

His with Lowell - Commission, Jimin

Dear Peter,

12/21/74

I appreciate the time you took for so long a letter. I remember your work well. You spend more time on a story that I do on a chapter!

I appreciate your kind words, particularly because they come from you. And I'm going to take the liberty of showing your letter to my colleague, Jim Lesar. He has heard me speak of you but you've never met. And I'm going to take another liberty and append another description, successful. Thanks largely to Jim, who has brought to this work what it has ~~has~~ always needed and never had: a law degree, imagination, integrity and courage. (Also guts: to borrow the money to pay the printer when he has no regular income and his wife is pregnant. Ah to be a young man of 50 again!)

The success is in what we've done with the Freedom of Information law and in the Ray case. One of my suits, the only one I lost, was tainted with so much official corruption that it is one of four and probably the most important one cited as need for restoring the investigatory-files exemption back to its original meaning. Before the Mitchellist went to work on it. We should in time have Ray before a jury. If and when we do, he'll walk. There isn't even the merely suggestion of any credible evidence against him. Moreover, if the judge isn't as chicken as senior counsel, he should be freed without trial because the proven ~~xxxxx~~ violation of his Constitutional rights are irremedial.

Jim took his bars while he was working on this case. His first deposition was of Percy Foreman, no less. This is his first real court-room case. As Mo Waldron will tell you, when he wasn't stumbling over his own files in court and forgetting where he'd put a paper, he was carrying the full load in this evidentiary hearing. There are so many papers it is impossible to keep up with them.

I'm sorry Warren Weaver is so prejudiced on this subject because there is a hell of a story in what we have done. Mostly Jim. I tried to interest Weaver in the habeas corpus petition, Jim's magnificent and literate formulation of the law and my investigation. (I also got a copy to Weaver and it required xeroxing book length with no funding.) We won in 6th circuit with a decision that says the case reeks of all kinds of illegalities and unprofessional conduct and cries out for a "full scale judicial inquiry." The recent hearing was the result. He thinks we'll get a trial. He also thinks it may take the 6th circuit to give it to us. But then when I carried a liquid load better than he did he also thought I was drunk.

Jim had the imagination and the ability to formulate it that for the first time give a habeas corpus petitioner the right to discovery. Precedent on which the Supreme Court wants arguments from all sides by January 6. We're on top now. The State is appealing. They gotta be crazy because this is the first time, we have exercised discovery and can and will append mind-blowing documents we obtained that way only.

We put so much of this into the record it was impossible for the best of reporters to keep up with it. Once it was in the record I could of course direct them to it. But Jim and I worked into the small hours through the entire hearing. It was after it, that last night, that we, meaning I joined them, bent elbows.

There is no reason Weaver can't have it if he comes here, an hour from the office. Makes Ellsberg look clean and decent - even Constitutional.

You should have been with us when we were exercising this discovery, behind enemy lines, so to speak. It was like/a novel.

Anyway, I hope you accept the amendment of success, except with money.

This also is the only remaining problem with the areas of your uncertainty, except for who conspired and who shot. I've had that done for years and am broke. I have what the Commission didn't. Documents, not just interviews. Pictures, too. The most definitive work of all is ready for the camera except for deciding which of

the documents just can't be printed

THE DOCUMENTS JUST CAN'T BE PRINTED.

I am somewhat aware of the Times' investigations. They never really were. Aside from what you were probably unaware of, sabotage of it at the times, it was foreclosed by the feds. The FBI shut all mouths before you could interview and confiscated all proofs before they could be examined and assessed. Some were even destroyed. I have proof of this, too.

In essence you are correct on informants. However, when the case is political it is different. Dulles personally lied to Mike on Powers and to JFK (during the interregnum) on the Bay of Pigs. I used to think that we could not have large conspiracies until Watergate. I have stuff on it that hasn't come out yet. And I've put together on Oswald what was suppressed and mis-represented. I filed this suit for a book partly written, research and investigation done to the degree I think necessary and possible under my conditions. Dulles told it as it is, but still not completely. It really isn't stupid. He was never on a low enough level to know what individual agents do to circumvent the bureaucracy. At one point he indicated a limited awareness. But I've had them tell me.

If it represents no great effort, I'd appreciate a xerox of the story about the NYC record-breaking criminal informant, 200 scalps to his belt. I have developed an interest in informants in general. Getting the Times is too uncertain and difficult and costly here, and I don't have the time to read I'd like.

May I offer a simplification on Ford? Aside from eliminating the guts of this transcript and aside from committing a felony in using it and aside from commercializing it he also gave no indication he had made a single change for any reason. In my old-fashioned concept that alone is dishonest and not accidentally so. He stole for profit.

There is much more to the Russell story than I use here. Several years ago, to make a record, I wrote it up. I don't know if it is publishable as it exists because it was also, as unfortunately, everything here is, hasty. But he gave up his CIA oversight and broke that long friendship with LBJ. I mean completely. (He was rigid in his misallocation of blame.) Your recollection is pretty good. It was not really to the papers, though. After what I gave him and when he knew he had terminal cancer he made a modest record of his doubts public on Cox Broadcasting, which is owned by Cox papers. I wish I thought something with an audience like the Times' Sunday mag would go for something on the anti-official side, and with this take the time necessary to edit.

Speaking of the Sunday mag: do you know anyone there? If you do, do you think they'd go for Jim's essay on the FOI law? I'm more anxious than most publishers or writers to sell the ancillary rights because we have the bank to satisfy on Jim's debt (100% of gross has gone to it) and because we are unfunded. One such sale, not yet out, will pay for most of a mailing to what by now is a very long list of those who have written me over the years. (Most of the sales to now have been from radio broadcasts, by phone, in which they let me tell the audience how to get the book from me and the price.)

I do appreciate your taking the time. I hope that at some point some TV show develops an interest in this and that it takes me to NYU. If it happens, maybe we can get together and not for publication I'll address some of your other doubts. No sloppiness, possible as that is.

Glad you've learned to live with your health problem. From what I've heard you may well live long^{er} for it. I hope so. We sure need more reporters like you, too!

Best regards,