

Dear Jim,

11/28/83

When we spoke a few minutes ago I started to tell you how I plan to proceed in the King case, we got off onto something else and I never did.

Also, I anticipate that LaHale will be in touch with you again as he seeks escape from his own petard before he is hoist on it. As I told you, I want you to be quite specific and pointed on this, I'd prefer in writing that can be produced later because it should put him on notice. Along this line:

My client has been aware from the outset, even before I informed him, that you might move for contempt. He has told me from the first that despite his age and impaired health he would welcome this because he regards it as, among ~~in~~ other things, a means by which a very clear record can be made, as a means of getting the government off his back and letting him live his own life and do his work, and because the record you have elected to ignore states the truth beyond question. He asked me to attach the attorney general's law day statement to Department lawyers because it states a general truth and imposes obligations on government lawyers. Although you have elected to ignore his affidavits, they are in the case record and they are not contradicted, leave alone rebutted. It is clear that you yourself stated to the court that he had already done what you misled the court into ordering him to do and you have ignored his unquestioned attestation that he had provided all such information as he is aware of, in a considerable effort, in detail and with extensive documentation. In his view it would be rather dramatic for two file drawers to be wheeled into the courtroom to reflect the extent to which he has done this. He is also considering subpoenaing Quinlan Shea if you move for contempt and to question Shea about the time he took beginning before ~~the first time he was subpoenaed~~ there was any compliance and the extent to which he informed Shea thereafter. He anticipates questioning those who have filed attestations for the government, and he reminds you that he has already filed affidavits regarding their attestations.

It is his belief that you got carried away when ~~he~~ you had less reason to anticipate opposition to the harassment that has been practised in all his FOIA litigation and now have to face what you dare not face, so he is pleased that it has come to this.

It is his stated view that you could not have done more to help the Act while it is under official attack and that you will do what he cannot do to attract interest and attention on the Hill. He reminded me when I conveyed to him what you had said that the investigatory-files exemption was amended because of him and he hopes that history will repeat itself in one way or another, a matter about which he has his own ideas, he informs me.

In short, he asks me to tell you that he awaits your move to cite him for contempt or your retreat because the choice is yours. ^{he} has made his.

I tell you, not him, Jim, that I cannot imagine any proceeding in which official perjury and its subornation will be become relevant, and at some level, carried away as he has been, he knows it. That is one of the reasons I asked you to attack Bell's law day statement. I have it but don't recall how I filed it. It was published in some law publication.

On 1996: I plan to address what I regard as the most important subjects and those that may present more of a problem to you first. I will rearrange the notes I sent you and then take them one at a time and separately, beginning what what is disclosed for the first time about the FBI's investigation. After I finish that I think the actualities of the consultancy and the reiterated lie that a non-narrative list was expected when we had already provided exactly that and this was asked thereafter. That gets to Beckwith's affidavit and banishment.

With LaHale, please do as I say and confront him squarely, in my name. Best,

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