

Dear Quin,

1/5/78

Please excuse the typos. It is up to 25, no snow, and with daylight I'll be out getting some exercise trimming out more large branches. I need the extra exercise because I got less for the three or four days I was working on a JFK (appeal) affidavit I got on the early morning bus for Jim yesterday. You might want to read it and two he has just filed in 1996.

When we spoke the government lawyer had told Jim they were shifting the 78-0249 hearing to the 15th. Jim told me yesterday this had not happened. So it will be on the 10th, which means that if you want to talk about the things we had down for the 12th on that day and reserve the 12th time for anything that might come up at the status call, fine by me, perhaps better. In abbreviated form some of the reasons will follow, if not intended as reasons.

Before then there is a JFK matter I do not want to forget. I think I asked for copies of the spectrographic plates. If I didn't please regard this as that request. If I did there has been more than enough time, they present neither search nor time problems, and I'd like them expedited.

As I think you have come to realize, I don't look for surprises to spring in court. So I'll give you the added reason, as we have already given it to the appeals court in the spectro/MAA case: the FBI's samples are not longer pure and at least one has disappeared. I'll give you another: I believe they do not say what the FBI says they do, with new reason for believing this.

Which gets to what all of this deals with - political overtones.

You have not acted on my Byers appeal. I believe that this was a Cointelpro operations with the committee that succeeded. I also believe that nobody ought want me to testify to any aspect of this now that the laboring mountain has aborted its mouse of a report. Which I've read. I'll not be at all surprised if it turns out that Byers also was an FBI fink.

You could realize that without this the House committee has nothing on MLK and is as bankrupt on JFK, regardless of what the papers say. (The content of the police tape was published by a friend of mine in 8/77, since when the committee has been stonewalling, fearing what it would prove - and did.) I've gone over their alleged evidence on John Ray as a bank robber and am without doubt that the Department will see enough of what I found not to even try to indict.

I've gone into the Byers matter in one of the affidavits Jim just filed and it is before the court. I'm asking Jim to raise the overall question of this particular withholding on the 12 because I want all the records before the last of the committee's materials are out and really as soon as possible. The reason is that it is really a fake, as Byers former lawyer, now a judge, insisted on testifying, as Byers means of learning whether one Richard O'Hara was an FBI informer.

JFK-12
appeals

Yes, the FBI will miss Horace, whose subtleties in this may have escaped you.

The matter of the FBI filing me under bank robberies and withholding under PA as well as 1996 is also in an affidavit, with as best I recall a few added details. Like I can't imagine any way in which the FBI could have contorted itself into this except by eavesdropping on phone conversations between Jerry Ray and me and then misrepresenting. Meanwhile, there is the Baltimore record referred to that I'd like to see now and will ask Jim to raise with the Judge if there is no assurance before the 12th. And there have to be other records, relevant under PA as well as this case. Remember, we filed PA requests with all field offices.

In the affidavit this relates to the surveillance request, which was evaded in what the FBI told you and you put in a letter, and the long tickler and its supposed destruction. I don't believe that all copies were destroyed or to put it another way, that a copy was made before apparent destruction because it is a valuable record the FBI needs. Regardless of what they say they know the case is open, not solved, and not only on the real rather than the hoked-up conspiracy aspect.

Some of my appeals are more than two years old. Some easy to comply with, like on J.C. Hardin and Raoul Esquivel and Sam Recile and people like him are not hard to comply with because the field office files can be retrieved easily. And that is the burial ground.

Bearing on the Department's intent in all of this, as I see it and will ask Jim to ask the Judge to see it, is the Department's failure to do anything but file a silly motion to strike over Horace and not to do anything about his ill-advised and deliberately misleading affidavit, some 68 pages with 52 attachments that I found to be a bit too much, what I think you know forced me. Now the judge directed that there be a response to the student's memo for the Civil Division, that response was at best misleading and misrepresentative, we proved all of this and gave Department counsel the proof, the Judge said she didn't want to see Horace again, and the Department has done nothing more about that matter.

Absent meaningful and dependable assurances before the 12th I want Jim to raise this with the Judge. It represents what can keep this case in court for another decade and I think is contemptuous. If you do not recall, I provided copies of what was withheld from me and was given to a later requester, a friend. In fact two fat volumes that also were without the kinds of withholdings that characterize this case with regard to known and exposed informants. And the dead ones, as should remind you. This was months ago, too.

As of the last mail I have received no Patterson, Geppert or Ray family records and no response relating to any form of surveillance of me in connection with the St. Louis TV show that office was directed to cover in regard to Rev. James Bevel.

(Now on Revel, the remaining pages of the Long tickler withhold information on him ~~as~~ as medical and private. This is after their earlier Cointelproing of releasing to me the bobby-hatch stuff. Why don't those people use their WATs? Or is the reason obvious?) With Stoner on that same show and the FBI having cooked up the deal of our conspiring against it, do you think that show wasn't covered, aside from all the other reasons for knowing what kind of coverage there was on him? And with me having seen John Ray inside Leavenworth, with Department approval, do you suppose there is no record of that? Even of the records that led to the approval and of the approval, if of nothing else?

On John I think the answer lies in other withholdings within the public domain if perhaps not known in FBINQ now. I think I've written about one Clarence Haynes. The FBI tried to use him to guarantee John Ray's conviction and Haynes was caught in perjury in federal district court in St. Louis, naturally enough in connection with another bank robbery the FBI and then the plagiarizing committee tried without success to pin on John. Haynes is part of the Ray case and was interviewed by the FBI.

(Are you beginning to see the actual reasons for the withholding of prisoner names, another appeal on which there has not been any response and a matter I raised with the FBI two years ago.)

The Haynes-FBI link has been public for years, since Haynes got caught in perjury.

This and other withholdings serve to make misuses by the House committee less hazardous.

Not that the committee is unappreciative. If you read their legislative recommendations with care you might find what you could interpret as a recommendation for FOIA revision along the lines agencies like the FBI would like.

Before getting to other matters I mention one of the individual items the importance of which is magnified by recent FBI successes in political adventures, the original Memphis interviews with Charles Stephens. I have three contradictory affidavits prepared for the signature of this only alleged eyewitness, without which there would have been no extradition. All were prepared after he made negative identification. I have a later reference to this negative identification but not that report and others that preceded it. I don't think the judge has to be a subject expert to grasp this.

Hastily,