

Ted Kaczynski Crunches The Numbers

Unabomber obsessed with government Xerox skills

Jan. 11, 2011

JANUARY 11—He killed and maimed victims during a decades-long bombing spree, but what keeps Ted Kaczynski up at night in his Colorado prison cell is the fear that federal officials are doing an inadequate job copying reams of his documents in advance of the material's sale at auction.

The convicted Unabomber is distressed at the haste with which he thinks government officials are moving to reproduce tens of thousands of pages of material—much of it handwritten by Kaczynski—seized from the murderer's Montana cabin.

Originals of the documents will be sold off, with the proceeds going to victims of Kaczynski's bombing campaign.

A federal judge has ordered that Kaczynski be provided copies of the papers, which total somewhere between 20,000 and 40,000 pages. He plans on providing that material to the University of Michigan's Special Collections Library, where curator Julie Herrada oversees an archive devoted to anarchist and social protest material.

In letters written to his attorney over the past two weeks, Kaczynski griped that prosecutors are not allowing enough time to review the copies to make sure that each page is legible, that no documents are "cut off" at the top or bottom of a page, and that no pages fail to be copied.

In a January 1 letter to lawyer Erin Radekin, Kaczynski accuses her of incompetence for failing to aggressively take "measures to ensure that copies of all pages of all the seized papers are included among the copies provided by the government." The felon, who wrote in a December 27 letter to Radekin that a prosecutor "has really taken you for a sucker," informed his court-appointed attorney that, "I need to be represented by other counsel so that he or she can argue that you acted incompetently."

Kaczynski, who holds a Ph.D. in mathematics, noted that the government's offer to allow a representative of the killer 40 hours to compare the copies with the originals was inadequate. "Reviewing 40,000 pages in five days at eight hours a day, you could spend only 3.6 seconds on each page; for 20,000 pages, 7.2 seconds per page," Kaczynski noted. He added that Herrada thought she would need a minimum of 90 days to properly review the material.

He offered a slightly different analysis in his December 27 correspondence (which, like the January 1 missive, Kaczynski filed with the U.S. District Court in Sacramento, California). If his collection amounted to 20,000 pages, "if you spend just one minute on each page, it will take you more than $8\frac{1}{2}$ weeks at 40 hours a week to review" all the pages.

But in an asterisked footnote at the end of the handwritten letter, Kaczynski tweaked his numbers: "[*Computational error. In place of 'more than $8\frac{1}{2}$ weeks' read ' $8\frac{1}{3}$ weeks.']"

No replies to the Kaczynski letters have been docketed, according to a review of district and appellate court records. The murderer, serving a life term, is imprisoned at the supermax prison in Florence, Colorado, where he is likely crunching more numbers for his next printed lamentation. (11 pages)

U.S. MAIL CERTIFIED
ARTICLE NUMBER
7010 0780 0001
0653 1526

Theodore John Kaczynski
04475-046
U.S. Penitentiary Max
P.O. Box 8500
Florence CO 81226-8500
January 1, 2011

Erin J. Radekin
Attorney at Law
428 J Street, Suite 350
Sacramento CA 95814

Re: E.D. Cal. No. 96-CR-259, and
9th Cir. No. 10-10495

Dear Ms. Radekin:

I sent you by Priority Mail a letter dated December 27, 2010, U.S. Mail Certified Article No. 7010 0780 0001 0653 1502. I have a postmarked receipt showing that the letter reached the Florence post office on December 29, 2010, so you will doubtless have received the letter by Monday, January 3, 2011, at the latest.

In addition, I telephoned your office on December 28, 2010 at roughly 10:30 AM, Pacific Time, and left a message for you

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that expressed, in somewhat abbreviated form, the main points of my letter to you of December 27, 2010.

Since then I have devoted a great deal of thought to the legal situation, and I have decided that my only reasonable option is to demand of you the following:


(1) I demand that (if you have not already done so) you immediately file with the Ninth Circuit an application for a stay pending appeal.

