

A P L U P

Dear Legal Correspondent,

12/5/85

The man biting dog aspect in C.A. 78-0322/0420, scheduled for a hearing this coming Tuesday at 10:30 a.m. (federal ~~district~~ court, courtroom 15) will, I hope, be of news interest although the important precedent that will restrict the availability of information, I regret, has not been.

In this old FOIA litigation, which the government has stonewalled effectively, it procured a judgement against me and then disclosed records to another requester, in different litigation, before a different judge, which establish that the judgement against me was obtained by fraud, perjury and misrepresentation. I've made these charges and they are entirely undenied.

In form, Judge J.L. Smith, who has been virtually a DJ/FBI adjunct, has granted a hearing on my motion to reconsider. The sole issues thus are the crimes I attributed to DJ/FBI and whether or not Smith erred in not making any Finding of Fact, as is required by the rules. Both seek vacating the judgement.

Because the government phoned up similar charges against my lawyer, since dismissed, it created a conflict of interest and I am thus pro se.

I'll be there with my wheelchair, which I need because I am not able to stand for more than a few moments at a time and am able to walk only about a city block ~~because~~ before having to rest and elevate my left leg. I am 72 and suffer severe circulatory problems, post-surgical complications.

In the event that you did not keep what I sent you earlier, I enclose a copy of my latest filing, the latest in this case.

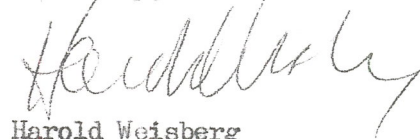
I am the author of seven books six of which are critical of the FBI.

Earlier I was a reporter, investigative reporter, Senate investigator and intelligence analyst.

The undenied perjury is by FBI SA John N. Phillips, who is case supervisor in this litigation as well as in the case in which the proof of this criminal activity was disclosed to another. DJ has assigned new counsel to the case.

If the precedent stands it will mean that the government will be able to demand discovery from any requester of information, which is costly and time-consuming, and if the requester does not comply sanctions can be expected. It is even worse in this litigation because I had already provided all the information demanded again under discovery, about two file drawers full!

Sincerely,



Harold Weisberg  
301/473-8186