

Dear Bud,

3/17/83

The Phillips matter has developed more and better than I'd thought it would with his providing a false and deceptive affidavit in the Hoch case. I sent Jim a short affidavit on it yesterday, with one of two earlier ones I'd given him for a Gary Shaw case earlier. (I couldn't find the other one, but Jim has it.) It seems that disregarding the refutation I'd provided, Phillips boilerplated his Hoch affidavit and repeated what for mere mortals would be his perjury. I mean word for word.

Despite what appears to be the temper of the time, I see real possibilities in this situation and believe it may well be the most effective help that can be provided in defense of FOIA. In context, of course, and not as a one-shot.

I think it would be good if we could, a number of us, get together and discuss this. You and Jim, and maybe Mark and your Bernie, if he is interested or works on FOIA cases.

Jim has taken the first step in U.S. 78-0522/0420. and I want him to take two more in that case or if better, outside of it. He hasn't had time to look up the law on those two things, which also involve defendant's counsel. One is a law, part of Title 18, I think, which makes it a felony to file frivolous pleadings and another is already litigated in D.C. in a decision Jim sent me several years ago and appears not to recall, where a plaintiff sued and won, charging failure to perform official duties. This case is ideal for the latter because of what the FBI and Department have and have not done in it.

We have a hearing scheduled for 4/8, which happens to be my 70th birthday. Although I'm still weak from the recent combination of bronchitis, pneumonia and pleurisy (and the doctor says I'll be for another 4-6 weeks) and a trip to DC both tires me and present logistical problems, I'm think of going there, if necessary arrangements can be made. These include safe transportation and if I have a car and driver from here, a place to park near the courthouse so the driver won't get lost after parking. If I can make it, can some of us get together, at least you with Jim?

In this case I've addressed each and every allegation Phillips swore to that wasn't true and that is most of his story. I've asked Jim to ask Mark if he can put this all together. He hasn't said, and if Mark is continuing to get records, I suppose he won't be able to. But I think this will be worthwhile, perhaps effective in court and I believe at least quite useful on the Hill.

I've not heard from Henry Hurt for a while. Jerry Colicoff phoned Sunday. He told me that RD is going to have the Bronson film enhanced. I'd suggested this to Henry long ago. Do you know anything about this? When Henry and I are in touch again, I'll urge him to have this considered and/or addressed in context. HSCA made problems for itself by eliminating its context in advance by its finkery and attempted putdowns. They are also interested in the curbstone testing we've proposed in U.S. 78-0226 and maybe the shirt-collar analysis.

It just occurred to me that if I go there 4/8 it might be better if I could park near or at your office and then use cabs. I'll be better off with a wheelchair I have but it may not be necessary. Not for walking but for not walking, which becomes necessary after about 1/6 mile and because I can't stand still.

Our best,

AM