

Ms. Katherine A. Mazzaferrri, Executive Director
The District of Columbia Bar
1428 H Street, NW, 8th floor
Washington, D.C. 20005-2184

3/13/84

Dear Ms. Mazzaferrri,

David Isbell sent you a copy of his 3/9 to me and the enclosures of my earlier letters to him. I ^{ret} regard that I do not now recall exactly what I attached to those two letters.

I did not write Mr. Isbell about what he described as "the combative tenacity of the U.S. Attorney's Office." It is not involved in the matter about which I wrote him. The Department's Civil Division is. Perhaps I did not make myself clear. My concern is what the administration is doing to lawyers - of whom I am not one. I wrote him because I'd assumed that the bar is interested in its members and the freedom of lawyers in general. (Of course I am also very much interested in the Freedom of Information Act.) I am not a bit concerned about myself because I see no possibility that they'll dare charge me with contempt or seek recovery of the judgement in Maryland and risk what would follow.

Under the Rules, as I understand them, unless my counsel advises me to disregard the judge's Order, he is immune from sanctions. He did not so advise me, and the case record on this is clear and uncontradicted. He did try to persuade me to comply with the Order. I stated this and my reasons for refusing to accept his advice under oath. The government knew all along that I would appeal, as I did, and my lawyer has the obligation to file the appeal, as he did notice. Yet after threatening him verbally the Department asked that the judgement against me be amended to include him and the judge accomodated the government, neither content for the appeals decision.

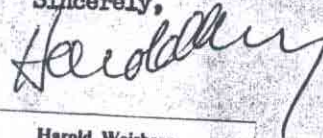
At the same time, and I believe I described this as whipsawing counsel, if my lawyer had not done as I requested he was subject to sanctions in the District (St anton case), up to and including loss of license.

In apparent violation of the Rules the government contrived a situation in which, whatever he did or did not do, my lawyer was subject to sanctions plus a not inconsiderable amount of trouble and intrusion into his professional and personal life. In this it contrived a situation that I see as a threat to all lawyers, particularly those willing to take cases for those who cannot pay them, lawyers who can properly be paid by the government.

Recovery of proper ^{costs} costs clearly is not the government's motivation. It has a judgement against me that includes interest - if it prevails on appeal. The sum involved does not approximate the cost of litigating. It is a little over \$1,000. The only other apparent purpose is lawyer intimidation and harassment.

I see all of this as a threat against lawyers, not against me. If you do not, then I apologize for this taking of your time. But if you see it as I do and there is any information I can provide, please let me know.

Sincerely,



Harold Weisberg
7627 Old Receiver Rd.
Frederick, MD 21701

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March 9, 1984

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

Dear Mr. Weisberg:

I am sorry to be so slow in responding to your letter of February 23 and its addendum of the 28th. I found the first in the pile of materials awaiting me on my return from a 2½-week absence from the office, and as you astutely observe, "busy lawyers do not welcome long letters," even when they're not just returning from a long absence.

I have now read your letters; and I must frankly say that I do not find any very significant connection between your problems and those of the D.C. Bar in its battle with the U.S. Attorney's Office about the subpoena duces tecum. There is of course a very general similarity in that both manifest in their ways the combative tenacity of the U.S. Attorney's Office; but this is not news, nor is it something by which one matter adds illumination, or reinforcement, to the other.

As regards your particular problems, I regret to say that I am at a loss for any useful suggestions.

I do, however, wish you luck.

Very truly yours,

David B. Isbell
President

DBI/ccd
cc (w/encl): Katherine A. Mazzaferri

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