

4/14/79

Dear Les,

Today's local paper carries the Pratt column that is not in the WxPost. I've been expecting it, having known the story for a while. Last time I was in DC I spoke to East suggesting how he could carry it further. He wants us to get together next time I'm there but I don't know when this will be. I go only when I must, almost ~~never~~ never for other than FOIA cases.

Here is where Pratt has the worst of records, particularly in one of my cases, the granddaddy of all FOIA cases, the one that was responsible for the 1974 amending of the investigatory files exemption.

I expect another remand in it shortly from the court of appeals, judging from the way oral argument went.

It is not possible for Pratt to have been more pro-FBI than in that case. He went farther. He misrepresented the evidence and the testimony or transcripts in his Opinion. He made nasty cracks about me commercializing the assassination. (He should live so!) He was openly contemptuous of the appeals court's remand to him. He foreclosed discovery and was untruthful in his opinion about it when the remand was for discovery. I was told to take testimony by deposition (not how to pay for it) and he cut that off. He made up explanations for the FBI's not providing records I proved existed in the depositions I was able to take.

And I'd be surprised if he did not have the "research" for his Opinion, most not in the case record, from the "public source material" the FBI provides. I can't imagine that he or his clerk did that (one-sided) research.

As chairman of the assignment panel of the district court or whatever they call it he had a "random" assignment of all of my cases filed after 1977 before a single judge who is more openly biased than he, John Lewis Smith. Four of them, all four. The odds against this as normal are fantastic.

Pratt and Smith thrive on official perjury and chide those who prove it. He once threatened Jim and me when we proved an agent named John Kilty provided a false affidavit. Really did, saying that if we said such things outside of court we'd be sued. When Jim expressed our willingness Pratt expressed surprise and dropped it.

Thereafter he was unsurprised when Kilty provided another affidavit proving his first one was false. It made no difference to Pratt when we took testimony and provided documentary evidence proving Kilty's second affidavit also was false.

I shudder to think of the poor bastards before such judges on criminal charges when they are not guilty.

I don't know how willing to talk lawyers will be about such matters but those specializing in FOIA cases can show you how fantastic sums are wasted, how government lawyers can get away with anything and how the great Act is negated by the Pratts. I have no reluctance.

In fact I've tangled with him, politely, of course, but very pointedly and I've made direct accusations in affidavits I've filed with him. But I also want to be honest with you: he is so biased and has so bad a record that when I believe this case will always be a hot one to any judge and will keep bouncing to the court of appeals until someone wears out or goes away (I won't wear out) I think I prefer a known quantity and an overt bias with a very bad record. I've told Jim not to ask Pratt to recuse himself if and when there is a remand. (Maybe Pratt will do it voluntarily, particularly if he can shift the case to a Smith.)

I'm a firm believer and intending practitioner of what I call intellectual judo.

Pratt's snide cracks have enabled me to take him at the literal word and I've done it. When he said "im could not depose me but I could provide an affidavit I gave him a book, with attachments in great number and significance.

In short he gave me the opportunity to make an historical record by his bias and practises and comments and I made full use of the opportunity. I've written an extensive and entirely uncontradicted history of the FBI'S covering up in the JEK investigation as it relates to the corpus delicti and I've proven without reasonable doubt that the official solution is untenable and thus provides motive for the continued withholdings.

In this I was armed by the remand, which states that the existence or non-existence of the information sought is of interest to the nation, not to me alone, and that I should establish the existence or non-existence.

One means was to show the need for the records to exist. And did I even, friend!
(Don't read it or your safe opinion will change, the one I never argue with.)

It has bled me but I've used the blood to write other than books with.

People like Pratt and Smith and like-minded judges have tried hard to nullify a wonderful, a typically American Act of the Congress designed to let the people know what their Government does. The cost to poor people and to the Government has been very great in cash, aside from the nullification over which these judges preside.

There was once a time when the DJ had six lawyers assigned to me!

I don't think the ~~me~~ column is about to touch the substance of my case before Pratt but without that it is a classic example of his boast to the FBI, of his bias in their favor.

Bast can provide virtually the same thing with Smith, who also could be unguarded. Or I have it from him.

Excuse the haste,
and best wishes,

A handwritten signature in dark ink, appearing to be the initials 'HJ' or similar, written in a cursive style.

JACK ANDERSON

The Washington Merry-go-round

EPack 4/1/79

Judge Pratt's pro-FBI bias won no points from agents



WASHINGTON — Federal judges are appointed for life to guarantee their independence. For this reason, it is essential that they be both honest and unbiased.

