

Mr. Arthur Miller
Tophet Road
Roxbury, Conn. 06783

5/13/85

Dear Mr. Miller,

Your reference to the Washington press in your disturbing piece in the Nation is quite correct, "There is nothing farther away from Washington than the entire world." But in my recent experiences, there is nothing farther away from Washington than Washington, their own desks. And, as a result, very oppressive precedents are being set. Probably have been, with an American rather than a Turkish writer the immediate victim.

It was not news to the major American press when the FBI disclosed its 1967 records in which it stated that it had to "stop" me and my writing and it continued to go unreported when I attached those and related FBI records to affidavits in a number of Freedom of Information (FOIA) lawsuits - in which I forced many, many pages of embarrassing records out of secrecy and into the public domain.

Infrequently and when it involved dead people some did get some attention, as in the enclosed "Allen Dulles Testified CIA, FBI Would Lie" story in the Washington Post. (The editor who assigned it did not last long at the Post.)

The FBI and its Department of Justice henchmen got to dislike me even more when my persistence in fighting their mendacities led Congress to amend FOIA in 1974, partially reflected in another enclosed Post story. I had to seek a temporary restraining order - on the release of information - to get any coverage.

Unlike the others who write about our political assassination, I am not a conspiracy theorist, am not and have not been working on whodunits, but have made an enormous study of how our basic institutions worked - or failed to work - in those times of great crisis and thereafter. This hurts the FBI in particular.

The aborted 1967 scheme to stop me and my writing involved tying me up in spurious litigation but the special agent who was to front for the FBI chickened out. Since then it has done the same thing in my FOIA cases, always with false swearing and false representations by counsel. No lie has been too brazen, too demeaning. Most recently the trick of demanding "discovery" from an information requester, with FOIA placing the burden of proof exclusively on the government, accompanied by a large assortment of deliberate lies, accomplished the 1967 objectives and more, a de facto judicial revision of the Congressional enactment, along with sanctions against me and my lawyer. His and my filing of a perfectly proper appeal are held, for example, to be obstruction and his personal violation of his responsibilities as an officer of the court.

As of now the ever increasing costs assessed against us come to about \$10,000, with my lawyer handling the litigation pro bono and my income of \$356 a month from Social Security.

Who can use FOIA if "discovery" can result in endless delays and enormous costs, and who can get a lawyer if the lawyer is subject to sanctions if he does what he is required to do for his ~~lawyer~~ client? How many writers do you think?

As an example of the incredible lies told to and accepted by the courts, a never really spelled out misconduct is attributed to my alleged improper influence on my lawyer that, and the quote is approximate but accurate, "that was closely observed by the district court (judge) throughout the five years of the litigation." The case record, the actual court transcripts in particular, show that I was never once present before the judge with my lawyer and my medical records, which also are in the case record, show ~~that~~ my being there was physically impossible.

As these people who differ from the Turks of whom you write and the Gestapo and KGB in degree only know very well, I suffered severe thrombophlebitis in both legs and thighs in 1975, with further and serious circulatory obstructions diagnosed in 1977 and with several very serious, not infrequently fatal complications following arterial surgery five years ago. In 1977 my walking capabilities were so reduced that when the FBI wanted to confer with me it had to park my lawyer's car inside the J. Edgar Hoover Building. They know that I must keep my legs elevated when I sit for they observed that for years in courtrooms (it shows in my typing, for which my ~~my~~ apologies), that I am limited in my use of stairs and my car and cannot stand to use file cabinets. So, they demand, under the discovery ruse, "each and every" document and record and bit of information I have relating to what is at issue in that litigation - and that after voluntarily I'd provided more than two full file drawers of it.

In fact, because the former appeals officer was a decent man and a history buff, and because I am the pre-eminent authority on the fact and investigations rather than the theories about the JFK and King assassination, my copies of what I gave DJ in both cases jam two full file cabinets. Can you visualize the work and the cost of this and the indecency of even if there had been a legitimate basis for discovery, as there was not, asking for any more?

What you and Pinter did for PEN is, of course, of really great importance and we are all in your debt for it. But I think in all of this and in the long-visible and no longer creeping authoritarianism we have domestically ~~I think~~ it is also important that those who are established not ignore what is happening here and what it means - in the end more to others than to me. I'm 72, in poor health and others will long survive me.

Silence may in the end force me to opt jail to resist as we must all resist authoritarianism and, if you do not see that as I do, official wrongdoing and any impairment of the right of the people to know what their government does.

When there was silence and because today it is impossible for the press to cover all the courts, I sent copies of what I filed before the appeals court to the wire services, the Post, Times and other papers and the networks. If you or Victor Navasky, to whom I'm sending a copy, want to examine them and their I think shocking attachments, I'll be glad to send them but I do not want to burden either of you. Please believe me, the fine Schwartz article the Nation carried about the Reaganized federal courts is enormously understated. Scalia is much worse than he was portrayed by the Nixonian Saffire. And the supposed liberals like Mikva and Wald, who have sat on my cases, are intimidated and go along. Even Skelley Wright refused to consider ^{undisputed} lies were not to be accepted by his court. I've referred to only one above, but can you see the real situation when even he will not fight on one of that magnitude? The liberal judges and lawyers are scared, as they were in Europe and then here in the 1930s. They got even more frightened when I documented a solid case of repetitious FBI perjury.

It can happen here and it is happening here and neither the bar, to which I also sent copies, nor the major media, is at all concerned. Two well-known and respected reporters saw nothing of any news value in anything I sent them, all filed before the federal appeals court, and a third also well-known and respected actually told me that he sees nothing wrong in what is reflected in FBI documents attached to my appeal, its preparation of "sex dossiers" on critics of the Warren report and of dossiers on the members and the staff, the latter two different times. (All sworn not to exist in the litigation by the FBI and hence pertinent.)

I do thank you both for an important piece,

Sincerely,

Harold Weisberg
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