

Rt. 12, Frederick, Md. 21701
9/12/75

Dear Jimmy,

We haven't moved. The post office renumbered the rural routes.

Jim will write you when he can find time. He has asked for an extension of time from 6th circuit. The more he got into the transcripts the more difficult the whole thing got to be. He is coming along well but needs time to do the minimum good job.

If you want a laugh about how hard, this story about what happened this morning.

The end of April I got sick. I'm never sick. That time I got pneumonia and pleurisy. It left me weaker and tired for a while so I decided that when I felt too tired I'd just force myself to sleep longer. I got up at 4, decided to go back to sleep. Then at 5 and made the same decision. Then at 5:45 the phone rang. My wife answered it on the bedroom extension and the funniest thing happened: she kept saying "hello" and the phone kept ringing. So, I went to my office, which is the opposite end of the house, and picked the phone up just as the caller hung up.

We then discovered that in sweeping the floor my wife has jarred the phone plug loose.

It was Jim. He knows I'm always up before then. He had just finished work and wanted to ask me something. He took a nap and then called me later. These are the hours he has to put in.

If you don't know it CBS tried to blackmail Jim into getting him to approve an interview with you. He made and corrected an innocent factual mistake where they asked him about what he had not addressed in court. Their threat was to air the error if he did not recommend that you see them on film. They put it more politely but there was no mistaking their meaning. Jim refused and they backed down. We guess. Nobody knows what winds up on the cutting-room floor until the film and tape are shown. Often the decision is on a different level anyway.

This man had wanted to come and see me several times earlier but on those times it was not convenient for me. He did come yesterday. He is not good at disguising his inward feeling or his intentions although I think he thinks he is. He was high up on the deliberately dishonest four-hour special CBS did in 1967 on the JFK assassination. He left CBS and has just returned for this job in a much lower position.

Whatever he may have professed his reasons for coming here to be, they are not what by normal standards are journalistic. Supposedly it was to prepare him to write part of the script, based on which Dan Rather is to interview me on tape or film. I used to be a reporter, print and radio if not TV, and I can't recall anything he went into in two hours that was relevant or necessary to this ostensible purpose. Knowing the past I'd rather have refused to talk to anyone but I was afraid that could hurt you. Several weeks ago I used another incident in an effort to discourage this.

What is apparent is that this man was arguing a case against you, arguing a case for the prosecution, and trying to twist what I said. He even showed resentment when I corrected his misrepresentations of what I said. At the beginning I told him that there were probably some things I should tell him for his understanding but could tell them off the record, that I wanted a record that I had not gone outside the protective order, and that his ends would be better served by having a tape, as would mine. I had two tape recorders between where he sat and where I sat, not hidden and also not connected. I even had an extension cord laying there for them to be connected before he got there so this would be possible without taking time. He would not accept this so, of course, I could not and did not tape. However, I think you should regard this as I do, that his declining to have a free tape which would also permit me to have one is not a sign of honest intent. Consistent with this nothing happened that gives

me any reason to have any faith in his honesty of intentions. And remember, he is the writer on the show.

I felt strongly enough about what I could detect and sometimes was able to get him to help me to detect that I immediately wrote Jim a detailed memo on it. He was alone. My wife was present through all of it. A reporter friend from the New York Times was here before this man came and remained for all but about the last 15 minutes.

His arguing the other side is not explained by the pretense that he is trying to go down the middle. It was not of that nature, tone or content. He made this clear in other ways, one of which Jim has asked me to write about. I'll come to that after telling you what he said of his interview with Jerry. The important thing is that when he went into whether Jerry was part of a conspiracy Jerry told him that he had records proving he was at work. The man then sneered sort of and said that doesn't mean a thing. He did not question him about this. This is what he blabbed.

I've stopped writing to Jerry because it is a waste of time. He could not have made a worse mistake than to be interviewed on this. He asked nobody and he never learns. There is no way he could have helped you, which is enough reason for his not agreeing to be interviewed. There is also the possibility - and I read it as their intention - that he can hurt. This should have been avoided. Especially when there was no possibility of benefit. What this guy said about Jerry is word for what what Haile told me one night, even though this guy says he hasn't interviewed Haile yet. It is more meaningful if he hasn't.

What is also clear is that they are going into two things, one without question, the other I think probable and Jim thinks certain. I was not with Jim when they spoke to him and Jim was not here. So each one of us has different reactions to different situations.

Where I am not as sure as Jim is, I have the belief but less to go on. That is that they are going to try and make a big deal about disagreement among counsel. This can't help you and it can hurt you. Some of what he went into with me can be interpreted this way. Jim is without any doubt at all and feels it strongly.

