

Dear Jim Motion to Perfect the Record, or whatever else you may want 7/1/76
to call it in 75-1996

When the judge issues her order one possibility I consider a probability is that they will appeal. Unless they can figure another way of stonewalling her and us more.

If they do this we will be limited to what is now in the record.

In turn this means inhibited by uncontradicted deceptions, misrepresentations and possible false swearings. In addition, there are other documents we do want in the record, such as some letters signed by Kelley.

This is what I was getting at when I spoke today of making a list of the judge's directives and the Government's promises it did not meet.

You know you have several drafts of affidavits in response I sent. Until there was a need, of course there was no reason to take the time to redo and file these, more when the Government was supposed to do more it never did do. We were, I think, within our rights in awaiting their actions. We are also, I think, within our rights in now asking that before the record is closed for appeal we not be foreclosed by the government's not keeping its work or complying with the directions of the judge. Two immediately to mind instances are the brief Dugan asked to be able to file at the previous hearing with enough time for you to respond and the judge's order on masking. We also had to assume that once the subject was referred to the Office of Professional Responsibility and we knew it had relevant files they would correct their own factual inaccuracies and under these circumstances any unnecessary filing would be burdensome on all parties, including the judge.

But if they do appeal immediately we might not be further foreclosed by their wrongful acts and should have a reasonable amount of time to file a formal response, to which they might also request time for response, so the appeals court is not limited in what it may consider. One example of the outright lies is the Kelley letter saying we have been given everything from Memphis. This is more deceptively worded in the Wiseman affidavit. Another outright lie is that of Wiseman who said I was not helpful in helping the search by specify what was withheld. In every case and in every individual aspect I gave him one instance and told him I would not give more because I feared they would then stonewall more by limiting to what I proved. (Of the many examples, after he twice swore otherwise and I told him I knew from the Memphis Police department that they had MPD pictures, they admitted having some from an unnamed police department, one of the matters ~~Wiseman~~ Dugan asked to brief.

Whether by letter, motion or other request, I think it important to waste no time in finding a way of keeping the record open. You saw what a full record did in spectro. I think on this we can hope for the same. The present record, while good, is also inadequate and can be improved mightily without the introduction of anything new.

I don't think they can appeal without meeting the burden of proof without running some risk. But they may opt that risk. They can go to the court of appeals with compliance sworn to falsely by the FBI only, without any other component having made even a pro forma allegation of compliance.

Hastily,