

To Phil Melanson from Harold Weisberg 6/19/84

The CIA King copies you sent (thanks) are from those I got in the FOIA suit for its King records.

The source was not disclosed to me, either. It could even have been the FBI, although disclosing them if the FBI was the source ordinarily would have required FBI approval. For example, just yesterday I got from the FBI some old records that the CIA had. They referred them back to the FBI for disclosure to me. (Thus far I've seen nothing new in them.)

Using an affidavit before the appeals court is exceptional, but so also is our situation when the DJ lies to it and misrepresents on basic legal facts. I've prepared an affidavit for Jim's use but as of the last time we spoke he'd not made up his mind. I favor attestation, because it is subject to the penalties of perjury and thus more forceful than a lawyer's argument. Jim by now may have completed the draft of what he'll file, and I presume will have drawn heavily on that affidavit, whether or not he uses it. You may want it as well as a copy of the DJ's Supplemental Memorandum, so you can see and if useful make use of its lies and their nature. Often there is a page limitation, so Jim may be restricted in the number of pages he can file. Or feels would receive attention. I've suggested to him that in a footnote he refer to other misrepresentations and overt lies than he has in his text, to give the court an idea of their totality.

Why is always a question when the government lies to a court and engages in the most basic misrepresentation.

Strangely, it does not necessarily have special significance, although in this case I'm inclined to believe that it has. These people are rarely not untruthful in FOIA matters they contest. It is a way of life for them.

By the way, according to David Garrow the withheld source or ing as an alleged hicom is Jay Kennedy, who married Lewison's divorced wife.