

Mrs. Lynne K. Zusman
Civil Division
Department of Justice
Washington, D.C. 20530

1/27/78

Dear Lynne,

Last night Jim phoned to discuss with me his meeting with you, Figley and Metcalfe. I thought about it briefly and then wrote him with regard to my desires.

I writing him I did not address what I found personally offensive, what I believe I should not be subjected to. To a degree I've become adjusted to this persisting police-statism. And I do want to get all of this over with so that I can write and write as accurately, fully and definitively as possible.

He also told me that you told him it is normal for the lawyers to deal with the matters of which I have written. At least to a large degree this is not true. I am in a very unusual position because of your action, not mine, and I do not propose to become the victim of this contrivance. At the same time I do intend to proceed with it as best and as expeditiously as I can.

What brought this ^{on} a head and kindled the anger I suppressed in talking to Jim last night is what happened this morning.

And I write about it because Jim is over-loaded and it will take too long to write him and then write you about one part of which I have given him some indication and some requests that I believe should be handled by counsel. There is also a limit to what I can bring myself to ask of Jim under his conditions and particularly because you people are stonewalling him now even on counsel fees. You know I can't pay him. I don't know anyone who would have persevered as Jim has when his client is unable to pay and will never be able to pay.

What happened this morning is that although I should not have - and it is not for the first time I've done it - I got up before 4:30 to press ahead with this job. I came to a point where the notes reflected what is particularly disagreeable to me as a first-generation American and as one who risked his life and future to fight against a power whose policies I find duplicated in the notes. You are perfectly free to disagree with this characterization and I will not be providing you with these kinds of political statements in what I am preparing. I'm trying here to do a simple thing, explain how I feel to you because I am filing a personal protest over still another gratuitous insult.

You may not be aware of it but a very large percentage of the very large number of pages I've obtained are political in nature.

It came to a point where I will need in my dictation some records that are clearly within the requests, were promised last summer, were re-requested a number of times, verbally and in writing, and remain withheld. I gave this as an illustration in our meeting in Bill's office and on other occasions. But the Civil Division has done nothing at all that I know of to obtain compliance with that item. The fact is that the records are public. They were made public by the FBI in November 1975, more than two years ago. They also have been given to another. Yet I do not have them. And I do need them to make what I will be having to address comprehensible.

When I came to this point I stopped and wrote Jim. I then resumed until 7 a.m., when I customarily take a break from my work for exercise that is essential. His time of the year it is limited pretty much to the exercycle. In the kind of weather we have it is totally limited to the exercycle. This, of course, frees my mind. I do not hide from you that it returned to this and what it represents to me, including the failure of the Civil Division to do anything but make fine self-service speeches that are entirely without any record of any performance. (This is not the only one within your personal knowledge. There is the matter of those pictures I gave the FBI through its local residency of the Baltimore

field office. You spoke to the FBI about this, you made a promise to the judge about it and not only has the FBI been silent and non-productive on that but it has also pretended to respond for the same field office in response to my PA request and even then did not comply.)

As I thought of this I was reminded of the Figley slur Jim reported. When my reputation is concerned I speak for myself.

I was not there and Jim could not have communicated all that was said but it is clear that Figley raised questions of my integrity. He did not do this where it was proper and where you can be sure I would have responded, in court. He did not question what was under oath before that court and I believe is definitive and unequivocal on the matter of what I am doing and have undertaken to do with these and all other records. Instead he has to indulge the personal nastiness that I simply will not accept in silence any more. I do not believe the word Jim use, obscene, is any exaggeration.

Were it not for what Jim put in the record in C.A.77-2155, which I regard as more than full enough and is as uncontested as it is uncontestable, this matter is addressed with no less definitiveness and under oath in the record in C.A.75-1996.

The record is clear on even the irrelevancy Jim reports Figley raised, what am I doing to the originals. At the beginning Jim took them to his xeroxer and had duplicate copies made, one for him and one for me to use as a working set. This became too costly for me so when it became possible for me to invest what for me is a pretty fair proportion of the very little security I have when I have no regular income in own my own copying machine I did buy one. From then until now we have followed an undeviating practice.

