

2/7/75

Rep. Bella Abzug
House of Representatives
Washington, D.C.

Dear Representative Abzug,

In the hope that it may be useful to you as you chair the information subcommittee, herewith a copy of the fourth of my Whitewash series on the JFK assassination.

While I wish all Members were more familiar with the actualities of the political assassinations that have turned the country around, this is not why I am sending you the book. Nor is it the admissions about the FBI and the CIA Allen Dulles made when he never expected that his words would ever be seen by anyone. (All Commissioners were assured that not even their trusted staff would be aware of what they said at their executive sessions.)

It is the book's content on the Freedom of Information Law and how the government misused it and of this particularly the abuse of affidavits that I believe in all four cases I have filed was false swearing, not uncommonly perjury.

I am the Weisberg of Weisberg v Department of Justice, the case you may remember cited in Senate debates as the first of four requiring amending of the seventh exemption. The affidavit on which, without question the unperceptive Judge Sirica acted appears in facsimile on pp. 187-8. Casual examination discloses that the best that can be said for this affidavit is that it is irrelevant to the issues before that court. Worse happened in the courtroom, and I have a transcript if it interests you. By means of the grossest misrepresentation - this affidavit the history of which is in the book - a license to suppress was procured.

In the most bizarre of these cases, C.A. 2052-73 and not for the first time - for the second time before Judge Gesell alone - the government resorted to a perjurious affidavit. For the second time I confronted the government with a contradictory one and the judge with a question of who was committing perjury. In what my lawyer, Jim Lesar, who may be writing you soon, calls "the battle of the affidavits," they blinked. And the judge was unconcerned.

While I don't know why it was decided to give me this transcript, as the book relates, I do know that it followed close upon a stratagem to which I resorted. I know I have been under surveillance. I have copies of some. So, when Silbert was nominated to be United States Attorney and he was acting in that job, I phoned Jim Lesar, told him I released him from his obligations to me, and asked him to ask Silbert ^{to} joining him in resolving the question who had committed perjury, J. Lee Rankin or I. Rankin's affidavit dealt with what the judge had made the most material issue, "national security."

There is no doubt we would have raised this question on appeal and we discussed appeal by phone, too. So, I got the transcript.

When whether ^{what} the judge ordered given to me in C.A. 718-70 had been given me was material, a Department lawyer swore in an affidavit that he had made delivery. This was false, as later covering letters prove, for I got a summary judgement, but the perjury again was ignored.

In C.A. 2569-70 I was pro se. With the law requiring that a request be made and administrative remedies be exhausted before suit was filed, the Department submitted an affidavit by the Archivist in which he swore that I had not made a request and no appeal had been rejected. The record includes multiple requests and the most explicit rejection, but the judge ignored the false swearing and the effort to deceive him.

With judges prejudiced against the law - the only kind I've been before in federal court - there was no disposition to do anything about what I regard as perjury and its subornation in all four of my cases. (Danaher's minority dissent in my successful appeal in C.A. 2301-70 actually concludes that I should be forever forefended from continuing my inquiries, the most unusual First Amendment decision I've ever read. The press ignored it. And the panel was overturned in an en banc rehearing in which the falsehoods of the cited affidavit were controlling.)

As I understand the amended law, these affidavits will be significant. But if judges accept perjury, is not the will of the Congress and the intent of the law again going to be nullified?

The government can stonewall the seeker of public information to death. When use of the law yields the information, one in my position has been forced to waste an enormous amount of time. Where people are without means, as I am, having to use the law in itself amounts to a virtual denial of rights under the law.

The government dislikes what I do so it keeps me tied up suing it or frustrated by denying me public information I can get only by suit. Aside from the history of these four cases, I have thrice reminded Attorneys General that they have not responded to an appeal from being refused evidence produced by the government in two trials, in open court. This is Watergate evidence, the request was two years ago, and that book is almost drafted. But I wait or I have to sue. And I've been waiting for four years for a response from the CIA to my request for copies of its surveillance on me. (I have copies of some and they now verbally deny having any.)

I do fear that unless something is done about these crooked affidavits and those who file and attest to them those of us who seek what the government wants suppressed, especially information of political character, will be spinning our wheels. I could have written several books in much less time than I have had to spend in this litigation.

I have again requested what I was refused in C.A. 2301-70 (Weisberg v Department of Justice) I have appealed what amounts to a rejection, hidden by an unsworn falsehood by Clarence Kelley, to which my request was referred. If I am given what I seek the entire official explanation of the JFK assassination will be destroyed. If I am not, on the day the amended law becomes effective we'll file a complaint. Lesar is preparing it and I have drafted an affidavit to be attached. I will be locking horns with the Department on questions of material fact under oath beginning with the complaint. If they then respond falsely under oath, I hope the Congress will not be tolerant.

That a person of your courage, vigor and strong beliefs on the Constitution now chairs the subcommittee is comforting.

If at any time we may be of any help, please let us know.

Sincerely,

Harold Weisberg