

I missed the best part when my supports come unhooked and I had to leave the courtroom for a few minutes 9/15. That is when the judge gave the government 10 days to come up with a plan for specific compliance in this case.

By and large we have what should be a very good record. It did not go as well as it could because Jim got thrown yesterday and never really recovered.

The day before he told me the government was going to produce three witnesses, all FBI agents. One was Tom Wiseman, and we never got to him. The other I understood were a John Howard and Countlandt Cunningham. It turned out to be a different Cunningham, so the ~~pre~~ preparation for him was wasted. However, I estimated the Howard situation perfectly, had only three pages of questions for Jim, and he mislaid them in the courtroom. This really rattled him. When I perceived it I went to the lectern several times to find what he needed in the papers I'd given him.

Howard is in charge of some aspects, including JFK compliance. I did not know this but I did have two of his earlier affidavits in earlier suits. He claims to have reviewed 237 volumes of JFK files from the FBI and others. Page-for-pages, he says. So, when I have two dozen not responded to, why? He had no answer.

Despite being off balance all days and today, too, Jim made a good record with both these witnesses. They have no plans, can't say when they can comply and would only say when they'll hope to get started, the end of next month. The judge refused to accept this, the part I missed not being forecast in what was happening when I went out to snap myself up.

The record is one of ~~willful~~ willful non-compliance, to which we added today. Sobs about oppressiveness but until the news pressure not even an effort to break the backlog. Yesterday then went to Congress with a plan. Today they gave it to the judge. She found, when Jim objected, as we decided to at lunch today, that it really is not relevant.

At the end of yesterday Jim said he would put me on today. He did. He had questions ready when I got to him home this morning, we went over to them, added to them and for some reason he lost himself in them and did not ask some of the more important ones. Our purposes included establishing me as an expert as part of a case of exceptional circumstances, a provision of the law and a good part of the Open America decisions. Among the things he happened to skip is how the DJ used me and how I gave them what they and the FBI had not been able to develop. I was able to work a little, but very little, if this, into my responses on AUSA Dugan's cross-examination, which just petered out.

Jim's opinion is that I was overly-informative in my responses. This may be true, but under difficult circumstances I was trying to work in what had been omitted, on direct. I don't know what the judge's personal reaction will be but I do know the record on appeal is better for it.

Dugan is dirty. I caught of couple, I think perhaps all. One is where he twisted an affidavit I'd forgotten. I corrected him immediately, which allowed me to make the real point under cross-examination. Another is where he misquoted the law and I not only corrected him but cited authority, including the late Saint Edgard. He omitted "law enforcement purposes" from the investigatory-files exemption. He tried to make out that the files I sought were exempt.

Yesterday and today were uncomfortable days, as many have been for about a month or six weeks, yesterday worse than today, partly from the supports. However, I was confident there would be no problem with this tough character and I made no preparations at all for it. I told Jim before it began not to object to dirtiness because it would look like I had something to hide. If it got too bad and the judge didn't to use his own judgement on objecting. So, he objected to nothing, gave Dugan no interruption, no matter how irrelevant. On my income the judge finally interrupted him to ask its relevance. He had begun by asking me how I live and I gave him a spontaneous answer, "precariously." He went through it and that helped him none. It kind of threw him when I said I would provide but could not then give him a figure on my income because my wife is a tax consultant, she handles these matters, and I just sign the forms. He

gradually worked himself up to how I left the State Department. I beat him to it and it pooped out on him. I said I was fired under the McCarran Act, was rehired and resigned. The ~~type~~ asked what the McCarran Act was. I told him but goofed in omitting "McCarthy era." I did note that I've never been paid back salary.

At one point where his questioning was hampered I told him I didn't really understand but was he asking me if I am anti-government? He went on to something else.

He was, I think, more helpful than Jim realized and my answers more helpful to us that Jim perceived. If we get the transcripts, which will be costly, I'm sure it will be clear. He kept asking me about my OSS jobs and I kept giving him answers. From providing material for one of FDR's fireside chats to preparing part of a position paper for Hewlson Rockefeller for use at Chapultepec. He wanted to know what that was and I told him. The dope didn't even know anything about the organization of the UN!

He went far toward qualifying me as an expert.

At one point he was trying to push me into a claim of being a different thing, an expert witness. Here I missed a beaut. I should have said that the last time I could remember anything like that role was when his office so used me but I didn't think of it until later. I told him that I was not a witness, that I had not been called as a witness, that my role was to provide witnesses and conduct investigations, that I had conducted them for the habeas corpus petition and the evidentiary hearing, and that if his Department's recognition of me as the case investigator was not enough there was a written order from the district judge directing that I exercise "discovery" for Ray. I added that while the State has said it wanted to depose me I was always present and it never was, but that my role was to do the investigating and I sat at the counsel table, not in the witness chair. The judge finally stopped him. She told him I had not claimed the role of an expert witness and asked what difference it made.

The net result is that he helped me make a claim for damages. My request for this information dates to last April. I had to lay the book aside this April. Why? Because they had not given me what I asked for. Meanwhile other people were stealing it and I gave specifics, including NBC and its claim to having just done the work I put in evidence in this case. (It was about Arch.)

I got in quite a few good illustrations. Like the window sill fiction and the proof I had received in this case. I ticked it all off and the new proof of its total impossibility. Which, of course, got into the record what the FBI has to hide. I ticked off other such proof of official perjury, about which they will do nothing. But on none of this did he dare cross-examine me.

I even got in about their tearing my checks up, taping them together and cashing them, about how they cut up documents and omitted what was embarrassing and them saying that when I sued I got the originals and this is what was embarrassing.

However, I fear that my early summer or late spring apprehensions are the reality: they have stalled it enough. Now that there is a House investigation they'll have to ~~and~~ up so they'll comply in this case. I did get in why they are stalling: they'll release their own report first, they have stalled to be able to, and that they have had four internal "re-investigations" (would more than one be needed?), the last two coinciding with this case.

The judge appeared to be shocked at my having requested any of this in 1969 and not getting it. If she is satisfied that I did, and I did, she indicated that when they get the new people working under the new plan they'll all be ordered to clean this up first. So, everybody else will get it. We did get them to admit yesterday that they already have duplicating requests. Guess who?

So, if nothing else, I'll break this stuff out. I think.