

CONFIDENTIAL

11/10/70

Dear Tom,

Driving home something occurred to me that I wish had come to mind while we were talking. I hope you will not regard this as presumptuous, nor of any subtle, ulterior purpose. I am not trying to suggest that you do anything other than what you think is right or required. But there is, as I see it, a consideration of which you may be unaware.

When you said you would consult Justice, I merely told you the advance indications of the answer, based on the record, and that I think it will be counterproductive.

More than this may figure in any advice you may get. On the basis of what I know and believe, two things will occur to those who have their own records to be concerned with.

First of all, the memo covers a transaction that is in part illegal. I have known this, as I told you, for more than four years. Somebody gave away government property. I touched on this briefly. There is no authority for this. It is not something that can properly and legally be ordered done by anyone, either. That somebody was in your agency, which thereby is involved. Illegals in this area began almost immediately (and I am not questioning motives, particularly not Kellerman's). At the latest, these began at the Naval Hospital.

Once this may have rested upon my opinion and my non-lawyer's interpretation of those laws and regulations of which I am aware. Now it has been the subject of a judicial determination of fact. If you'd like I'll take you to the court record. It is little known, but it is in Washington.

The answer I showed you today in Civil Action 2569-70 is the closest thing to a competent legal paper prepared in all the suits I've filed and all the preliminaries to others, and it is ridiculous. Justice's record would disgrace a self-respecting, first-year law student. I have invited you to examine my files. You can consult less, if you want to, in Federal District Court in Washington. The once case decided is 718-70. They talked the way they will talk to you, but in the last minute they capitulated. In giving me what they sought, which they knew they had to begin with, they couldn't even do that well. Instead they committed contempt and perjury needlessly - with no possibility of any gain from either. Not one of their moves succeeded. Not one of their many letters is truthful. They made a record they immediately switched on in my next suit, #2301-70 and, as you can see, actually did this in the name of the Attorney General himself. You will find that to counter their false interpretation of the exact same point of the law, I filed the Attorney General letter saying exactly the opposite. The affidavit to which I referred today is a supplement to their motion in this case. You really should read it.

You may or may not feel you can trust my judgement and my opinion, but I offer it. There is some consternation there over my suits, and I have every reason to believe it will be increasing. They have done very poorly. I think they would find any goat welcome. I think, particularly with all that Justice has withheld, including from the Commission (I have some cases in which the Commission caught them and complained), they would, additionally, be happy for the spotlight to focus on another agency. Especially if there is any suggestion of scandal or illegality.

There is another Ferris story I should have told you. Sincerely,

CONFIDENTIAL

LLPL(?)  
11/10/70

Mary, Cary, Howard only,

I saw Tom Kelley this afternoon because, when last I spoke to him about the memo of transfer, he asked me to talk to him before doing anything in a legal matter. I also showed him some of my clothing pictures and the complaint and answer in this suit. He rather surprised me by reading both. There were two short points in the answer I thought would be all he needed to know to understand that from my interest I have now come to that point.

I told him that because of this answer I feel I must have the memo of transfer and that if I do not get it voluntarily, I will subpoena it. The zanies at the Justice Department have made it relevant in this case. Bud didn't see this, but Kelley, who is a lawyer, didn't dispute it for a minute. I have written him an afterthought letter, confidential copy enclosed. I want neither use nor comment on this letter or that, please. I have been dealing with him completely above board and honorably and I do not intend the letter as anything other than a suggestion about something he should consider and believe he'll be sorry if he doesn't. Justice is really desperate and I'm certain that if they see a chance to put it to Secret Service, they will.

When you see the answer, it is their second and fourth defenses.

We chatted for quite a while, longer than I'd planned. He was a bit late getting back from lunch, but he did radio in to apologize and let me know he was on his way. His opening remark was friendly enough (I've been down seeing how the military-industrial complex works, approx.). He had told me he was going to Fort McNair for lunch. Fact is, we've never had an unfriendly cast.

He fell just short of needling me about the Sprague piece in Computers, but he was pointed. While I could not defend (and didn't) this awful piece, I did defend Dick as a person, which is irrelevant.

Several things may interest you, so I give them to you for your understanding only. There was considerable misgiving inside the government over the Clark panel. I take this to mean at the time it was convoked. There was more doubt and misgiving about Liebler (last time Tom saw him he had a beard to his bellybutton) than any other member of the staff-inside the Commission. (I told him I believe Liebler is a deeply troubled man and he agreed.) He suggests that some of what I regard as coverup was incompetence (!), and I think seriously. I disagreed, although I have no doubt that there was incompetence. He believes some of what I believe was deliberately withheld from the Commission was, in fact, rejected as irrelevant by the staff. I believe him on this and I think that what he was really saying is that he knows it to be the fact in some cases. He has to know of one case, for I do, and it involves him. But the impression I got is that there must have been a number of cases of this, at least. (With the introduction I wrote to WB, I do not find this un congenial, but I think it doesn't explain as much as he does.) I said as much there, in a different way.) I told him I'm filing a Ferris suit and some of what I know was withheld from the Commission. If he is right and Liebler is responsible for that-or if it can be made to seem that he is responsible-he has yet to learn what trouble is. Maybe I ought write Liebler again.

Sincerely,