(2) I demand that, at the earliest feasible moment, you file with the Ninth Circuit on my behalf a motion for the appointment of new counsel to represent me in place of yourself. I also demand that you attach to that motion, as exhibits, a copy of the present letter and a copy of my letters to you dated October 20, 2010 and December 27, 2010.

(3) I demand that, with the motion for new counsel, you file a motion requesting postponement of the deadline for filing the opening brief until I have new counsel and the new counsel has had time to prepare a brief.

The reasons for demands (1) and (3) are obvious. The reasons for demand (2) are as follows:

It seems almost certain that you have already reviewed, and conceded the legibility of, some significant number of the copies provided by the government.

Because (in your letter to me of December 20, 2010) you suggested five days as possibly a sufficient time to review 20,000 or 40,000 pages at the U.S. Attorney's office, it is certain that your review will be unreasonably hasty,  therefore inadequate. (Reviewing 40,000 pages in five days at eight hours a day, you could spend only 3.6 seconds on each pages; for 20,000 pages, 7.2 seconds per page.) Recall that Julie Herrada said ninety days was the minimum time in which she could expect to review the copies adequately.

Inter alia, I'll bet that

(i) you have taken no measures to ensure that copies of all pages of all the seized papers are included among the copies provided by the government (see

my letter to you of Dec. 27, 2010, page 3);
and

(ii) you have taken no measures to ensure that no lines have been "cut off" at the top or bottom of pages. On some pages of the copies provided by the government as discovery prior to my trial, a line was completely "cut off" at the bottom of the page, and it was possible to discover that a line was missing only by reading the lowest visible line on one page and the uppermost visible line on the following page and observing that they did not form a continuous text. Have you performed this test on all the copies you've reviewed? I'll bet you haven't!

AUSA Martel will be able to argue to the Ninth Circuit that because you have reviewed and conceded the legibility of so-and-so many pages in such-and-such a time, all of the copies could be reviewed in some fraction of 90 days. For example, if you have reviewed 2,000 pages in one day and conceded them to be legible, then Martel will claim not only that

those 2,000 pages do not need to be reviewed by Julie Herrada, but also that 20,000 pages can be reviewed in 10 days or 40,000 pages in 20 days.

Thus, you have effectively conceded to the government the more important of the two main issues in this appeal, namely, my contention that Julie Herrada should have 90 days to review the copies before the originals are sold. This means that you have shot down the entire appeal, because the government has already given in on the other main issue by agreeing to provide copies of all the seized papers, not just "Kaczynski's writings".

I and not you have the right to decide whether to appeal. If you don't want to represent me on appeal, then you have to either file an Anders brief or else withdraw and let some other counsel represent me. You had no right to shoot down my appeal by conceding the crucial issue to the government.

The only way you could now represent me in this appeal would be to argue

to the Ninth Circuit that you yourself acted incompetently in hastily reviewing 2,000 (or whatever number of) copies and conceding them to be legible. But arguing your own incompetence isn't going to work.

I need to be represented by other counsel so that he or she can argue that you acted incompetently in conceding those copies to be legible.

Sincerely yours,

Theodore John Kaczynski

THEODORE JOHN KACZYNSKI

P.S. I am sending copies of this letter to the respective clerks of the district court and of the Ninth Circuit, with a request that said copies be filed in the record. -- TJK

FILED

JAN 04 2011

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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

U.S. MAIL CERTIFIED

Theodore ~~John~~ ^{John} Kozlowski

ARTICLE NUMBER

04475-046

7010 0780 0001

U.S. Penitentiary Max

0653 1502

P.O. Box 8500

PRIORITY MAIL

Florence CO 81226-8500

December 27, 2010

Erin J. Radekin

Attorney at Law

Re: E.D. Cal. No.

428 J Street, Suite 350

96-CR-259 and ~~GEB/6/11~~

Sacramento CA 95814

9th Cir. No.

