

6/21/76

Mr. Les Whitten  
1401 16 St., NW  
Washington, D.C. 20036

Dear Les,

Unless he has been too busy, by the time you receive this Jim Lesar will have filed a motion against the Office of Responsibility in my Civil Action 75-1995, for the suppressed evidence in the King assassination.

I asked this of Jim toward the end of last week.

I am aware of the column's recent reporting about this office.

I have caught this office in deliberate violation of the FOIA law. It has not responded to either my request under the law or to the Complaint.

Do you find this a newsworthy switch - that the professional responsibility of the Office of Professional Responsibility itself requires investigation?

A week ago Shaheen and not fewer than four other lawyers (if not also others) appeared in Memphis. He announced a three-week investigation of the files of that field office. I have not received so much as a single xerox from that office, although I've paid considerable sums in search fees to the FBI. The Department has already sworn in court that I have received the entire fruit of this alleged search in Memphis. Yet I've received not a single paper when both AUSA John Dugan and the judge both interpret my Complaint to call for "all."

The earlier violation by the Shaheen gang goes back to its compounding that of the Civil Rights Division. It is clear that this new activity in the King case is forced by what I'm doing. Check the dates. My request was 4/15/75. Afterward there was the beginning of the third "internal investigation." (What good were the earlier two?) When I filed an appeal DJ went public with its announcement of this secret internal investigation. When I built a case against them in court, without a reporter once being present, they were forced to go farther. Levi announced it was all transferred to the OPR. From the moment they received the files from CR they have been in violation of the law. We have not received a single paper from OPR.

In a case now almost 15 months old, where the law specifies compliance in ten days, there has not been any kind of compliance by any DJ Division. Beginning with the first of the four (perhaps five) status calls in the case, 2/11/76, the DJ has been claiming mootness. But not one Division has supplied even a pro forma affidavit of compliance. They know if they do I'll prove it is perjurious. And the law requires them to meet this burden of proof.

They have problems. I now have proof certain that they deliberately covered up in the King case and deliberately framed Ray. They are not about to confess because all of this can't be laid to the ghost of the departed St. Edgar. So they have to stonewall. Meanwhile, it is part of their ongoing campaign to rewrite and nullify the FOIA in court. In the absence of reporting and exposure in the end they will succeed because they can keep doing this in various cases and with various judges until they can get their kind of guy to rule their way. I think we have just frustrated the first effort of this kind under the amended law in the court of appeals, from which I expect a firm remand soon in my C.A. 75-226, first case under the amended act.



I think there is an important column item in this campaign to gut a fine and democratic law, one essential to the proper functioning of representative society.

They use all kinds of artificial devices and bathe judges in crocodile tears of exaggerated, often manufactured statistics.. We have caught them at it and exposed it in court.

For the 6/10 status call I expected correctly one of these devices they would use. So I gave Jim some of my files that prove they have not yet provided what I asked for and paid for in 1970!

One of the facts we laid on them in court about statistics is an unexplained item in the Church investigation, of a statement Hoover is said to have been asked to make by the White House defending the Warren Report, in late 1966.

In that statement he went farther and pretended to respond to charges I had not yet published. Somehow he obtained a copy of my second book before I gave it to the printer. (Only four copies were out. I have proof of the interception of the next book in the mails.) I had tried without success to obtain a copy of Hoover's press release on this to use in a book, in facsimile. It had been printed word-for-word in the N.Y. Times but I never received a copy. Finally I asked Jim to ask for it for me. He was told to file an FOIA request for me. Believe it or not - for a published press release!

He did, I received it, and you will find it in Post Mortem.

Didn't take long. Only just under ten years.

Scott Malone was here over the weekend. He said he'd be going in to see you. Briefly, if what he says makes no sense, I have gradually turned my source around from his concern over the advance knowledge of your column on the CIA and drugs and toying with the mind. I keep working with him and more is taking shape. You have missed the real Orwell in the records you have - the psycho-acoustical method. My source is not up-to-date on this but tells me that he is certain the use of transponders of which he knows from more than 20 years ago is primitive today.

The point to which I have carried this para uses me it is perhaps the most Byzantine story of all those I have ever dealt with. I have no reluctance in trusting you and/or Gary in this but only in person. You are, of course, welcome here for some relaxing and swimming in water, not only the Byzantine. My next court appearance now scheduled is 7/1.

Best,