

Hon. Peter Rodino, Chairman
Judiciary Committee
House of Representatives
Washington, D.C. 20515

12/28/86

Dear Mr. Rodino,

This morning's news accounts of your difficulties with Mr. Meese and the Department of Justice over their lack of truthfulness prompts this letter, mostly from personal experience. My experience is that even in court and under oath they have difficulty telling the truth by accident and almost never do.

Mr. Meese was untruthful in his White House news conference announcing the Iran-contra scandal and what he lied about made all the shredding of records possible. This is to say that without his lying that shredding would not have happened and those records would exist and be available to the Congress, special prosecutor and country.

He said that the FBI had not conducted any investigation because there was no proof of any crime and because it is wrong for the FBI to conduct investigations of other than crimes. In fact the FBI is empowered to conduct precisely the kind of investigation indicated if there had been no crime, which is another matter and on its face was at least dubious. J. Edgar Hoover is the authority I cite.

Mr. Hoover went into some detail on this, under oath, before the Warren Commission. His testimony appears in its Volume 5 and this particular part at about page 98. The assassination of a president then was not a ^{federal} crime but because the FBI does conduct special investigations for presidents, of whom Mr. Reagan is one, its massive and continuing investigation was a presidential investigation, with the file classification, "62," signifying special inquiries.

Mr. Meese then also said that the FBI director agreed with him. Whether or not that is true, I believe it isn't possible that Judge Webster was not aware of the fact that the FBI conducts many non-criminal investigations, including for the president. It does not seem possible that all the lawyers in the White House also were not aware of both the actuality and Mr. Meese's untruthfulness. Nor does it appear to be possible that hundreds if not thousands in the Department of Justice did not know the truth, extending to the offices of the United States attorneys, and all appear to have been silent.

Since enactment of FOIA I may be the private citizen, nonlawyer who has most experience in litigation defended by the Department. You may not remember it, but the 1974 amending of the investigatory files exemption was attributed in the legislative history to the Department's and the FBI's dishonesties in one of my earliest cases several of which since then involve precedents. In a 1978 case that is now before the appeals court for the second time (no record by any means) one of their gross dishonesties, which involved even fabrications to the appeals court as well as the district court, created a conflict of interest and cost me my lawyer, who I'm not able to pay because my sole regular income is Social Security. Since then I've been pro se. What is presently before that court is my request for relief from judgement under Rule 60(b). What is immediately before it is the Department's out-of-order motion ~~for~~ summary affirmance. I have just filed my Opposition in which I address each and every statement in its motion and attached memorandum and leave it without question that not a single allegation made to get summary affirmance is truthful. I mean quite literally, not a single one. And this is hardly exceptional because neither the Department nor the FBI nor any of the individuals involved has yet to deny, in or out of court, the truth of one of my allegations under this rule, based entirely on new evidence that they had and withheld, that the judgement was procured by perjury, fraud and misrepresentation only.

Aside from efforts they could have made on their own initiative, these defendants/appellees had opportunities to at least pretend to refute my well-documented allegations in response to my motion, my opposition and my motion for reconsideration before the district court and in response to my brief before the appeals court. There is not even a conclusory, self-serving, pro forma demurer.

I've charged these people with crimes, felonies, and they don't even bother to claim it isn't so. I've been subject to the penalties of perjury myself in this and believe me, they dislike me very much, but they've not hinted any such effort.

I do not pretend that these practises under the law intended to let the people know what their government does, the most uniquely American of laws, are limited to the present administration. In varying degrees all administrations have opposed the Act and all, I believe, have exceeded what can properly be regarded as adversarial zeal. But such a totality of assorted felonies I've never experienced until this administration. (Under the Nixon/Ford administration the FBI did put on paper its plan and need to "stop" me - their word - and my writing.)

In this instance, the case now before the appeals court, the FBI's major affiant in my case is its supervisor in the case in which he disclosed the until-then secret FBI records that establish the felonies I charge and can't be denied and even he has not retracted or apologized to the courts. They are still trying to bilk and aging and seriously unwell writer whose writing they do not like out of three months of his Social Security checks - and to rewrite the Act again, as they have done before when earlier they practised judge-shopping with such efforts.

Once these felonies were beyond question I wrote the so-called Office of Professional Responsibility. It has yet to respond.

It may be that these people are more uninhibited in opposing me because of the presumed unpopularity of the area of my work, political assassinations in short-hand, and because they cannot fault my work on accuracy. I've published seven books and in what records I've obtained they've not been able to point out a single error. Do I have to tell you what they'd have done if they'd found any errors in the thousands of pages to which I've sworn before the courts? Also, I am alone among those working in this field who is not a conspiracy theorist and who does not pretend to solve those terrible tragedies. Mine is a study of how our institutions worked in those times of great crisis and since then. My work and its accuracy thus causes more official embarrassment.

If any of the case records might be of interest I can provide copies or they are available in Washington, at the clerks' offices and the office of my former counsel, to whom I've sent copies of everything I filed pro se. The cases, combined, are C.A. 78-0322/0420 and Nos. 86-5289/5290.

Thank you very much for the efforts reported in today's paper. At least some of this awful stuff ought be cleaned up.

Sincerely,



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