

10/10/70

Dear Bud,

When we met 10 days ago, on the first, you promised the following things to expedite my book:

That in two days you and Jim would ~~send~~ send me what, as lawyers, you regard~~ed~~ as the more important questions in the King/Ray case, to be used in the summary I have been asked to add.

That you would make copies of the original correspondence with Justice on the Ray material and give me the originals, from which a selection could be made for the book and for collateral use.

That you would copy the various contracts and give me your closer-to-original set for reproduction in facsimile.

We also made an appointment for yesterday morning, when I was to have picked these things up and we were to have worked on the spectro suit. We discussed that suit briefly and agreed that if the government had not responded by the 3rd, the expiration of their 60-day time, first thing in the morning of the 5th you would file a motion for a summary judgement.

I had rather expected to hear from you on the spectro matter, that the government had or had not responded, that you had or had not filed the summary-judgement motion. After your comments on phone bills, I think you can understand why I didn't phone you, this being the kind of thing in the past that accounted for most of the calls made. I can understand that perhaps, on reflection, you decided that filing this motion may not have been the better course. What I cannot understand, if this is the case, is that you didn't consult me about it.

Nor can I understand why you did not let me know anything about the case or why, if you found it necessary to make another, conflicting appointment for the time you had agreed to meet with me, you did not let me know. I sat and waited for 45 minutes and you didn't even give me their response to read. That you didn't want me to meet Mrs. Tomerance is your own affair, even if the manner of it seems a bit crude.

Time is precious to all of us. In seven years I have not failed to keep a single appointment and I have been late for only one, that with you, for reasons you should recall. And when I got to your office on that occasion, between five and ten minutes late, when we were to have worked on a legal matter that to me should have been confidential, you had Sprague sit in on it - all of it - which I found inhibiting, at the very least.

Had you not had this appointment, I could have done other things with that time. One is to have completed the work on the book, which I now must do as the first thing today. On the first and earlier you expressed anxiety to get the page proofs as fast as possible. Your not doing these few simple things you had promised - on one case offered - results in the delay of at least a week. Aside from that this can mean to you in delay in getting the proofs you want, you also know what this means to me.

Even if you had forgotten you had made this appointment with me, to give me these things and to work on the spectro case, had you given me the government's response and a typewriter to use, I could, while I was waiting, have made the notes

on it you want (and told me in a rather peremptory manner you must have by Monday). I was in your office for more than four hours, during which time you spent about 10 minutes with me and never told me you would not be back while I was there. The fact is that you didn't even greet me on my arrival, said nothing when Dick signalled recognition to me and I went in to shake hands with him (apparently so strongly desiring not to have me and Mrs. Pomerance meet) were you afraid I'd queer whatever deal you were working on?), and didn't, separately, give Carmen the response for me. I learned from her that there had been this response and, after the long delay, got it by asking her to get it.

There is a consistent inconsistency in all of this. It is perfectly okay to have Sprague sit in on our lawyer-client talks. When you have an appointment with me and I get there and ~~also~~ also have an appointment with Charach and Flammende, you do not keep our appointment and close the door, as yesterday, with Mrs. Pomerance and Dick.

You have voluntarily, as a lawyer, undertaken certain legal responsibilities - the last one on your initiative, not mine. I think it not unreasonable to expect you to discharge these responsibilities to the best of your ability. My faith in your ability to do this must be obvious. I also think it is wrong to permit your personal interests in your committee to interfere or conflict and that doing this subjects you to a kind of jeopardy. If it were not the fact that resigning would subject me and these matters to irreparable damage, I would suggest it.

We all have blind spots and I suppose all of us get personal involvements that deny us an insight into what we do to others. I therefore trace the history of my suits against the government for you.

What now seems like very long ago, you agreed to handle all my litigation against the government. To this end you said you'd require a copy of all of my correspondence. I dropped my other work and did what you asked. In time alone, this took not less than a month - enough time for me to have written another book, and I have several ready for the writing. For me, the cost was also considerable. You did not proceed when this was done and I was patient. Then you decided that the cases should be broken down - after I had gone to the considerable time and trouble of preparing a lengthy draft. I agreed. At that time you said that if I'd give you drafts of each separate case, you'd go over and edit them in a week. It has been three or four months and you have gone over none of them. You decided the spectro case would make an excellent and precedent one, one that would go to the Supreme Court, and you wanted this. I prepared a separate draft of that. After we discussed this and I prepared much more than you wanted, after changing your mind about what you wanted - more wasted time for me, at least for the moment - I again agreed with your approach, simply because I felt you should have a free hand. Meanwhile, you delegated to Jim the editing of the other cases, and then you kept him so busy he didn't have time. Time after time we made appointments for me to come in to go over what was supposed to have been done and time after time I went in for nothing. My time is also precious to me, and as I grow more weary and my debts bear more heavily upon me, this becomes increasingly - and unnecessarily - abusive. (And when I sought to avoid this waste of time and travel cost by phoning you complained about the slight cost of the phone calls - and when I didn't call before yesterday's trip, look what you did to me!)

