

February 15, 1971

Miss Doris P. Brown, Secretary
Judge Gerhard Gesell
U.S. Court House
Washington, D.C.

Ref C.A. 2569-70

Dear Miss Brown,

I hope there is no impropriety in this letter. I intend none, hence I do not address the judge. Having no knowledge of the practises and customs and also having no time, I do not know what else to do.

Several things trouble me much, and they are all related to the present situation in this case.

One is an apology I believe I owe the judge and/or any clerk who may read the papers I will be filing tomorrow. I very much regret the length I felt and feel that what the Government presented with required of me, in looking out for my own rights and interests and in what I regard as the prevention of a false record for history on what, to me at least, are important matters and I believe will, also be so regarded in history. The other is for the fact that it has been a physical impossibility for me to read these papers before filing them. There may, therefore, be typographical errors that I will not have detected. I was made aware of this by the accidental detection of one. It has been possible for me to complete these papers only by another accident, finding someone who could help with the typing, who is also someone not familiar with my very illegible handwriting. I have just received the last part of the typing that woman did for me. The final assembling of the papers and the identification of exhibits will take all the time I will have. However, I was determined to comply with the time the judge permitted me to have and not to appear not to take that seriously or to seem to impose upon him. Thus there is no time for reading and correcting.

Another is the situation with which the Government confronted me. Had they not done things I regard as wrong, if not improper, I would not have had this (for me) enormous time pressure. For example, as I believe my letter to Mr. Werdig of which I sent you a copy shows, I was not supplied with copies of his exhibits, as he had certified, and I did not get them until after making the third request for them. I could not begin to hope to complete these papers if I waited for them, so, when I finally got them, only a week ago today, I had to handle them separately. Aside from interfering with the organization and continuity of what I hoped to present, this required that I handle these exhibits separately or not at all.

Then, just ^{day before} yesterday I got a letter from GSA saying that one of the most basic bits of evidence of all, their denial of my appeal, is in serious factual error. I go into this as best I could at so very late a date in the addition to the addition already made necessary. But that hardly enable me to do the best with it, and again, it means further disorganization and still more length. Above all, it is contradictory to what I had already had to answer. And it says that what I was told in writing and what defendants presented to this Court is in error. The same day that is dated, Mr. Werdig phoned me. He made no mention of it, so I couldn't even be thinking of it prior to getting it. And I think that the fact that it reached me at all before having to file these papers is accidental.

In this call to me, and on his own, Mr. Werdig made two promises to me. One I knew he did not keep and the other, frankly, I suspect he didn't. The first was that he would phone the National Archives, obtain from them the notations cut off the copies of his Exhibits 1 and 2 that were almost four weeks late in reaching me anyway, and immediately read them to me over the phone. He never did. I regard these notations as important to me, and they bear very much on the misrepresentations made (and I think I prove) about these two exhibits. The other was that he would obtain an extension of time for me. This began with his pressing me to ask for it, which I declined to do. I told him as I had written him that I'd prefer to meet the time allowed by the judge and then, if permitted, file what had not been retyped as soon as it was. Had it not been for what I set forth above, I would not have required more time and I would have had time to go over these papers with the care I feel I should have. He then volunteered to get the time for me and left me without doubt that he would. However, as you can see, I did not depend upon it. If he has done this, I do not know it and it does me no good and may be prejudicial to me. He even insisted on 30 days when I told him I'd need nothing like that and wanted none.

With my previous experience, of which you know, I had to be suspicious, for if I'd listened to him then I would have defaulted. I cannot now avoid the suspicion this may have been his intention in phoning me Thursday. And I assure you, I was never away from the phone for so much as a minute during his working day from the moment of his call and at almost all other times since. This is the one time of the year we have any regular income. My wife works as a tax consultant. Her office is but ten minutes from here. I was home Friday morning not later than 8:15 a.m. and I didn't leave until close to 5:30 p.m. I was then gone less than a half hour. From then until early this morning, this phone has been covered constantly. I think the volume of what I am filing will pretty clearly show I had to stay home and work long and hard to complete them. He didn't phone me during his working day or at any other time.

This raises in my mind what I hope you will not regard as an unreasonable question about whether he was trying to take advantage of my ignorance of the law and its practices and procedures if not, indeed, trying to trap me into defaulting. To a degree, I go into this in what I am filing, but with their bulk, I despair of hope that the judge will read them. Of course, I hope he will. But I just assume he is a very busy man and he does know I am not a lawyer. However, I do hope that he can find time, that he is not annoyed at my non-lawyer's approach and by the passion I feel so strongly I can't always suppress it, for I am confident he will render a just decision if he knows both sides. And I think he might find them informative, perhaps interesting.

In any event, I hope that you can understand why I write you and not the judge, for I want to avoid even the suggestion of anything improper. If the foregoing is, I would expect you not to communicate it to the judge. In any event, I will send Mr. Werdig a copy, in fairness to him.

My apologies for placing this burden upon you. I just do not know what else to do.

Sincerely,

CC; Mr. Robert Werdig, Jr.

Harold Weisberg