

LEAHU D.5

Dear Jim,

8/20/80

On the way back yesterday I read the Dobrovir memo on your case in Scientology's consideration of taking the case to the Supreme Court.

You have nothing to lose and the issue now should be carried there because of the sweeping nature of the appeals court's decision.

Very few people understand the basis for Ford's concern over disclosure of informants. It may interest Dobrovir to know that Ford was an FBI informant inside the Warren Commission.

What does not show in this case and I believe may be in judicial minds is the fear of disclosure of the sources, not only informants, of the local police.

It is not a factor in this case, as may not be apparent, and all the protections of the Act still apply where protection is needed.

I think that it is the sweeping nature of the use of 7d that is the question, not any use, or use of 7c to protect.

Moreover, it was claimed for what had already been disclosed by the FBI.

I don't recall whether it is in the record, but the Atlanta police made their own disclosures. They disclosed their entire Byron Watson report while pretending otherwise. My copy came from a member of the press corps to some of which copies were provided. So were copies to Congress. It had no confidential sources. You know that Bud had all that stuff years ago, that all these people were willing to talk, those Ken Smith approached. The FBI also disclosed just about all of it to me. It was all over coast-to-coast TV via Dick Gregory. And the basis of it was a fake by a young man and his mother, as his scheme to escape jail on a drug charge.

There was no secrecy in the threats to King and the FBI also disclosed some of that to me, xeroxes of what it got from Atlanta. I have no way of knowing what other such Atlanta info it provided from its own files.

With the Memphis records pretty much the same is true.

The FBI disclosed to me what it received from the MID, in paraphrase and in xerox copies that included xeroxes of MID informants' reports. The Memphis FBI teletyped daily summaries to FLINQ, followed by more detail by mail. It disclosed its own parallel investigations.

The prosecution disclosed all they wanted to such writers as Frank, even prints of the autopsy photos.

How many subpoenas were there - more than 400? All public, together with what it was claimed, one-sidedly, that they would testify to.

The public defender's investigations of these people also is public domain because we put all that was of any consequence in the record in federal district court.

So, aside from the legal issue, the factual issue does not exist. There is no confidentiality to protect and no such thing as an only source claim.

I don't know if he can argue it but I think that Dobrovir should understand that the real reason for the withholding is to hide the deficiencies of the investigation of this terrible crime, to hide what is embarrassing to officialdom.

If this were not the case they'd have done as they did with me, made selective claim to 7D for the same local police sources.

In your case the FBI was not the defendant, in mine it was. The Department, right now, is withholding from me what the FBI disclosed to me years ago. In my appeal, which I discussed with Shea only yesterday, I asked that the Criminal Division consult with the FBI so it would stop withholding what the FBI disclosed.

I think that in some way the Court will have to be in a position to understand that there is no danger in this to the legitimate protections of local police sources, that the issue is spurious. If they don't they'll want to find some way to protect local police sources they think are confidential.

Hastily,