

Dear Jim,

12/11/77

While I was writing the enclosed letter to Schaffer early this morning, as usual with other matters demanding attention from my mind, I was also thinking about your belief that this is the first of the series of other suits you said we should file and your belief that in the long run they'll require less time. You are right. And it virtually guarantees you an income for the time and work required. But this is not the important consideration. It merely insures you against loss from the effort. I'll advance what I get from the consultancy to bear the initial costs.

These people are all mad. Mad with power, mad with self-importance, mad with the most incredible of political insanities. If you had in mind that the best and thus the rightfully first is CRD I entirely agree. If you did not have this in mind then I press consideration of it upon you. For many reasons. Most of all because supposedly CRD is the "liberal" part of DJ and because it was the Evison of responsibility in the King case. There is much frosting for the cake, ranging from the madhat Shea to the silly and self-righteous Salliann Dougherty who brackets beautifully with the arrogant Horn of indubitable perjury. In toto it exposes the dishonesty of all DJ pretenses about the King case, the FBI as the bad guys and they alone and even Bell's pieties about FOIA. We have such magnificent samples of withholding, all by all these people. I have no intention of signalling them and think you should not even indicate them except if you think necessary in such terms as will not tell the Lynnes and the Mills anything at all.

Ldl says these are bureaucrats who cannot learn. She may well be right. I say there is no better 2x4 to try to teach them with.

I have a few suggestions, beginning with a change in our approach. Now we play hard and unyieldingly, not tolerantly and patiently. We begin with a demand for immediate trial or if you prefer the taking of depositions. I think that given the age of this case and the record in it, my age and health and unique knowledge and the public interest to be served, ranging from the statements of AGs to the situation in the Congress, we more than meet the requirements of the Act. Invoke them at the outset if you can.

(Another reason for speed is political - Horn in charge of the Kearney grand jury and his having brought out only the single indictment. With his record in the King case and with us, there is a real possibility of press interest. Congress likely.)

Aside from him as witnesses there are: Pollak, who was in charge of CRD at the time of the crime and asked the FBI to take the case and had many missing records in 1996 sent to him; O'Connor who handled what generated much of the withheld paper and offered a deal and has since spoken to reporters; Pottinger, who handled the withheld records and was in charge of CRD and can provide motive for withholding in terms of his own recommendations to Levi; Dougherty, who appears to have done the searching and the processing; Shea, of course, because he is boss and Mitchell, because he was the actual reviewer in the appeals unit; and other CRD lawyers, like Murphy, who handled at least some outside press contacts and left phoney records of which we have one. Maybe others, like Turner. Shaheen can be asked to testify to what records he received from CRD. Things like this.

We broaden the complaint to include any and all records of any source, form or origin relating to the King case, the Ray case, their investigations and my FOIA efforts. We include any and all records of their outside contacts, press of Congress, on these matters, and any and all records of what was made available to other writers, including reporters of all media. (Crewdson got such of their time and help and saw or was told about their records, as I'm sure his series shows. On the other hand, Murphy's outside contact form on Les Payne does not even reflect what Les phoned him about and we have it and can get an affidavit from "es.) What they did to meet the requirements of good faith and due diligence, as in learning what in a case the AG held to be an historical case they did to determine what is and is not public domain.

They may have records on me over this litigation so perhaps you include PA and ask. I'd be surprised if some of the FBI's venom was not sent them. In fact I think I have proof that it was. You may want to make it DJ rather than CRD and name CRD and Criminal and others originally involved

If you can make Sheppard his office or the entire DAG's office (since reorganized) named individual defendants I'd do that. Not just to take their time but for real reasons going back to my initial requests and including the present.

I don't think any of these people will be anxious to make a record of deliberate torts. I believe they will make an opposite record, one way or more.

We will not again accept any situation that has us assuming their burden of proof.

I don't think they'll again ask it anyway.

The mere filing of the suit will attract Green's attention. Her clerk's, anyway. She has ordered me to assume the burden of proof rather than holding a hearing to establish fact. The means she opted, their selection, was with my assurance that it could not do what was asked of it and of me.

Here is where you phoned. We discussed the rest.

Best,