10-10495

Dear Ms. Radekin:


Today, 12/27/10, I received your letter dated 12/20/10. In that letter you state the terms of an agreement that you have made with the government. In our telephone conversation of 12/6/10 you proposed to me the same agreement to be made with the government, and I clearly and unequivocally rejected that agreement.

In our telephone conversation of 12/6/10, and again in my letter to you dated 12/6/10 (which I wrote after the telephone conversation), I made explicitly clear that my minimum demand was that my designee, Julie Herrada, should have 90 (ninety) days to review the copies of

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the papers before the originals are sold.

There are several reasons why your agreement with the government is totally unacceptable, including but not limited to the following:

(i) You will be in far too much of a hurry to do an adequate job of reviewing all those thousands of pages. Your mention of 5 days as possibly an adequate time to review all the copies is ludicrous. The government estimates  there are 40,000 pages. I believe this is an overestimate, so let's cut it in half and say 20,000 pages. A simple computation shows that if you spend just one minute on each page, it will take you more than $8\frac{1}{2}$ weeks^[*] at 40 hours a week to review all 20,000 pages.

When Julie Herrada asked for 90 days, minimum, she did so for a good reason.

(ii) You will not be motivated to do a good job of reviewing the copies, because your interests will not be affected by the outcome.

If it later turns out that some pages are missing or illegible, it's no skin off your nose. And, frankly, it's my impression that you are more concerned to minimize the time and effort that you put into this case than you are to defend my interests. In contrast,

Julie Herrada does have an interest in reviewing the copies carefully, because of course she wants a complete set of legible copies for the Labadie Collection.

(iii) You forget that it's not only necessary to determine whether all of the copies actually provided are legible; it is also necessary to make sure that copies of all pages of all papers have in fact been provided; i.e., to make sure that no papers or pages thereof have been omitted.

Discussions between me and Julie Herrada will surely be necessary for the purpose of ascertaining whether anything has been omitted from the copies provided by the government. With 90 days allowed to review the papers, we can reasonably hope that there will be sufficient time for such discussions. But if you try to rush through the copies in 5 days, or even 10 days, there will be no time for such discussions.

(iv) AUSA Martel has really taken you for a sucker. Don't you see what the implications will be if you go through the papers and initial them to indicate that you think they are legible? You will severely undercut

my argument that Herrada should have 90 days to review the copies. Martel will argue on appeal: "Kaczynski's counsel has already gone over the copies and confirmed that they are all legible, so there's no need for Kaczynski's designee to go over the copies again." And it's all too likely that the court will accept that argument, no matter how hastily and carelessly you have gone over the copies.

Accordingly, I demand you do the following:

(a) Immediately repudiate your agreement with Martel (which you described in your letter to me of 12/20/10), explaining that you made that agreement after I had clearly and unequivocally told you that I would not accept such an agreement.

(b) Immediately stop reviewing any copies of the papers provided by the government.

(c) Immediately file with the 9th Circuit the application for a stay pending appeal.

(d) Immediately desist from any and all bargaining with the government or the victims; make no further agreements of any kind whatsoever with the government or

the victims; and proceed promptly with the appeal.

(e) If you are unwilling or unable to comply fully with every one of the foregoing demands (a), (b), (c), and (d), then file with the 9th Circuit on my behalf a motion for new counsel, and for a postponement of the deadline for filing our opening brief until I have new counsel and the new counsel has had time to prepare a brief.

I am sending copies of this letter to the clerks of the district court and of the 9th Circuit, with a request that said copies be filed in the record; this may be important in the event I have to request new counsel.

Sincerely yours,

Theodore John Kaczynski

THEODORE JOHN KACZYNSKI

➡ [* Computational error. In place of "more than $8\frac{1}{2}$ weeks" read " $8\frac{1}{3}$ weeks."]

The Ted K Archive

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Unabomber obsessed with government Xerox skills
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thesmokinggun.com

www.thetedkarchive.com