

5/29/70

Mr. H. Stuart Cunningham
Chief Deputy Clerk
U.S. District Court
Northern District of Illinois
U.S. Court House
Chicago, Ill. 60604

Dear Mr. Cunningham,

Your letter of the 23th is, like those preceeding it, quite helpful, and I do thank you for the time you are taking to help me.

Having read the enclosed Section 1915 and the accompanying affidavit form, I am left with the question, do I meet the requirements of the law. If I do not, of course I do not want to utilize this means. On the other hand, if I do, I would very much want to, for we are in exceedingly poor financial shape. Perhaps if I explain this to you, you may be in a position to advise me. Meanwhile, as soon as the holiday is over, I will see which of the companies on the list you so kindly sent can accept the bonding fee from me here and file it there. Thus, if in your opinion, I do not meet the requirements of Section 1915, I will be in a position to proceed expeditiously.

I do own two properties. While I cannot give any firm valuation, aside from the mortgage, I'd say the value certainly would exceed \$50,000. I own an old car with about 75,000 miles on it. But I am indebted about \$40,000, have not had a salary in more than 20 years, have been self-employed in this period, and there has been no meaningful income from my books in more than two years. Some weeks go by and we do not get a single order. All property is jointly held with my wife except one piece of real estate of the two included in the above estimate, which is hers, not mine. If we restrict my real estate holdings to the full value of the property we own jointly, my debts exceed its total assessed valuation. We do have a small bank account. It does not now contain enough to pay pending taxes, insurance and medical costs. There are also other pending bills, like those of the utilities. The assessed value of this property is approximately \$15,000 and the outstanding larger bills alone \$1,500, or about twice our bank balance. The land on which this jointly-held property is located is assessed at under \$5,000.

If I can find a notary today, I will execute the affidavit, leaving it up to you to determine whether I meet the statutory requirements, for there is no lawyer I can consult for an opinion. If you believe I do not, I would appreciate it if you would then return it to me.

But if I do, because I am going to act as my own lawyer, can you then, officially, file the case?

There will then still remain what for me will be serious problems. I will have to borrow the money to go to Chicago. Is there any protection I can have in advance that I will not incur this additional debt only to find that by some maneuver the case is postponed?

Then there is the question of subpoenas. I anticipate calling about six individuals. In two cases corporations are involved. Can I meet the requirements of your law by asking for subpoenas for responsible officials of these corporations in their managerial capacities? In three cases, I will want to ask for subpoenas duces tecum. May I have twice the number of subpoena forms I will need so that I may keep a copy of each?

Are the subpoenas duces tecum returnable prior to trial? I anticipate asking for copies of tape recordings. I think it would be a great and unnecessary burden on the court to have to play all the tape recordings where I might, in advance, go over them and either mark the appropriate parts or dub copies of these parts that are pertinent.

Again, I do thank you for your help.

Sincerely,

Harold Weisberg

P.S. These matters are somewhat confusing to me, but I assumed, from your earlier sending of the other forms to me, that they are for me to execute. I therefore enclose herewith one of each of the two summons forms, filled in as much as I can, not knowing which is applicable; a copy of the designation form, filled in; and the affidavit, made out in the prescribed local form.

In preparing the affidavit, I started to follow the form you sent me word for word. When I realized this was not completely applicable and because of the word "like" in the following instructions, I made the slight changes that seem appropriate in the form while sticking to the exact language of the questions and to their numbers. This is not an appeal of the kind apparently anticipated in that form.