

Mr. Carl Stern
NBC News
4001 Nebraska Ave., NW
Washington, D.C. 20016

6/17/83

Dear Mr. Stern,

Thank you very much for your letter of the 23rd. I appreciate it. As I now recall, in writing you and a few others, I did not expect responses. I was informing because of the possibilities I saw, so I appreciate your taking the time more. This letter also requires no response, unless you can offer some advice and assistance that I think would be for FOIA.

It was not surprising that when I absolutely refused to comply with the discovery Order the FBI backed down and shifted to another sanction that would also have the effect of nullifying the Act, dismissal. Without searches and without the Vaughn index they insisted upon making two years ago when I wanted to dismiss myself (because of my age, health and preference for spending that time in writing).

The FBI's lawyer had actually threatened to have me thrown in jail. He made a pretext call to my lawyer for this purpose. But he hasn't yet gotten his own monkey off his back because I am and I will continue to be in contempt by refusing to pay the counsellor fees for which he also got an Order.

There is a hearing on the 23rd and I don't think I can get there because I can't drive that far and have no other means. I'd like to be there, though, and will try to find some way.

Delay

~~Next~~ in thanking and informing you comes from the need to prepare and execute another long affidavit.

As I see it, the great excesses in this litigation can provide an effective means of defending the Act, which is under assault in the proposed "improvements," too. I've had too much experience with those matters to believe otherwise.

Aside from what I regard as the rewriting of the Act in court, these abuses include resolute and permeating false swearing. I've documented this also under

oath, attestation by attestation for about a dozen of them and I'm unrefuted and will remain that way because I was accurate and truthful and they were not. Most of the time they get away with it and expect to, but if they were ever caught up once and had to face it, it could bode well for the Act today. I'm trying but my lawyer just doesn't have the time. The stonewalling they've been able to get away with has been ruinous to him.

Whatever they may try to do to me can kick back if I have any help at all. If others would get interested because of the precedent involved in what they are doing, that also could kick back, help the Act and expose what they are up to.

Discovery and sanctions do appear to be precedent. Others will be hurt, not me. I've continued in this litigation only to frustrate the FBI's improper moves. Others include the Nader people, the ACLU, other public interest groups and of course all other requesters, private or corporate.

However, I'm not able to get down to Washington to speak to them. Some had their own prejudices in the past and perhaps I will not be able to do anything about them. Some may remember that they indicated they'd file amicus briefs in my original spectro case, then didn't and left me to proceed entirely alone, and contrary to their expectations and I believe a few deals, Congress amended the Act over that litigation (investigatory files exemption). But I do believe that an sanctions against any FOIA plaintiff presents real issues for such groups.

My lawyer has been too busy to speak to them, as he's promised to do, and he won't be able to defend me against sanctions. I've offered to agree to his resignation because the cost to him already has been too great.

So, if there is anyone to whom you can speak, I'd certainly appreciate it and I think it can be helpful to the Act and other requesters.

With regard to JFK and King assassination materials, I believe that what I had in mind is indicating what I have and its availability. There is no interest in either subject now but that can change overnight. Thanks and best wishes,

Harold Weisberg