6/21/73

Dear Sol,

Thanks for taking the time for your well-thought-out letter of the 15th. It got here on the 18th when, by a remarkable coincidence, I was in New York for the day only, for a conference with two representatives of a German publisher. I didn't have time even for a phone call. I don't drive it any more for a number of reasons, only one of which is the age of the car we can't replace. I went from the meeting to a brief one with an editor who has some materials I need back and thence to the bus. I took a six a.m bus here and got home after midnight Tuesday.

One of these men will be going to Germany the end of this week. He will return in about two weeks and then I'll have the decision.

Meanwhile, I've had an encouraging letter from Inge Feltrinelli, who runs the publishing house her husband had. She wants to see an outline. So, I've much to do in less time than is required. If there is a deal with the Germans, I'll have about a month to complete the manuscript. The material is enormous and complicated. Directly related I have a full file drawer and a half.

Much garbage has been contracted for. Some should appear some. There are but two serious works that have been announced, contracted to three Pulitzer winners, with large advances. Bantam has cancelled its deal with Nixonian Clark Mollenhoff and written the investment off. Simon & Schuster have announced the dleaying of their book by the two Washington Post reporters who have done a fine job of reporting. It now will not appear before next year. This tells you that it is neither easy nor simple to do a good job.

I know all three of these writers. All are first-rate as writers. They are not deep thinkers. Their work, and I include Mollenhoff's if he seeks another publisher, will lack context and will not be put together to give the fact the meanings it has. Without this all they can dois repeat what is being rather well reported. None will have the past as it relates to the present.

I have forgotten what I wrote you, but what you write is in point. This is a manifestation of authoritarianism. I was writing of that in the spring of 1968, when I did a very long book part of which was published as a very long book titled Frame-Up. The original was titled Coup d'Etat. This is Malcolm Moos' description of the current events, as you may recall if you read the Times' reporting of his Notre Dame commencement address. Big-business types are calling it fascism, and conservative GOPs are using the phrase gestapo-minded.

You reflect an understanding greater than that of most people. Had you been able to spend the time with the fact, I think you would have been willing to carry your conclusions a little further. Not much. Then we would have been in complete agreement.

I knew of your friendship with Redlich. He was the one authentic liberal on the Commission's staff. I remember the red-baiting when his appointment was announced. If you read what I have your views might be different. Ditto for Berger and Powell. They represent more than a point of view. Both have been activists, not philosophers. I filed a statement in opposition to Powell's appointment.

On my FPI suit there have been unusual developments. The government asked for an en banc rehearing. It was first granted without arguments, with the request of the two more conservative members for arguments noted. Then, with nothing filed by anyone, the court of appeals decided to rehear it and another case, with arguments, 7/11. It will be interesting. Dragging the second case in makes me unhappy. It is not as solid.

I'm getting up before daylight these days to get work done, so I must get to it. I do hope we can get together soon, as I hope that the bugs stop attacking Lil, who now reacts to the bites of some, and don t attack the garden. Heavy and frequent rains have made it more difficult to garden. Our best,

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June 15, 1973

Mr. Harold Weisberg
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Dear Harold,

Thanks for your letter of June 2. I'm glad to learn that Lil has gotten over her fall with nothing more than a tender knee. You know how I have always had a tender spot in my heart for her. And these days, what with our President's Phases 1, 2, 3 and 4 in his inflation control program which seem to me to have meaning and impact only as descriptions of the increasing size of the inflation balloon as it reacts to his so-called counteractive measures by simply speeding up its rate of increase, those who can raise their own vegetables certainly must cultivate their own gardens assiduously. We, who have n't had a vegetable garden at our summer place in Carmel, returned to that laborious pastime this spring in an effort to cut down on our food costs. So here is Nixon and his G.O.P. forcing us to return to nature. Now I hope that bugs and weather don't team up with the forces of darkness to rob us of our return for that labor of digging and hoeing and watering. Speaking of bugs, there goes Nixon intruding again + interfering without end. Inflationary efforts even in our garden
As for Norm Redlich, I knew and know him not only by reputation but also personally. I still don't believe he would be a party to any plot to conceal the true facts of the first Kennedy assassination. And I don't think that the absence of an adversary situation would lead him to dishonest, irresponsibe and unprincipled as you imply.

But let's not let that disagreement interfere with our long friendship. I don't think Redlich is or ever was in the same class as the Watergate principals and their subordinates. I don't think that he suffers from delusions of godhead as they do.

Good luck on your latest project. I'm by no means sure that the boys involved in the massive fund-raising for the Nixon campaign who and developed the "dirty tricks" department and the secret intelligence operation in the White House to use "Mission Impossible"

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illegal techniques, and widespread illegal wiretapping and bugging and followed the policy of destroying their opponents by hook or crook had thought through the implications of their use of these tactics in terms of developing a strategic goal of totalitarianism. I think their goal was simply retention of political power by disregarding or breaching the rules of the game, (Constitution, law, custom, tradition, etc.) whenever it was deemed necessary by them to insure victory, not ending the game of political party competition. The effect of their activity may be to negate or nullify some of the rules of the game. But they did not intend, I think, to wipe out the game, only to weaken the opposition to insure continued winning of the game.

On legal policy I think that while the appointments you mention reflect a trend to get for those offices persons who would go along with and strongly support the goals I mentioned above, they reflect no policy of legal support of authoritarianism. The fact is that before Mitchell there were A.G.s who authorized widespread wiretaps without court approval and abused their power in other ways. Even La Guardia in 1942 or 1943 authorized a secret espionage operation by the N.Y.P.D. on so-called subversives. And I need not remind you of Hoover's record from 1919 on in this area. As for the Nixon court appointments, the only one who might accept a concept such as you suggest would be Rehnquist, Blackmun, Powell and Berger would stick to the law and the Constitution though seeking to limit the federal power as against the states and abstaining from judicial interference with federal administrative action which withstood the challenge of irrationality or lack of reasonable justification.

So, if I were you, I would talk in terms of specific acts of wrongdoing and in the implications flowing from these acts of utter disregard for the demands of the law reflecting an attitude that the President and his minions are above the law, an attitude that bodes ill for preservation of the constitutional demand for a government of laws, not men. At most I would suggest that such an attitude could be the precursor to resort to establishment of authoritarian government if such disregard of law leads to strong adverse public reaction.

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Mr. Harold Weisberg

June 15, 1973

As for your comment that the country is faced with a dangerously sick man, all I can say is that those who so single-mindedly seek the office and its concomitant of the greatest power in the present world are probably sick to start with. There have been few exceptions who remained humble when in the office. Truman is the only one I can think of in recent years, though Eisenhower had the built-in check of his team-play concept.

I do hope we can get together some time this summer. We here, Frieda, Nancy, her husband Steve and I are all well.

Sincerely,

Sol

Sol Rabkin

SR:mef