

Dear Jim,

4/3/83

Here is the draft of the beginning of the affidavit, unread. I've most of the rest of it pretty much in mind. It will be longer than the recent affidavits but not nearly as long as some of those of the past. These professional liars have given their devil scripture but chapter and verse will take some time. It simply is not possible for me to get it done and to you in time for you to make any effective use of it at the hearing and besides, we want them to have time to respond - and even lie some more. So again I ask you to ask for an extension immediately and that the hearing on expunging be delayed until we can get this in and they have time to respond. You've got an idea from the enclosed what I'll be alleging, they are serious allegations that require response. Moreover, if there is no extension of time we'll be foreclosed and I don't think that if you claim this Smith will ~~turn~~ you down. Moreover, you can always get it in the record and if there is an appeal it will be in the record, whether or not with any response.

This time they have made truthfulness or untruthfulness a real question of perjury, I'm sure, and that I want very much. There is absolutely no doubt that I'll prove that the search slips are phony, on more than one count. Despite their resort to semantics, which I correctly anticipated, they've slipped up, both Phillips and Anderson. The manner in which they've done this and the excesses and lies of the opposition open the entire question of searches and truth or falsehood about them.

Skimpy and dishonest as the discovery was, it is very helpful because it proves that they did not even claim to search in response to my requests. These records and their declarations are clear enough on that.

This also gives me a chance to renew what I regret you didn't open the Admissions with, Phillips admission that instead of searching the field offices sent my requests to Bresson, who decided to limit me to the four main files. The discovery records support this. I've already located and quoted Phillips on this, in notes for when I get to that portion.

So, please do not waste any time in asking for an extension of time, at least 10 days, better two weeks, and in it agree to an extension for them of the time they require. Even if this isn't usually done, I want to do it for a number of reasons, some psychological, telling them we're not at all afraid and even dare them to lie again. There is no way they can do other than lie or admit what I allege, and no way the court of appeals will not agree with us on the record we're making.

I also want you to leave yourself enough time to do a real job and to locate a couple of decisions, one in particular that you sent me on first-person affidavits and the unacceptability of any other kind. Here we have a classic illustration of why they avoid it.

They are not off the hook on that single Ferris record and they can't get off it any way I can see, other than Smith's ignoring the evidence.

As I told you before all of this came up, I have more than the usual number of interruptions this coming week, and they'll slow me down. So also does the slower typing of the friend 7-8 miles away. However, I believe also that at this juncture the more that is sworn to on paper the better of truth-tellers are and the worst liars are. So, I can't tell you when it will be done but it will be as soon as possible. If we are in touch I'll keep you posted.

As I think I told you, without some real need for my presence I'd rather not run the extra risks of rush-hour travel and coping with other problems on Friday.

Best,

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