

Dear Jim,

12/21/74

Here is a copy of a nice and rather longish letter I got from Peter Kihss today and my reply. I read his letter when it came, after lunch, and have been doing other things so perhaps parts are not in mind. However, several are clear and one will require some explaining. This is the first time Pete has sent me a letter after getting a book. He's always phoned. And it has changed his view somewhat.

If you want to understand the latter point better, when Jerry phones ask him what Pete had decided. This letter backs off that. It really reflects what is not uncommon with reporters who are good reporters and decent, honest men: he's agonizing.

There is really also an evaluation of the effectiveness of the book and the format, using all those documents. I find it encouraging.

Over the years I had a notion that the Times was following behind me. I know that with WW II they did because I as much as invited it with a meeting with Salisbury and later with the crew he put to work, of whom Pete was one. I met with all but Corry. The manner of Roberts and Handler left little doubt that they would succeed in finding nothing, not even with this work as an index. Roberts was their Archives man. He is an expert at not finding when the cause requires it. He is one of those who bought the Oswald-rifle picture, for the St. Louis paper he then worked for. Pete here goes a little farther in crediting me than I'd known.

I've not heard from Waldron in some time and I suppose he now wants to be with his family, so I made the suggestion to Pete on the chance he would approach someone on the Sunday mag to try to interest them in your essay.

The suggestion on the Supreme Court situation on Ray/discovery will, if he makes it, carry more weight than if we make an approach. He may or may not. I came as close as I felt I could to asking him.

Certainly Weaver had no interest when we spoke to him. If you've forgotten, I phoned him from your home when the habeas corpus petition was filed. No story.

Martin's stories were the kind that the Times prints. Those who work for the Times will know that there is more, so I think there is a chance. I'm sure that Weaver read those stories because that is his beat.

The story he sent me is the Times' morgue copy so in time I'll want it back. It is not the story from the final edition. You have that. It is two columns wide and I think maybe a little shorter. The end of both is different than the typed AP wire copy of which you have a copy, so it is a later version than the one you've just returned.

I don't think it will comfort him because I don't think he wants to be comforted, but casual reference to this might at least encourage Hoch a little. Maybe he can come to see that if it is the disaster he conceives it is also a disaster that is not without some effect.

Whatever his response, if any, I'll let you know, of course. It is not at all unlikely that he knows people on the magazine. I think the problem there will be the involvement of assassinations in FOI, not now FOI. Regardless of who edits, it has always supported the official fiction. It has had many such stories but not one other than endorsement of officialdom.

Best,

His with will - opinion, Commission

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 mere 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 ~~was~~ 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 Mc 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 document 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<sup>er</sup> for it. I hope so. We sure need more reporters like you, too!

Best regards,

# The New York Times

TIMES SQUARE NEW YORK N Y 10036

December 16, 1974

Mr. Harold Weisberg  
Route 8  
Frederick, Maryland 21701

Dear Harold: You were very good to send me a copy of "Whitewash IV" with that kind inscription, and of course it was very interesting to me. I had already seen the AP story in our paper--enclosed is a copy in case you missed it--and some other papers. You remain persevering and diligent--and still idealistic and angry.

I'm in a position these days where I'm not supposed to get angry or stressed. I had a heart attack last year and was out for 13 weeks after 40 years' newspaper reporting in which I don't think I had been out a whole week in total. I'm back on the street again, but with some restrictions. I guess a good deal of my memory went with the heart attack, and a lot of my recollections of the Kennedy assassination inquiry with it. You keep opening up interesting angles, but from what's left of my memory of the case, I still don't see them leading us to any new answers.

It always seemed so likely that Oswald had some kind of U. S. Government attack ~~in~~ view of the way he came back without problems after that Soviet excursion of his, but we could never prove it. What you have in the transcript is a pretty stupid statement by Allen Dulles on CIA and FBI policies. Obviously any agency tries to protect confidential sources. But if any informant goes sour, that should eliminate any protection--as for instance, in a recent story we had about the New York police ending a shield for an informant who managed to roll up a total of 200 admitted crimes. There comes a point when any sinner shouldn't be forgiven by us humans--despite Christ's injunction to forgive 70 times 7 and more. Certainly any government agency ought to remove the shield if an informant allegedly was involved in the assassination of the President. I know that argument is countered by the charge that it could have been the policy of some government agency to assassinate Kennedy--but again we never found any proof of that. In any case that had as many ramifications as Oswald's, it seems that someone in government would have come forward to say that on such and such an occasion he knew of such and such an Oswald government connection--if there was any.

--more

# The New York Times

TIMES SQUARE NEW YORK N.Y. 10036

2. Mr. Harold Weisberg, Dec. 16, 1974

Maybe I'm too naive in taking the kindest interpretation of some people's actions, and you do tend to take the worst on a lot of people involved in all this history. I can see possibilities in Ford's having transcript available to him and Fankin's first classifying documents during an investigation and Rhoads' problems in procedural releases. You do have Ford pinned with his statement that he didn't use anything outside the 26 volumes.

But on Ford's changes in his chapter, I don't make too much about his changes in words. On transcripts, I've seen too many wrong in cases when I was involved to have any belief in the absolute perfection of stenographers. On his omission of things like Wade's having paid off the head of government in Ecuador, that is certainly interesting--but he could argue the disclosure would have been against then national diplomatic relations, and the item was not of head-on relevance in the Warren commission inquiry.

I was interested in your report on Richard Russell--he did eventually tell the Atlanta press about his doubts on conspiracy. I don't remember if he ever said the commission tricked him, in that story. He wouldn't talk to us about it.

You always do a good job in reproducing documents for people to make up their own minds. On all those discrepancies --the autopsy, etc.--we did tackle a lot over the years, in many cases thanks to your efforts. I still think people can make sloppy errors honestly, even in a case as awesome as the assassination of a President. On small things here I frequently get amazed at how sloppy even editors can be--for instance, one editor recently ~~wrote~~ wrote a completely haywire paragraph into a welfare story of mine recently, changing a thought about "recipients" to "applicants" instead--and another editor trying in a house organ to warn against such changes described the original ~~error~~ error completely wrongly. If this occurred in the Kennedy case, lots of people would consider it suspicious, malicious, etc. Plain error, stupidity, carelessness--the world is full of it. When you try running down stories in a hurry, you have to make fast judgments on conflicting reports--and the resulting ~~piece~~ written piece is really only a search for truth, in which your judgments may have been wrong despite the best of intentions.

You have quite a line about Nixon getting crime off the streets--moving it into the White House. I hope things go well with you--happy holidays...

Sincerely yours,

*Peter Kihss*  
Peter Kihss