

12/7/69

Dear Ron,

A Washington Post reporter spent yesterday here reading COUP, part 2. He thinks (for whatever an experienced, establishmentarian reporter's opinion is worth) they may now go for one angle of this, the one I spoke to Billie about, the one for which Agnew, Herb Klein, Clark Mollenhoff, Richard Kleindienst and others in the administration have provided such an appropriate backdrop, the freedom of information backdrop: their refusing me the public, court record. To refresh your recollection, this is the court record in Ray's extradition.

The copy of Kleindienst's letter I have it too pile to copy and send you. My lawyer has the original.

Beginning this Spring, I began asking the Department of Justice for this public record, to which I am entitled under the Freedom of Information law, so-called. For months there was no response, in itself a clear violation of the law, which requires a mediate response to such inquiries. Finally, my lawyer wrote Mitchell a letter saying if I didn't get it, I'd go to court. We got a letter and a phone call from the DJ asking us to hold off until they could reply. That took about four months. In it Kleindienst began with a shameful device that enabled him to tell a rather large lie. Where I asked for the material produced in court for this extradition by the Government of the United States, he said they do not have the material produced in court by the government of the United Kingdom. Then he added that even if they did, it would be immune to suit as an "investigative file". This is the real Orwell. An open, public trial record is an "investigative file" and thus denied the press?

Meanwhile, and I can make no mention of it and ask you not to where there is any chance it can get back to the DJ, I now have most of the file, from another source. It corroborates everything I say in the book - have just sent you, and in the finest detail - which is the reason they are trying to suppress it. The affidavits say the opposite of what was said in the Memphis minitrial. The witnesses said to identify did not identify Ray. Worse, the FBI ballistics expert said in Memphis to have said the bullet came from the so called Ray rifle - explicitly says he cannot say this; and for precisely the reasons I set forth, there was too much mutilation and deformity. The medical papers says exactly what I said, that King had an additional (and an enormous) wound hidden by his shirt - not mentioned in Memphis, despite the fact the testimony came from the coroner - and my source is his autopsy now, for it is in the papers they gave the English court. On and on this way, with all the evidence. And the papers they claim not to have, in writing: ALL BE CERTIFIED AND TRANSMITTED BY THE ATTORNEY GENERAL PERSONALLY. *nc*

We'll file this suit soon. Here is the present status: To eliminate any possible legal escape hatch for the government, two weeks ago I wrote the State Department for the same material, because they transmitted it. They gave a three-day response rule. In two weeks they have not responded. I wrote DJ about that United "Kingdom" jazz, and they have not responded. I see the lawyer tomorrow and we'll then decide how long to wait before filing this simple suit - for these papers alone. My suit on the JFK papers will be separate.

A British correspondent, close friend, mentioned this to Jack Anderson (Washington Merry-Go-Round, the Pearson column). He wants to talk to me. I am not about to give this away and will in no circumstances permit its use before we file the suit. But this is a reflection of changed attitude. Neither Anderson nor Pearson would speak to me for four years, and none ever responded to a single one of the many letters, phone calls and books. The Post reporter, who worked on the Atlanta Constitution with that paper's new managing editor, will speak to him this week about serialization rights and that only on this. He thinks it not an impossibility that the establishment will be interested.

These things encourage me to believe that in the new administration anti-press posture, LIFE or LOOK might be interested. I do hope that you can find time to speak to them soon, for we will, very soon, be filing the suit. We do have reason to believe the press will, in this new context, with no JFK hangups, go for it, and this would amount to an exclusive to whatever publication gets the stuff.

As I believe I wrote you, the network reaction to McGraw encourages belief they could be interested - especially CBS, where Stanton made such a hot speech on just this angle.

In the context of what this same DJ is doing and has been doing to black militants, I wish they also would look at this to see whether, as I believe, it is very good for them. Incidentally, may I boast that in the book I quite accurately forecast what is being done to the Black Panthers? More, this is, as I hope you recall, the doctrine of the first part of the book, written more than a year ago. My purpose here is not really to boast, but to encourage faith in the competence of my analysis and understanding.

I can imagine how much busier than usual you are, having just returned from abroad, but I hope you can find the time to read the add, which you should have received by the time you get this. If you feel you cannot take time to read all of it, please try for Chapters 10-14 and 17. I know how long the book is! If I do not hear from you by Thursday, when I will again be in Washington and may be asked to go to the Post, I may phone you from there.

On another subject we have time for only the briefest mention, the friend with Hunt, I understand, has left there. I'll be checking into this as soon as I can. I do believe his can be a really significant book, depending on how it is done.

One thing you should understand about a suit under the Freedom of Information law: it goes to the top of the docket as soon as filed. It will not languish in court. On the other hand, it is almost pristine law, and much will depend on the judge, who it is not possible to pinpoint in advance.

and on the JFK thing, where <sup>we</sup> will ~~will~~ also be taking the same approach, I now have in my possession (some in full color), what is even hotter than what I showed you. My fear here is that I may not be able to complete the writing of that book before we get into court.

Sincerely,

Harold Weisberg