

8/23/75

Dear Jim,

The dirty trick Leiser is trying to pull on you is overt blackmail.

It troubled me that he would dare and I did not try to get this out of mind so I could get back to other work. I did spend much time trying to think it through.

If any conclusions are uncertain I tend to believe that knowing he was not going to get an interview with Ray and wanting it he used a blackjack.

It is pretty unethical and the use he said he'd make of your mistake is neither journalistic nor ethical.

I do have one more thought in addition to my suggestion about the kind of letter you write ~~XXXXXX~~ Rather. (The mistake is because my source on the internal scrap was Lonnie, who may or may not be right on the participants in the fight but gave me as one side Cronkite and Rather, the other 60 Minutes. It is not impossible of the Cronkite people want some of the 60 Minutes footage.)

The kind of letter I suggested to Rather can be of help if he wants to be a ~~star~~ principled man and if he is in an internal scrap. Earlier I had thought of and for the present discarded a strong letter to Midgeley. It is better to delay involving him personally in any dirty stuff on his behalf and by his people.

The new thought is that you consider refusing to replace the footage unless they discard the faulty footage. You did tell Rather than you were the wrong person to be asking these questions, it is a factual error and when they had earlier been told the right way to go about getting the fact as distinguished from the law they elected not to do it. If you take this position you will be making what I regard as the right basis for the fight: overt blackmail. This will put them on the defensive and I really do not think they'll dare use what they have in the face of the advance warning, the correction on your initiative, the steps that are a matter of record you immediately took to check what you said spontaneously only because you were trying to help them and because of the situation they contrived.

Moreover, the question had nothing to do with Ray's defense, and your sole role is his defense. There is no way the prosecution can make an issue of that because there is no witness and the only alleged witnesses did not report it. If they dared use these witnesses now the fact that it was not mentioned earlier would help us and hurt them. Besides, none can testify to it. It didn't happen.

I don't recall if Esther and I discussed this. If we did she has a record of the fact and this means CBS had a record of the fact and this means, if they then questioned you as they did that they entrapped you.

Whatever you do and do not do, and I do think you should write Rather as we discussed, I'd let the rest cool. Don't fight further with Leiser. If he calls again for anything just tell him politely that you have the draft of this appeal to finish, another than will be precedent under the new FOIA to do, and for the present you can't take more time. When you have these things done if they want more time you'll try to find it.

Let him come to me or not come to me and if this is an issue then let me handle it and if necessary him. I do not think he will want to fight with me and my ground rules will begin with open taping.

He seems to be sliding downward. From the descriptions we have of him it does not seem unlikely that he is bucking hard to establish a new rep and that getting a Ray interview can be important in this for him. Best,