

1996 - Discovery

Jim,

7/1/80

I'd like you to write a letter to Cole asking him to restore the practice of those who preceded him and be cancelled. That is providing me with copies of what he provides to you. We recently had a problem because of delay in what you had copied and sent to me in reaching me. The judge wrote a sharp note on the request for extension of time request, you may remember.

Here is what reminded me of this:

When I return to the house from exercising outside I generally have to sit and rest for a while. Rae usually has something I've not read for me to read while I rest. Yesterday she told me that I'd read only some of the discovery material, the part that had not been held up by the Department. I read it today. I'll be making copies of some of it and writing you about those copies.

Cole and Betay both delayed providing these records until it was too late for use to use them in deposing the FBI witnesses. I wrote you last October, after reading the slim file identified as Attachment A, that after reading that little bit I believed that the delay was not accidental. Rereading it today fortifies that belief. Reading the other copies of examined (all notes removed by masking) records, which as I have them have no identification like Attachment A, convinces me, as I think it will you.

These records are out of order. I don't know why but I guess it is because you went through them immediately, before you could take them to Franis for xeroxing. If I get a dot at the same time that will not happen. Also, we and DJ won't have to worry about errors by the ^{CONFIDENTIAL} xeroxing people. We also should not have to worry about completeness, as I now do, because these are obviously incomplete records.

Among the reasons I believe that both Betay and Cole stalled complying with discovery is that these discovery records prove their witnesses were untruthful-under oath and I believe to the material. I'll be addressing that with the copies of the records. Like to searches and what was provided and withheld. I picked some of this up in Attachment A and while all of it is duplicated in what I'd not read, I may have skimmed the rest of Rae may have looked for certain records at my request.

I'm not familiar with what they were required to produce so I can't say they withheld what is pertinent. But I believe this from what is pertinent to what was not withheld.

These records also disclose further overwriting of my requests, leading to deceiving of the judge. They also disclose other withholdings of what is pertinent.

I think you should tell him that his ending of the practice results in delays and imposes unnecessary handicaps on us and that you will be illustrating this when I am able to write you further, with copies. I'd include as much as you think is not improper about the consequences - that his witnesses did not testify in accord with the withheld records, particularly on search. Best,