

Mr. Tony Capaccio  
c/o Jack Anderson  
1401 16 St., NW  
Washington, D.C.

1/2/86

Dear Mr. Capaccio,

A recent column item I take it you prepared said that DJ lawyers didn't know "what they were talking about" and didn't "grasp its significance." While I hesitate to suggest that anyone sharp enough to work for Jack is in any degree naive, I am not at all reluctant to say without equivocation that after decades of intensive experience with countless DJ and FBI lawyers they without exception know exactly what they are talking about, fully appreciate its significance and are nonetheless undeterred in what they do. Including, and again no ifs or buts, criminal offenses.

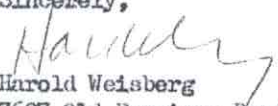
Right now, without even pro forma denial, I have them charged in court with fraud, perjury and misrepresentation to procure a crooked judgement against me in an FOIA case filed seven years ago and still in court - under a ten-day law.

If in the end they prevail they will have gutted FOIA and written new law relating to "discovery" in civil cases, two evil precedents.

They did this with me earlier when they effectively gutted FOIA in a case I filed in 1970. Based on that earlier and not accidental corruption Congress amended the investigatory files exemption of FOIA to open FBI, CIA and other such files. I suppose they hate me even more for this, never thinking that they brought it on themselves. Knowing full well what happened in the past they are pulling the same dirty tricks now with the identical objective, frustrating the law they don't like.

The more they believe a judge is in their pocket the less inhibited they are and I've never been before a judge who didn't in varying degrees accept all of this serious official misconduct. I've seen to it in all cases that the issues were clear and in all cases myself subject to perjury if I were wrong. In this current case I've even dared them to charge me with perjury, to bring the matter to a trial. If you question any of this the records can be made available to you in Washington. I am now pro se because they created a conflict of interest with my lawyer. He and the ACLU's lawyer, Mark Lynch, who represented me on appeal, have copies. The lawyer is Jim Lesar, whose office phone is 393-1921. Lynch's phone is 544-5388. I'll be astounded if from their considerable experience they do not confirm, at least in most cases, that the government's lawyers know exactly what they are talking about, are aware of its significance, do what they do regardless, and have a long record of getting away with wrongdoing, which encourages the practise. I suggest that this is an even more important story. I regard this kind of misconduct as the deepest subversion.

Sincerely,

  
Harold Weisberg  
7627 Old Receiver Road  
Frederick, Md. 21701

Dear Les,

1/2/86

From your appearance on the small part of a recent panel show I saw the years are treating you well. Hope it continues in this new year.

The enclosed is FYI.

Today when a man bites a dog it isn't news. However, maybe this old man will yet bite a leg off and maybe that might be news!

A month ago today I argued this case pro se, from my wheelchair, which I didn't need ~~xxxxx~~ to replace walking but because I can't stand still. A friend drove my wife and me down, first time I've been in D.C. for other than medical reasons in more than five years.

Judge Smith usually shoots from the hip for the government so perhaps, as Jim seems to think, that he hasn't acted yet may be encouraging.

From my own experiences with him in the past I've no reason to believe that he seeks justice.

However, I think I may have confronted him with a case that he may not want to go up on appeal, not even to the "eaganized appeals court.

And by now he and the other finks know I'm not afraid and not about to cave in.

I've also made it explicit that under the Rule I invoked I am aware that I can file new civil litigation and that because of the diversity of citizenship it can be in another jurisdiction - meaning a different appeals court in the end.

If I didn't tell you, Smith was considerate in arrangements for me and ~~didn't~~ <sup>didn't</sup> make a single nasty crack or interruption, which is not his usual practise. Also not usual, he once spoke sharply to the government lawyer who, as usual, was excessive, even arrogant with him.

I'm not impatient, I'll be pleased if I prevail, won't be surprised or discouraged if I don't, and the only thing that would surprise me is a return to its once great tradition by the press.

Best wishes,

