

5/24/87

Dear Jim,

I'd appreciate it if you would please mail the enclosed to Bob and Jessica Truehaft, whose address I do not have. I'm pretty sure Bob's office is in Oakland and that they live in the Bay area.

I don't know how inclined Bob might be to help but I'm not asking more than a referral of him.

Bob was a friend of the CLIEK editor and a lawyer in some federal agency, so it was rather courageous of him to sit with me, even if he did nothing at all, during that hearing. The chairman was a Californian, Charles Cramer or Kramer, and he was also a Silvershirter.

I had a stroke of good fortune at the hearing: a friend was a member of the committee, Cong. John Coffee, of Washington, and another member was a then unknown fan of mine. His name was Connery and he was the brother of the coauthor of the Wagner labor act, actually the Wagner-Connery Act. This brother remained a friend after that hearing. He ad libbed the right kind of questions and Coffee at one point turned to the chairman and demanded to know if the committee was acting as counsel for the corporation accused of being a Nazi front. Coffee's question made it impossible for that transcript to be published but Hugh Scott's nasty questions made it possible for Rohm & Haas to select from them and make a mailing it sent to its customers and friends.

Rohm & Haas had counsel at that session and who it was surprised me. It was one I'd known well when the DJ borrowed me for its Harlan conspiracy case, Walter Gallagher. He left DJ with Brien McMahon, then head of the criminal division and later a Senator and father of the atomic energy act, and was in Brien's law firm. Brien was in charge of that Harlan case and Walter was on his Criminal Division staff.

Had a surprise good conversation with Dave Wrone yesterday. He's working away on his book and is sending me the draft of a couple of chapters.

Thanks and our best,

To Bob and Jessica Truehaft via Jim White

5/24/87

Odd that Jessica's piece on the National Lawyers Guild in today's Wx Post comes when I've thought of you both this past week, as I explain before getting to what I write about, triggered by Jessica's piece.

After more than a decade of trying I've gotten the FBI to disclose records from a file classification it has steadfastly refused to disgorge, 94. The official title is "Research Matters" but the actuality is that this is the FBI's memory hole for its rough equivalent of the Japanese thought-control police with regard to the press. Also for lobbying, propaganda, the directors' correspondence. I learned of its existence only by the accident of cross-reference filing notation and, belatedly, began to set up my own 94 files of copies. They've never disclosed from the 94s on the ground that "research matters" are outside all requests.

I've wanted the FBI's CLICK records, which I knew existed and include a letter Hoover wrote CLICK praising my Rohm & Haas expose, for archival purposes: I was an effective anti-Nazi during the shibboleth period of the Nazi-Soviet pact.

Bob was with me during the House patents committee hearing that was supposed to do me in, which is why this week's correspondence with the FBI reminded me of him, and in thinking about that I remembered that at the Cliff Durr memorial in Washington Jessica asked me about getting the FBI's records on her. So, if she is still interested and did not get them on earlier request, she should ask for all records on or about her filed that way and all cross references, which the FBI refers to as its "see" cards.

The FBI has come up with the copy of my Rohm & Haas story but is still reluctant to acknowledge even the faint praise of its founding father of an "enemy." It has at least 30+ cross references I'm trying to get and if any of them mention Bob I'll send copies. They may because the chairman of that committee and the late Hugh Scott, then a Congressman, were involved in what amounted to pro-Nazi activity in leaking the suppressed transcript of my testimony to R & H, which promptly misused it. Didn't do them much good because before long it was vested as enemy property. Didn't hurt Scott's later career in the Senate and as a GOP bigshot.

