5/8/71

Dear Jim,

Your spectro mailing did come yesterday. I got it on my way to Baltimore for the conference with the US Atty in the judge's chambers. By and large that went very well. The judge, politely, told them they had to stop stalling and insisted, also politely, that with my offer to make everything available, the assistant had to take time from his other work to come out here and get what he wants, both in documents and explanation, that this case must proceed, that I had been denied my rights as long as he'd tolerate, and that he was setting the case for fall trial, by which time, if there is to be an out-of-court settlement, it must be accomplished. The assistant (ransom Davis, the most junior of the junior) if to be here all day Wednesday the19th.

I was so tired alst night I fell asleep reading after supper, so the following comments may be inadequate. There may be things I didn't catch.

You do not identify Wrone. However, if this deals with Esquivel, I'll not touch any part of it now, in any way. When I can get in and out of NO faitly fast, perhaps I will. I suggest you make your own reading on total silence on that score. There are things here you may or not fully comprehend, but the presence of boys among us may get them and the men killed, and that is not conducive to getting the work done.

On the spectro: What you sent me is one part. I don't know what is in the rest. By and large it is very good, and some of the phrasing is much to my own taste. There are a few points that I make for your future knowledge, it now being academic (consistently, I've never been consulted until too late). Under A, scientific tests, I think the part of the Baltimore decision (Wellford? Wellborn.) that you missed and I called to your attention should have been included.

B. It is not just "some" of the asked-for analyses but all of them that are in the WC published record, and not just in testimony (how much does Smith know?). Hoover also wrote a letter which, while addressed to the crubstone, also addresses the rest. It is in WW.

You do not (p.8) understand what I think the FBI is now calling its JFK assassination file. What none of you understood in the Boggs memo is that Hoover has always laid his own second line. What he gave and interpreted is inconcistent with the WC conclusions. In this light reread his testimony that I have at rhe end of WWII and called to Bud's attention, that they would never lose their interest in the subject. That is the only file they have on this, aside from what they did for the WC, and it can't be for law-enforcement for the murder predated the law. While you get to this later, you might have had it here also. Which mreminds me, you have not addressed the new Mitchell out, first advanced in 718-70, that the exemption is not mandatory, that he can waive it. Here you could have had some fun and answered him as well.

Bottom 10, again where was Bob, and how did you miss this in my memos: Gallagher did the analyses, all of them. And the thing I showed Bud so long ago, in Nichols, they sued Jevons, who claimed competence.His affidavit is perjurious, therefore they could not again use him. Best evidence on what the spectro shows can come from Gallagher only, and he is available. Interpretatations are a different matter, but they can't come from a Williams.

11, middle. What Curry prints was also printed by the WC. Bottom. After tests, there should be two qualifications, first at the order of the President and under conditions Hoover himself swore were not for law-enforcement and then for the WC, which had no

such purposes. So these tests were not made for the alleged purposes by the FBI but they could not have been, there being not even the legal justification for spending a cent or a minute this way, as Hoover himself makes clear, and under oath. In the lasy line, it is not the "unlikely" event (which I know can have been intended as a literary device, but a total and complete impossibility, which is stronger and not a device. There is no possibility at all that the spectros could in any way involve any informant. I am sorry you did not use what [illegible] gave Bud immediately when I saw the Williams affidavit. I think it possible that handled toughly the appeals court, with the right judges, might have dealt with him, it and the attorney's responsible, for this is an enormous deceit and a considerable and knowing imposition on the courts (remember Hart on Kleindienst on the peace marchers?)

Page 12, under IV. This is too understated. It is not only that the government fails to state its law-enforcement purposes but they were non-existent, there having been no federal jurisdiction with one possible exception, and that is ruled out by the facts: for the Secret Service. This was not then a federal crime and again Hoover's sworn testimony should have been used. In the light of the current attitude toward Hoover, I think it a serious tactical error not to have bludgeoned them with polite references, never ending, to his own sworn testimony which is 100% opposed to this representation.

