

dear jim, currents foia situation, etc

12/4/76

it is rare that i am not asleep as soon as my head is pillowed. last night i was not. i was awake often during the night, my mind alert and on this one subject,

now that cia has finally agreed to provide its king records, the filing of the other suits is simplified. for all the disadvantages of lumping them all together i am more convinced that it is the only possible way for us. we can talk about this when the time comes. we can also talk about how we can avoid having our noses ringed and our substance wasted as has happened in the three current cases when we get there.

we are too rigid. we have to shift with changing circumstances.

i will without great supporting detail state what you may call weisberg's rule if you like: when you have seen one washington federal district judge in an foia case you have seen them all. the best are bad and scared, perhaps some had only from fright.

there are few options. our interest lies in picking and forcing issues. for example, you are absolutely right in planning to mandamus green. and you do not have to tell me that the only reason you have not is time. it is that concern that keeps us awake. look what these cases have done to me in time this year. i will return to issues and mandamus.

whatever you may regard the odds to be we have no ~~choice~~ choice, we also have to look horns with the rotten aussas, any and all. if we do not you will be bogged down indefinitely. we have a record. one way or another i want to perfect it. we must now put robinson on the spot over ryan and his failure to give the interrogatories to the cia. i would like to write robinson about this and his assuring me that if these interrogatories were not answered promptly he would fill his witness room. instead he burks the case to a magistrate and i am denied even a record to take up on appeal. he has also been sitting on the in camera inspection on the 5/19 transcript for all these months despite what he said about how little time reading it would require.

ryan did this to me two times straight. i called him the first time. his response was to repeat it despite what robinson ~~said~~ said. that is a challenge i certainly will accept as soon as i can.

i also have in mind what can be the problems from and by the new committee and what all indications say will be the problems of the new session of congress.

my present added limitation should run its course soon. if it has not by the early part of the week i will see if the doctors want to go ahead with the injections. meanwhile it not only slows me down, treating it requires several hours a day. all day yesterday i was not able to examine the carton of fbi records i brought back. i know what to expect and i did anticipate it about april or may and did try to do something about it on which you made a fine record, so now let us do what is possible.

what interests me in the mandamus is more than an order itself. green can issue an order that can break sound barriers from coast to coast and have no meaning. we are now 10 days from the time in which we asked for compliance. we still do not have compliance with her first directive of last spring. as a result if we now get compliance it means nothing because neither of us has time to go over the previously masked records. and we are getting all the crap but still do not have what we know is relevant and what i do need for my writing, those 25 indexed number of field volumes. one of the first things i am going to check is if the fbi identified any of these indexes. if not i am raining hell on that alone. they have yet to justify any withholding, despite her directive. both of these i believe belongs in the mandamus. what we also need in this is what was so powerful in amending the act. there is now a changed situation you should not ignore: is a democratic congress going to want to force out the secrets of a democratic administration. the spooks will seek to exploit this.

green has refused to resolve questions of perjury. maybe the appeals court is not ready to face this but the issue must be raised, even if you fear it will antagonize them.

we have disassembled hard cases against wiseman and horn, we have made those cases under oath and nothing has been supplied as a result of our making these cases. no added compliance, no records provided, not even the 47 pictures. there will be enough other issues for the appeals court to react favorably to if it wants to duck this one. but the time has more than come for giving it a chance to move ahead. perhaps it will come to see more clearly than it did in 75-2021, forward a step as that was.

perhaps i have been engaging in self-deception about my capacities, now when i could still put in the kinds of hours i did in wisconsin. i must recognize that i am nearing 64 and that i will not be able to put these kinds of hours in for another 13 years so that i can make better use of the time ahead. one way is to spend it more wisely. right now i can think of few ways of less promise than what i have called the dancing of ritualized minutes. i mean in 1449. when all dwyer wanted to do after you repeated what you told her two weeks ago, that robinson ordered the ~~prompt~~ answering of the interrogatories was schedule still another hearing it is futile. when she could be totally silent and remain smiling as ryan apologized for not even giving the cis the interrogatories he can do and get away with anything. i did not anticipate the issue but i did the fact. this is why i told you to ~~forget~~ the interrogatories and get back in robinson and let him fill his witness room. this came when you had no time. this is why i suggested that you offer gas until 1/3. we will not have compliance by then. if of the ,even we can make what i want is what will make robinson face his fine and meaningless speeches, something like motions for contempt, including rhoads, ryan and the appropriate vis people. we lose nothing if he rules against us. we gain if he sees that we began by being willing to go his way, that he then did not go the way he assured us he would, and that we have this record to take on appeal. you say even want to consider a mandamus on the 5/19 transcript.

i see no point in my being there 1/3. if dwyer starts on time it is the time i have to think about getting home. it is not possible to do what she ~~projects~~ projects beginning at 2 p.m. i see nothing to be gained by ~~going~~ going through with all that nonsense and not even having a record. if you want to do it, go ahead. i think it is a total waste of time and a playing of the government game. if you can think of a way of moving this back to robinson i recommend it. otherwise, with her first order ignored, i want no more parts of or time with a dwyer who smiles and issues new meaningless orders. this makes me part of their stonewalling.

with the drastically changed situation getting the transcripts is no longer the most important part of this suit. the same is true in 1996, where i have made it possible for these bastards to ruin me. i ~~would~~ would have been much better off if i had just let it run its rotten course months ago and done other work, like completing the book it made impossible/ i could have in no more than the time going there took an such more time was wasted than this.

green has done nothing since 10/8, two months. this is an outrage. i will not say i will not go to her next status call, ~~perhaps~~ perhaps for saint patrick commemoration. but i do say that if something of significance does not come of it i do not consider it is productive to help the lanes and ozers of this world. all i have done in this ~~case~~ case is examine it as it should be examined, by the results. (this is why i want to say nothing publicly about the cis's belated compliance with the king request, on the chance you are right and they have not heard of it. also, if we are quiet we may catch these swine charging me search fees for a search for others. let me break their very bad error on this down for you. if the committee has not yet made the request, we have something on them. it simply is not ~~possible~~ possible that the cia does not know that it is going to have this search to make for congress ~~any~~ any day now. nonetheless they want half the estimated \$1000 search fee in advance. this is why i told you not to begin with fighting on that and instead reserve the right to recover. it would attract the attention if others. let them make these kinds of blunders with as much quiet as we can hope for. either they are defrauding me or they have one hell of a file on king and the assassination. however, i want an advance record that every masking or denial be justified and attributed, first-person, as should be in the green and aud. best,