

Owen affidavit in 1448

Dear Paul (and Mark Allen).

1/16/80

Jim, whose work load was impossible before the appeals court imposed a close new deadline on him, phoned me a little while ago to tell me about a call from Mark, reporting a call from government counsel in his case against the CIA, and what Jim observed with a hasty check of the court records in that case.

I asked Jim to rush a copy of the Owen affidavit to you on the chance that you can spot withholding of what is known and for anything else that may occur to you because they may have gone too far.

They have disclosed part of the record Mark sought and have claimed that what they disclosed to HSCA required this. There is a fatal ~~2222~~ flaw in this that I think the judge Mark has can ignore: the HSCA did not exist for three months prior to oral arguments in Mark's case. Therefore, if their present argument is to be believed, they should have disclosed rather than argue against letting Mark have the record.

They gave me the same argument in the transcripts case, at the stage of opposing counsel fees. I took each paragraph of that Owen affidavit and utterly destroyed it factually, in most cases providing a sample from disclosed CIA records of exactly the kind of information, often the identical information, they had sworn had to be withheld and had not been disclosed prior to Mark's testimony. We will offer a copy to Mark, for him to use, meaning at least get into the record for use before the appeals court.

We expect to make an additional filing of this new matter in our case because it proves again the falsify of the CIA's swearing.

In paragraph # 2 above I mean disclosed in this record and disclosed earlier as well as what you can make out to be the content of the obliterated passages.

We have a better judge in the transcripts case than the one we share with Mark, ~~that is~~ our cases including a CIA case.

Mark is due to argue his case this coming Tuesday but it is probable that under the rules they are required to give him more time to respond to a motion they've filed or told him they'll file; He'll be well advised to take and use that time.

Jim will provide Mark with a copy of my affidavit on the same question but relating to the transcripts. If you want a copy please get it from Mark or later from Jim because his copying costs are less than half of mine and Bill is now in tax season.

Obviously they're trying to moot the case on Mark as they did with me. He can and should fight back. They now have a real problem which I've given them, and they were as crazy as I told Jim they'd be to give me that shot. In Mark's case they had to hoke something up and they had little else to try. But we can nail them, fink judge that Smith is, because finks mean appeals court and Mark can have fund and great experience, plus I'm sure a victory. Which will be quite something for a law student.

Hastily,