

9/11/75

Dear Mac,

Your Civil Rights Procedures Act proposal is great.

Not having seen the bill I don't know whether any suggestions I might make can be helpful.

If you have not I think you should define "surveillance" and not limit it to physical following or mail intrusions or the electronic. There are today other means that the agencies do not call "surveillance" but can and I think have repressed First Amendment rights. Going along with this I believe there should be a limitation to what is genuinely within the definition of criminal or potentially criminal, not the kind of paranoia that has been invoked to justify anything and everything. Not just since Nixon took office, by the way.

There should also be a limitation on distribution that extends to redistribution. Going along with this should be an absolute prohibition against any distribution to any non-official person. There has been for years a cozy arrangement between federal and local authorities where they get private persons to do for them what they do not want to do or risk getting caught doing and pay back with information from files. There are few private detective agencies that can't get what they want from official files, federal and local. If I have samples you know how easy this can be.

The court order provision should enable legitimate acts, but from extensive experience I tell you that the courts are deceived by federal agents regularly and in some cases with open willingness. The record in my C.A. 226-75, federal district court, D.C. is full of undenied proofs of deception extending into perjury and the judge's reaction, to threaten my lawyer and me for proving the charge. I don't know what if anything can be done about this but I think a general provision for mandatory punishment upon conviction for deceiving a court might help -and will be resisted. I think this should extend to having the wrong agent execute a hearsay affidavit, common within my experience and ignored by the court. Without sanctions these people will lie. When accompanied by counsel I told the CIA's general counsel that I have copies of some of their files on me he actually wrote that they have none. (How do they stall? By taking my appeal as an initial request and sending it elsewhere.)

As in another context I recently wrote Bob Kelley, this continuing effort of yours to do something about the growing authoritarianism is under-appreciated and of major importance to us all. This bill represents an important new initiative. I hope it passes.

I wish it were possible to do something about the deception of Congress. Some day perhaps you will have time for me to tell you about the snow job Pat Gray did on your Judiciary committee and how he could.

Thanks again for this fine work,
Harold Weisberg