

Dear Jim,

Robinson's Order in 1448 HW 7/18/80

I've been thinking about your problem(s). One is time. Another is that you have little choice, faced with this newest outrage.

You haven't asked for my opinion but I offer it anyway, non-legal, I think practical and perhaps politically correct. His and other recent decisions confirm my long-held belief that political cases are not determined by fair and honest application of the law and are not motivated by a love of justice.

You can buy time and sharpen and perfect the record by filing a motion for reconsideration, latching on the one peg he gave you, and perhaps asking for an evidentiary hearing on it and on the truthfulness of the CDA's representations.

The peg is that the two transcripts were disclosed "for reasons unrelated to this litigation." There are unresolved factual questions. My contradiction of them, which is entirely factual, is undisputed and he erred in accepting palpable false representations, which clearly enough is what theirs are.

You can also make a new argument, that even if it were true that they were disclosed for reasons not related to the litigation, their prior record is clear, that without the litigation they would not voluntarily have made disclosure to me because in the past they have not. They have disclosed to Epstein what they not only did not disclose to me, they refused to. They have disclosed to Levy what they did not disclose to me. To John Marks, I think to Bud.

Non-compliance with discovery, new standard since the case was before him. Ours.

You are always reluctant to do it, but I think in this case their claims are so palpably untrue the only chance of prevailing is to make the strong case that there is.

Reread the appeals court and in particular where it refers to our new evidence. We can now add to that through Tony Summers, is you want to.

Rereading the interrogatories and their reasons for refusing to answer, with the knowledge obtained afterward, may add much to these kinds of approaches. I'm sure they lied.

If you have no affidavit from Florence, I'd get one fast. Maybe(also) Halperin, who had the requisite clearances.

It is not easy to see why Robinson has acted as he has but it is easy to see that he was not motivated by proper considerations. It also is apparent that so short an order did not require so inordinate a delay.

Also, we have learned since then that the CIA practised the same abuse in the Mark Allen case. My affidavit there is, I think, in the record in this case. It like wise is undisputed. I can do the same with other cases, proving their claims are not true. I'd make the same judicial independence argument about untruthful representations that are not resolved, about the extremely difficult position of the litigant who is confronted with untruthful official representations and his alternatives, one being to state what courts do not want to hear. I'd hand carry a copy to Don Edwards at least.

Hastily,