

Dear Dave,

7/10/84

With a few minutes before supper, this letter serves as a memo for myself while updating you. In the mail, ready for mailing a few minutes from now, rather, is a letter to ask Lynch, the ACLU lawyer, copies to you and Jim, asking him to move to expunge as deliberate lies, two parts of the reply brief in the field offices case; the reply brief that ignores the briefs to which it allegedly replies. The letter is understated and will merely indicate the gross nature of those offenses.

When I came to the end of that reply brief and the memo I was writing on it ~~xxxx~~ while reading it, of which you'll get a copy, there was not enough time to read and correct it and get it in the mail. It was obvious that the DJ intends to use this as the basis for action, possibly including disbarment, of Jim. Anticipating, correctly as it turns out, that Jim would take his typical, traditional, undeviating, unthanking academicians approach, I tried to call Bud. His line was busy so I started the letter to Lynch and was half through it when Jim called. His approach, as I'd anticipated, was that we address these things in our response. I kept reasoning with him and he finally agreed to ask Lynch and his lawyer, Hitchcock, to consider moving to expunge. I was not persuaded that he will do more than mention it. He does seem ~~orax~~ at least says he sees, that they intend this as the beginning of a move against him. So, after thinking about it briefly I again called Bud and he saw and agreed immediately. In fact he went further and said that the motion to expunge should include allegations of motive, which I provided immediately and he agreed to immediately. He also went further than I'd ask Jim to ask counsel. Bud said that what I read him are lies and should be referred to as lies. This is in addition to what I'd asked, that they be described as deliberate fabrications. Bud agrees that this is a political matter and that in Jim's and FOIA's interest it is necessary to take initiatives and that moving to expunge is such an initiative. He agrees that it is an indispensable initiative against those terrible people who have done such rotten things, and when I read him the language of the decision they intend to misuse against Jim, based on the fabrication about the judge observing my relationship (read domination) of Jim for five years in court, he agreed that it also applies to them because they also are officers of the court. He will file the motion as my counsel if Lynch will not and I am inclined, despite his timidity of the past, to go that way if Lynch doesn't.

Now, those five years of the judge's observation of my domination of Jim in court. Not one of the four lawyers who signed this brief has ever laid eyes on me or me on them, anywhere. Not one has corresponded with me. Not one was on the case in those five years, and in fact the lawyer who handled it at district court and I have never seen each other, anywhere. So, there was no basis for any representation of this kind at all. But the facts. I checked my diaries and in those five years I was in court only once, and then I did not even sit with Jim because it was a pro forma thing the DJ had asked for and we'd agreed to, giving the government time to process the records and act on appeals. I was merely in the audience, with others, not with Jim. There was not any other proceeding in court of any kind until I was in the hospital for the second surgery, the first of the emergency surgeries. It was two days before I was released from the hospital then. From the time of that pair of operations until as long as I live it was and will be impossible for me to get to any proceeding without special arrangements and I've never been in any courtroom in Washington since before the first surgery! Or, it is a gross and deliberate fabrication for which, even if it had not been, none of the signatories had or could have had any basis for representing anything to any court. Pretty serious business.

The other matter is my Dallas request. They begin this awful concatenation of misrepresentation and mendacities by representing, with direct misquotation, that my Dallas request does not include the two paragraphs of that request! They state that those two paragraphs are only an addendum to the New Orleans request! Motive is obvious, they did not and they have not attested to any search responsive to that request. Motive for the fabrication of the judge's alleged observations of me and Jim, basic to actions against him and me. Hurriedly,