

Mark Allen's suit

Dear Paul,

2/12/80

I got too tired to work on an affidavit so less alert than I'd like to be I read the Mark letters enclosed with your 2/5, for all of which I thank you.

There was no chance that Mark could win before that judge, much as he should ~~have~~ have. I suggested to Mark once he got the remand to ask the judge to recuse himself. I didn't think the judge would but I thought it would be good to have in the record because I was certain of what the judge would do. Now has done. Mark's reply was that the judge wouldn't and I suppose something he learned in law school was in his mind. (They don't teach much that is quite practical.)

He didn't use the affidavit but Jim did as Mark's lawyer in his efforts to get Mark counsel fees. It would be best if you could get a copy from Mark because Jim is too far behind in everything, he is too busy with taxes, and I can't do what I'd thought, send you my copy because I may need it. If you can't get it from Mark let me know. Or Jim, for the cost will be about half if he gets it done...I did the affidavit the way I did because I believe each case is appropriate to the other and because I also wanted that stuff before my judge. He is not a rubber stamp. A bit imperious but not a fink.

If we have to refer to this I'll be filing your letters and attachment with Mark's case, which is unusual but seems best now.

Sorry about Jim not correcting his address list. This stuff could have improved what was filed much. (Jim says that by and large Mark did well but made the incredible error of not questioning Owen's good faith. Suicide.)

In the 2/4 you ask about Lardner. I've been trying to get through to him for weeks. He's been out of the office, now in New Orleans, on Abscam and BRILAB. So busy as he is he hasn't returned the calls. I also tried Mo Waldron of the Times but he handles New Jersey now and do I have to say more than ABSCAM?

Duran transcripts: Mex gave them to FBI. I think Bud got.

CIA 149: in 2. says they took pictures of "OSWALD entering the Soviet and Cuban Embassies." I do not recall any Sov pix.

While resting I read Jeff's Inquiry piece. Blakey the civil libertarian! He will be puke over that, and I suspect not he alone.

Not that he or the committee did changed my original estimates and opinions.

Heard from Lifton today, reply enclosed. I've mailed him what I had that he asked for, close as I could, and sent the picture of which he wanted a negative (shirt slits) to a local photo shop which will send it to him. He finally appears to have tumbled to what I was saying about the 399 lead specimen in PM and later, particularly re small fragments.

So now you know what we got for 5.4 million.

Gary Mack will be here for a day this week. Looking forward to seeing him. His work is taking him very close by.

Hope your publisher's libel lawyer is satisfied soon. There is really much to worry about over speculation and theorizing, regardless of what many theorizers think of their theories. Besides, defending a libel action successfully is ruinously costly. Dell soaked me \$5,000 just for getting Bringuier's admittedly spurious one out of court. That is what it cost them more than 10 years ago.

Have you yet gotten the notion that the real reason the CIA is not releasing any more JFK records is because they hope to avoid it, and with a new law might? If I were able I'd have filed suit long before this.

Thanks and best wishes,