

Route 8  
Frederick, Md. 21701

June 3, 1975

Mr. Carl J. Silbert  
Acting United States Attorney  
Federal Court House  
Washington, D. C.

Dear Mr. Silbert:

Were it not that I did not want to intrude any other considerations into your nomination to be United States Attorney for the District of Columbia, I would have made the complaint that follows earlier when the same situation existed.

However, a current situation in which your office is committing the same offenses against me and my rights, against the law and against the clear and expressed intent of the Congress, requires that I write.

The canons state that the primary obligation of the prosecutor is justice, not convictions. When the United States Attorney represents a government agency, even his employer, in my view the obligations imposed upon him to see to it that there is justice is not in any way reduced.

I have filed in court an affidavit alleging false swearing in .C.A. 226-75. Your Mr. Michael Ryan has done nothing about this after I apprised him of it. In fact, in the ensuing two weeks he has not even provided me or seen to it that I was supplied with what without question was and remains withheld from me in this matter and what it was sworn to had been supplied, what my complaint seeks. I specified this to him as soon as the judge left the courtroom after the last hearing.

Earlier he deliberately delayed providing me with the nonresponsive affidavit he had and withheld until he could hand it to us in the courtroom on the moment of the judge's entrance. He thus made it impossible for us to confront it properly. This is not the first time your office has engaged in this practice, one calculated to make justice impossible, to deny me my rights, and to protect wrongdoers. In each case the immediate purpose served was to protect false swearing.

Moreover, in this case the government is again engaged in an effort to rewrite the law by what I regard as improprieties and misrepresentations to courts. The burden of proof under the law is upon the government. Two weeks ago, as a consequence of these wrongful acts, an effort was made to shift the burden of proof to me and the net effect of what Judge Pratt said is to do this. My responsibilities to myself and as a citizen make it impossible for me to accept this or be a complacent party to it.

False swearing to the material is a crime, perjury. If there is no innocence in presenting it, I believe another crime, subornation, is involved.

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I believe that swearing to compliance with my FOIA request when it was false is swearing to the material. That is what happened in this case and that is what happened in COA.2052-73, when you held your post, false swearing to what the judge had made most material.

If I am correct in this, then crimes have been committed within your jurisdiction. Your office was also involved, whether or not innocently. As the damaged party and as a citizen I call upon you to protect my rights and to inquire fully into whether or not these are criminal acts.

Sincerely,

Harold Weisberg

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