is an extensive number of records not provided and easily obtained. Neither these nor those favorable to the accusees are volunteered to avoid burdening this Court. The samples provided are intended to show indications of the scope and content of the campaign and to ~~reflect~~ include samples of self-reflection by those who became part of it.

We believe that in addition to all other considerations, those of law included, this proves there can be and is not intended to be any protection of rights or reputations save that of the current political candidate by this withholding in which even delay is a

*Political adventage to President Ford. We believe that we can
this court. have been imbedded upon.*