

Dear Jim,

6/12/83

It is after 9 Sunday night, I was working on the affidavit 5:30 this morning. Idl has completed the retyping of it and is exhausted and in bed, and I've just completed the rough and unread draft of an addendum to it I want you to know about in the event it cannot get retyped tomorrow. Remember, Tuesday morning we leave to see my mother and Idl has much to do in preparing for that.

The very last record in this last batch of Marks is dynamite on Anderson and the FBI. And it can be very significant in ~~many~~ any other uses of this affidavit, of which I have one immediately in mind, House committee chairman.

Fortuitously, it provides an excellent new basis for reconsideration of Smith's rejection of our improperly-worded Motion to Expunge the FBI's affidavits, and the kind of thing nobody ought want to go up on appeal. All my analysis in my April 29 affidavit, including even the subject matter of the 105-1496 FRD file, is 200% accurate.

Anderson swore to the existence of two New Orleans copies of that one record of which I knew. But this record discloses not two but ~~two~~ ^{three}. So even if the one he said was destroyed was destroyed, there are ~~two~~ ^{three} others in New Orleans at the least and one of these is in an entirely different file than that one. I think it is clear that the duplicate in this 105 file is the only destroyed copy. That leaves the original in that file, the copy in the other file, and exactly as I attested, the additional copies at FBIHQ and elsewhere.

We've got the H SOB's nailed again, in fact if not in Smithian terms and desires. When I get back I'm going to start making some efforts because the importance to FOIA is too real.

After the lab work tomorrow I expect to be able to read and correct this. I did it in haste, after supper. If it is clear enough then and Idl is not able to retype it in time for it to make the mail, I'll enclose a copy. If it is not, you'll have this indication of its contents.

I think the motion now should include all FBI attestation, perhaps a renewed motion because it will also include Specht, who had not provided an earlier attestation but who I also addressed after he rejected the earlier motion. Tell them that it will not be possible for me to get ~~back~~ another new affidavit, with new evidence I've just obtained, to you before the end of the week but that in fairness to them you want them to know before the hearing on the 23rd. Can't you just call it a Notice of Renewed ~~MEMO~~ Motion to Expunge and give them, in addition, something to worry about while at the same time being very fair to them and putting them on notice? Including Smith, who may have a tolerance limit not yet indicated?

They have not made this case political dynamite for themselves, despite their dependence on Smith's protection, and there ought be a limit to what he is willing to do to himself to protect them.

When you do get around to raising the perjury question again, I think it is essential to say that the plaintiff believes that any question of sworn untruthfulness is of such moment that it requires a judicial determination of fact and that this plaintiff requests that it be addressed in a manner enabling immediate appeal. What I am saying is put it squarely on the line.

I'm tired, keyed up, want to relax before I try to sleep, and won't now write you about the rest of that stuff you just sent. I think the Tom Davis stuff is utterly worthless and that there is no basis for any mature interest in it. Nor is there anything of subject-matter value. There is a little on the FBI/HSCA, but what else is new? Some of the latter reflects the FBI's knowledge of pertinence of other records in this litigation, but do we want to go to that trouble now? I think not.

B