

December 11, 1970

Hon. Gerhard A. Gessell  
U.S. District Judge  
U.S. Court House  
Washington, D.C. 20001

Dear Judge Gessell,

Your decision in Civil Action No. 718-70, in which I am the Plaintiff, did not reach me until today, having been incorrectly addressed by inadvertance.

If the language "no showing that defendants have failed to comply with any court order" refers to defendants' statement that no affidavit was filed, I did file such an affidavit as soon as I could after receiving the papers containing that allegation.

I had not been informed this had been assigned to you. Therefore, when the clerk asked the name of the judge of me, I gave that of Judge Curran. This may or may not have delayed the routing of the affidavit until after your decision was filed.

With all due respect, sir, as of today I have not received all of what was ordered delivered to me, nor has there been response to letters of request in one case - after the issuance of the order.

Sincerely,

Harold Weisberg

12/11/70

Paul, Mary, Gary, Sylvia, Howard, Dick,

I am sending you a copy of my today's letter to Judge Gessell and Paul a copy of his brief decision, which says little more than "no".

This judge enjoys one of the better reputations. However, it does seem that the decision was rather hastily reached, perhaps suggesting the initiative of a clerk.

I did prepare and send some of you an answer to the government papers as soon as I received them. There was some delay while they lay unread in Bud's office.

It does seem that, even though the government did not file an affidavit in one of its motions, thereafter eliminating this deficit, that I also should have, but nobody told me and I didn't know. I thought the statements in the document itself were adequate.

Thus it would seem that an avoidable oversight and avoidable delay may have given the technicality on which the decision was reached to the government. This is particularly unfortunate, if it is the case, for there was an as yet unexceeded record of non-stop dishonesty and lying, including under oath and in court.

I think you know the horns of my dilemma.

Except as a matter of record, I do not believe any of you will want the decision. If you do, I hope Paul will provide it.

And for any who may at any time consider filing a suit for what is suppressed, I think this is a lesson.

Sincerely,