

Mr. George Herman  
CBS News  
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Washington, D.C. 20036

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Dear George,

When I received your letter of the 7th I wrote Graham and Schakne and intended to thank you by the time of your return, but got involved in further affidavits in that FOIA case and then checking out some of the FBI's newer dirtyworkings and only last night mailed that to my lawyer. There is a hearing this Thursday but I can't drive that far and have no other transportation, so I probably won't be there. How I would love to be, after all I've laid on those merchants of mendacity, so we could be face to face!

It was not surprising that the FBI and its DJ counsel backed off on charging me with contempt. They actually phoned my lawyer and told him they would or could have me thrown in jail. He said nothing, I ignored the judge's order, and they just didn't dare. And won't, because they are still on this petard they made for themselves, thinking they could scare me. They have the same questions relating to the Order they got supposedly requiring me to pay their legal costs. I'm not doing it and won't. So their petard is still loaded. Meanwhile, in seeking other sanctions, they still present the same hazard to FOIA. And all reporters know the major media could not care less about FOIA.

How right Acton was about the terrible things power does to people!

If these mendacious officiao types wanted to, which I doubt, they could not understand how strongly a first-generation American feels about the basic freedoms he has only because his parents fled pogroms so he could enjoy them. I was reminded of this recently when I had a ride to see my mother, who is now 92 - and has never been able to bring herself to tell me what she went through. (Others, cousins, did, but never my father or mother.)

Whether you decide to stay with CBS or not, you can look back with considerable satisfaction about some of the things you did, particularly on Face The Nation. Its standard was always high.

One of your 1967 shows figures in some records I got recently. Speaking of mendacity and such matters.

You'd asked Ramsey Clark about withheld JFK assassination information and he gave the reply for which he'd been briefed. Which wasn't at all true. So, I wrote him and explained this in terms of my request for the scientific test results the FBI never gave the Warren Commission - and it never asked for. He had it looked into, the Archives confirmed me, and his staff and the Office of Legal Counsel both recommended that that info be disclosed. But the FBI didn't and wouldn't. Instead, when I was able to file suit, its lawyer actually told the judge - and got away with it - that the attorney general had decided that it was against the "national interest" to disclose what I requested. They won all the way to the Supreme Court.

But as it all took a poetic-justice turn, Congress got turned on over that corruption (without knowing that Clark wanted disclosure) and amended the Act over that litigation, specific in the legislative history. And rather than hating themselves, the FBI (CIA and others, too) hate me more than before, which was enough.

I think they now run a similar risk, particularly if they do charge me with contempt, and I'll not do anything to reduce their risks. FOIA is too important.

We're not old, George, because old is a state of mind. We are just aging. I've had much time to think the past three years, in hospital beds, during dialy three hours of therapy, and when I'm just sitting back, relaxing and thinking. I've come to believe that at our years the most important things are 1) doing something, and 2) doing what we really want to do. You and I have both done what any man can expect of himself and we can still do more that is useful. With all you've done and can do, I hope you go for what you enjoy. Only less of it. So you now can enjoy other things for which you had no time. (Like grandchildren, which I don't have?)

Simple example from my own experience: Three years ago when I was bored one day while doing what the doctor ordered, my wife turned on a TV broadcast of an Orioles game. I'd never seen a baseball telecast but she remembered that in the 1930s, when I didn't have to be at my Senate job and was painting our unpainted furniture, etc., I took in the Senators and Redskins games and enjoyed them. She and I both got hooked on the Orioles, and she'd never seen or listened to a game and didn't understand it. Now she keeps professional quality play-by-plays, we rarely miss a game, and we both enjoy them. More, I suppose because movies, plays and concerts (live rather than radio and TV) are out.

So you may not have any idea what you'll enjoy when you have more time, but it is there.

Many thanks and best wishes for whatever you do,

Sincerely,