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September 28, 1977

Mr. Les Whitten  
1401 16th Street, N.W.  
Washington, D.C. 20036

Re: Weisberg v. Department of Justice, C.A. No. 75-1996

Dear Les:

Well over a month ago you expressed a willingness to execute an affidavit in support of Harold Weisberg's attempt to obtain a waiver of the search and duplication costs he has incurred in connection with his Freedom of Information Act lawsuit for Department of Justice records on the assassination of Dr. King. I promised to send you some suggestions as to what the affidavit should contain. I apologise for the delay, which was due in part to health problems--extraction of a wisdom tooth, gout, the effects of the colchicine prescribed for gout.

I intend to argue that Harold's work is unique in scope, character, and historical importance; that it has raised profoundly disturbing questions about the integrity of our basic institutions which are matters of great concern to the body politic; and that the public interest will be furthered by allowing him to obtain copies of the records he is seeking without being required to pay the search and duplication costs.

With this in mind, my suggestions as to matters which you may want to include in your affidavit are as follows:

1. Your credentials. Who you are, what you do, who you do it for. How long you've been at it. Awards.
2. That you've written about aspects of the King and Kennedy assassinations. The number of years you have done so.
3. How long Harold has been providing you with information and evaluations of matters relating to the King and Kennedy assassinations.
4. Your opinion of Harold's reliability, the accuracy and significance of the information he has provided you. Whether he is more reliable than other "critics" of the official position on the King and Kennedy assassinations.

5. Is Harold helpful in countering what otherwise would amount to a government-controlled monopoly on information about the assassinations? Has he provided information of value which the government has not, either because it was unaware of it, missed its significance, or was covering up?

6. Have you and other reporters made use of information which was provided by Harold or to which he directed your attention? Did you make use of such information in your own investigations? In stories you have published? Do you know other reporters who have done so?

7. Have you and other reporters relied on Harold's evaluation of information you have gotten from other sources? Has he steered you off of any bum stories or on to any good ones?

8. Does Harold make himself freely available to you and other reporters whenever you have questions pertaining to the King and Kennedy assassinations? On other subjects, too, such as the CIA's mind control projects? Does he provide information without charge?

9. Has Harold offered to make his files available to you and other reporters in connection with your own work on assassinations and other subjects of great public interest? Has Harold provided you and other reporters with copies of records which he maintains in his files on these subjects?

10. Can the press and the public safely rely upon government agencies for information about the assassinations of Dr. King and President Kennedy? If not, what alternative does the press have where the issues are as complicated and politically sensitive as they are in the case of these assassinations? If the public is to be fully and accurately informed, is it not essential to have someone independent of the government who is knowledgeable about these events and therefore in a position to be able to level such criticisms as are warranted of the government agencies and officials who investigated these crimes?

11. The FBI has placed certain documents on the King assassination which it selected in a public reading room in the J. Edgar Hoover Building. Is this an effective or realistic way of making information available to the public about Dr. King's assassination? For example, will members of the public, or even of the press, be able to evaluate the information contained in the FBI's selection? How will they know what to look for, where it is, or what is missing, unless they have some guidance from someone knowledgeable in all facets of the assassination and its investigation? Could any reporter take the time needed to go over the more than 20,000 pages of documents relating to the King assassination in the FBI's Central Headquarters files?

12. Will making government records on the King assassination available to Harold without charge be in the public interest? Will it help the press and enable the press to better inform the public? Has Harold not already served the press and the public interest through the records he has obtained so far?

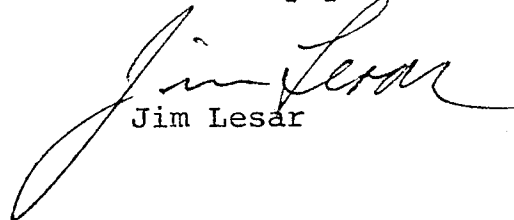
13. Does the government attempt to influence and control the public mind through selected leaking of government-controlled information? Is this sometimes very prejudicial to truth? Does the fact that someone like Harold has amassed knowledge and the available public records on a particular subject help to counteract this problem?

14. Is Harold's plan to donate his files to an archive to be established at the University of Wisconsin--Stevens Point an act which stands to benefit scholars and the American public? Is it in the public interest?

I hope these suggestions will help you prepare an affidavit. I do very much appreciate your offering your assistance. The fight which Harold has been waging for the past thirteen years has been a very difficult one, and often a lonely one. I'm glad to see help forthcoming, and I know it means a great deal to Harold.

If you have any questions, please call me.

Sincerely yours,



Jim Lesar