June 24, 1971

Mr. Richard Salant
President, CBS News
524 West 57th Street
New York, New York

Dear Mr. Salant:

This morning you aired Herbert Klein's charge that The New York Times should have resorted to the "Freedom of Information" Act in seeking the suppressed documents it has been publishing. By presenting it without asking a single question to expose the futility of invoking this law and the inordinate amount of time the mere asking can require, CBS News, no doubt unknowingly, engaged in official propaganda.

This was made easier by CBS's policy determination of what is news and who it prohibits from making news. I hope the lessons of the present will bring an end to this.

I believe I have sought to make more use of this good law than anyone else in its history. I have met my obligations by informing CBS in more than one city, but not a word was ever used. I actually got a summary judgment against the Department of Justice, a rarity. This, too, was not news. Justice had confiscated the public, court record of the trial of an American in that case and then lied, claiming it had no copies. To this it added that, even if it had copies, this public record was immune under the law. None of this news?

Need I cite the two other cases I have taken to court with this record in the first? I provided CBS with complete documentation in advance, then with a copy of the complaint. And it is my most recent case that gave the judge who sat on The Washington Post case his first real information on that law and government abuses under it, three days before he got the Post case.

I think, in fairness and in meeting its obligations to our calling, CBS ought to present me in answer to Klein, to give the other side, to present the court record when one seeks to use the law to which Klein and this administration pretend dedication.

In another area, CBS, on its Merv Griffin show, aired Percy Foreman on one side of a controversial issue, a major one in current history, the assassination of Martin Luther King, Jr., and the case of James Earl Ray. I have been refused the opportunity to present the other side on the same show.

I have published the only book contesting (and disproving) the official fiction and establishing beyond his contradiction that Foreman was ridden with improper conflicts he could not shed. He actually fled a

New York TV studio with make-up on rather than confront me. He has failed to respond to repeated written challenges, beginning with my letter in which I sought any other side to what I told him forthrightly I intended to write about his conflict of interest and what he had done.

It is not news when the self-described greatest criminal lawyer in the country flees a TV studio rather than confront a writer?

"Freedom of Information," Mr. Salant? "Fairness" doctrine?

Can you really tell me it is fair to present Foreman, Ruie, Hanes and "news" in support of official mythology and refuse to air court records and unquestioned and unquestionable documentation? Or that these are news determinations?

It is never too late to cast the mote. In every interest, including your own, I do hope you will.

Meanwhile, congratulations on the excellent journalism in the Cronkite-Ellsberg interview.

Sincerely,

Harold Weisberg