

Dear Bill,

Ryan

5/31/89

Thanks for the loan of the book. To answer your questions:

Author of the "Here's Harold Again" memo from DJ files is not Wertig but Werdig. He was an Assistant U.S. Attorney in D.C. Normally, complaints in FOIA cases were routed to that office. His memo is to Jeffrey ^{ffrey} Axelrad, then in Civil Division, D.J., which was involved in all FOIA cases it did not handle. Then or later Axelrad was on appeals. The memo asks if appeals should be involved at the outset.

I do not recall which case I was then filing. Perhaps from the date Jim Cesar might. Checking the lawsuit files would disclose this, of course. But there is a sidebar on ~~XXXI~~ Werdig and this attitude that may interest you.

He handled the first suit I filed for the results of the scientific testing in the JFK assassination and ~~in~~ it he lied. + mean this word to ~~xxx~~ be taken literally. I also want to leave it without question that he lied in litigation regularly and always, as he assumed, got away with it. But in the results of the testing suit it kicked back, as is almost entirely unknown. Jim established that on a key point in that case, which was before Sirica, he lied and it was not accidental.

Werdig argued that disclosing the nonsecret results of the testing had been determined by the then Attorney General to be "not in the national interest." It happens that the legislative history of the Act makes it beyond question that the legislative intent was to make it impossible for the executive agencies to make this tenuous claim that had been used, traditionally, to withhold nonexempt information. Sirica agreed with Werdig. Jim's search established that Werdig had just made that up and that, in fact, John Mitchell had made no such determination and nobody else had, either.

Jim took the case all the way to the Supreme Court and the illegality was upheld. But someone called it to the attention of the Congress when it was considering what ended as the 1974 amendments to the Act and Congress, with Teddy Kennedy making it explicit in the debates, amended the Act and overrode that decision to open the files of the spookeries to FOIA, over this decision. You know what rotten stuff got to be public as a result.

So, I would say that when he wrote this memo Werdig had just gotten the copy of the complaint I then filed under FOIA. From the date I could have been pro se.

About the sketch, which I'dl will try to copy later today, along with the Werdig memo, it was made ^{spring or very early} during the summer of 1973 when I was a patient at Walter Reed Hospital. The Army had taken over what had been a fancy, private girls' school at Glen Echo and an old CCC camp at Beltsville and used them as hospital adjuncts. I've forgotten the exact names ~~by~~ the school was the first step in rehabilitation after the main hospital, the CCC camp the last. I'd spent about two weeks in the hospital proper and in about April or May was at Glen Echo. Among the kindnesses private citizens thought of was for artists to go there and do such things as make sketches. I do not recall any considerable number of them *any*

I recall no other artists that day, although I presume there were some, and I remember nothing about the man who selected me or why and how. His name is John Holmgren. It may have been because I was a volunteer teacher. There were several of us, I am pretty sure, who volunteered to ease boredom and inform other patients by teaching subjects covering which the Army had handbooks soldiers could use. I taught radio, theory and how to make a simple set, and journalism.

There was but the one edition of Post Mortem. I was never able to promote it. As soon as I had the negatives required for offset printing in the air to the Wisconsin printer (made the negatives in D.C.) I went to the hospital ^{because of} ~~for~~ the first thrombosis. The book was printed while I was hospitalized and I set the pub date for when I'd be ambulatory again, the next month.

Yes, I had "some contact" with Eyle Stuart, but never face-to-face. As I now recall largely by phone. He is one of the publishers I approached first and several times he refused to consider the subject. I was, of course, quite surprised at this attitude, but it was far from his alone from those considered liberal publishers. After I copyrighted the limited edition and probably after a long delay, in early 1966, while ^{W.H.} Norton was contemplating its navel, I sent him a copy. In any event, he had one and he phoned me about it on a Saturday, when we still lived in Hyattstown. He had just decided to publish the book. I told him that it was right then being manufactured, as it was that very minute (time and a half for Saturday and double time for Sunday) ^{- I had first two copies Monday}, reminded him of his earlier ~~refusals~~ refusals, and it was he, personally, who refused to consider the subject, and told him I'd be happy if he would like to consider distribution. He wouldn't and we had no later contact that I recall.

There is another Werdig story that might interest you. I could drive to Washington in those days and did quite often, usually without making any appointments first. One rainy day I drove in to see ~~Stewart~~ Jim Lesar, who then was in Bud Fensterwald's office, NE corner 16 and Eye, NW. I remember other things of that day, it happens. I'd also forgot ^{Jan} a rather large umbrella that had been given to me by an airline, I think Eastern, which had torn the coat I was wearing when the two parts of the stairs then used to load and unload had been put together carelessly and the wind of a storm blew the coattail into the opening left between the top and bottom section handrails. I'd was with me and I thus wanted the larger umbrella, to cover us both adequately. Well, I forgot the umbrella. When I went back to get it Bud was there and he told me that Werdig had told him that I had visited him that day. It was news to Bud who in fact I had not only not visited- he wasn't even in the office. So, either there was a tail on me or surveillance of Bud's office or a truly remarkable coincidence of some kind. Otherwise, how could Werdig have known?

