Mr. Mark Lynch
122 Maryland Ave., NE
Washington, D.C. 20002

7/12/84

Dear Mr. Lynch,

Car trouble when my old car (19 years, nine months) is indispensible have prevented any search of the case record by delaying me. I hope to locate proof of another significant lie and send you copies but I doubt it will be with this.

I have given this matter much thought, and in the context of my experiences of many years with these people, in and out of court, and my experiences with the courts, which I am well aware are reluctant to consider official transgressions, I believe that aside from all the other interests I have referred to and put above my own, I believe it is essential in my interest to move to expunge these gross and obviously deliberate and hurtful lies.

While I know that ordinarily affidavits are not filed with the appeals court, because I have personal knowledge of the facts as I know them and as the government knows them I have drafted the affidavit of which I enclose a copy. I am keeping the original so that if it is used and any changes are necessary, that will be easier and faster. I am also sending a copy to Lesar.

Sincerely,

Harold

Harold Weisberg

At this point Jim phoned me to relay your message that the government phoned you and wants to settle. Fine, but not by letting them off the hook or still on my back. I refer to my prior experiences. Those include mooting cases even the very day their appeals brief was due.

Jim tells me that you believe their reason is their fear that they'll have this all to go through again after a remand. This is a reasonable view and I am sure most lawyers would agree with you. I am confident it is not the reason, as I'll explain.

I don't know what you think, believe or have heard of me and my work but I am aware of much of what is often said. I know there are many people who do not like and who have spoken ill about me and that these kinds of things have a way of being repeated and believed. Usually I ignore them, more since my serious illnesses and the certainty that I will not live as long as before them there was every prospect I would live. And be able to continue with my work.

I doubt if as much mendacity has been spread about me in official quarters as by the FBI. As best I can figure out what basis it has for this animosity, which is quite old, it ~~comes from~~ begins with the fact that back in 1940, when I was researching a book on the Dies committee, it had a law passed to "get" me, a law still on the books, to make it a crime to interfere with a Congressional committee. On its part the FBI tried to frame me and I defeated its frameup. (Nothing personal but I refused to take the advice of my very fine, decent, prestigeous and trusting lawyer or I'd have been framed and convicted.) It required that I take the grand jury of government employees away from the USA, and rough as it was, I did, and as a result a) a Dies committee agent was convicted and b) Dies had to, publicly, cop a plea for him. This is to say that I defeeated the FBI in one of its early and very dirty tricks, and the FBI I have come to know does not forgive or forget. There is more along this line that I do not take your time for and I jump to the JFK assassination.

My work on it is unique in several ways. I draw upon a different background and experiences, those of an investigative reporter, a Senate investigator and an OSS intelligence analyst. I also am alone among those who have published books (and to the best or my knowledge anything else relating to the assassination and its investigation) in not theorizing conspiracies. My work is not only entirely factual, but nobody, including the FBI itself, has been able to show any significant error in it or in my countless affidavits. This work developed into what I am certain that the FBI regards as among the most damaging exposes of it. (I am also certain that it hates me for persevering in the original spectro case, which you may recall is credited in the Senate debates with requiring the 1974 amending of the investigatory files exemption) You and few other have any basis for even dreaming the extent of what with complete accuracy I have done, or the significance that can be and has been attributed to it.

In the King case, where the FBI behaved incredibly badly, I was Ray's investigator. My investigation led to the evidentiary hearing and I did the investigating and lined up most of the witneses for it. I also developed the doctine of the case, which was followed by the lawyers. (How would you like to prove that Percy Foreman was not effective counsel?) As a result, in open court, with the press present, we took the essence of the FBI's case apart and refuted it. The judge ignored this, as I'm sure Jim will be willing to tell you in greater detail, and held that guilt or innocence were irrelevant. But I am certain that the FBI has not and will not forget this.

When my second book came out, and it is a real expose of the FBI, one of the SAs who was most dishonest proposed to the hierarchy that it provide counsel for him to sue me for it, that is, in his name. When this was approved up to Hoover, he and the FBI chicken out. I have the records and they are in case records, unrefuted. He stated that this had to be done to "stop" me. Another lab agent went farthur and urged this to "stop" not only me but my writing. Until the Act was amended no purpose would have been served by this. Once the Act was amended, they to this day have followed a variant of filing spurious suits, keeping me bogged down in court, not eschewing open perjury and the fabrication of phony records to this end.

