

1/4/74

Dear Peter,

Thanks for the interesting clippings and the explanations in your letter of the 27th. I can't afford the Times by mail and it does not always get to town on the days I go there. Yesterday, for example, it did not make the connections, by bus. If I make a special trip, it is about 12 miles round trip to the newsstand, prohibitive for me. So there is much I miss that the Times alone carries. The story of this informant is one such story. I have an interest in them and someday will be writing about them.

Lesar and I are familiar with the ACLU efforts with the Freedom of Information law. I tried to interest them in helping me when the law was passed, without success. However, today those who use the law as well as those who edit have a residual prejudice against the subject. Liberal types over Warren, unthinkingly. If they had filed suits for me in the first days of the law, seven and a half years ago, the decisions would have been entirely different because the courts were. However, decent people do not like to let themselves realize that they are timid or prejudiced. The one thing the ACLU did for me in those early days was refer me to one of their criminal lawyers in the event the federales ever did anything to me! I had taken one of their lawyers, from one of the most prestigious firms, Acheson's, to the Archives several times. He was thoroughly terrified after what I showed him, and he feared for me. But he could not persuade the board to file for me.

When Warren Weaver first replaced Fred Graham I saw the Times more often. He is more than just competent. The little I have seen of Lesley Oelsner's work tells me she is first-rate. I have a friend who is a retired reporter who writes only the highest praise for her work. However, I can't overcome the residual prejudice against the subject and against me, in the Washington bureau or in New York City. My calls are never returned. (Four days ago I left word for Hersh, who I could help, and not for the first time. No response. And he is working on a tricky story, using at least one dubious source. I would hate very much for any of this important work to be damaged by something kicking back. Hersh and I have never met, never spoken to each other.)

Perhaps this can be more comprehensible to you when I say that in my opinion, the only fair stories on this subject I've seen in the Times you wrote. I recall no others not angled or prejudiced or both.

Of course I want attention to my work. But I have no interest in and avoid personal publicity. However, when I've used the Freedom of Information law more than any other writer (and with a good box score, 75%) and take precedent cases to the Supreme Court and none of this is news, were I to complain it would not be personal. All these media just sat around reporting nothing while the law was being corrupted. The major media is the major beneficiary of the law. More, the suits themselves were newsworthy if only in what they disclosed and what I forced the government to disclose. Like Kleindienst was a liar, three years before he had to quit. I charged perjury in federal court repeatedly to high and low officials, without even pro forma denial. Unreported, with reporters present. Column-long stories filed and killed. The only way I got any word out about the new book was because I figured out a way to by-pass the national desk.

Frankel has the same prejudice. I remember his attitude very well when he was one of the team Harrison Salisbury put together for a re-investigation after I gave him a copy of the manuscript of my second book. Or am I wrong in thinking he was on your team that, whether you ever knew it or not, was sabotaged from within? Anyway, when he was bureau chief I went to the office on a number of occasions with what I thought would interest the Times and it never did. I phoned fairly often for the same reason, to try to be helpful. There never was an occasion then when any story would have helped me. But except for speaking to Weaver by phone, to no end, nobody was ever interested.

With Hersh this was also true when he was first on the Watergate story. In time you will, I hope, see what I have put together on it. Much still not reported, still not known after all the proceedings. When I could not give this kind of stuff away I decided to

wrote my own book. I was in the conclusions when I had to lay it aside for the Ray case work in September. I hope to be able to complete this last chapter soon and start reading and editing it.

I called Herish this week because I could help him on his current CIA work. When he did not return the call I decided yesterday to approach one of the scandal sheets with what I have. What he is now doing is one of the things I could not give away. I've had proof in my possession for years. ~~xxxx~~ In confidence, I have copies of their surveillance on me going back to 1967. If it had been within my capability, I'd have sued them long ago. I went to the ACLU quite some time back. They were encouraging only as long as I was with them. In addition to the most solid proof I also have substantial reason to believe that they have had what they call "operational" interest in me. In tracing this I developed quite a story: covers names, addresses and deeds.

