Dear Jim,

1/12/85

As I was writing this memo on the first two batches of the Hosty material disclosed to Mark Allen I began to wonder if this does not provide a basis for fighting back in the field offices case.

This proves at the least misrepresenting to the courts and I think a case can be made for overt perjury, unless my recollection is far off.

It also provodes an explanation for the Hosty search slip being and remaining blank and wipes out any claim to need discovery from me - they had all this to hide.

Some of the stuff just might get some attention.

So, why not consider going the "new evidence" route?

There may or may not be some proper way of calling this to the attention of the appeals court.

But I think there is enough to justify going back to the district court - and as a basis for Smith's almost automatic recusal. It certainly smears him for refusing to see to it that something was done about the blank Hosty search slip, sworn to as genuine and authentic in all ways!

I may or may not write Mark Lynch about this. Right now I'm more ~~xxxxxx~~ inclined to than not to but I may wantx to think more about it and I'd like to finish up with this memo and attachments.

Please think about this, perhaps discussing it with Bud, Bernie, Phil.

And if not for God's sake, for your own, think for once in Fochian terms, ifthe tale I tell originates with him. This provides a comprehensible and fairly simple basis for counterattack, particularly after my petition for en banc review is rejected. And when that happens, would this be good for me to file then if there is disclosed disagreement, not merely rejection?

In haste,

Harold

HAF