

Dear Jimmy,

9/22/75

Your letter of the 18 came today. I'd have written you had it not for other reasons I'll go into. It is a good letter with solid thinking but there are two points I remember I do want to go into. I'd like you to recall that we have different life experiences. While I tend to be outgoing and try to be fully informative when I communicate with people, I do have experiences you have not had. These include political and journalistic.

You believe, I think naively, that outside pressures do not influence judges. I could cite countless cases to prove you are not right, but let me restrict myself at to one; McRae. Haile's campaign did work, even though McRae gave us discovery rights. First he gave us these proper rights, then Haile started his campaign and then McRae backed off and got antagonistic. He even granted Haile untimely discovery rights when he had to know in itself this jeopardized your rights. It seriously impeded our preparations for the hearing. Thereafter he kept pressures on us that had the same effect. I don't think you will ever begin to be able to understand what Jim and I went through in that period and during the too-little time we were permitted for discovery. McRae was quite biased about this in many ways, one being in refusing to enforce his own orders. Another is in his attitude toward me. This was so obvious that while on some matters I should have testified he made it clear that putting me on the stand would be a serious mistake. We had to improvise around this and McRae saw to it that we would not have time to. As an illustration I remind you of his cracks about me in his decision. You were in court every minute. You know I didn't open my mouth once. So, while I believe the sixth-circuit judges have been good on this, from this as an illustration of many experiences over many years I know what pressures can do to the best of judges who are, as I told you, humans. Don't run any unnecessary risks on your belief, but play it close and tight and be as safe as you can.

The other is on Jerry. You describe his attitude correctly. However, I can't think of a single thing he has ever said to the media that has not been hurtful to you. He does not have this intention, he is overwhelmed by his own concept of his own political wisdom, and he is a babe in the woods. With the questions he has told you CBS asked of him I think that with other TV commercialization of all of this pending it would be wise if you told him either to refuse to say anything, leaving that up to counsel, or as an alternative whatever TV outfit that wants to interview him pay him for the time he loses from work and take him to Washington at their cost where Jim or Jim and Bud can be present and have the right to object to any questioning they consider prejudicial to your rights. Bud is smooth, sophisticated and makes a very good TV appearance but it is Jim among your counsel who is most familiar with the case and its many aspects. It might not be a bad idea if I would be there, but I'd rather not and do not insist. The reason is different experiences and knowledge of what may come up that others do not have.

ABC does have a special in the works. I've know of this for months and have heard from them. NBC seems not to have made a final decision as of my last information (and this is what reaches me, not what I look for). But from your own representation of what CBS wanted of Jerry you know that it is not designed for your interest and this alone should tell you to have nothing to do with it. In the average mind Jerry will be taken to be you. Jerry is entitled to be represented and to have and take advice. Your interest will be served by this. Because Bud has been much less active on and familiar with the case this should be Jim or Jim present so Bud can know and understand.

All of these things have taken much time from the preparation of your appeal. The latest was yesterday, when by airmail special delivery Jim got a set of my papers CBS filed in criminal court in Memphis for permission to make their own examinations of evidence, including evidence that was denied your defense, to which they have been given access when it was denied us under discovery orders. I can't take time to go into the details and all I know now is what Jim told me before he had really finished reading all these papers. This and some of the special formulations are both bad for you. I specified some reasons to Jim, he had some of his own and in the absence of Bud, who had a death in the family, Jim consulted with his partner, a very good guy and good lawyer named Bill. We all agreed that in your interest this has to be

opposed so when he was spending Sunday, as usual, working for you, Jim had to drop that and file and mail his objections. There is much that I would like (here CBS called) to go into but can't take time now. Also, you have not let me know whether your mail is still being opened and read out of your presence and as I've told you and as not going to change on I regard this as essential knowledge for me to have and legally an important issue on which the outcome of the case can turn. I simply am not going to prepare your enemies with what I write you if I can avoid it.

I have refused to be aired by CBS. My reasons were that in its present state I would be making myself party to what is against your interest and because I have what I believe to be substantial reason to assume that the man who will be writing the script is at best a partisan against you and has engaged in unethical conduct.

I regard the nature of the questions they asked Jerry as confirming this judgement. First I wrote Dan Rather a letter because he is the one who was to interview me and since I had to tell someone at CBS and we have never met I felt that in fairness to him he should know it is not personal.

The phone has interrupted me several times more and I have to get to other work. Please send me what you know about the CIA guy connected with Stonor. I think I know something about him anyway.

Second, I think that not only your lawyers but you to you lawyers should object to any commercial interests - and the new media are also commercial - having access to and capabilities with what has been denied to your for your defense. This is included in the CBS Memphis suit. They have even been given access to what we were denied under the discovery order. It is best to write this, if you agree, to Jim and tell him that unless you have and ask questions not to take time to answer. He is over his head in preparing the appeal. I've read and made suggestions on the first 40+ pages and think he is doing really fine. But I also think he ought not be interrupted in any way. He has too much to do and there are too many contrived interferences with his ability to do it. Haynes' last paper to the 6th circuit is, in my opinion, designed with this in mind. Otherwise it was no more than the expression of an unsupported opinion on the unspecified.

The way I left it with CBS, when the decent person I've dealt with, Esther Kartiganer, called me from Birmingham this morning, is that I will not consider changing my mind until I have read every word of what they have filed and that I will not ask Jim to take time even to make copies. They wanted to come here and film me Thursday. I said no.

I think I know what I'm doing, Jimmy. I know that coast-to-coast attention on CBS will be of benefit to me. I do have JFK assassination books to sell. But I told them explicitly that they have confronted me with a conflict of interest over you and the needs and requirements of your defense and I simply will not be party to anything I think can be adverse to your interest. From what Jim told me of those papers I do not think I will change my mind. But I will take time to read them and see if there is any chance I have misinterpreted them.

I'm sorry that you'll have to try to figure out my typing errors but with the interruptions it has been about three hours since I started to write this and I have much else on which I'm far behind.

Best regards,

Harold Weisberg