

Order for forthwith compliance in my FIA suit for the suppressed King assassination evidence issued verbally by Judge June Green 7/1/76 to be formalized in written orders!

Our strategy and tactics and our non-CIA psychological profile on AUSA John Dugan, formerly professional football player, worked.

Dugan had all the subtlety of a back-alley fish-monger. He felt he had to respond, although he has not to now through four or 5 earlier status calls responded to nay-thing, to the Judge's statement at the last calendar call that as a case of historical importance and so described by the Attorney General this case deserved expediting. His response was to deny the statement hadn't been made (the judge asked him if her read newspapers) and that in case of historical importance they take longer to be more careful. Later she noted that longer than they have taken is not permitted by law, that the request is of a year ago April and the suit was filed last year. Her questioning of him on his source of this information led him to say that although he had expected a written statement yesterday he had not received it. She knew this meant after three weeks.

We had decided to force him to open for reasons I'll not go into. He wanted to. Dope. (He must have played football without shoes, there being no significant indication of a brain elsewhere.) Jim yesterday was finally able to file the motion to compel certification of compliance against regular DJ division, including Levi's new whitewashers, the office of Professional Responsibility. When Jim haded Duga, who is a DJ employee as an Assistant United States Attorney, a copy of the motion with attachments, Dugan said he'd never heard of the OPR. He was Fordian enough to repeat that to the judge, who gave him a polite lecture on their being a part of the DJ, which is the respondent and his client. Or, he is no better with a helmet. The attachments included Jim's excellent affidavit and the exhibits attached to that were from files other than DJ which proves they committed perjury in twice swearing there were never any other suspects - DJ records I did not get from DJ * and Les Payne's Invaders stories which surely ascribe motive for deliberate withholding but were used in another context. He called this entire matter Orwellian and said by now there was a clear case of deliberateness. He used only a couple of examples. One is a story I showed him this morning specifying the size and description of cartons of files, etc., and in whose custody they were for review after I made the request, which with little doubt forced it. He did not use other things I'd asked and as it turned out his judgement was better because we have not had to pull them. He did include a representation he had not discussed with me: that I am the foremost expert on this subject, there is a serious question about my health, and delay is against the national interest in that it may deny the nation what I may be able to find in and report about the withheld files. There was some real dynamite I'd shown him this morning and he'd written out what he planned to say but he did not and until the later developments I was disappointed. It could have amount to an if proven nonetheless very strong charge.

Dugan complained, raised his voice and wound up speaking close to offensively to the judge, who had taken this line-bucking in silence lo these may times. His time she did not hide her contempt and indignationx and disbelief. She said right out she did not believe what he represented. He said she spoke like us. She said she spoke the fact before her and she ticked off quite enough of it. She said there had been too many delays. Jim, by the way, had gone into their special treatment of me, without Dugan's response, that they do no act on my requests, that I wait and they are not met, and he used his response, received last month to a request for the files on him of only about a month earlier and compared this with their silence on my similar request of 1969 repeated last October. The judge agreed that this case had not, from her experience, been handled in the regular order. There came a point where she interrupted Jim after the first of Dugan's disrespectful demonstrations and sent a clerk "for the transcript on my desk." She may or may not have found what she wanted, but when I had to be writing notes to Jim and he had to be making notes on responses that, like in the appeals court, there was no need to make, we didn't catchit. We will in the transcript we are buying (Wow-\$1.50 a page!) It is Jim's clear impression she was helping us on this.

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It has been our practise to present proof of non-compliance at each status call and in each paper we file. Dugan talks and actually expects, from long experience as a prosecutor, that his word will not be questioned. We have not had to call him a liar: we merely prove it, not uncommonly from DJ files. He dared not address that of yesterday. I'm sure, late ~~as~~ as it was, that she had read it.

She really laid him out, not hiding her reaction as he could not hide his outrage at being doubted by reason of mere evidence. ~~When~~ wasn't he this guy who puts all those bad people away? People for the FBI to ~~want~~ put away? I didn't catch it but Jim says she ridiculed the FBI agent who has executed the affidavits and did not hide disbelief. I was so busy making note we did not even need I did miss much!

The feeling I reported from the last hearing was justified. She'd had it and we had to help her. Proving there had not even been the claim of compliance outside the FBI (and having repeatedly proven its claims to compliance was false, today, opening with the Time pictures ploy that failed for them, appears to have been what she needed. She used it, anyway. She politely excoriated them for playing games and not living within the law with ample time to do it. She ordered forthwith and total compliance.

Dugan demanded that she do this in an order. She said she will. Kim thinks there will be two: one on today's developments in court, the other on yesterday's motion. Under the law proof of compliance rests on the government. Not one part of DJ has made even the representation of it after all this time. Dugan had kept talking about FBI only. When Jim went into this today he noted that there had been neither a showing of nor a claim to any backlog outside the FBI and there has been little compliance at most and from some units, like OPR, none at all. This was beautiful because we gave her the proof that they have had all those files for so long, had so many people (press accounts) working on those same files. (I'd asked Jim on this to note their charging me for search fees but he forgot or didn't believe he should when the time came.) She ridiculed about us getting 54 pages from one stack described as 13 packing cases of records.

As Dugan was more and more arrogant and offense he drove her to further comment. She went farther on the FBI than before. She said it was clear they had something to hide and were hiding it. That they would be better to get the whole thing over with and not stonewall, but that was their decision. ~~There~~ is that they were not going to use her to perpetuate it and here and now she wanted full compliance. But she did really say the FBI had something to hide in the King case and had been hiding it in her court. Without a reporter present, as usual.

Jim and I decided not to give the story to any, that I would background a few if they would agree to use nothing until she enters her orders. Tomorrow he will order the transcript. It costs less if the other side orders it. We can't imagine Dugan not now requiring it so we'll give him the chance and then have only a third of his cost to pay. Not that I would not have enjoyed splurging and asking the report to type it up on the spot! There are limits to the indulgence of euphoria!

It was a great day in the endless fight for truth and fact.

There was another special pleasure for me in it. I first met Dugan 2/11, when he pulled some of this stuff in court. I told him I could not stop it but if he persisted he would give me no choice but to do what might get one of his clients in trouble for false swearing and him at least embarrassed. I told him I do not sue frivolously and do not over-ask for what I cannot prove exists. I told him I'd be reasonably patient but if I had no choice I'd fight. His colleagues could tell him how I do. Today he learned. The ridiculing of Whesman may only be the beginning. We got on a first-name basis on his initiative, that baby-face. One several occasions I said, "look, Tom, I can believe you do not have first-hand knowledge of facts and files, but you have FBI agent's training and, you know better. If you don't, you'll learn. If I have to lay it on you I will. I won't want to but that won't stop me. Give me no choice and I will." If I expect nothing of it I did file charges through Kelley with the OPR. Very quietly, I called my shots. Maybe in time it will mean more. HW 7/1/76