

Ms. Katherine A. Mazzaferri
D.C. Bar Assn.
1707 L. St., NW, Sixth floor
Washington, D.C. 20036-4202

11/6/86

Dear Ms. Mazzaferri.

After I last wrote you I got a phone call from the public defender's office, a very nice woman who was more considerate, more thoughtful and reasonable in saying we can't do anything than I can remember. So, there is no point in sending this to them and I regret that the cost to us of the wasted copies is ~~ware~~ more than just waste. When you live on Social Security, waste alone is not inconsiderable.

It has been so long and so much has happened to me I can't remember how I first wrote the bar but I am inclined to believe it is pretty much as I now address you, but with what I, a nonlawyer, regard as significant now.

I am the victim of crimes by lawyers. I have charged these crimes myself under oath and subject to the penalties of perjury, I have submitted irrefutable evidence, and in the case record there is not even pro forma denial.

The difference now is first, that until recently there could allegedly be the decision a judge made between two different versions by contending parties but with the new evidence, copies of which, along with the pleadings, I sent you, previously secret (I suggest also pretty sordid) records of one party, the judgement question is eliminated, more so because confronted with it there was no attempt at refutation and no denial. That party is the government, the FBI and the Department of Justice.

A second difference is the use of knowingly untruthful statements by the government's lawyers by the district court judge. I do believe there is a limit to what can be described as adversarial zeal and I believe that ^{it is} any such excessive diligence ^{is} end with fabrications and other lying.

I would like to believe that in its supposed policing the bar also draws a proper line and I am asking that now.

We are in the last stages of putting together the pro se brief I will file by the 15th. It is difficult for us because we are both unwell and handicapped and because we cannot afford commercial services. So, because I am not able to stand still, all the xeroxing, which our machine does not feed automatically or collate, has fallen to my wife and with all the copies required, it is a burden.

I am aware of the fact that I could have opted the less costly alternative and surrendered principle to this evil, I considered and rejected that course, as I believe decent concern, personally and in the public interest, required. And despite the cost to us, I undertook to inform both the bar and those who inform the people so that representative society can work, so that the people may know what their government does. Nobody cared so we are now not doing what we could never at our ages and with our income afford to do. I will let anyone who has an interest see what I file so they will not have to go to the courthouse to see it.

I have no reason ^{not} to believe that each and every affiant for the government is a lawyer, although all are not in the District. Obviously, government counsel are in the District. They have misrepresented, they have lied, and they have even attested when attestation was not necessary.

This is FOIA litigation, basically, and I have little experience with any other

kind of litigation. My experience is that the courts give greater if not greater weight to what the government says and I believe that whether or not it is right for the courts to do this, the government's counsel know this and it thereby imposes an even greater obligation not to misrepresent, not to lie and not to file what they have reason to believe is not correct and truthful. Once Griffin Bell charged government lawyers with this obligation, to commemorate law day.

Any examination of Judge John Lewis Smith's Memorandum and Order I'm now appealing makes it obvious that he so completely depended on government counsel that he repeated their lies and fabrications. Aside from which ~~was~~, while boasting of "exhaustive" reviews of the case record, he didn't know who was being sued or for what and misstated both and he also departed from truth in stating that he had held an "extensive" hearing when in fact he refused me both an evidentiary hearing and a trial. I asked for both. He held one oral argument, and that truth is stated in his order, but in the attached Memorandum, suggesting that he took oral testimony and permitted cross examination, he refers to it as holding an "extensive" hearing. Obviously, I can't blame such basic errors on government counsel and I don't, but I do believe that his course of conduct in this litigation was influenced by their undenied misconduct and misrepresentations.

Now we find the head of those with whom I'm litigating and by whom I've been victimized leading a campaign not to have the Supreme Court supreme in matters of law and justice. While those under him are busily engaged in corrupting the courts, ~~for~~ his lawyers are doing this and are so certain they will be immune that they don't bother to make even pro forma denials.

What the bar will or will not do, what it may or may not fear to do, it will decide. I believe its integrity requires it to at least look into that of which I complain and to treat government lawyers as any others. It is my experience that those who pull these violations are promoted for misconduct and the record is clear, the courts are overburdened with unnecessary litigation, which they is deliberately prolonged by government lawyers, to frustrate the law of the land.

In today's world we all face political situations and judgments, but we all also have obligations to meet. I am asking the bar to meet its obligations, otherwise its self-policing is a deception and a cover for wrongdoing by its members.

Sincerely,



Harold Weisberg