

7/16/75

Dave Lifton
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Dave,

You write poorly-hidden self-serving letters to contrive a phoney record you can later cite.

My purpose in this one is to give credit where it is due - to you for your contribution toward the spectro/XAA case being dismissed yesterday. And your help in making the record on appeal not quite as good as it could be.

I don't think we could have won before this judge anyway. But we could have had a better record and we might have forced a few more papers out of the FBI. We didn't.

You were full of those protestations of all the help you alone could give, from your own training and through those you know. Once you made these noble representations you fell silent. All you were going to learn from your hasty examination of the papers - if you have learned anything - you have not let us know when if you learned anything we should have known it for court use. The reason is not because you didn't have time.

I did ask one thing of you after all your protestations of extreme anxiety to be of help. I regard it as a simple matter for one with your training. I asked you to zerox from standard texts how one goes about performing these tests. They are taught, teaching is done by texts, libraries have texts (if students who studied them, like you, do not), you have libraries readily at hand and all those expert friends, and you did not respond.

We should have been able to put this into the record of the case and to have used it in court.

Aside from other considerations, the one thing not relevant before the court and in the hearing or trying of a case was the numbers. If it had been otherwise Jim would have been diligent in seeking explanations of them and would have filed all the appropriate papers.

So, your anxiety to get the papers I got, which we would have given to anyone who wanted them, was not to help us in any way and when you had a chance to be of help you refused this help after it was asked for and when it was within your capability. (It may yet be of help on appeal but we have only so many days in which to file the appeal. Those of you so loud in your protestations will not contribute in any way to the appeal, including as the record of the past makes clear, but so much as a penny to Jim to help defray cash costs.)

I doubt you will find anything useful in the court record but Jim is under my injunction, this being my case, not to give you copies. Or to give them to anyone else who will.

The case is not over. We know what to expect from those who talk so big. We will do the best we can. We will waste as little time as we can. And we will not prepare nuts or those with exalted self-concepts or self-seekers of any kind for any further intrusions.

Should I in the end get any more papers of any kind it would not be within my power to withhold them from anyone, obviously. Strain at all the goats you want while you continue to live your futilities, I can't have this motive because it is impossible. Meanwhile, you have had a chance to show the kind of person you really are and you have used it.

Harold Weisberg