When I drove to Washington for the memorial to Cliff was close to the last time I was able to drive there. I'm limited to about 15-20 minutes of driving at a time as the result of complications following successful arterial surgery. And if <sup>any</sup> they are still in the Washington area, I'd like very much to get one of the unafraid guild lawyers to take over a lawsuit in which, with some optimism, I think I've got the FBI backed into a corner by charging and proving felonies to get a money judgement against me in an FOIA suit in which I wound up as my own lawyer because it created a conflict <sup>with</sup> between my then lawyer and still friend, not an NLG type. There is no doubt

about the fact. I've got them nailed solidly, with their own records, withheld from me but disclosed, under judicial compulsion, to a friend. These records leave it without question (and entirely undenied in the litigation) that to get this money judgement ~~the~~ FBI perpetrated fraud and perjury and its counsel misrepresented.

To stonewall, the FBI, then for the first time, <sup>under Fols</sup> demanded "discovery" from me. My noncompliance was based on a series of reasons, all stated and unrefuted, ranging from the physical impossibility for me of what was demanded to the fact that I had already provided all that information for other reasons, two file drawers of it. We were before a fink district court judge, who ignored all I filed and when I sent word to the FBI that it didn't have the balls to charge me with contempt, which it threatened, it didn't and it instead moved for and got a duplicating money judgement (alleged costs) from my then lawyer. His offense was trying to talk me into some degree of pro forma compliance, which I refused. So, it had a money judgement against a lawyer only because his client refused to take his advice. (Nobody in the bar got at all interested!) Under my pressure my lawyer went to the Nader law group. It agreed to represent him and because of this conflict sent him to the ACLU for it to rep me. Mark Lynch did, with some timidity if not fear. He promised to use this new evidence and allegations of felonies on remand and didn't and got himself recused. Thus I represent myself. I'm not afraid of the FBI or DJ and I have no lawyer's ticket that can be lifted so I've made the record.

I knew, of course, that this fink judge would find against me but I had no idea he'd provide such beautiful touches after more than a decade of litigation. His Memorandum shows that he doesn't know who is being sued or what is being sued for. He has both quite wrong in it.

The FBI/DJ could not lay a finger on my appeals brief so, instead of depending, as usual, more usual since the Reaganization of the DC appeals court, on the friendly judges it has gotten they instead filed for summary affirmance. This got the case out of the well-greased channels of the past and involved the court's own counsel and with that the integrity of the court's counsel and the court. I've succeeded in limiting the case to my undenied allegations of these felonies, which are still undenied, and how can the court's counsel dare ignore the uncontested evidence and charges? It is about six months since I filed my Opposition and I've heard nothing from the court, which has been on a rush-the-cases binge, or the government. It hasn't even filed the Reply it could have filed.

Maybe they are waiting for me to die and maybe they will yet do something. Now if I had unafraid counsel I could push it. And I'd like such counsel for oral argument, if and when that is rescheduled. (It has been scheduled for last year.) I am not only in a position to push the felonies, I am in a position to demand costs under Rule 11.

In recent years they've been misusing Rule 11 against FOIA requesters and their lawyers but I'm not aware of anyone using this Rule against them. While there are always doubts about courts, in this case there is no doubt about the facts.

But I can't get to Washington and I can't afford all the toll charges it would require to try to locate someone not afraid. My only income is Social Security. (The judgement would take about three months of that.) It would have to be someone not afraid because these people fight dirty and always seek vengeance.

We are about an hour from most parts of Washington. The only public transportation is Greyhound and I've not been able to use it since 1977. But if a lawyer could be interested, if he or she can't get here I can get someone to drive me there.

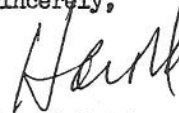
What might well discourage a lawyer is the size of the case record. What I've filed pro se is a fair amount. I think that is all a lawyer would need. For this period the government's filings are almost ~~it~~ zilch. If I am correct, that what I filed pro se is all a lawyer would need, maybe 200 pages, double-spaced, before both courts.

I do believe that this is a rare opportunity to do something about these bad people who have been hurting so many innocent people for so many years and a chance to discourage further such efforts by them.

