

Dear Jim,

KANECK 3/2/84

Like a swallowing snake, LaHaie can't stop. He was foolish to write you so self-serving ~~about~~ letter and file it in court. You will be foolish if you do not take full advantage of it along the line I suggest below in what it is easier to do in the form of a letter to him.

Dear Henry,

Your letter of ~~the~~ February 27 strongly suggests that it was written for the sole purpose of being filed ex parte with the court. Because it is self-serving and because in it you continue to have trouble with factuality, I respond.

I regret that I have no more control over the government's handling of the mails than I do over its handling of litigation involving the right of the people to know what their government does. You should remember at least one of my reportings of this to you, the long delay in pleading reaching my client after they were delayed in reaching me. He offered to pay the costs of a separate mail ^{ING} to him, which had been

governor made
the practice until you entered the case, and ~~even with payment of costs~~ you refused. including ~~some~~ those of courts, and my mail is often very slow.
The fact is that some mailings never reach me, including ~~mailings of pleadings~~.

In all you have said, written and filed there is no explanation of the government's need to rush to collect when under ~~the~~ Judge Smith's Order, if it collects from my client, it will also be paid interest. In all you have said, and written and filed, there is no explanation of the government's need to try to collect from pro bono counsel. You have known all along that this would go up on appeal and you have pretended that you welcome ^{this} that, yet your action, in seeking to collect costs ^{levied} against my client from me ^{-again-} ^{from} in addition to him, ^{Why do you} ~~I add~~ not just await decision on that appeal?

Indeed, when you knew all along that this would go up on appeal, why should you or the government be unwilling to await that determination before making any effort to collect from Mr. Weisberg, even doing the legal research you cite to learn that you ~~cannot now take~~ ^{one precluded from ~~doing~~} this additional repressive and oppressive move against an aging and unwell man until after his appeals, which you can lose.

Unlike one of your earlier formulations, which is both ways on the matter, in your letter you are quite explicit in stating that you intend to collect from both of us.

EQ

You give as your purpose to "begin executi^m procedures against " me "immediately," ~~about~~ referring to your "intention" in the past tense, ~~and~~ ~~and then~~ ~~while~~ at the same point, ~~anticipating final judicial determination,~~ you ~~indicate~~ ^{state} that you will proceed against Mr. Weisberg ^{to me!} in addition: "we definitely will do so once he has exhausted his appeals."

This is not the first time you have uttered what can only be taken as a threat and then denied it. You made threats against my client to me and then denied that. If you suppose that he, as a non-lawyer, has no knowledge of what "contempt" is, do you suppose that I do not? Or that I did not fully and accurately inform him? ~~Why~~ Why then did you phone me ~~to give me to understand that you would move to charge him with contempt~~ ^{and tell and talk to me about a contempt charge against him} ~~and then not do it when he dared you to?~~ ^{file}

There is only one reasonable explanation of your and the government's course in all of this, and that is to attempt to alter the normal course of events to create a threat to all lawyers who are willing to represent clients who cannot pay them. Meanwhile, you avoid a judicial determination of whether or not my client is actually in contempt, whether there is any basis at all for ~~the~~ such an allegation.

Your letter is designed to have the court's records indicate that you actually ~~respond to what I alleged,~~ ^{when in fact you do not - I alleged} ~~which is~~ that under the Rules for you to consider making this move against me I must have counselled disobedience of the Order. In fact, as the undisputed case record reflects, exactly the opposite ~~is~~ ^{is} the fact ^{in the same sentence} I did advise him to comply. Yet in the face of this, you also would have the court's records reflect that ~~the~~ "the government is "not "using 'highly ~~reprehensible~~ unusual and highly ~~reprehensible~~ reprehensible' tactics against" me and my client. Perhaps, you would like - and I would like you to - cite the Rules in support of what you ^{(stated and} have done when I not only did not counsel noncompliance but urged compliance on my client, as ^{you knew.} ~~the~~ case record reflects.

Your letter is also phrased to make it appear that my letter of ~~the~~ January 10 ^{and that he is unreasonable in this (2)} initiated my client's offer to settle. In fact it was his response to your inquiry.

Moreover, he earlier offered to dismiss and not refile if in return the government would not misuse his willingness to end this litigation to withhold from others what ~~he~~ he requested under FOIA and was not even searched for in response to his request,

Inherent in this is the ~~representation~~ *suggestion of unreasonableness* that my client, as a condition of settlement, ^{to} desired recovery of the costs ~~incurred~~ he incurred when his requests were not complied with and he filed suit. The extent and nature of the disclosures in this litigation reflect the fact that he did "substantially prevail," and the FBI's ~~long~~ history with him reflects the fact that it does not comply ~~at all~~ *with his requests* unless he files suit. The undisputed case record ~~also~~ reflects this, as does other of his litigation. ¹ (The FBI even required him to use FOIA to obtain a copy of one of its

press releases.) *insert here*

If you have any other similar "professional courtesies" to extend, I suggest there would be less controversy over them if you ~~extend them~~ *your "courtesies" are* in writing. It is unfortunate if lawyers cannot ~~converse~~ *safely discuss their* ~~about~~ *that* litigation, and it means that ~~handling~~ more time ^{may} seem to be required, but it requires even more time and unnecessary controversy that in turn is costly when there is such disagreement about what you said, particularly when ~~on~~ several occasions what you said is not easily regarded as other than a threat.

When he learned last year that the FBI was processing ^{for ~~his~~ others} records responsive to ^{ignored} his requests of seven and more years ago he wrote the FBI seeking to learn when he might expect them and it simply refused ^{him} to respond. When he filed an appeal, the appeal itself was referred to the FBI, ^{and it then wrote him} ~~which managed to write him with~~ both untruthfully and unresponsively. As of ~~today~~ today the FBI has not responded to him even though this recent correspondence ^{itself goes back further than} ~~exceeds~~ the FBI's claimed backlog.

"pursue his client's lawful objectives"

I've done this in haste because today is Friday and if I do not make tonight's outgoing mail there will be additional delay in its reaching you. I do hope you will give this serious consideration and will do as I want and, if you have any questions, will discuss them with me. If this letter reaches you on Monday, as it should, I have a dental appointment in the morning after my walking therapy and a 1:30 appointment with the doctor who removed the cancer from my ear. I should be home by 3.

There is one other thing I want to include but I ~~did~~ didn't because it involves an interpretation of what the district appeals court held in the Stanton case. I think you should be quite explicit in stating that he is also whipsawing you because if you did not take this up on appeal for me, as I want, you are subject to sanctions up to and including loss of your license. There is appropriate language to be quoted, ~~like~~ something like pursue the client's lawful objectives, and appeal certainly qualifies.

He made a big mistake in writing so self-serving a letter and making such dishonest use of it. We really must, this once, respond and have that response also in the court's records. And, along with his letter, both available for later use.

You told me when he phoned you that you were angry enough to fight. So, do it.

And meanwhile, take no chances and file an immediate separate appeal so you will not have to interpret the earlier appeals as including this matter.

By the way, I spoke to a local lawyer friend about this and he finds it strange, knows of no precedent, and believes, although he is quite conservative, that it is intended to intimidate lawyers. He says that only after appeals are exhausted can they take any steps against me, then they have to refer it to federal district court in Baltimore, and then I have the opportunity to contest it. So be sure that you are covered by an appeal because it seems apparent that they then will not be able to do anything about you until after that appeal is exhausted.

Please do not delay on this and send me a copy promptly. Best,

