

Mr. Morton Stavis  
Center for Constitutional Rights  
666 Broadway  
New York, N.Y. 10012

11/4/86

Please excuse the long delay in writing to thank you for your consideration and the time that took, but first things first. I've just finished the last part of my appeals brief, Issues Presented. As best a nonlawyer can and we now face for us the considerable task of finishing making all the copies required and then collating them by hand, all this work, alas, falling on my wife because I am not able to stand still. And she is only recently out of a wheelchair.

I doubt if a nonlawyer can evaluate the breadth or narrowness of legal issues, so I am not arguing with your decision. I'm sorry you did not see the possibilities of a Rule 11 allegation against the government, among other things, because I would have thought that when they do not even deny, leave alone make an effort to refute allegations of perjury, fraud and misrepresentation, they virtually admit violating that rule.

I am not able to get to a law library and I was able to get a friend to xerox only about a half-dozen of the cases cited by the district court judge, John Lewis Smith. I think that if I were before a fair and honest panel I got enough from them, including his alteration of case law in altered direct quotes, as well as case law on my side. I caught him in a number of lies, and I mean the word literally, and those lies just coincide with the government's needs. And his own in his memorandum.

What I found amusing and undertook to ridicule is his boasting of repeated reviews of the case record, one allegedly "exhaustive" and from all that work, allegedly compassionate, out of deference to my pro se status, he still did not learn who was being sued or for what and he repeatedly misstated both.

When I was young I used to wonder how it could possibly be that a Hitler could get all those people to do his awful bidding. I wonder no longer and my lack of wonder did not begin with this wretched Smith. This is one reason I persist when that is against personal interest.

That great legal scholar Scalia was on the original panel. He signed a decision stating that I sued for King assassination records, which isn't true at all. I suppose it will be my luck for a Reaganite to replace him.

My experience with "liberals" on the appeals court is that with a single exception there isn't any in cases against the government, at least in the areas of my interest. Bazelon is the one exception, and he isn't there any more. I am inclined to believe that none of the remanding panel read what was filed for me. By a lawyer I've never met and who prepared his brief without talking to me. He's gone to his reward, Covington, Burling. This reminds me of a story that may interest you and Sol, to whom I'll send a copy of this letter.

I was fired by the Senate Civil Liberties for a variety of reasons, one being that over LaFollette's objections Pat Jackson, formerly of the Sacco-Vanzetti Committee and then of Labor's Non-Partisan League, lobbying through an extension of the civil liberties committee's life for an investigation of the farm labor situation in California. After I was fired I started a book on the Dies committee, working with Pat on that also on behalf of the Marshall fund. The committee found out about it and set us up, through Pat, via Drew Pearson. I was suspicious but Pat wasn't. In the course of this entrapment they got a law passed, still on the books and cited by Weicher when in Watergate days he threw Chuck Colson out of his office, and they tried to

get us indicted under it. First, however, they held some hearings that, because of what I did, they never dared publish, secret hearings in out-of-the-way places. As soon as we got the subpoenas Pat started looking for counsel, beginning with his great and good friends at Covington, Burling, like Dean Scheson and Charlie Horsky. Once when Pat and I left their offices together with Scheson, he was picked up by Justice <sup>Frankfurter</sup> ~~Frankfurter~~, to whom I was introduced. In the end Horsky refused to take the case. So, I've known great liberals.

In the end over the complaints of the pretigious lawyer with whom we wound up thanks to Drew Pearson I took the grand jury away from Ed Fihelly, to whom Dave Pinex (who used to call me "Affidavit Face") and Ed Curran assigned it and they refused to indict us and indicted the Dies agent. Dies had to cop a plea for him. Pat and this fine lawyer, Edgar Turlington, believed what the DA's office was telling them, that it was all fixed for nothing to happen, but I had my own sources and knew other and better. That was a major educational experience. If not that kind of experience alone!

Again, many thanks.

Sincerely,

*Harold*

Harold Weibberg

**Center for  
Constitutional  
Rights**

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Re: Harold Weisberg

Dear Sol:

I am really glad that we made contact with each other and I was pleased to receive the papers involving Harold Weisberg, which I have studied.

Unfortunately, it just isn't something that we can get into now. The essence of the case is just too narrow for the Center. At your suggestion I am returning the papers you sent me.

Please stay in touch with me.

Sincerely yours,



Morton Stavis

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