Best regards,

Hardy

Form D-50
Rev. 12-22-66

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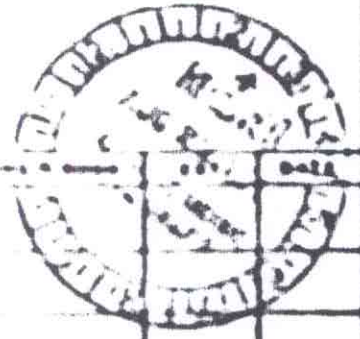
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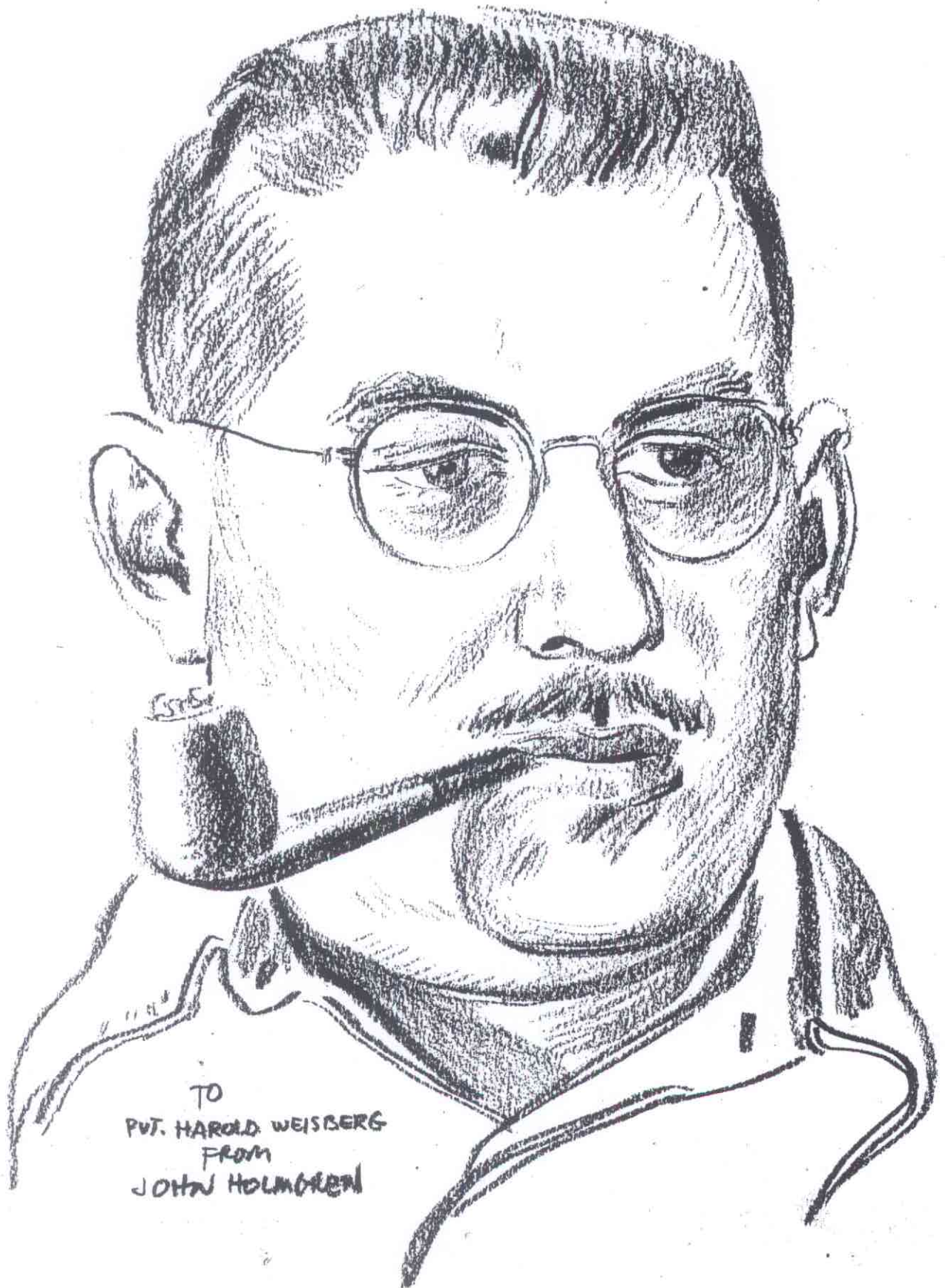
HERE'S HAROLD, AGAIN

JUL 24
8:10
new?
Should be
re-filed

8/23 (reg. 5/4)

WERDIE, AUSA, D.C.





TO
PVT. HAROLD WEISSBERG
FROM
JOHN HOLMBOM