Dear Sol, 5/7/85

This will give you a notion of my poor thinking or of the sterility of an academic approach to the depositions in the remand in the case in which I filed the pro se en banc petition.

Lynch deposed the original DJ lawyer on Monday, without speaking to me or writing me or responding to wnything I'd written. He did phone me yesterday, which is the day after that deposition. I gather he thinks he'd made some brownie points by getting what amounts to an admission that the lawyer, LaHaie, had no contemporaneous time records. Tomorrow he is depositing Christine Whittaker, who filed their appeals brief and lied in it. When we spoke last evening I suggested that he consider directing questions to her based on two overt, deliberate and basic lies. One, you may recall, is that the New Orleans request does not include most of it and the other is that the judge "closely observed" my alleged misconduct with my lawyer. After we spome I realized that he didn't seem to understand what I wanted him to consider doing. So I phoned him today to make it clear, saying I believed he did not understand what I had in mind. I spelled it out, point by point and saying that I believe he has the right to test the veracity of an adverse witness.

I asked that he read from her brief what she told the court was the New Orleans request and ask if that is correct, which she'd have to admit it isn't. However she responds, he has the actual request to read her, and I suggested these follow-up questions. Oh, I said to begin with that I was certain she'd refuse to answer, and that quietly, unemotionally, he should just ask the questions and let her refuse to answer them. With regard to the New Orleans request, defined by her as not including almost all of it, ask how any discovery from me would enable them to prove that they had provided what they hadn't even searched for or how they could know they had any discovery need until they'd searched. With regard to what the judge in her version #closely observed" over the five years of the litigation when I was not there to be observed, I told him that I knew what her answer would be, that she meant that the judge had observed my affidavits. I suggested that hadthen ask her if she had read them. Whether or not she ever did, she'll have to claim she did, so I asked him to ask her if I had provided detail on when and how and for what purposes the FBI had obtained the Dallas police broadcast recordings for the time of the assassination (which SA Phillips swore they never had and didn't have) and whatever she responded show her the letter I got months ago reporting the finding of the distabelt and then ask her if she had read the detail I'd provided, including even FBI file numbers on records on the critics, which Phillips swore did not exist and however she responded show her the thing I used pro se on the preparations of those "sex dossiers" on the critics. Again, the questions did they need discovery, could discovery have enabled them to prove, their claim, that they had complied with my requests.

He said that I should realize that these questions are not presently relevant, and I said that literally that can be argued, but that this is important to have in the record for future uses and it is legitimate to test her truthfulness. He didn't say that he would or wouldn't and I think he'll practise what I regard as law-school law. I also suggested that he ask how much money the government was spending to collect a few hundred bucks from an aging and ill man whose Social Security is now $356 a month, how much time of the courts they were taking in that project, and what they had gained by refusing my proposal of several years ago, to dismiss and not refile subject to the rights of others in the future to seek what was not processed for me. That proposal was rejected on the spot, without consultation, and the DJ and FBI then said they would insist upon a Vaughn index, which is costly and time-consuming - but a means by which they could claim perpetual immunity for what wasn't even searched for. The answer is obvious, they've gained nothing at all, they are now in the position in which they cannot withhold from anyone else what they've not searched for and processed, and they've wasted extensive court and counsel time in a transparent

effort to hurt me and my original counsel. No other purose can be served and they are not even able to file their Vaughn index now, so they've gained absolutely nothing and aside from extrorting money from me they have nothing at all to show or even to claim to be able to show for two or more years of costly litigation which has also burdened the courts needlessly. I think that even fink courts won't like that. I also think that having this kind of thing in the deposition records can be invaluable.

I don't see how his approach can help me at all because I don't see how it can lead to a reversal of any kind, even though he visualizes going up on appeal again. All the time they are spending in depositions and before courts and in appeals they will seek to charge against me, so the more he does without reversing or getting into a position to reverse merely runs the charges against me up. He is, as I understand it, without any explanation from him, addressing only the legitimacy of the charges before the district court where they have no supporting time records. I see it as spending a dollar to save a penny.

If and when it goes up on appeal again, the kind of material I want in the record of the depositions can be of great importance to have for some perhaps interested clerk to read and might present problems for the fink district court judge now if anything can present him with what he'll regard as a problem.

I didn't argue another point but it seems to me that when the question is the legitimacy of the claim is the question before the district court now and there is an adverse witness, anything in any way addressing the legitimacy of the claim is not inappropriate. It also appears to me that this should suggest itself to a lawyer and that even he has some questions about it ought not avoid or ignore it.

Maybe I'm wrong but I think that I'm not, particularly becuse this is a political matter and transparently a matter of vengeance.

5/11- I've heard nothing more, nothing about the 5/9 deposition.

I saw my original lawyer briefly when I was in D.C. 5/8 for the usual surgical check (OK) and we had a short meeting. He is represented by the Nader law group and its counsel, meaning his, asked jim not to attend the deposition.

Best wishes,