

Rt. 8, Frederick, Md. 21701
4/20/73

Dear Mr. Hirschkop,

As you say in your letter of the 18th, I am sure you are too busy. That is the inevitable condition of a skilled lawyer willing to take some of the cases you handle. That the number of lawyers with your willingness is so small is what makes added problems for people like me.

One of the reasons I regret this very much is because domestic intelligence by the CIA is prohibited by law and I now think, for the first time, something can be done about it in court. I do have carbon copies of some of the surveillance on my personal appearances for it, copies of the bills rendered, checks in payment, an original envelope in which one of the checks was mailed, and the identification of the front the CIA has for such purposes. It is on the bills and on the check. With a couple of names. The man in charge of it for that part of the country now lives only three hours from here, is willing to testify, and will be visiting me soon. This part will take no work at all to substantiate. When I have the national manager of the service used by the CIA on tape saying I hold the all-time track record, all we'd need from him a subpoena would take care of.

When a litigant is as broke as I am, depositions are out of the question. If interrogatories are not as good, they are possible and I can draft them. I've done it before. I have the proof that Hunt used the office of the literary agency as an address while he was with CIA. I think at this point he'd be less unwilling to answer questions or to invoke privilege. And I've written Helms about this. I asked for copies of all surveillance on me by or for the CIA. To that part of the letter he made no response. He didn't even say they didn't do it. But he did get the letter and he did respond to the other part. If we send interrogatories to the CIA and they deny any surveillance, I do have copies of some and proof of more. Or, because my request was under the Freedom of Information Act, that holds other possibilities. Only those investigatory reports compiled for law-enforcement purposes are exempt. This can't apply to the CIA, which has no such purposes. Under this law, they are required to provide xeroxes at the cost of making them. They provide them or, if they do not, we have proof in the form of copies of some of it and I would think they risk legal sanction in an area in which the record of the district court in Washington and Baltimore is rather good, as is that of the court of appeals. If they provide them, have they not provided the case, pretty much?

Anyway, I'm sorry you are too busy. Can you refer me to others? Or, are there others to whom you could speak on my behalf? I would like to think that there are lawyers who would want to break this kind of thing up. I don't know them.

On the government's petition for a rehearing before the court of appeals on that freedom of information suit, I don't know what would happen if the government's petition is accepted. If it means a real hearing, the government might be sorry. It would be is Bud has the guts to make the possible charges of perjury and its subornation, as well as deliberate deception of the court. This panel detected that. If you will read Footnote 5 and believe me when I say J. Edgar Hoover under oath proves perjury, you can see the potential.

In the three FOI suits I have filed, I was taking no chances. I knew what the information I sought had to say first and I selected cases to which there was no legitimate defense. I believe this one is the best possible test of the investigatory-files exemption as interpreted by the government. When it gets to the Supreme Court, two of Nixon's appointees should disqualify themselves. This law provides some fine opportunities some of the best criminal lawyers have not seen. One is in the Rap Brown case. Too bad it was not done before Nixon packed the court.

Sincerely,
Harold Weisberg

LAW OFFICES
PHILIP J. HIRSCHKOP
P. O. BOX 234
108 NORTH COLUMBUS STREET
ALEXANDRIA, VIRGINIA 22313

PHILIP J. HIRSCHKOP
DAVID ROSS ROSENFELD
ALAN J. CILMAN

703 636-5555

WASHINGTON OFFICE
503 D STREET, N.W.
WASHINGTON, D.C. 20001

April 18, 1973

Mr. Harold Weisberg
Route 8
Frederick, Maryland 21701

Dear Mr. Weisberg:

I have reviewed the Opinion of the Court of Appeals and wish you luck in having the Opinion upheld upon petition for rehearing.

I have also gone over your letter to me. While it would appear that you have a meritorious claim, it is also evident that it is a claim that would take an enormous amount of work to substantiate. I presently am overcommitted in the number of matters I am handling and I could not be of assistance to you. I regret that I cannot help you.

Very truly yours,


PHILIP J. HIRSCHKOP

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