Last full paragraph, again JEH's testimony. There was no such purpose, and the ex pist facto allegation of it could have hurt them. The original work, for the President, was not for this purpose. It was, explicitly, to report to the President what had happened. When within a week there was the WC, it was to assist the WC. And the last part is explicitly outside the purview or capability of either, only partly gone into elsewhere.

Page 13, middle, what is missing again is in Hoover's testimony, that the FBI did not even have jurisdiction and Hoover is quite specific that when they invoked the authority the President may have, it is outside law enforcement.

14: again, what is needed is the explicit truth: Presidential Commissions do not and cannot have law-enforcement purposes. So, the non-law-enforcement purposes persisted from the very first, from within the first 24 hours. And what is not addressed and you may have to face if DJ ever thinks of this, is that the FBI may be empowered to assist in local criminal law enforcement. I think it would have been better to beat them to it, to point out that they do not even allege this intent or purpose.

My point here is to prepare you for the future, not criticize. I strongly encourage you to go over all the very considerable work I to this point have wasted on Bud's requests, and read and carefully note what I did do. If you have any questions, ask them now. Do not keep on postponing this until it is too late. If there is any doubt about anything I then did, which was always rushed, let us resolve it before you are in court, not with regrets, as has happened every time to now, even in Memphis. We must at some point learn from our own errors. And if at any point before trial you want me to go over this or any of the other papers with more care, ask me in plenty of time. I'm reordering my own priorities.

You realize I am writing you at home and not sending this to that booby-hatch where you work. I meant what I said in the letter I wrote you and to which I do not expect response. I do expect action, as with the immediate combing of thise files for the return of everything that came from me, no matter how indirectly. You realize that when I raised hell about this a year ago and you all gave your words and Bud the orders, it was not done. The current insanity is too much. It must be done immediately, and I could not care less what has to be given up for it. Aside from your own legal work, the rest amounts to nothing anyway. By the way, I have read Hal's memo and I will discuss it with you whenever you want, but not in your offices. I will stay away from there to the degree possible. And I do want my set of the CD s as soon as possible. I want to work with them and I've been

wanting to in odds and ends of time. There has been no real urgency, and there is not at this minute, but I am going to return to writing as soon as I can and on the subjects covered in them I will, of course, require knowledge of what is it them. While I will welcome copies any any conclusions and interpretations others may make of them, I also want you to know I will not again give the CTIA any of my one. With you, personally, that is an entirely different matter. I will maintain a separate numerical file and a separate set of notes with that. You will always have access, but on a personal basis only. We will be luckt to durvive the amalgam of egos, stupidities, immoralities and straight insanities of which the reaction to your efforts on the ogge memo ought be all you need. Here I strongly recommend that you send a copy of that thing to two people, asking confidential comment and not telling them what I have said of it. They may or may not see it either factually or politically as I did and they may not go into the fineness of detail in tearing it up, but I think that if it is at all possible to reach Bud and Bob, this could help. These are Paul Hoch and Sylvia.

I strongly encourage you to see to it that I have every scrap from and on Ray. There is much I've had to withhold from all of you because the nuts are in control. This is an extremely hazardous situation, and I think it wisest to interpret the latest development in these terms, not in those of his past, regardless of which may be the case. Where there id any chance that your associates may share with theirs, where there is the slighest prospect of their misuse or sending Smith off on other futilities for which he is entirely unprepared, I simply will not give anything I get from him, again the exception, to you, on a personal and confidential basis only. I am aware of the position you are in. I told you of it a year before you came to understand it. I do not want to make it worse, but I can't permit these zanies to ruin everything and perhaps get people killed. I will no longer permit the imposition of their irrationalities, egos, ignorances or predeterminations. I will help in every way I can, but this time under my own conditions. I have had too much of this going to wierdos and too much of it getting out at all, aside from my complete lack of trust in Bud's or Bob's judgement. I want you to know that I have carried far forward some of the things I've indicated to you in outline only. I now can all over again break the whole thing wide open. Aside from the fact that this is my work and legally my property, and I will never again permit Bud (excuse the bluntness) to steal it, I want to be able to continue. I jow have what can accomplish something, and I will not jeopardime it. I am sharing it with others I trust, unknown to you, so there is security, and I will discuss it with you in detail, with the understanding you will discuss it with nobody. More, if the legal eagles ever really need it, they will have it immediately. I have again done what Bud tried and failed, and please do not needle him with this or even indicate it to him. It may or may not provide new missing links, but I will pursue that in my own way and time. But believe me, Ray is in great jeopardy as soon as there is possibility of a tiral even more. Officials have acquitted him, it is that much. And I've put that hat on Hoover. Because I do not believe for a minute that the FBI wa responsible for the crime, you can see that there are many interests to be served by hurting us or Ray, not just narrow ones. Too many to trust sick minds with the proofs.

