

8/4/75

Mr. Les Whitten
c/o Jack Anderson
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Dear Les,

This morning's column, which appears to be a bit condensed as it appears in the Wx Post, is one of the more important ones. It gets into an area that, in my belief, which is based on considerable experience, may ultimately have more significance than the exposures of CIA illegalities and improprieties.

What this column deals with is an aspect of a much larger and not accidental corruption of the entire system of justice. As your column suggests, there is deliberateness in it.

Because unless tapes are destroyed they can be subpoenaed in legal proceedings and the damage undone, at least in some cases. In some cases this is possible because of earlier and exposed FBI corruption in the Jencks case.

From countless people who have been interviewed by the FBI I have no single instance of agents using tape recorders for interviews where witnesses were willing to be recorded and should have been. I have many instances of these same people reporting a lack of fidelity in FBI accounts of what they said. It is a not uncommon practise for agents not to prepare reports where they can not get from witnesses what they want or get what they do not want. It is a common practise to destroy handwritten notes once they are typed, leaving no means of comparing the typed versions with even the selections of what witnesses said that were in the handwritten notes. I have cases of SOG rewriting field reports to make them mean exactly the opposite. I recall one case and can today deliver the live witness who was threatened when he complained about FBI improprieties to the extent of sending a lawyer to the agent in charge of that field office.

Beginning not later than early 1967 I left off at Jack's office books containing proofs of this - after being told by phone that they were wanted. The story is not new. The most grevous case was in early 1971 as I now remember, a case in which I proved that an agent had sworn falsely. It was a disaster for me because the publisher of that book actually believe Jack would overcome his hangups on domestic assassinations. You should recall my asking you to return the xeroxes of what Chuck Elliott intended as a follow-up. I had to keep the publisher's word and reserve that and the not-used story on Percy Foreman, recently indicted over similar corruption.

False swearing by agents is not uncommon. There is a preference for semantics but when they fall short of the need perjury can be repetitious. In my recent case, C.A.226-75, I proved this charge over and over again, under oath, without pro forma denial. In the end Judge John Pratt, who seems to have a record of favoring the FBI, as in the wiretap case, having totally ignored the charge and the proof of perjury, came as close as a judge can to threatening ~~me~~ Jim Lesar and me, saying we could be sued if we repeated such charges outside of court. Jim's spontaneous response, of which I am proud, was that we were ready to walk outside the courtroom and repeat them.

And so the beginning of the rewriting of the FOIA began totally unreported by those who are its major beneficiaries and for whom it was really intended.

This column gets peripherally to the thrust of my work, work not understood by those who have not had the interest to read the freebees for which they asked. I am not a "conspiracy theorist" and my work does deal with the integrity of the federal institutions. I think the argument can be made that what is represented by this column may be the largest single cause of crime in the country - official crime.

Sincerely,