

Rt. 8, Frederick, Md. 21701
5/13/73

Dear Mac,

As you know, we are aware of the demands on your time. So, we can understand that you may feel, as your letter of the 9th suggests, that you cannot ask more of the Post Office Department with regard to what they told me is mail fraud. One of my purposes in writing you is your own concern for governmental integrity.

So you or the appropriate assistant will not have to look the background up in your files, I repeat that of the possible cases Mr. Cyr, the postal inspector, selected from the files I took to him what relates to the agreed advance of \$10,000 and the basis of computation. Ultimately I was paid only \$6,200, or 38% less than the agreed figure. Mr. Cyr said that ~~if~~ at the time of the drafting of the contract there was not in the publisher's files authenticated figures to establish this total, it would be mail fraud.

I have just returned from a trip to New York. Despite David Outerbridge's best efforts to prevent it, explained in ~~the~~ enclosed letter to his lawyer, I learned that lawyer's identity and spoke to him. In his letter of May 10, this lawyer, E. Douglas Hamilton, says explicitly that rather than by means of authenticated prices, the \$6,200 figure is only an estimate. The rest of what is relevant is explained in my letter.

In short, if Mr. Hamilton wrote the truth and ~~if~~ Mr. Cyr spoke it, on this alone there ~~was~~ mail fraud, and I wonder at the Post Office's dropping this matter and never responding to any subsequent letter. There was, I am confident, later mail fraud and I reported that. It has to do with the remainders, also explained in the enclosed.

The first thing I did in New York this trip was to go to the office of the District Attorney. There I spoke to an assistant DA, Mr. Jeff Bettan and showed him the documents. His evaluation was that there was fraud, but under New York law it is civil rather than criminal fraud.

I do not seek vengeance. I do seek what is owed me. I'll never be able to get all of it. And it has been ruinous. If publishing is a business in which crookedness is the norm, it is difficult to believe that it can be, as it has been with me, the undeviating rule. I also find it difficult to believe that without some indication of some kind of protection, the crookedness, whether or not fraud, would be so unhidden.

As I have told you, your forecast that I did not then believe has turned out to be accurate and there has been improper federal intrusion into my life, including into my First Amendment rights. I have copies of some of the surveillance and I have the most accurate and detailed reporting to me of phone conversations I did have on the phone I did use. This would seem to authenticate what my source told me, that the information repeated to me came from a federal tap. My source was known to me as a police informant and claimed to have federal connections. At the beginning of the Nixon administration, when it was reported to me that the FBI was going around behind me defaming me, I wrote Mitchell. He forwarded the report to Hoover who, to his death, did not make even pro forma denial. I have recently learned in going over discovery material in our civil suit over the helicopters and sonic booms that even the Air Force has a special file on me, separate from the claims. (You may not remember it, but you tried to help me on the sonic booms, spoke to the Air Force, and these files that I have gone over leave no doubt that you were lied to, as was higher authority; that deception was practised to contrive a basis for rejecting that claim in the first instance and to reduce it to the unacceptable later; and much more, all bearing on federal integrity.)

My obligations to ourselves as to society leave me no choice. I must oppose and do what I can to end these authoritarian abuses. There is no end to them. There has been repeated perjury and subornation of perjury in my suits for suppressed public information under 5 U.S.C. 552. Again, after the charges, there was never even pro forma denial. The proof is in court records and today the courts are indifferent. I believe that no decent citizen can accept this state of affairs or abuse.

So, I ask nothing of you. I merely inform you.

But in addition to all other considerations, including improper interference with perfectly proper work and bankrupting me, this has the effect of making it impossible for me to make a living.

The case with the Post Office is much more grievous than the matter of the advance alone. After Mr. Cyr said what I recount above, the publisher actually sold 1,000 copies of the book that were my property to another. He then lied to me about how this came about and then went further to assure that as many copies as possible disappear, failing to recall the still-existing copies that had been sold. I made that demand repeatedly. Purely by accident I learned that this publisher has become part of Dutton. I saw the president of Dutton last Thursday morning. I showed him the relevant letters and he told me straightforwardly he had not by "accident" sold my books and that the letters written me by David Outerbridge were false. All of this was accomplished by mail. If it is not fraud, I do not know the meaning of the word.

likewise could he not explain the last (skiled) royalty statement. With a 10% royalty on a \$10 book and with 1022 copies sold, the royalty given is only \$48.65. It is obvious to me that in an effort to avoid a fraud charge I was credited with the gross from the sale of 1,000 copies of my property @ 30¢ per book. That is the price at which I bought them.

When the Post Office does nothing with this record and when it has failed to respond to a single one of the letters I have written, it seems to be a futility to write it further, as you suggest.

Our best to you all.

Sincerely,

Harold Weisberg

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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

May 9, 1973

Mr. Harold Weisberg
Route # 8
Frederick, Maryland

Dear Harold:

I have received your most recent letter and am most distressed to find you so dissatisfied with the Postal Service response to the present status of the Outerbridge-Lozard matter.

If you feel so strongly about the information you have, I urge you to bring it before the Postal authorities, as it could only be of benefit to both you and the Postal Service. Please feel free to keep me advised.

Best personal regards!

Sincerely,



Charles McC. Mathias, Jr.
United States Senator

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