We have seen disturbing evidence that U.S. District Judge John H. Pratt of Washington, D.C., tried to cover up an impropriety on the bench, then apparently lied to FBI agents about the incident, and finally tried to get the investigation called off by reminding the G-men that as a judge he has been "very pro-government and especially pro-FBI."

If Judge Pratt was exaggerating his boasted bias to influence the agents, it would be bad enough. Attempting to block an FBI investigation constitutes obstruction of justice.

But if Pratt told the truth about his pro-government attitude on the bench, the implications are even more serious. It would mean that anyone who has appeared before Pratt since his appointment in 1968 was at a crippling disadvantage if the case involved a federal agency.

Our sources tell us Pratt wasn't kidding about his pro-government prejudice. This may explain the Justice Department's reluctance to pursue the investigation of Pratt.

By coincidence, we were involved in the original indiscretion that led to Pratt's more serious misconduct. Crack Washington private detective Richard Bast appeared in Pratt's courtroom on Jan. 30, 1978, and the judge remarked that "there's a rumor" Bast's Information Acquisition Corp. was "the creature of Mr. Jack Anderson."

Bast truthfully denied the rumor, and Pratt, belatedly realizing the impropriety of spreading gossip from the bench, ordered the entire colloquy deleted from the court record. He did this without consulting the attorneys in the case, as is required by law.

Not long afterward, Pratt's secretary and office manager, Kathleen McTernan, allegedly ordered court reporter Dennis Bossard to destroy his stenographic tape of the judge's improper remarks. A conspiracy to destroy court records is a felony punishable by up to five years in prison and a \$10,000 fine.

Bossard indignantly refused McTernan's order; instead, he wrote a memo about the incident minutes after she left. "She told me to tear up my notes," the memo stated. "When I told her I wouldn't do that, she told me to lie and say I didn't take it down."

Informed of the situation by Bast, the FBI decided to investigate the judge and his secretary. Justice Department officials — evidently leery of setting the FBI loose on a federal judge and one of their favorites, at that — stalled the investigation for several days.

The FBI agents persisted. Because of the clear possibility of a criminal violation, the Justice Department finally gave a reluctant go-ahead. On Feb. 14, 1978, two agents — accompanied by a Justice Department official — interviewed Pratt.

The interview was apparently rocky from the start. When one of the FBI agents read Pratt the standard "Miranda" warning that he had the right to remain silent and to have an attorney present, the judge "went bananas," according to courthouse sources. He complained bitterly, courthouse sources told us, that it was "demeaning" and "insulting" for a federal judge to be read his rights like an ordinary suspect.

The agents asked Pratt whether he had spoken with the court reporter, Bossard, about the incident. They knew he had spoken with Bossard just the day before; the reason they knew it was that they had a secret tape recording of the conversation.

Incredibly, a source at the Justice Dept. told us one of his colleagues wanted to warn Pratt about the existence of the tape before he was questioned about the conversation. But the FBI agents correctly pointed out that this could compromise the case and furthermore, Pratt was not entitled to special consideration.

Pratt told the agents he had spoken to Bossard on Feb. 5, 1978. He was asked repeatedly if he had discussed the case with Bossard "in the interim" — that is, between Feb. 5 and the time of the FBI interview on Feb. 14. Pratt never mentioned the conversation in his chambers the previous day, though the only topic he and Bossard had discussed then was

the deleted remarks and the ensuing controversy.

Our sources say the FBI agents were convinced that Pratt could not have forgotten a conversation he had less than 24 hours earlier, and that he was in fact lying to them. In any case, they have the tape to prove the conversation took place.

Pratt met with FBI agents again on Feb. 16. Sources familiar with this meeting say the judge remarked that the case against him and his secretary was "cheap" and "not of prosecutable merit," and that interviewing his secretary would constitute "needless harassment."

He then tried to get the agents to tell him exactly what evidence they had uncovered. The agents properly refused to give him this information.

It was then, our sources say, that the judge pointedly reminded the G-men that he was "very pro-government and especially pro-FBI." It is a credit to the integrity of the FBI agents that they refused to be intimidated by the judge's tactics.

Every man and woman who appears in court has the right to a fair trial presided over by an impartial judge. But Pratt's statement that he is "pro-government and especially pro-FBI" shows that this basic right apparently is not possible in his courtroom. Competent legal sources say, therefore, that Pratt should not be permitted to hear civil or criminal cases where the government is even remotely involved.

Footnote: Pratt a 68-year-old ex-Marine who lost an arm in an accident in the Philippines, has refused to discuss the case with us. When we asked Pratt for his side of the story, we were told, "Write any damn thing you want." We tried to explain that our investigation had uncovered strong evidence of wrongdoing, and said we were anxious to tell him what we had learned and get his response to the allegations. Pratt repeated, "Write any damn thing you want," and hung up.