

Mr. Stephen Rosenfeld
Washington Post
1150 15 St., NW
Washington, D.C. 20005

1/9/85

Dear Mr. Rosenfeld,

Before I saw this morning's Post I had already packaged all the few press copies of the enclosed brief that I'd planned, including one to George Lardner, who has known me for years. Then I saw his Donovan story, date-lined New York, with its understated reporting of FBI lies to a court of law. And that is an area of extensive experience for me. I have rarely known them not to lie, in varying degrees, with evasiveness, distortion, misrepresentation and obfuscation preferred, or to eschew perjury. Or to find a court without at least tolerance of it, even when clearly felonious. I think I can say proven to be, without refutation, felonious. In one case, dating to 1975 and still in court after an outrageous remand, Judge June Green banished the special agent I proved had lied under oath and sworn to the authenticity of phony documents (I produced both versions), but she did not even expunge his perjury or his fabricated records. I write you in the hope that the Post might find such official mendacity worthy of editorial comment. (In sending a copy to George while I hoped it might make a story, I did not expect one but I met my obligation by providing information. I think that if you ask him, George will tell you that over a period of close to two decades, while we have not always agreed in our opinions, he has never found me to be factually incorrect.)

In the case in which I filed this en banc petition, the FBI's counsel lied, as indicated, overtly, basically and extremely prejudicially, the appeals court was informed of this in the briefs Mark Lynch filed for me, the lies were not withdrawn or apologized for and indeed, are basic in the panel's decision.

A cherished friend, retired after a career entirely with AP, recently wrote to ask me why I devote time to such things when I am unwell and enfeebled and so limited in what I can do. His people came here long before the Civil War, but mine fled the pogroms, and I am the first of my family to be born here, free and I think thereby with an inherited debt to repay. This is what I seek to do when I'd rather be writing some of what I'll not be able to live long enough to write.

My personal experience with shibboleths goes back more than 50 years, when my city editor called me over to say, "Son (to distinguish me from "boy," the copy boy, who was older), Mr. Dupont wouldn't like this." His suggestion led to my being a by-line syndicated feature writer for the old Philadelphia Ledger syndicate before I was 20.

Here we are, the richest, most powerful nation in history. But where are we going - indeed, where does history indicate we will go - if widespread official and judicial corruption are accepted, unreported? Where do we deserve to go? What does this do to our youth and to their and the nation's future?

What I hear - and I've not been able to drive to Washington since 1977- is that since Reagan was elected the courts are self-terrorized, in anticipation of being Burgered. The dishonest, factually incorrect and sometimes more reprehensible decisions I've had since then tends to confirm this by their nature. It also is reflected in even less inhibition by the FBI and its compliant DJ counsel, all of whom appear to be bucking for brownie points with the FBI. DJ counsel have behaved so badly that once a woman who was helping me part-time and the woman court reporter fled the deposition room. The court reporter refused to return. (And I have this, under oath, in that case record, without a word from that judge.)

Counsel, however, prospered. He was promoted. An FBI clerk adept at withholding and dissembling soon found himself a special agent.

I do not deny that to "them" I am a special case. They cannot fault my writing and they cannot characterize me as a "conspiracy theorist," which I am not. Expecting secrecy they did much, much worse, and I have those records. Or, rather, some of them. Like converting an annual religious gathering at a small farm we had into an annual celebration of the Russian revolution. (It was right after the fall high holidays and by the Jewish Welfare Board.) They ended LBJ's interest with this so effectively they then gave it wider distribution inside the government. They dislike me in particular because I once made the system work as we were taught in school but rarely happens. Except for a comment by Lardner four years later, enclosed, there has been no mention in the press that Congress listened to one, persistent man. Earlier official mendacity is what really led the Congress to amend the investigatory files exemption and thus, to them, I, not their dishonesty, am responsible for all that has become public since, Cointelpro included.

Is there much if anything that is really more important, more urgently needing fair reporting, than any manifestation of any kind of official dishonesty? Is anything like this in any other area of more significance to the nation, its present and its future, that dishonesty to or by the courts of law?

I remember well the Republican outcry when FDR tried to get like-minded judges on the Supreme Court. The Republicans have already accomplished this at the district and appeals levels, and most cases never get higher. The appeals court for the District of Columbia district is now Reaganite. Between that and the policies of his Department of Justice potentially all lawyers are now in jeopardy and the public interest people confess their terror. The decision I address presents a great danger to lawyers and to FOIA, which is now largely nullified. We now have "packed" courts and people will suffer it for years.

I am not Quixote looking for windmills or trying to present myself as man biting dog. I am deeply concerned and I would like others to share this concern and to the degree they can try to do something about it. At least by informing. If our society is to work as it is supposed to, there is no other way for it to be able to.

Sincerely,