Now they want to settle? When I made this proposal a couple of years ago, offering to dismiss if without prejudice to the rights of others and to waive a Vaughn index, it visibly startled their rubber-stap fink judge, Smith. when he learned that they insisted on continuing the litigation and on filing the Vaughn they have not filed. Their apparent purposes in this was, with a fink judge, to get a decision that would enable them, in perpetuity, to continue to withhold records that can and should be seriously embarrassing. Those on the critics and the Dallas police are certainly of this character. I mean to suggest by this that they are not necessarily anxious to avoid a remand and all that entials. They could take a remand to another such judge, for example on this subject Pratt, and get what they want. Or offer to settle then if they do not get such a judge. No, based on what I know and have experienced, their reason for wanting to settle now is not to avoid a remand, which might even enable them to keep me bogged down in court.

I know it sounds paranoid to suggest that there is eavesdropping, but Jim and I have observed some of it and I was even told of some of it, once by the head of the criminal division. They have refused to search that item of the King case, for example. And gotten away with it. They have given me records that could have come only from phone tapping, apparently not realizing that I would perceive this. And if they have not heard my converations about this, by phone, with Jim and Bud Fensterwald (who also was tapped from records disclosed to me in 75-1996 and under surveillance by live informers, in the plural), I think it is more likely that someone at DJ read or reread this brief that makes them incredibly vulnerable in this case and in the King case, where their behavior is not much better, and is worried about exactly what

I regard as essential in my interest, exposure of these entirely unpardonable and deliberate offenses before the appeals court. It will hurt them not only in this case but can also in the King case, where much also is at stake and they have again been mendacious and engaged in the most serious misrepresentations.

Sure, I'll settle and I want to settle no less than I did two years ago when they rejected a more than reasonable offer entirely out of hand. But I will not think of settling until after a motion to expunge is filed. I want these terrible people off my back and out of my life, and their serious offenses, the consequences of which I am certain they now seek to avoid, can make this possible. And when it gets to a settlement, if it does then, as I think is still not unlikely, as a mimimum it will have to be without prejudice to the rights of others. They will not use this litigation as a means of continuing to withhold what they have not even searched for for me.

Should they worry about a remand? Sure. But should they have worried any less about a remand before they filed this brief? No. The offer to settle has to have to do with their brief and what it subjects them to.

You have not had the need to familiarize yourself with the case record. If it gets to an honest and competent judge, like Gesell, even though he does not like FOIA, boy do they have real troubles! Do you realize that they have taken this case up to appeal without even attesting to searches to comply with my requests? That almost all of their attestations are not of personal knowledge when those with personal knowledge were available? That from the start, I addressed each and every filing and proved them to be untruthful or not much better, as well as incompetent. Their first-persona affidavits, few as they are, I proved to be untruthful and they were not able to refute this. This is why they hate my affidavits. I know the subject matter as they largely do not and I'm not afraid of them. And there is no single filing I have not done this with. Sure, they have reason to worry. Let them for a while if that is it. And let them for once when there is and can be no excuse face up to what they've been doing to me for so many years. This involves something I prize, my own reputation. And any reflection on it can hurt the work that cannot be hurt any other way.

Jim told me that Christine Whittaker phoned you. She is the one who wrote the brief and lied from beginning to end, distorted, maligned, threatened Jim and violated the Rules by stating what she did not know of personal knowledge. I think I'd like for her and others like her to be if not unwilling to engage in this kind of thing in the future, at least with cause to remember what it can mean. And for none of them ever to try it with me again, particularly not in courts, where they normally are immune and get away with it.

This situation also presents a means of undoing some of the harm these same people have done by getting away with this kind of thing in other cases and having a court defame me without cause, as in the spectro case.

I'll be giving this more thought but once Jim phoned me I believed I had to give you my spontaneous reactions and beliefs. I'm sending him a copy.

By the way, Jim told me that Hitchcock quoted Thurman Arnold to him, on if anyone is to go to jail the lawyer sees to it that it is the client, not the lawyer. I knew and respected Arnold. He defended me successfully in another attempted official frameup. Before then, when I was investigating cartels and he was in charge of that as head of anti-trust, I took them and gave them much, including, what it appears, the FBI never came up with. Both Abe Fortas and Paul Porter, who also knew me earlier though the late Pat Jackson, worked on that case. They put the unforgiving Hoover in a position where he had to tell a Pulitzer reporter that there was nothing at all against me and my then fellow workers. The Thurman Arnold I knew believed in fighting even the toughest cases and in not giving in to evil. (He was really a great guy, believe me.)

Best wishes