

December 9, 1969

Dr. Frank Stenton, resident
Columbia Broadcasting System
New York, N.Y.

Dear Dr. Stenton,

There is another side to the Vice President's lefty Orwellian "principle", omitted from your personal response and any network or printed treatment of which I am aware. It is to interest you in this that I write.

What is the record of government, especially of Mr. Agnew's more vocal collaborators, like the Attorney General and his deputy, Richard Kleindienst? They have not only traditional responsibilities. We now have a law for some reason not consistent with practise called the "Freedom of Information" law.

I am a writer who is also the smallest publisher in the country. Having been denied official, public, court record of a trial, I have sought to persuade these gentlemen that the law also applies to them. They, of course, know better, having their own concepts, purer than the law, and the raw power to suppress.

Many months ago, while writing a book on the assassination of Dr. Martin Luther King, Jr., I asked the Attorney General for the transcript and affidavits of the trial resulting in James Earl Ray's extradition. A number of British reporters attempted, without success, to get this public evidence for me. A friend who asked Ray's court-appointed lawyer for this material was told he'd first "check me out" with the FBI! Three months ago I engaged a lawyer to pursue this under the "Freedom of Information" law, which requires immediate reply. After first being asked by phone to hold off filing the suit to give the Justice Department time to respond by letter, we had to keep after them, by phone and letter to get it. Mr. Kleindienst has now assured us, in writing, that what the Department of Justice, on behalf of the United States government, gave the British court, is not in the files of his department and more, "such records pertaining to the extradition of James Earl Ray as may be in our possession are part of investigative files compiled for law enforcement purposes and, as such, are exempt from disclosure under the provisions of 5 U.S.C. 552 (b)(7)", the cited law.

Thus a court record is denied the press on the fabrication it is "part of investigative files". I assure you the records for which I asked were neither investigative nor "compiled for law enforcement purposes". They were all, without exception, collected for open use in a public trial, and each, also without exception, was certified for this purpose by both the Attorney General and the Secretary of State.

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These affidavits are in evidence and the basis of Chief Magistrate's decision (my book, page 242). When this legal eminence was asked for it, he directed his chief clerk to answer:

"There is not available any complete transcript of the proceedings and arguments...all copies (of the oral evidence) of that were sent to the Secretary of State at the Home Office in London for transmission to the State Department at Washington, together with the papers which had been sent to this Court from Washington... (page 249).

If this leaves no doubt of the character of the evidence I have asked for and where it is, it is also a refinement of Orwell: a public trial of which no record remains! (And the defense lawyer has to check me out with the FBI, his client's opponent!)

None of this is idle bungling. I know what the affidavits say and I have the transcript of the Memphis evidence of a trial. They are so utterly contradictory I hope CBS will consider a separate special on that alone. Here I am asking you to consider only a program with the noble Agnew backdrop.

My book is a definitive study of about 300,000 words, plus an extensive appendix of relevant, suppressed official evidence. I hope Mr. Agnew and Company have hastened the day when responsible TV treatment of both aspects is acceptable and possible.

Sincerely,

Harold Weisberg