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Dear Jim,

8/17/83

Schaitman's 8/12 re CA 75-1996 is deliberately insulting, among other things. Because you are inclined to accept their insults I propose that you write a letter attributing what you say to me. It is, after all, the client who is supposed to pass on these things.

My client has asked me to inform you that he regards your ~~st~~ letter of the 12th as needlessly insulting and factually untruthful and that in his view it eliminates the possibility of your seriousness when you say, "I continue to be interested in investigating the possibilities of settlement."

My client informs me that he finds multiple and non-accidental untruths in your statement that "Although I disagree with your characterization of the case, as I believe that Mr. Weisberg cannot be said to have 'substantially prevailed' on the basis of the release of largely duplicative documents..."

It is not either my client's or my ~~client's~~ "characterization of the case" that "Mr. Weisberg prevailed on the basis of largely duplicative documents, your words, and is out-and-out false, my clients states, for your to represent that what was ultimately released to him more than a decade after his requests were ordered to be ignored is in any degree "largely duplicative documents."

My client has written me that he believes your letter is merely the latest attempt to implicate the FBI's 1967 written decision to "stop" him and his writing by tying him up in spurious litigation. (Because you are new to this case I inform you that these FBI records are in the case record.) He tells me that despite the limitations imposed on him by his impaired health and age, if he has to waste any more time in this litigation, he would prefer to invest that time in documenting the deliberateness with which the FBI forced this litigation, stonewalled it, wasted large amounts of time and money in it, and now insist on wasting much more based on what he regards as a complete fabrication, that he did not "substantially prevail" and that all he claims to have received is "largely duplicative documents."

Quite aside from this, there is the public value of what he compelled disclosure of, only partly indicated in my previous letter.

Jim, this is so raw that I believe additional collection is possible based on laws I called to your attention earlier. If you can get any public-interest group interested, particularly if they are willing to invoke the sanctions provided by some of those laws, which sure as hell would help FOIA at this juncture, I will sign over to it in advance any portion up to 100% of what they collect for me.

On the basis of this letter and these deliberate lies and insults I am not willing to be party to any other negotiations with these scoundrels. To have any association with them makes me feel unclean. Besides, if he had any serious interest, he could never have brought himself to sign such a letter, even if Koppel wrote it. I urge you to take this as a clear sign of what to expect from Koppel and to prepare to ruin that bastard.

Of course there are other things you may want to include, but I think you must make a clear record of their unseriousness and react to it and its insulting character strongly. It is necessary for many reasons, including letting them know that I simply will not put up with any more of this kind of bad conduct and to let them know that I will do what I can to hold them responsible for any extra money the government may have to pay out, including the costs of appeal. One of the things you may want to needle them about is their constant claim of mootness, beginning before they gave me a single sheet of paper and reiterated before they

disclosed and while they were disclosing what ran to more than 50,000 pages.

I don't know what in the hell he can have in mind as "largely duplicative." There is absolutely nothing of this nature. In fact, they withheld as "previously processed" what was partly duplicative.

Please do not discuss this with them verbally. If any refusal embarrasses you, then out it on me and say I insist that it all be in writing because with this as an example I simply have no trust in their spoken word. And as you know, I don't and I remind you of the stipulation if you are tempted to. Or all their lies in court and submissions.

There is no chance that they will settle on any reasonable terms absent a vigorous rejection of this insult and along the lines I indicate. You will just castrate both of us if you do anything less, and self-respect permits nothing less.

If you want to have some private fun, assuming that he intended to break off negotiations while pretending otherwise, when it is without doubt that there is not going to be any serious negotiating, you might want to send him a marked copy of the memo he wrote about the probability of establishing an adverse precedent in the original spectro case. It is part of a memo beginning with Rich requests. And a separate copy of Shea's, which I believe was addressed to him.

Nothing wrong in this and I think it can give him something to think about because of his responsibility now that he has signed this letter. Which will certainly be helpful to us in any further litigation.

in haste,



U.S. Department of Justice

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August 12, 1983

James H. Lesar, Esquire
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RE: Harold Weisberg v. Department of Justice
(D.C. Cir. Nos. 82-1229, 82-1274, 83-1722,
and 83-1764)

Dear Mr. Lesar:

I am in receipt of your letter of August 4, 1983, proposing a settlement in the above-referenced case. Although I disagree with your characterization of the case, as I believe that Mr. Weisberg cannot be said to have "substantially prevailed" on the basis of the release of largely duplicative documents, I continue to be interested in investigating the possibilities of settlement. While your offer of a 10% reduction is appreciated, the figure you propose remains unacceptably high. I am prepared, however, to recommend to my superiors a \$10,000 settlement, which represents a reasonable reduction of the district court's exorbitant award.

I am in full accord with the view that there is much to be said for ending this protracted litigation. Thus, I remain available for further discussions regarding settlement, should you and your client wish to pursue the matter.

Sincerely,

LEONARD SCHAITMAN
Assistant Director
Appellate Staff
Civil Division