

HAROLD WEISBERG
Rt. 8, Frederick, Md. 21701
12/18/74

Dear Daniel Ellsberg,

My purpose in writing is the possibility, if it remains, that new charges involving "national security" allegations, may be levelled against you. The earlier reporting of the recent incident indicated the possibility.

I'm asking a friend in your community to forward this. The phone company no longer gives out addresses.

I've been fighting the suppression of the embarrassing, information any kind of decent society needs to function, in my own way. This includes coping with the phoney claim to national security. I believe that for the first time ever I beat the government in court on this.

In order to give a semblance of validity to the claim the government in this particular suit produced affidavits to establish the "national security" nature of the material withheld from me. You can get an idea of the actual content from the flyer for the book privately published built on what I ultimately did get. In order to defeat the spurious claim I submitted an affidavit that included proof of the perjurious nature of their sworn claims.

This confronted the government with diametrically opposite statements under oath on what the judge had made the material issue. Or, perjury.

Without going into the judge's mind to make representations about why he ruled for the government on its companion claim to exemption under the Freedom of Information law under the "investigatory file" provision, as I will if it interests you, he ruled against me on that claim.

By now the government knows me very well. It understands how I fight and what I can be expected to do. It also knows that the chief judge of the appeals court is not sympathetic to its fakery with this law and in particular has a deep involvement as a minority of one in another of my cases. (In that case one of his colleagues actually wrote in a decision that I should be forever forfended from investigating the JFK assassination and in the end prevailed, in an en banc rehearing.) This is to say that among the possible reasons for the government making this abrupt switch and giving me what it had sworn was properly TOP SECRET and had to remain that way is what it could anticipate me and my lawyer to do on appeal, prove perjury and its subornation.

Both are the fact, and it was over the false claim to "national security" exemption.

It is the records in this case that I think may at some time be of use to you.

This is the only use of that claim in the four suits I have filed to obtain suppressed information, with success in three and the fourth helping the Congress decide on the amendment recently passed over Ford's veto.

However, in all the other cases the government made overtly false claims. Some of these were under oath and all were made by Department of Justice lawyers. I tell you this in the event the overall record also may be of use to you at some point. Lawyers tend to accept lying by other lawyers, including those of the government. So do judges, even in the rare cases where they complain. The press does, too. (Most recently in my experience by the State of Tennessee in a habeas corpus evidentiary hearing for James Earl Ray. I am his investigator. My lawyer in the "national security" suit is the one carrying the load in the Ray case. Two weeks ago in its written closing arguments the State lied grossly and deliberately, as the press has to know. Last weekend we made the direct charge in written reply filed in court. But there has been no single news story on either and both are completely privileged.)

I know from personal experiences what the kind of fight you have been through can mean and how vindictive fascist-minded people with power can be. So, my thanks also for what you have done.

Sincerely,

Harold Weisberg