I remember the pleasant lunch we had in that pleasant hotel dining room about 20 years ago but not who was with me. There is a story about whichever it was that might interest you. If it was the reporter Harv Morgan who had a talk show on KCBS, the guy who tried to redbait me as a caller-in was, I've now established, an FBI symbol informer. He helped sell all the copies of my books in SF then and gave me a standing-room only audience the next night. If it was Hal Verb, he is now writing a book about E. Haldeman, Julius and his Little Blue Books, not a bad idea.

Best wishes and thanks if you can make any suggestions.

Sincerely,



Harold Weisberg

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# Lawyers of the Left

7/19/87 5/24/87

## *Their Embattled Guild Has Survived to Fight Again*

By Jessica Mitford

“UNTIL NOW, Senator, I never gauged your cruelty or your recklessness. I fear this young man's career will never recover. Have you no shame, sir, at long last? Have you no shame?”

This passionate outburst by Army counsel Joseph Welch during the Army-McCarthy hearings in 1954 must ever be graven on the memories of those who, like me, were lucky enough to watch that marvelous show when it played live on television; and of those too young to have seen it at the time, but who may have caught it in retrospective documentary newsreels of the era. It was the proximate cause, as lawyers say, of Sen. Joseph McCarthy's downfall. His exposure before the nation as a malignant bully was prelude to the formal vote of censure by the Senate a few months later, which signaled the beginning of the end of his personal reign of terror on the national scene.

Less well remembered would be the occasion for Welch's historic primal scream of fury. It was triggered when McCarthy, in his chivvying, goading, prosecutorial style, taxed Welch with employing a young assistant, Fred Fisher, who when in law school had been a member of a student chapter of the National Lawyers Guild.

This month the NLG, a hardy perennial, celebrates the 50th anniversary of its founding convention held in Washington in the spring of 1937, a star-studded event attended by more than 600 lawyers, many judges, legislators and New Deal luminaries, crowned by a letter from FDR: “I have every confidence that your deliberations will affect the welfare of your own profession and the well-being of the country at large.”

The Guild's program called for a concerted campaign against the policies of the super-reactionary American Bar Association (which excluded black lawyers); support for New Deal legislation such as Social Security and

child-labor laws; establishment of legal-aid clinics for the poor, an end to laws restricting freedom of speech—in short, the whole spectrum of liberal/radical demands. By the end of 1937, the NLG had recruited 4,000 members and had chapters in all the major cities.

Thereafter, the NLG's wildly fluctuating fortunes over the decades could serve as a barometer of the vicissitudes of the left/liberal movement in general. Throughout the war years it grew in size and influence, its prestige at an all-time high in 1945 when it was invited to be part of the official U.S. delegation at the San Francisco conference for the establishment of the United Nations.

Came the 1950s and the barometer plummeted. Bludgeoned by the House Committee on Un-American Activities, denounced as subversive by the attorney general, the Guild was badly dented. Membership dwindled from the wartime high of 4,000 to under 2,000. Many a faint-hearted liberal

*Jessica Mitford is the author of several books, including “The American Way of Death”*

turned tail and fled, leaving to their embattled erstwhile colleagues the strenuous job of representing the thousands subpoenaed by various witch-hunting committees.

From my vantage point as a Guild wife (having married staunch guildsman Bob Treuhaft in 1943) I observed these developments with more than a passing interest, as they strongly affected our own lives. Like most of the Guild lawyers we knew, Bob and his partners were swamped with cases of police brutality and housing discrimination against blacks, defense of political dissidents, loyalty-oath refusedniks, HUAC victims—an unending stream of cases from which “respectable” members of the bar too often averted their eyes.

Needless to say, Guild lawyers performed these tasks without much hope of recognition beyond the small circle of their beleaguered clients; but

in 1959, Bob was accorded the signal honor of being listed by the House Committee on Un-American Activities as one of the 39 most subversive lawyers in the country. (The ill-concealed jealousy of fellow guildsmen who had failed to qualify for this distinction was akin to that of Nixon haters who, some years later, found themselves omitted from his famous “enemies list.”)