Where I am without doubt and Jim agrees is the Livingston foolishness about "Cliff" and Youngblood. It provides them with what they can exploit for ridiculing the entire defense and you and making a joke of the substantial defense you do have and to a degree we did present in court. (He refused to address that, by the way.) This is what Jim asked me to make clear to you and to write you about until he can get the legal work done and write you himself. (He just got another Haynes motion in today's mail and has that to address immediately, too. By the end it will help you but in the immediate it draws Jim out even thinner.)

Jim's view is that when they have one defense lawyer on film and the show is to be but a quarter of two hours or 30 minutes they have enough. Any other filming of lawyers is for the purposes I go into above, making a bad case for you out. It is also what I strongly agree with, that Bob ought not be filmed.

They have interviewed him already but only for background. They can use this but they do not have Bob's face and voice. They are unhidden in their ridicule. This man, whose name is Ernest Leiser, openly described it as incomprehensible nonsense. The last thing you want is one of your lawyers being aired in this sense in a major TV production. More than this, what I do not recall hearing before, Bob, Leiser says, now ties both Cliff and Youngblood together as part of a conspiracy and Leiser thinks you are part of a conscious conspiracy. Or, part of this.

Jim feels so strongly about this that he asked me to ask you to write Bob and tell him that if he is filmed and aired you'll fire him. I suggested an alternative to which Jim agreed, that you write Bob and tell him that as his client you forbid him to be interviewed.

If you have any doubts of any kind about this I urge you to call Jim. The best way to do it is to wait until after (1:30 a.m. your time and place a reverse call to him. He works most of the night but he has to be a up about then because for the moment beginning about then he has to be his own baby-sitter. If for any reason he is not there the call will not be accepted and you can call back later. Or he'll call you if he gets the message. (They are looking for a baby-sitter and may get one.)

I do think it is important and I do think that all of Bob's chatter about what is not part of your defense can't help you and can be hurtful in many ways. One that may not occur to you is the social pressures it can put on all judges. Judges and their wives and families are human beings who associate with other human beings and can't avoid the possible pressures that are inherent in this. This is one area in which public relations can be important. Were it not I'd just have refused to be interviewed at all. I felt two things: that it would look very bad if the investigator refused and that I owed CBS and you the opportunity for CBS to learn some fact and truth about the case. If I had and have misgivings, I felt it was the choice I had to make. I didn't even want to take the time for it for personal reasons you'll learn about in time and Jim knows. I did delay it twice.

On this I did make clear to Leiser that your defense does not require solving the crime and does require first getting you a trial and then proving no more than that you are not guilty beyond reasonable doubt. I told him explicitly that while I did in the course of this come across leads I had not followed them, that first I wrote my book and did not have any personal or letter communication with you until after that, that I never did and now do not plan any more writing on this subject, and that I have, do and will keep these roles separate. My obligation now is to help your defense, not solve the crime. I then told him that I am certain you did not kill King, could not have, and were not a conscious part of any such scheme - that I am satisfied you had no knowledge of it. (Here he argued that we should have out what was not properly before McKee that I have developed into evidence when I said we have more and that I would not tell him what it is or even indicate its nature. The Times reporter was here then and laughed and told Leiser that it was a waste of time, that he had tried and knew I would not say a word.)

My point in telling you this is to give you a means of evaluating what Leiser is up to when after this he goes into that Bob stuff.

Do not misunderstand me to be saying that everybody in CBS is prejudiced. I do not say it and I do not mean it. I have met some very decent, honest people there. I am saying that from his past and from yesterday I do not trust this man's intentions. You should also know that the man in top command is the man who has to live with the really corrupt thing he did on the JFK assassination in 1967. Do you think for a minute that he is now going to get on his knees on TV and confess all and beg to be forgiven? And remain a CBS vice president?

Another measure of their intentions is that when I have done most of the work on the JFK case they have stayed almost 100% away from me on that. A researcher did come to see me some time ago on one very narrow aspect, merely so I could guide him.

It is not going to end here. ABC is doing its own kind of thing with 20th-Century-Fox. NBC has been blowing hot and cold on it.

I've been interrupted many times while writing this. That you understand the overall is important, I think. So, if I've been unclear ask me or call Jim. Because my typing is so bad and I have other things I must do today and because she was with us during all of yesterday's session I am going to ask her to go over this and correct my mistakes. I will also be taking extra precautions against intrusion into your privacy with your defense.

Best regards,
Harold Weisberg