

Dr. Cyril Wecht
Dept. Pathology
Central Hospital & Medical Center
1200 Centre Ave.,
Pittsburgh, Pa. 15219

7/17/90

Dear Cyril,

I hope the congratulations you offer on my legal case are not premature. If for the moment and forgetting what I've learned in 77 years I am a little optimistic. I can think of reasons they've taken the appeal that will not make me happy. And I'm apprehensive that while one of my reasons for proceeding pro se was the hope of getting a decision that could help senior citizens, I'm aware of the possibility that I may wind up with a decision that hurts them/ us more. We'll see.

It also may be that the big Baltimore law firm that specializes in this kind of law, faced with a pro se litigant, based themselves on what was not really appropriate. They cited a decision in a different kind of litigation and I, having no access to any law library, cited the regulations.

Meanwhile, I hope that I'm informed on what is forwarded with the case record so that I'll know what the appeals court has before it.

All of this has been on my mind for a different reason. It has been apparent for about a year that the TURP will soon have to be done again, that I'm not going to get the expected 10 years from it, It has been four and a half years and I feel it will be soon.

You also say that I should have been a lawyer and that I'd have been one tough cookie. To the best of my recollection, Bud Fensterwald is the first to say that. If my father had not been so insistent maybe I'd have tried. He didn't want me even to think of anything else. But how I'd have paid the costs in those Great Depression days, the state university having no law school, I don't know.

On the lighter side what may amuse you. When I was pressing FOIA cases after the act was amended, the investigatory file exemption over my litigation, DJ organized what they actually told Jim Lesar they called their "get Weisberg" crew. They had six Civil Division lawyers on it. I was giving them and the FBI problems by stating just about everything under oath rather than through lawyers' pleadings, with the intent of making a record for history if nothing else. Then when I learned they were going to make their "general releases" of FBI JFK assassination records I got Jim to do something he did not want to do. I asked him to file for an injunction against any releases until I was provided with a set free. I said they had made this kind of thing into a media event and with so great a volume of paper the press could not begin to make its own search through the records and had to go with what was called to its attention. I said I wanted a set so that I could respond to inquiries from the press. Jim's objection, aside from it being unheard of, was that the judge, Gesell, would never issue an injunction against making information available. I told Jim I didn't expect him to but I wanted to give him something on which to turn me down while he found for me on what I wanted. Jim also said that injunction was not the proper form, that I'd be asking for a temporary restraining order. He filed for that, along with an affidavit from me, and there we were in court. With all six of the get-Weisberg crew there, plus some FBI agents and Legal Counsel Division lawyers and the lawyer who headed appeals. All ganged up on lone Jim. And with all that legal talent, they could not even tell Gesell how much it cost them to make a xerox!

He did turn me down on the TRO but he ordered them to give me what they were releasing as fast as they could. I had 14 large cartons two days later, with a problem for the local post office: the rural carrier could not handle 14 large cartons. They in the end ignored the law, put them on a flat-bed truck and delivered them. The lawyers looked very bad. They disbanded their "get Weisberg" crew and when they were before compliant judges they got away with their alternative, non-stop perjury. Thanks and best wishes, Harold Weisberg

Harold

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FORENSIC PATHOLOGY
LEGAL MEDICINE

July 13, 1990

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

Dear Harold:


Enclosed is a check for \$26.00. Thank you for your courtesy in sending me all the books so promptly and without charge for several of them.

Congratulations on the court's decision in your case. There is no doubt that you should have been a lawyer. You would have been one tough cookie!

I hope that your health does continue to improve, along with the weather, so that you will be able to get more exercise to make yourself feel better and stronger.

With best wishes.

Sincerely,


Cyril H. Wecht, M.D., J.D.

CHW/mb

Enclosure (1)