For some time I have sought an opportunity for us to discuss these things without interruption, but you have avoided this. Last week, when I was not there for this purpose and when I was not up to it, you began it in the form of an insulting tirade about my alleged abuse of you. I really believe you have become so personally

and so deeply involved in trying to make of your committee what I sincerely wish it had some chance of being that you have lost perspective and have no understanding of some of the things you have done. Let me give you but two added examples of this:

When you got the first Nichols suit you said it was a potential disaster for us and you asked me to go over it for him, to try and help to the degree we could (and at great cost in time I did) - but nothing came of it except the waste of my time. It was this that decided you to handle my similar litigation, and we have not yet gotten to even your reading of the draft of that.

In the course of filing some of the things that had stacked up during this past week, I came across the notes you had asked me to make for the time when you would come up to go over them with me on the two volumes of Ray proceedings you gave me in April. These notes are dated April 29. You never did this. I dropped everything and did as you asked. Whatever benefit this could have been to you, it hasn't been, for you have proceeded without it and without even asking me if there is anything I discovered that could be of help to you. There surely was nothing in it for me, for my work, as ~~xxxxxxxxxxxx~~ the completion of the book shows, was then over and I desired to proceed to other writing. In this connection, more recently you asked me to prepare a paper for you on Ray's state of mind. Again I dropped everything and did it and again, although you had told me the judge wanted this, you left it out. So, still again, a considerable amount of time was wasted for me.

No constructive purpose would ^{be} served by my going into the details of your failure to keep any part of your agreement with me when I undertook to get Ray for you as a client. One thing I do point out, however, is the effect it has had upon you. It has led you to what I would never have expected of you, untruthfulness. This is so entirely foreign to anything I had seen in you or, prior to this, would have considered possible in you, that I do mention it, in the hope that you will think about it. You twice denied you knew Flemmonde was doing a book on this case. Then, in admitting you knew he was, you denied having denied it. A year ago you could not have done this. And, when you agreed that I would be the investigator on the case, after I had done what I had done for you and after I had given you everything I have, you took him to England to "investigate", not me. For me you said you didn't have the money to repay the cost of the phone calls doing what you wanted me to do required of me.

Those of us who would teach the paper religion ought ourselves go to church. As Garrison should have taught all capable of learning, something much more than good intentions is required of all of us, and good intentions require the dispassionate assessment of fact, not the substitution of desire and personal feelings for fact. Too many roads to hell have already been paved, and the treading of one is too many.

If I cannot say everything I think should be said in a letter, and if a letter is not a meeting of the minds or any kind of discussion where people can work out differences, you have given me no other choice but what is both impossible and counter-productive - silence.

A week ago, I presume so we could cooperate and so that I could be helpful to you, Jim gave me a list of your committee's files. I started to go over this and annotate it, so that you could know where I had data that could be of value to you. That got to be too much of a job, so instead, to the degree it was possible, I indicated some of these to Jim, to the time I had to leave. Next time I'm in I'll complete this. If you or he want, he and I can go over this and he

can make more extensive notes. We got only to "O" before I had to leave. However, as I feared and earlier indicated, the indiscriminate accumulation of unevaluated, second-hand data presents considerable hazard, especially because it is unlikely that most potential users will have the requisite knowledge to understand what is fact and what isn't, even what is in many cases reasonable and what isn't. The potential for disaster is there, please believe me.

As you know, from the outset I told you that while I trusted you I did not trust most of your committee, and I insisted that what I gave you had to be kept separate. This you did not do. After I complained, after some of this was misused, you said you had separated what is my material. You haven't and, as I fear, you can't, not having kept your word to begin with. It is now not possible to removed from the minds of those I consider irresponsible what they have seen, and mechanically, much of my material remains in these files. Some did not come to you from me, but where the origin is unmistakably me, it is immaterial. If Garrison violated my confidence, that does not license others to do it. In some cases, I do not care. As you know, I have turned you loose in my files without even watching you, simply because I did trust you to keep your word. However, some of these things, which I do intend to use, I do not want others to be able to (and in too many cases, any user would undoubtedly be misuse). These things are my property. If you have sent the letter you said you would, you haven't told me - and it has been a long time. If you sent the letter in the form in which I showed it to me, it is meaningless. Among the things Jim and I found yesterday are papers I gave you as my lawyer, in your committee's files.

You apparently do not so regard it, but I believe this makes serious problems for both of us. We differ in our estimates of the capabilities of those you have allowed to rummage through and copy these things. I encourage you to consider the possibilities if mine is the correct estimate. Especially in Flemmonde's case, where you just refuse to look at the existing record - and knew of it long ago, I have been working in this field much longer than you and more intensively than you or anyone else. I have had experiences, including experiences with people, that you have not had. In the past, where we have differed in our appraisals and there has been a determination of fact, I recall no case in which I was wrong. This does not mean that I have made no mistakes, for I have, or that I cannot. However, it should also be enough to persuade a reasonable man to give serious thought to what I say.

There are none so blind as those who will not see.

Sincerely,

Harold Weisberg