

Metcalf

Dear Jim,

6/9/78

I was glad to get your account of the 0692 oral arguments before Gesell today. I wish I'd had time to think about your account more. My impression is that you did well and that quite aside from the lesson Gesell learned from Axelrad we have made a deep dent in the presumption of good faith that generally inured to the government.

I was amused at Metcalfe's reaction to the affidavit. And while I hate to think of taking any time for side issues I do hope that the dopes in the Department chose to make a case over my affidavit before Gesell. I think they are whistling themselves past the graveyard of their own making. They will not dare, before Gesell or before Green. But if they do before Gesell I have in the affidavit reference to their having been less than truthful to him. Figley will be looking for an "a" and an "f" before that is over if they are crazy enough to make the effort.

This is what I was getting at in the one graf to which Metcalfe took exception, the "if" on being misled. Figley was in a different position. He did not have affidavits in his hot littles. He had only the verbal assurances of the FBI people. Metcalfe's own training, judgement and experience had to tell him what he was doing. Actually I nailed him much less than I had in the draft. He is more vulnerable than I specified in the cut and rewritten affidavit. (The only reason it was cut and rewritten is because you told me there was no rush. Only I then found out that there was.)

The way I have taken is, I believe the only practical way of cutting down on the extra work the DJ lawyers make for us by blind adherence to the FBI's desires. My purpose is to give them to understand that the day may come when they may be held to account.

If there is talk above Metcalfe of moving to strike it comes from those less able to face their own lies to judges, like Lynne.

Of course I was looking ahead because Metcalfe is the one on the Dallas and the N.O. field office cases. I don't want to repeat what we've gone through before Green.

These people all know they can always get away with almost anything. It won't hurt if they start to wonder.

My belief is that we now have a chance of having to confront fewer of the kinds of affidavits that have taken so much time. They have all learned what can happen if they keep Beckwithing us. I don't think they will want many more exposures of them of a situation in which there can be the production of a series of them in court. I also think they'll have a replacement from their first FBI team, that there may not be another Beckwith affidavit. This means little because they can draw on many Beckwiths. Means nothing for the FBI. Maybe it will for the DJ lawyers. There is the one hope.

I also don't think there are many such affidavits tearing the sainted FBI apart. In its own business, at that. Maybe that also will get around.

We'll see. It is getting to the point where Shea will have to get involved. Incidentally I told the Newsweek reporter that he is the only honest one I've dealt with - that we disagree but ~~that~~ I have no doubt about his intent to be honest and to abide by the Act.

The reason I asked about priorities is because I want to get back to the FBI corres. in 1996. I dozed off about supertime reading and correcting the 1997 affidavit. In the morning I'll get back on the admissions. I'll probably not try to organize them to get them to you faster. I'll put them on paper and you can do what you will with them. Then I'll go over the referral stuff that came today. I ~~gl~~ glanced at the letter and the first 100 pages. Two items are not withheld in the Murkin records so I do not see why these were. I've not ~~re~~ even glanced at the others. Lil made copies she now has to collate. She'll do that while I'm rereading the retyped affidavit. The exhibits are already copied and numbered.

I've made rough notes on the CIA Kings/ stuff and probably won't take time to cut and simplify them. I think the best approach is to make a case of deliberate withholding and go for the records in the unsearched files.

But if the weather is nice it is going to slow me down. I have to spend time outside getting exercise. You should have seen me taking down 8' and higher weeds, briars and saplings with my little, light 18" mower. (I did it about 10 minutes too long today.) This really is a must...Once you are past the spectro brief it will be easier, best,