

Mr. Kim Taylor  
Public Defender Service  
451 Indiana Ave., NW  
Washington, D.C. 20001

8/20/86

Dear Mr. Taylor,

I hope the enclosed copy of Ms. Mazzaferri's 7/18/85 letter to me, copy to you, will remind you of what I've been sending to her and I presume she's been sending to you. I'm severely limited in what I'm able to do and for quite some time I've been unable to do much filing. I'm trying to catch up on a large accumulation so that in my small office I may have room to spread out the various papers I'll need for filing the appeals brief, which is due October 1. In the course of this I came on the enclosed letter. I do not know what, if anything, you may be able to do. I suppose your office is overloaded with criminal cases daily.

In brief, after what without exaggeration I describe as a rather large FBI/DJ campaign against me over a period of many years in which I've used the Freedom of Information Act to compel the disclosure of records embarrassing to them, in this litigation they resorted to a new dodge, precedentail under FOIA, "discovery." My then lawyer, when I refused to comply, for stated and accepted reasons, indicated to the court that I was going to comply. Mark Lynch, then of the ACLU, who'd agreed to represent me on appeal, told me that this is the immediate cause of all my problems, that my refusal was properly grounded. There were quite a few legitimate reasons, included burdensomeness, excessiveness, the fact that I'd already provided all that was demanded on discovery (with receipt acknowledged), and that it was beyond my physical capabilities. Judge John Lewis Smith ignored all of this and issued the Order. He then issued a money judgement and when I did not pay it, on DJ motion issued a duplicating judgement against my then lawyer. On remand he changed his orders to eliminate the lawyer. Meanwhile, in other FOIA litigation, before a judge who is not an FBI rubberstamp, the same FBI supervisor who swore to the need of discovery, etc., in my case, disclosed records that make it beyond question that the judgement was procured by perjury, fraud and misrepresentation. Mark Lynch had told me that he would file under new evidence on remand, although he'd agreed to represent me only on appeal, he did make one appearance after remand, without so doing, and with my agreement moved recusal. (Smith has ignored his motion but I recognize that his original agreement was for that one appeal only.) Pro se I filed a motion to reconsider and other things, with the proofs of my allegations attached. Smith, as always in these matters, flailed his rubber stamp. There is not even pro forma denial of these felonies or that they are the sole basis for the money judgement. The sole defense was that under Rule 60(b) there is a one-year time limit. That, however, is not true of its 4th, 5th and 6th clauses, which I did invoke. I also argued inequity, which Smith also ignored. With the only representations to him to obtain the discovery order that is the basis for the judgement undenied perjury, fraud and misrepresentation, he held that he was not defrauded and if I had been, that is immaterial.

Despite the many experiences of a long life (I'm 73) and dealing with the evil and sordid, I'm shocked that this can happen in this country and that, apparently, nobody gives a damn. I also feel compelled to try to defend FOIA which, for all practical purposes, will be gutted by this whole business. And I am the victim of misused government power.

My present work is in the field of political assassination. Unlike the others I'm alone in not being a conspiracy theorist. My work is a rather large study of the

functioning and malfunctioning of our basic institutions in those times of great stress and since then. In countless lengthy and detailed affidavits and in seven published books I'm not aware of a single significant error and, I suppose this makes the FBI dislike me more. I've really exposed it. This has not been a profitable work and the only regular income I have is a little more than \$365 from Social Security, the reason I do not make toll calls.

Earlier in my life I was a reporter, investigative reporter, Senate investigator and editor (1930s committee on rights of labor and civil liberties) and in and for a short time after World War II I was an intelligence analyst, OSS. Under FOIA I've obtained about a third of a million pages of government records and they and all my work will become an archive at a university, already arranged for, with no quid pro quo.

After reading about it in the Post I wrote the Christic Institute twice but I've had no response.

Can you help me or do you know anyone who can and who will not endanger himself and his career by pressing what amounts to charges of official felonies? While I am not afraid of these terrible people, my experiences with them lead me to believe that they are quite capable of seeking to retaliate. I am reluctant to ask anyone to jeopardize himself or herself or any family.

Sincerely,

Harold Weisberg  
7627 Old Receiver Road  
Frederick, Md. 21701

I am able to drive my car for only about 20 minutes at a time so I can't get to Washington and the trip itself is difficult for me when every six weeks a professional driver takes me there for the regular examinations by the cardiovascular surgeon. If necessary, I might be able to get a cab to take me there and wait for me. I am usually able to walk more than a city block but two blocks is about my limit. I can't stand still at all. The basic medical problem is circulatory, complications after successful surgeries.



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July 18, 1985

Mr. Harold Weisberg  
7627 Old Receiver Road  
Frederick, Maryland 21701

Dear Mr. Weisberg:

When you wrote to me last year, I forwarded the material you sent to the Chairperson of Division V, Criminal Law and Individual Rights. I also recommended that you contact the ACLU, which I see you have done.

By copy of this letter I am forwarding your recent correspondence to the current Chairperson of Division V, Kim Taylor. As you may know, the members of the D.C. Bar, through several referenda, have limited the activities in which the association may engage. However, perhaps a member of Division V can offer some insight into the issues raised in the documents you have provided.

Sincerely,

Katherine A. Mazzaferri

cc: Kim Taylor, Esq.  
Chairperson, Division V  
Public Defender Service  
451 Indiana Avenue, N.W.  
Washington, D.C. 20001

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