

Mr/ Larry Ellsworth
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Dear Larry,

The way it works between Jim and me is that he makes all the legal decisions. When he has time he consults me. In all our court appearances he has only twice asked judges for a moment to consult with me. Only once have I asked a judge for a moment with him. We have never had an argument and I do not believe we ever will. He will continue to make these decisions.

They have, in fact, extended to our priorities.

You spoke to him after you read our "sweeping" victory in No. 75-2021, suggesting the possibility of help on depositions. He told me, I welcomed it and after thinking about it for a while he wrote him but again left it up to him. Not without first recalling a fair number of uninformed and prejudicial comments that have reached me. It would be no exaggeration to call some insulting. Not without recalling also part of the history of the FOIA amendments, including a ~~series~~ conversation with you and Ron Pleszer.

When he reported no further word from you when I had to be in D.C. for a medical appointment on the second and after reading what George Lardner quoted of Mark Lynch I dropped in so you could ask of me what you might want to. You had no questions. You said you'd get the records from Jim and read them. If you did he did not tell me about it.

Then the dirtyworkers dumped this awful load on us just at the time they knew Jim would be leaving on a much needed change and vacation. For the first time, after many promises, they also sent them to me. I had read the first set by the time Jim phoned. He did not even have time to file a motion for an extension of time for response. Then there was the second set he received almost on his way to the plane. He phoned you. You were not in. I do hope you've returned since but you also did not phone me. He left a message based on which I'd ordinarily have assumed there might have been a call. So I wrote you on the 13th, without response. This left me in a difficult position.

Without being able to consult with a ~~xxxx~~ lawyer experienced in this Act I've had to prepare an answer to each and every allegation, whatever its form. In the past two weeks I've written about 40,000 words of this while doing other things. It is all in the form of affidavits for me to execute. This morning I read and corrected or so my wife can retype it when she can. We'll have this all done before Jim returns. But have you any idea of how much work it is and how much of it may be wasted? Or what else I should have done and was not able to?

It is of no personal interest or value to me to prevail in any of these suits. I've been looking for years for people to whom I could give research I've done that I'll not be able to write myself. If I can remain active another 20 years I can be productively busy without ever getting another piece of paper.

Aside from the worry about the legal situation in this suit that, whether or not you are aware of it, hold enormous potential for you, as I'm sure Jim also will tell you, these two weeks have not been easy in other ways. Almost a year ago, after the damage was beyond remedy, acute thrombophlebitis was diagnosed. It limits me, at least from what I used to be able to do. There has been no day without pain in this period. Sometimes I've barely been able to walk. The two doctors who know my medical history have not been available. One is off for advanced study, the other is on vacation until ~~on-~~ day, when I'll see him. Nonetheless and not uncommonly, I began today at 5.

There are some worries one cannot escape in life. I have my share without any I can avoid.

Jin was not told you were on vacation. When I did not hear from you I had no choice but to write the judge's clerk and the AUSA, the last things I wanted to do. (I've had responses from neither so I'm still in the position of not knowing whether our time will run out before Jim is even back. I assume that if it would have the letter should stop it.)

When I suggested the possibilities of this case to you on the second you said you'd be in touch with him and would get the records. You didn't.

The answer to interrogatories in the recent, which should have reached me by now, have not. I doubt they will. ~~Showing~~ Clearly enough to see the government's game is to overload Jin. He will be overloaded. In addition to just trying to catch up on his other affairs he will have three active cases for me, with a status call in the depositions case three weeks after he returns when as it now stands I'll not have had time to do much if anything at all for him with the answers, if any, to the interrogatories. In the third case, of which I presume you know nothing, I can see some very important labor and consumer political values. In that case we have extended the parameters a bit, too. I think it is no coincidence that the responses to interrogatories in that case are also overdue.

If we are granted the month after his return that I asked for to respond to this rather large load dumped on us when the government knew he was leaving, he will still be able to get less than his normal little sleep. And he'll have to read these thousands of words I'll have ready for him. This is quite a load for a man who has not even a stenographer to do his recording or deliver his papers or a typist to type them.

It is also a burden for me because there is much I've been hoping he'd be able to find time for that means such to me personally, as none of these cases do.

If he is to be able to cope with what will await him when he returns, as best I can visualize it the last thing he'll want is what I've been experiencing.

He will make his own decisions and he'll make those that relate to me. But by a carbon of this he'll know my view, and that is that more than anything else he'll need independence, not leaning on a reed that may be weak.

It is only recently that for the first time in more than a decade I've been out of debt. I still have no regular income. But I do own my own home. If it takes going into debt, with the home as security, to swing the depositions, I'll do it. And under any circumstances Jim will be his own master. We may do less than we might but I don't think you'll have an Open/Arbitrary decision to content with from me as currently I have from your people.

Sincerely,

Harold Weisberg