The 1959 HUAC report, entitled “Communist Legal Subversion”, concentrates its fire on the National Lawyers Guild “which has been operating on the American scene for more than 20 years as an alleged nationwide organization for ‘liberal’ lawyers concerned with human rights in general and civil liberties in particular.”

Specific charges against the Guild, whose activities (according to the report) “continue to be directed toward the weakening of the security programs of federal and local governments,” today have a curiously old-fashioned ring, so many of its objectives having long since been achieved.

The Guild was accused of campaigning for:

“Abolition of congressional committees assigned to the task of coping with subversion in the United States;

“Curbing of the investigative powers of the Federal Bureau of Investigation;

“Repeal of the Smith Act prohibiting teaching or advocacy of forceful overthrow of the United States Government;

“Discontinuance of the attorney general's listings of subversive organizations;

“Repeal of the Internal Security Act and the Walter-McCarran Immigration Act;

“Unrestricted issuance of passports to subversive individuals . . . .”

This indictment is followed by brief case histories of the 39 most subversive, “selected for inclusion in this report because they exemplify pat-

terns of activity which have aroused the concern of this committee." I, of course was fascinated by these minibus, specially that of Bob. In the summer of 1959 I took the report, hot off the press, to show to my mother when we visited her in her remote Hebridean Island. She seized it, and started reading out loud the charges against Bob: "In 1950, the East Bay

Minute Women for Peace were circulating petitions on outlawing the atom bomb. Robert Treuhaft was the lawyer who explained the legal rights of petition circulators to the organization."

"Minute women for peace!" exclaimed my mother, pronouncing it to rhyme with Canute. "Oh, the *sweet* little things!—a troupe of midgets, I expect?"

Now for an update. During the 1950s the NLG membership remained static, recruiting virtually at a standstill. But by the middle 1960s there was a sudden infusion of new blood when hundreds of young lawyers, many of them women, flocked to the NLG's call for volunteers to go south to provide large-scale legal aid to the civil-rights movement, and to represent the growing number of Vietnam war draft resisters.

These newcomers to the ranks were not altogether welcome to the veterans of the 1940s and 1950s. As Victor Rabinowitz, nationally renowned champion of McCarthy-era victims and a past president of the Guild, ruefully observed, "To many of us, these 25-to-30 year-olds seemed undignified, contentious, noisy, undisciplined. The generational differences were startling and deep."

For the next few years the NLG became the battleground of a classic Old Left/New Left confrontation. (A minor casualty was the NLG Auxiliary, to which I had belonged since the beginning. It was roughly patterned after the Ladies Auxiliaries of old-line AFL unions, which enlisted the services of members' wives in various menial jobs. Our main task was to stuff and address envelopes for the annual NLG fundraiser. Some of the other wives thought this work demeaning, although I secretly rather enjoyed it as relaxation from real

work).

One of the main demands of the contentious, noisy neophytes was admission to full Guild membership status of law students, legal workers (para-legals, secretaries, etc.) and jailhouse lawyers—prisoners who prepare their own briefs. Eventually this demand was adopted and is now NLG policy.

By the early 1980s, the widely disparate NLG generations had come to terms. Rabinowitz says that he knows of "no other organization with a similar political outlook in which transfer of power from radicals of the '30s and '40s to radicals of the '70s and '80s was successfully accomplished without change of principle. That the gap was closed and the organization survived and grew stronger is something of which we can be proud."

And what of Fred Fisher, who unwittingly did so much to guarantee the NLG a footnote in the history of the 20th century? He is still at his post in the late Joseph Welch's Boston law firm of Hale and Dorr, but his duties have changed. He is now, his secretary told me, a senior partner and chairman of the firm's commercial-law department. I asked if he would be coming to the NLG's 50th anniversary. No, she said, he doesn't like to be reminded of all that and would rather not talk about it. Regretfully, I hung up the phone.