

Dear Jim,

8/22/74

With the rain too hard for a trip to the mailbox that may be wasted and while I wait Lil's delivery of the first part of the index for correction and making-up, I'll try to work off the sense of frustration and almost futility that may not be represented as strongly as felt in the enclosed letter to Hader's fine fellow Ron and the note to Lesar for when he returns and we may have to try to be firmer again.

Rightly or wrongly I believe that one of the more effective weapons against unrepresentative, dishonest and repressive government is a working and meaningful Freedom of information law. At least in part if not in fact largely because of the great amount of painful, costly and unpaid work Jim and I have done Congress has faced the need to make the effort. Apparently largely because of EIT's determination, the changes agreed to by the Senate are good.

This time there is the benefit of an interested Hader group, made up of very decent and sincerely concerned young people who are as their best of today's from the best institutions marked with the unimaginative imprint of modern education, which requires conformity to preconceptions. They are too young to have had the experience required for full comprehension of the problems they face and all the subtleties or to fully comprehend the need of those they oppose. It is academic to them. They are lawyer and lawyer never suffer as clients do. They have probably have restraints imposed by their own Hader establishment. And fears.

But few things are more likely to be of greater importance to the entire Hader concept and operation than FOI. They have, without doubt, worked hard and probably very well to this point, including on the amendments. But when they get into the crunch, which was clearly visible several weeks ago at the latest, they become naive and ineffectual and allow themselves to be lulled by the soothing syrup of those who have and will continue to have very real political problems to face and can display just so much courage on advanced issues. They haven't learned that for most politicians being able to show what appears to be a real strong try and not suffering the risks of retaliation is often more important than success in achieving enactment.

So, when I made a trip there a week ago, after an earlier effort by Lesar did not accomplish it, to try to get them to see that the time was right then and right then already late to make it impossible for the conference majority to capitulate - to the executive branch or its threats or the threat of a Ford veto. They actually told themselves that so early in his Presidency Ford would not dare veto this bill! Only the politically infantile could persuade themselves that his agencies would not persuade him that it was essential or that his own past did not tell him that his own preservation demanded it. He had to be confronted with a less desirable alternative and the conferees on our side had to know it existed. That ~~an~~ a veto could hurt him more. That the agencies could be clobbered, particularly Justice, which is in the lead and has most influence on him.

The result places too heavy a burden on the few really good guys in the conference and there is now a situation that without some influence being brought to bear - if it is not already too late - inevitably means at best a serious reduction in the meaning and value of the amendments and at worst their gutting.

With it so fresh in mind and so black in type if the word "Watergate" has been mentioned in all of this I've not heard it. They have not let Ford and Justice know that it hangs heavily above them. And, of course, the continuing refusal, not just a failure, to make an effort to do something about official crookedness, does nothing at all to deter continuing deceptions that even when care is exercised does, I believe, cross over into conjury and its subornation. One case would be all the Congress requires. It is available and refused.

So, with all else that rests heavily on me, having seen this in advance and having been unable to get anyone to even try to see is not encouragement to further effort.