Also in confidence, I had no trouble getting to see them on this. Jim Lesar is my lawyer on it. We had a conference with the general counsel day before yesterday. We are to hear from him when he does what he was supposed to before we saw him, gone over the relevant files. When he claimed to have seen them all it was child's play to tell him what he had not seen, and not only about me. He was so nervous he couldn't keep his hands still, and he is a career spook. So, I believe he did see all they have and was lying but I didn't want to call him a liar to his face so I suggested instead that his people were holding out on him and perhaps he'd rather not learn this in court. If we do not get satisfaction privately we will in time go to court.

I digressed because I thought this might interest you. If you did not know it, in addition to the investigative reporting of my youth I was a Senate investigator, was in OSS, worked with British intelligence before we got into World War II, and have on occasion worked with the Department of Justice. Thus the general procedures, which are basic and do not change, are not entirely mysterious to me and I was able to tell the CIA's lawyer what their files have to hold and how they got some.

These explanations may tell you why I preferred not to make a direct approach to Frankel or Bergman. Aside from the prevailing prejudice against my side of this issue what they edit has a long and to the best of my knowledge undeviating record of biased reporting that amounts to official propaganda, whether or not they so see it. They do not know the fact. I do. Also, when there was infamous abuse of me I was forthright in my protests, which I have a hunch will be remembered as it will not help me. The Sunday ax-job on Frame-Up, for which a bitter partisan and a man who had made himself my enemy was selected, is the most recent case. Simultaneously that particular man was doing anti-black propaganda ~~for~~ for USIA.

By now I hope you have formed your own opinion of what I regard as a fine job Lesar did on the law and our experiences that today have added relevance because of this CIA flap and because of the phoney citation of "national security" to suppress. Rather than the substance of the transcript I had hoped the Sunday people might have some interest in Jim's writing. In addition, one of the reasons for amending the law was the official corrupting of it in one of my suits. (Congressional Record, 5/30/74.) It seemed to me that these people might be less unreceptive if they heard first from someone inside the Times, someone who had read the work. This is why I asked you if you could speak to them. If it would be compromising in any way, please excuse me for asking and please also do not be embarrassed. Some day I'll be in New York again and I'll try to see them personally. This will have the advantage of letting them note that I have but one head.

I was delighted to meet Mo Waldron. I had long respected his work. He is a great guy in more than size. He thinks we'll get a trial for Ray, if not from the district judge then from the court of appeals. Mo has a great sense of humor. When he praised what he saw me do he did that by needling me. I enjoyed it much. Including the praise!

Thanks for the help. Hope you have a good year.

Sincerely,

The New York Times

TIMES SQUARE NEW YORK N Y 10036

December 27, 1974

Dear Harold:

You were very kind in your letter, which the office has kept for me while I was on vacation, so that I've only just gotten it. I'm glad you have found a good associate in Jim Lesar, and I'll be interested to see how you make out in the investigatory-files litigation. I kept up with some of the American Civil Liberties Union efforts over the last couple of years on the Hiss and Fosenberg files, which so far have just gone around in circles--except to have the FBI sell at a price to Allen Weinstein of Smith College such heavily censored material that maybe the litigation should have cited false pretenses as another ground.

I don't know a thing about the Ray case beyond dim recollections of stories, but Mo Waldron has got to be a good expert. I'm sorry you and Warren Weaver may have had some misunderstandings--he's a very fine reporter. In the Washington bureau, we now have a reporter from New York who is also concentrating on legal problems--Lesley Oelsner, who is herself a lawyer. If you have any ideas for stories in that field, she might well be interested.

On your magazine thoughts, Max Frankel, who was formerly chief of the Washington bureau, is Sunday editor with complete supervision over the magazine and Review-of-the-Week among other things. The Review now buys pieces from outside, as does the magazine. For the Review, a story would probably not run more than 1,000 or 1,200 words at the outside. For the magazine, the length is becoming inordinate in some stories. The magazine has an editor of its own, Lewis Bergman. Both operations, as is standard with almost everything in the Sunday features, get to demand so much rewriting and editing that some writers can get very unhappy.

I'll hold this up until I get back into the office to get you a copy of that story on the Police Department's informant.

With all good wishes,

Sincerely yours,



Peter Kihss