

C1000

5/28/78

JK

This explanation and update while I enjoy the putpouring of a real good sweat. From moving more earth and filling up a flowerbed for Lil, digging holes for eggplants and filling them with manure, and even building up the lowe side of the lane. Great! No trouble with legs, arms or yawning. At least not yet. And as soon as I cool off and rest I'm going back for another load.

Right now Lil is typing what for me is a rare affidavit - the kind you like: short. Three pp. double-spaced on this machine.

I've also kept it simple. I ever resisted the temptation to add a second exhibit.

Here is what happened. Early this morning I returned to the 0692 affidavit I had completed drafting last night. I wanted only a few fact to add, like dates and numbers, as I read and correct it. So I was lloking for the date of release of the OPR report. As I looked through a file in which I thought I might have it I came accross this single 8-pp letter to ,artingh that, I believe, exemplied how detailed and precise my letters were once they asked for Serial numbers.

There are many more like this but it will be some time before I can get to all of them. I'm not even sure Lil made up a complete files of my letters to the FBI/ on 1996. But this single one has so many explanations of why withholdings were not justified, even their informant claims, so many itemizations of serial number, something like two dozen, I'd guess, and it even includes an expression of concern over taking the unnecessary before the judge.

Unfortunately it was the only letter in that file, so it is the only example. But I believe it makes the point. And makes clear that ynne and others lied to the judge. It even includes that I cannot possible make notes on all the Serials. In short, it addresses many of the current issues but as of a year ago.

I think you can file it with no more than a Memorandum to the Court.

It will be an added basis for a Vaughn v Rosen renewal or for much more than I can see as possible pnce we have a complete enough foundation for it.

On the stuff given to Halperin, there is no doubt that it includes a file that was withheld from you, some of what was in Hoover's Personal and Confidential File on King. Gardner read me that. I'll work it into the affidavit I've drafted for that. Maybe I'll learn more by the time I've gone over it.

I'm glad there is not the ~~present~~ ^{usual} rush on that. I'm hoping that if I have time I can find ways of shortening it without eliminating subject matter content. Meaning of 0692, not the assassination. I also want to get it over with so I can do other things.

Finding this letter made me thing. I believe that I suggested some time ago, for when you have time, making a discovery move to determine what the FBI did with all those letters. They are going to have some trouble explaining away letters like that of 5/31/77 and its specifics. It should not take many of them and FBI records showing that they did nothing - ignored it all - to make a real case. And of course this bears heavily on the falsity of the Civil representation that I provided "nothing." Sure they used that in connection with the consultancy, where it is less than true. But using it in that limited way was its own kind of dishonesty. I think the faster we can lay it on them as heavily as we can the shorter all this all will be and the more successful.

If I can get a notary the affidavit and exhibit will be enclosed, with carbons so you won't have to take time for copying.

Best,

3143

Da

U.S. MARSHALS SERVICE
INSTRUCTION AND PROCESS RECORD

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE U.S. MARSHAL" on the reverse of the last (No. 5) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies.

PLAINTIFF *Harold Weisberg* COURT NUMBER *75-1796*

DEFENDANT *U.S. Department of Justice* TYPE OF WRIT *Subpoena duces tecum*

SERVE *William Schaffer, Deputy Asst. Attorney General*
 ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
U.S. Department of Justice - Civil Division
Washington, D.C. 20530

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW:

JAMES H. LESAR
910 16th Street, N.W.
Washington, D.C. 20006

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James H. Lesar

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I hereby certify and return that, after diligent investigation, I am unable to locate the individual, company, corporation, etc., named above within this Judicial District.

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ADDRESS (Complete only if different than shown above)

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REMARKS

out of jurisdiction.
due back 5-25-78
He was not seen on 5/24/78

United States District Court
for the
District of Columbia

Harold Weisberg

Plaintiff.

vs.
U.S. Department of Justice

CIVIL ACTION No. 75-1996

Defendant.

176

2235587 HAROLD WEISBERG

15-18 19 78 13-55/540

PAY TO THE ORDER OF *Mr. William Schaffer* \$ *21.00*

Twenty-one and 00/100 DOLLARS

AMERICAN SECURITY BANK
AMERICAN SECURITY AND TRUST COMPANY, N.A.
1812 K STREET, N.W.
WASHINGTON, D. C.

FOR *75-1996*

1:05400055:13310 6 1 1978 0176

James H. Linn

er, Deputy Assistant Attorney General, Civil
Department of Justice, or his delegate

to appear in (this court) (the office of Courtroom 7
house, Washington, D.C. 20001

itled cause on the 24th day of May, 1978,

ing with you) (1) all notes, memoranda, correspondence
records pertaining to any consultancy or plan for
con Halperin; (2) all notes, memoranda, correspon-
litten records pertaining to the consultancy of
ncluding, but not limited to, any such records
nged by Mr. William Schaffer, Mrs. Lynne Zusman,
Mr. Paul Figley, and Ms. Betsy Ginsberg; and
hich set forth Department of Justice policy or
rate of compensation for consultants.

JAMES F. DAVEY, Clerk

By *Robert R. Linn*
Deputy Clerk.

Linn
Plaintiff.
Defendant.

RETURN ON SERVICE

witness by delivering a copy to h and tendering to h the fees
age allowed by law, on the day of

Date

Subscribed and sworn to before me, a this day of
19

NOTE.—Affidavit required only if service is made by a person other than a U.S. Marshal or his deputy.