

Dear Les,

5/11/83

As of day after tomorrow I am eligible for/at least a pair of contempt citations in my FOIA suit for the Dallas and New Orleans FBI field office JFK assassination records, a five-year old case in which the FBI has yet to make the initial searches required to comply with my requests. Far from them and me.

Once again the FBI and DJ are trying to bewrite the Act through me and my presumed unpopularity and that of the subject/matter. This time it is discovery against me, outrageous in concept and formulation and directly opposed to the Act. But they have a rubber-stamp judge and he's rubber-stamping.

The FBI hasn't even bothered to file an affidavit claiming they need discovery. Aside from the legal considerations, my sworn allegations that a) they have no such need, (b) even if they did, I'd already done all I can do voluntarily in many lengthy and detailed affidavits and about two file drawers of appeals, and (c), a provision of the Rules, what they demand is extraordinarily burdensome, and not even questioned in the case record.

Jim is, as usual, overworked and intimidated. He wanted me to comply and I refused because in complying with an Order of the Court I become part of a precedent which at the least turns the Act around and can be used forever to frustrate requesters and make litigation impossibly expensive for many. (In my case ~~but~~ the judge has assessed almost \$700 in FBI legal fees against me, or two months' Social Security checks, my only regular income.)

As I understand it, although the self-starting judge can act on his own, normally there must be a motion that I be held in contempt. That requires a hearing. If I lose I can take that one issue up on appeal. I'll be broadening it if there is a hearing because in this case a total of 10 sworn FBI statements have been filed on various issues pertaining to searches, nothing on discovery, etc., and I've proven them all to be falsely sworn. I asked that perjury, normally a felony, be expunged. The judge merely ruled against me, with no hearing and no finding of fact.

I've kept George Lardner and Hedrick Smith informed but I've no reason to believe that their desk attitudes will change.

You've never seen such a documented case of deliberate official perjury, which is extensive and has cost the government money, but, as usual, that remains entirely ignored. By the press, and by the so-called public interest groups.

I'm not able to get to Washington and speak to people now and I'm not as able to fight the FOIA's battles as I was when the investigatory files exemption was amended over me and the records I'd made. And of course I'd rather not have to fight contempt citations, especially if I am represented by a timid lawyer. I think if this happens and Jim doesn't arrange for other, as I've asked, I'll represent myself. (He really has been too busy and he has to face endless emergencies because he can't get caught up.)

Id worst comes, a story from my dim OSS past. An editor whose DC correspondent I had been was my immediate superior, a sergeant who'd never had basic training, true of many OSS desk soldiers. He (and others, one at a time) were sent to near Quantico for basic and it just happened I had an assignment at another OSS secret installation near there and a chauffeur and OSS car. (I was a private, my driver a 1st. Lt.) Just before leaving I went to a fancy French bakery then on NW Penna. Ave. that I'd patronized often and I ^{gave} gave them a hacksaw blade and asked them to bake it in a cake. We had quite a party, but wouldn't you know it, my (civilian) photographer had left his equipment at our quarters, so no pix.

Best to you all,

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