

1605

Dear Jim, Robinson's decision in # 75-1448 6/21/77

With one exception I leave entirely up to you whether or not we appeal in this case. I take it the unexplained extending of the order gives us more time.

My one stipulation is that we do this with vigor if we do it.

This may mean beginning with a motion for a rehearing and an affidavit from me. If there is and without it we have an inadequate hearing - I will be pointed and I will say that I have been denied a fair hearing because I took the work he gave and did not keep. He denied me the taking and giving of testimony after assuring me this. All of what I then did and did not do, as you know, was based on this.

I will want to use what I was saving for the expected day in court, the Heine affidavits. I will want to make an issue of whether while denying me the Nosenko material - and Warren Commission lawyers are known to have taken copies of what they wanted that was denied to mere mortals like me - they simultaneously made Nosenko available to Epstein, who from a wealthy corporation of long and close federal connections is getting \$500,000 and other help.

I will want to refer to the Barron book, which comes from the same sources, defectors, including Nosenko.

I will want to say that I have gone over thousands of pages of CIA records once withheld under false claims like those advanced in this case and in not a single instance have I found what fit the claim or by any reasonable standard could have. I will say that other and prohibited reasons are obvious, like an effort to start World War III out of the Mc City station.

In addressing the language of the amended order I will want to go into the language Dulles used in the 1/27 transcript, that perjury is right and proper. I will want to do this, perhaps with Heine, in the context of "unauthorized sources and methods" and an entirely unsupported affidavit claiming what on the face is impossible and ~~being~~ being believed by a judge who has ~~forever~~ shut off Wigmore's engine after guaranteeing me he would start it. I would say that from long experience on this subject and with these people it is certain to me that there is no possibility of official observance of the law by those it was enacted to compel to make information available and no possibility of any judge meeting his responsibility unless he lets Wigmore's engine run.

This in the context of the words of the amending, "unauthorized," an ambiguity, "disclosure," in context a total impossibility, and defined by "disclosure," "intelligence sources and methods." I am not familiar with this part of the legislative history but I cannot imagine that the existence of a defector is in any sense a "disclosure" and in any way reveals what was not known since Daniel fit the battle after blowing the horn at Jericho. The whole thing requires in all senses the revealing of what was not known. This cannot be ~~relevant~~ relevant in any way to those two transcripts. Particularly not of the Nosenko one.

I think people like Marks and Marchetti if not others would be willing to state what their prior experience and knowledge tells them about a book like KGB. We can ridicule without end, like asking if it is going to require the release of that 6/23 transcript to let the Russian know that he defected from them in 2/64. Or that any intelligence agency in the world does not know that a defector is an intelligence source, hence how can there be a "disclosure." There is no testimony and there also is no claim that the content of the 6/23 transcript can "disclose" either an intelligence source or a method. That the Commission wanted Nosenko's evaluation of its Oswald evidence was voluntarily released by the defendant, who is not the CIA but the Archives. In short, we can make out a case of the continuing deception of judges when the real purpose is not to do anything other than suppress embarrassing information by one subterfuge or another. I'd be willing to attacks that their filing of ex parte affidavits makes anything "clear," despite the earlier decision, is we can be tough enough in other respects. Best, HW