I do not touch the original records. My wife does. She makes a copy of them for Jim. I then go over them and with a paperclip indicate copies I want for my own purposes. In more cases than the FBI has told you in telling you untruthfully what you have elected to believe I have made copies for the FBI, to illustrate non-compliance. I still have those I have not given to the FBI, filed by the date on which I brought them to the FBI's attention. With the copies my wife makes for me I have established my writing file. The records are simply too voluminous for me to follow the normal practice of making writing notes without having copies. Besides, if you were familiar with the actualities of my writing rather than the official propaganda about it you'd know that I print in facsimile.

Now so this irrelevant and insulting matter can be laid to rest once and for all I add the following. Ask that you question it, satisfy yourself or forever abandon what I find personally offensive - you in the plural.

I do not even make notes on the copies with a regular ^{pen} or pencil. I use only a special pencil of a special color to which the camera used in printing is insensitive.

I have all of these copies physically removed from all other records, including the original xeroxes. The original xeroxes, although it is none of Figley's business, are without any annotation. And where I made copies of entire Sections for myself at the outset, they are filed in the cellar, separately, not in my office. While there is no chance of confusing the different paper sizes, this represents my real attitude toward the entire matter and the nature of my scholarship.

What causes this constant indulgence of paranoia I do not know. But I do know that it is going to end or it is going to be resolved once and for all in court, which is where Figley should have raised it if he really has any question about it. I regard it as entirely unmanly to have raised any such questions about my integrity under any other conditions and especially when I was not present.

With regard to the deposit of all of my papers, not just these, there is an uncontested affidavit on this in this or another record in a court in which Civil Division is involved and should have knowledge. There are newspaper stories from the local papers at the time I began to make the deposit. That initial deposit included a sample selection of the records I have obtained in C.A.1996 as well as in other cases. There are court records that show the university is actually already making educational use of my work. Day before yesterday I received a thank-you note from a Canadian scholar I've never met. (Canadian TV producers endorsed him highly to me, although that is not a precondition of access to my work. It is available to total strangers. I saw the two women you saw me with as we left court for the first time on that occasion. They were here from that Monday until Thursday evening with unsupervised access to my files and copying machine.)

Of my older records I have already shipped nine file drawers. If I had any help I'd be depositing more because among other reasons I have acute space problems. If you think you are entitled to the shipping records, I'll provide them.

And if anyone there has what Civil Division has as a proper question on an aspect of this matter, ask ME.

But I want an end to these insults and any more of the false official records of them that are so utterly disgusting when I come across them in FBI files- those not still withheld.

Now on my performance, in other than getting up at ungodly hours to work:

Within the past week the local electronics shop has reported it cannot learn what the non-Sony qualities of the needed parts are. Sony does not mark them that way. If you want the bills for two unsuccessful repairs in Washington I can probably dig them out. But with two tape recorders of this kind that can be repaired and when I'm not travelling to conduct interviews I'm not about to buy another for this purpose. I remind you that the Department talked about providing one but didn't. And hasn't. I discussed this with Jim. He said he probably ought to get a dictating and transcribing machine. The value of being able to back up struck me immediately. So I phoned my office supply company. They learned that they have a machine then can recommend that does not cost as Dictaphone costs, when I could get out - I was snow-bound I drove into Frederick and examined it. I then discussed this with Jim. This is because I believe that we should, if we are both going to have such machines, have them at least compatible if not interchangeable. I am to hear from Jim today or tomorrow. I have put a reservation on the two machines that are in Frederick - and there are only two of these - that holds until tomorrow close of business. Later today I am to receive a competing bid from a competitor who does not have the machines in stock.

If I am not icebound, as I am this morning because I dare not risk bumping or bruising, I'll have a machine by tomorrow night and as soon as possible thereafter will begin to use it.

I am incensed over all of this. I find no excuse or justification for it. I want this to mark the end of such indecencies and abuses. If I can't straighten out twisted minds I want to hear no more expressions of this sick attitude. Because I do not dare walk out to my mailbox I will be mailing this unread. Someone is due here soon in a car.

Meanwhile I note Civil Division's record. It has yet to respond to me when I asked what I'd be paid. I ou finally did tell Jim verbally. Why not in writing? Why is my bill for the tapes I bought immediately not even acknowledged? Does this not work two ways?

Before this is all over, the way it is going, you will find that there will be relevant questions of integrity and that I am entirely without doubt about the end.

For some of this period Jim has been ill. This also limited what I could burden him with. There have been times when he phoned me about 5 a.m. and still had not been to bed.

Hastoly, Harold Weisberg