

77-2155-About

Dear Jim,

1/12/78

If my phone had not stayed busy last night after you phoned I would have written you pretty much as I do now because as I started to tell you, I was much encouraged by your reaction and your sequences of expressions of emotions when you told me of the newest DJ/FBI dirty tricks. I'll come to that.

Right now I'm taping the rerun of last night's MacNeil-Lehrer Report because it has Colby, Phillips and two other former high-level spooks. They disclose what no spook should ever mention if all the allegations of protecting sources and installations really mean anything. They disclose what can and should lead to the identification of high-level political CIA informers in several foreign lands. I think this can be relevant in some of the cases. If you agree transcripts are available from the NY public TV station.

The first thing you said last night is that you are mad. Then you said how mad. Then you said why. In a case of this kind and in the kind of situation in which we are and usually are I believe this is the correct sequence.

Of course these stronger emotions moderate.

There is a brief gap in the tape. It happened to notice the machine wasn't working. Only that the plug had worked loose. It is well within the first 10 minutes.

One of the reasons I write really is not necessary. It is both a gesture and an anticipation. We have little time. There may be a decision you have to make about which you feel you should consult me. If for any reason you try and I am not home, just go ahead and do whatever you believe is correct. There will be no problems.

I do not expect to be away from home but if the weather permits it I may be walking and if the weather is bad the phones may not be working. Or mine can be busy. Ted spoke to me last night for maybe two hours. (He is supposed to stay in bed over a back injury for at least a week, after which he may be hospitalized for spinal surgery.)

This is a short morning so I'll be general. It is the morning of my weekly blood test and I have to go to Social Security to begin the steps to qualify for Medicare. I will have a few other errands with it. And the afternoon takes much time getting through to the doctor after the lab reports to him.

We both stay too busy. We really never have time to sit down and explore such things as options and approaches. We thus are left to react only, except as we take the initiative in filing a suit. This course is the one most likely to waste time for us. I will be doing more thinking about this when I can for the time when perhaps we can do a little discussing and planning.

But I do have the feeling that this newest dirty trick inevitably will tend to turn us in the proper direction.

As I think now about the preparations I started to make when you told me I realize that my instinct was to start off this way: we go after them. However the judge is disposed I believe our course is the same. If you detect other than an unsympathetic attitude, you can then improvise. If we have the Pratt attitude then I think you really should be thinking of direct confrontation with that judge, I suppose. It is clear that the government created this emergency, time-pressure situation, even to an adverse judge. I therefore think there is no exceptional situation for us claiming that it should not be allowed to victimize us by letting them moot the whole thing by going ahead without our having a full opportunity, including the right to appeal an adverse decision.

They have had since November to avoid this situation. Instead they created it. More than is apparent from the dates. I made several efforts to discuss it with Wynne and was quite specific in telling her that unless we could talk and work things out there would be unnecessary litigation. Her reaction was to say she was quite interested in doing this. Her record is of ignoring it totally. As she did all else. Also Schaffer.

The totality of the situation and the official contriving of the situation is ideally suited to our argument, that the government is misusing the Act to be able to stage monster media events that amount to disinformation and limit what almost anyone can do or know, what requires that there be a dependable private source at least available and equipped, a private attorney general. In staging these delays and creating this situation the govern-

ment seeks to prevent anything except what it wants to be known or taken from the records it is releasing. It seeks to perpetuate the propagandistic condition it has created by making anything else impossible.

Although it did inform others earlier and in fact made a partial release months earlier the FBI did not let me know the date or the conditions until the day before it opened these 40,000 pages. It then was totally impossible for me. Of course it would have been in any event but they had to delay informing me to assure that I could not have any access.

With their ignoring all my requests for so long there is plenty of this nature. I learned more of this last night.

But I think we have to attribute motive, in effect retry the coverup. Even to a degree be prepared to defend Hoover by saying that his survivors are seeking to make him alone responsible for all that was wrong and now can be hidden no longer of the coverup.

The FBI had just shown the House assassins the Powell picture(s). I may learn whether or not more than one before a hearing. As you know I asked for this and the related reports 9 years ago if not 10 years ago. The actuality is that the FBI withheld from the W.C. the evidence it obtained from the Army intelligence agent who was on the scene and I obtained this evidence from the Army. On its side the Army destroyed all the records it retained or at least had so informed me. (This one item of evidence represents much work for me with a number of agencies over a long period of years.) Now the FBI is releasing what can become another item of disinformation in a mass that makes segregating and examining it and its meaning impossible - after cashing my check for it years ago. (A cash consideration.) The FBI had the only copies of these records, suppressed them for 14 years and now uses them in a propaganda campaign while having violated the law to deny them to me. Powell was on the scene with a camera, was confined to the building with his camera, and took at least one picture showing that sixth-floor window - and nobody in it. I have a poor copy. The FBI did let nuts have this picture, my source.

I don't really know how we can best launch an attack but that, as I'm sure you agree, we must do.

However, I also think this should mark the beginning of a new approach for us.

On this and for other uses I'll prepare as many different papers as I can, different by subject so you can use what you want and arrange as you want. We won't now really have time to work all the details out. We'll improvise.

I think that despite the time it may take - and even if you do nothing to back it up except to give a brief argument - you might want to consider asking for a TRO - in advance. They created a situation in which if the judge rules against us on the temporary injunction we are denied our right to appeal. The fact that they created this situation and did it deliberately is I think enough if we can do no more to have in a court record in the event we have later use for it. If the judge rules for us then the request for the TRO means nothing. If he rules against us we may without it be mooted. If he rules against us on the TRO we may be in a better position for any later litigation, as for damages.

In a sense our eye should now, to the degree we can with all that presses to hard and fast, be on the future. As a reality there may be nothing we can do about the present situation. Our purpose is not to prevent the release in any event. There may be opportunities for the future as a result of all this official misbehavior, ^{behavior} this deliberate violation of the Act and its intent and my rights. Another way to put this is that maybe the most important present consideration is the making of a record, while their abuse and offense are current and clear and when they have the obligation to rebut whatever we allege.

But above all, don't worry about this or however it ends. And do stay angry. I have seen you angry very rarely because you don't get really angry. But each time you have been more effective than I have ever seen you when tranquil. Anger is also quite appropriate to our overall situation and what the bad guys, your ~~xxxx~~ adversary, they done to your client.

Hastily,