

PA
Dear Howard,

3/24/80

Several months ago you mentioned that your firm is doing some pro bono work and the Fred Fielding also has some interest. Before you could speak to him he was hospitalized and I presume that since then you both have been busy. I know you have been away often.

Bearing on this is what I learned this morning. Jim sent me two decisions, which I received Saturday. Knowing that I had a blood test this morning, which means waiting for my turn and waiting to be sure I won't continue to bleed, I laid them aside to read while waiting. Alas I read the wrong one first because my writing was over before I finished the second. It is Church of Scientology v. Kelly, decided 2/20/80, only a month ago.

It holds that one can sue if the Government does not have full and accurate files, that it has this obligation.

I had always heard that the Government is immune in an intentional tort so I knew of no basis for suit over its intentional damages to me.

It seems to me, as a layman, after reading the decision, that I have an additional allegation, that there was an actual conspiracy to damage me by means of these inaccurate records; that it is a continuing damage because they were widely distributed after I alleged their inaccuracy in writing (which was after I requested ^{what} ~~that~~ remains withheld and after invoking PA, which was violated); that in pursuance of this conspiracy the records I identify ^{led} remain withheld and my appeals remain ~~remain~~ without action (the CIA has not complied with my 1971 request and when last I heard claimed it needed more time for action on the appeal); that an earlier FBI conspiracy was to "stop" me and my writing, their word, with the overt step researching the possibility of the spurious suit; and that because these agencies do not like but cannot otherwise fault my writing they continue to impede it by false and time-consuming representations in the FOIA cases and by other similar means.

While I have always believed that I require all the withheld records prior to trying to sue, this decision appears to indicate otherwise and that there is an actual basis for such a suit.

I would appreciate it if you would please try to speak to Fielding (and Jim) and learn if Fielding is willing. If not, if he can make any recommendation, someone who would work with Jim, who has much knowledge by now and many records.

It will take much time and I'll be 67 in two weeks, so please try. Beside, if I prevail I have the need now, not in the afterworld.

Best,