My schedule: I may be in DC the early part of the week. I go to Wilmington 5/13. I expect to return 5/14. I may have people here. If I do, they are trustworthy. I have a oncference here with the US Atty Balt. 4/19. And because of the very considerable emotional drain of the unfortunate combination of the CTIA insanities and the abdications of the publishers, I must again find time for medical consultations. They combined have had an effect on me...I expect the Times to do something about the Kaplan review. I have been in correspondence with Barnham, Gertz and their publishers. I have more pictures in my possession. And if there is any way you can accomplish it, shut Sprague's kith, 100%. Some of these pictures relate to that.

Ehether or not long communications from me have any value to you, do not expect any more of them. I simply can't and won't take the time. The history of the enormous amount of time I've completely wasted in them in the past, only to have them ignored and serious mistakes that cannot be excused the undeviating consequence is not the only reason I am going to find time, somehow, to return to constructive work of my own. I can't spend all this time that I have trying to help those incapable of being helped. But there are some thing that, while I'm at it, I want you to know.

On what I regard as a total unconscionable theft in that boggs things, copy to those who live on such things, if it is used, I will do the book I've mentioned to you in the past, "The Mardi Gras Solutions to the Political Assassinations". And I will gut all the nuts and selfpseekers, on both sides. I will do it not from vindictiveness, for the part on Mark is done and nobody has seen it. I will do it simply for our own survival. Preliminary inquiry on this trip to New York is encouraging. And if Sprague does any more of what he has, what he has published and what he has recently threatened, I may on that basis alone be tempted. For I will mean that he is entirely out of control. You may be too young to remember, but Putzi Hanfstaengel, one of Hitler's closest, was one of the most personable and pleasant and friendly of men. But he was a powerful Nazi, and none of this prevented the harm he did.

I was not able to reach the man who can decide on the book I plan to do next if this is all kept quiet, so I do not have the answer for which I'd hoped. I may decide to go ahead with it ajyway, on prospects alone. If Zprague, for whatever reasons that satisfies him, ruins any part ofit, he will not live long enough to forget what I'll do to him. Please believe me, I've had it, and this is the end of my taking it. I will not be dominated by nuts, paranoids, self-seekers, underinformed egos or any more pleasant descriptions you may prefer to assign to him and his associated strange ones.

As soon as you can please let me know when the search of your files and the return of my materials, from whatever source, including Garrison, will be completed, and when I can expect a letter along the lines I asked and a year ago was agreed to to be sent to all who have had access to any of the files. I did speak to a alwyer when I was in New Yorkmand I will be proceeding against Meredith and Dell. If Flamonde knows what is good for him, and I'll not speak to him, he'd best tell Meredith the truth, for I have an open-and-shut bfreach of contract case against them to begin with and their verbal acknowledgement of it and their horror at what Flamonde had done on tape. At some point, remembering the recent about Christian, Bud had better decide that the opposite of what I tell him about people ought not be his opinion, and that he ought know something about them in any event before he elects them as friends and associates. He knew all about Flamonde before he got him to join the committee. I asked Bud several years ago to handle this case against Meredith. Now he can fly into the face of all reality I just can't begin to understand.

Sincerely,