

Rt. 8, Frederick, Md. 21701

4/5/74

Dear Mr. Kraft,

Thanks for taking the time for your 4/3 response to my letter of 3/5.

It makes what you believe clearer to me than your TV appearance of that column.

I have no doubt about your intentions. However, as I will explain, I do doubt that you have as much of a "detailed knowledge of Watergate" as you say, even if, as I would imagine is essential for a man as busy as you, you acquired much of it from officialdom.

It is, in fact, because I doubt neither your intentions nor integrity that I take this time. You are also a man of some influence. Because you are held in such high esteem and are read so widely, if you make a mistake on something as fundamental to any decent society, the consequences can be quite serious.

If you doubt my credentials, I will provide them and a few names in the press who can give you their impressions of my command of Watergate fact. I am spending pretty much full time on it and have for months. It is common for my working day to begin at 4 or 5 a/m. and I am rarely in bed before 11.

I do not share your "high confidence" in the Watergate prosecution, by which I presume the Office of/the Special Prosecutor, for several reasons. It would be unfair to give a short version of one, but John Hanrahan has gone over one of my files and I think if you ask him if the file he went over is grounds for doubt based on a very clear record of the past, I am certain he will give you an honest answer. I have not seen him by-line recently. I believe that after he was here we went over the copies he made with Claiborne. On the other reason I will be specific.

I have asked for copies of two bits of evidence produced in open court in two trials. I have been refused, on utterly spurious grounds. Under the Freedom of Information law I am required to appeal to the Justice Department. It has failed to even acknowledge my appeal although its own regulations require response in either 10 days or two weeks. I think it wants to use me against the Special Prosecutor so I have not decided what to do. Not only is what I seek public, used in open court, both were widely reproduced in part in facsimile. Even on TV. All court evidence is supposed to be public for reasons other than the requirements of this law. So, on this basis alone I am more than suspicious.

These two pieces of evidence are the Cubans' addressbooks and those pages of Hunt's grand jury testimony released for and used in the Ellsberg case. With respect to both I am confident I have background and specific knowledge others do not have, therefore I want to examine the full evidence, not merely someone else's encapsulation.

You can evaluate your confidence by asking yourself what there is in the first two of the recent indictments that you did not see on TV and then if there are other charges that should have been made. I know there are and I have the specifics, proof. You might also want to read the perjury charges closely and ask yourself if, as presented, they are really strong. And what might happen on appeal. The case does not end with trial.

Based on what I know - and I do assume that the staff of the Special Prosecutor's office knows what I do not - I would have the most serious doubts about at least the thoroughness of the indictments and could easily feel that without leaking there would be more covering up. This includes the most significant allegations not included in the charges made and crimes not charged at all. I believe that knowing these things gives Nixon more daring and confidence.

The tax business is today's most topical. With regard to it the most unquestionable fraud, which I think is definitive on intent, has not even been mentioned. I believe I have enough for a good case of conspiracy to defraud involving officials of several agencies. Here I refer to documents in my possession. To this I add an opinion, that knowing this is the reason Nixon was in such a hurry to turn his fate over to the committee that really had no legal right to do what he asked of it.

Have you not wondered why he departed from his practice of "toughing it out" instead of doing what he knew would cost him not less than the now public large sum?

I could offer some opinions on why some prominent personalities have done as they have, but this would dilute what I do hope you will ponder.

Philosophically I agree completely with you on the sanctity of grand juries. Some years ago when I was a witness before one that was regularly on the front page I refused to discuss my testimony although I was under no restraint simple because it could have been used prejudicially.

The present situation is like nothing in our history. And the first prosecution used the grand jury to suppress, not to expose.

You may be under the misapprehension that all the fine Watergate reporting was the end product of great investigating. "onsense. There was none and there was a permeating refusal to investigate. It was all leaks. Thus much that is significant was entirely unreported and it was easy for me to develop it. I am well into my own very lengthy writing and I assure you that I have proofs that can't be assailed.

You would be surprised at those who would not look into Nixon's personal crookedness with property long before the story broke. This is one of the considerations that made me decide to lay other work aside for Watergate. I had two handles on it way back. I included my correspondence with John Dean, then still fair haired.

If this was the situation before the grand jury started acting, can you imagine what will remain unknown if any grand jury is influenced not to charge? Rightly or wrongly, it is apparent that the grand jury whose report was the subject of your comment had been influenced and was unhappy about it?

You have it on my ~~word~~ word only, but ask yourself suppose I am correct in what I allege about the defects of the obstruction and Plumbers' indictments in addition to the fact that the grand jury insisted on both a report and its transmission past the court?

Now please reconsider your penultimate sentence, "I believe that nothing would have been lost had the press waited for the material to emerge." How can you be certain that the fact of the report would have "emerged" without the leak, or that what followed it would have?

Thus far what has emerged from all grand juries is considerably less than is public domain.

Can it be that your trust was imposed upon?

Sincerely,

Harold Weisberg