

Dear Jim,

Domestic Intelligence/Suits

Hw 6/5/75

I'll be rambling in this as I try to recall and report a number of separate but I think interrelated items. I hope that as you read this you will make reminders of about what you think you should and somehow manage to keep track of them.

In the past the traditional response of the FBI when it was under criticism (the CIA had escaped it) was to come up with some new sensation, like spies or alleged spies who had been under surveillance all along. My recollection is not clear on all of these cases but I do assume that many were legitimate cases of espionage. So, I would not be a bit surprised if something like this is pulled now. There are those left who can counsel Kelley if he does not have the same instincts.

A logical variant more useful today would be some kind of sensational charge that need only seem credible for a short period of time, one that it might be officially expected would fall apart after it serves its immediate public relations intentions. The possibilities are close to limitless. The question is daring and that is conditioned by perceived need measured against expectable countering by the several Congressional committees and some of the new Members.

Yesterday I heard briefly from Ford Rowan. I had called my NBC news friend and in his absence was transferred. Rowan was in New York, apparently working on the excellent story he aired on last night's TV news, repeated on the last half of the first segment of the Today show today, plus a longer dialogue with Edwin Newman. I did make a few suggestions and he said he was on deadline and would call me today or tomorrow, that he did want us to sit down and talk. He remembers me from N.O., where during the Garrison days he was with a local station. I asked him to skip today and make it tomorrow because I have a very long day today and want to try to nap. He said if he could not make it Friday he'll call Monday.

One of the things I've have to decide is whether to give them the CIA domestic-intelligence front setup if they will not buy it. Have you advice on this?

Another, if he and NBC are willing, is to give him the chance to take a test case, me, and follow it through when there is the existing evidence and the proven lies. (I also suggested he try to have a friendly chat with Everett Mann. I told him that the indications I have from several conversations is that Col. Mann did not approve these doing. I did not see any account of Mann's Absug subcommittee testimony anywhere. Day before yesterday.)

If you did not catch his reports, he has a five-source account of a new system whereby the various computer systems can be translated into the unique language of each, interlocked and fed and then disconnected with no records of the exchanges left.

He added this morning in the dialogue that it stems from a communications problem after the JFK assassination and was initiated on LBJ's order to tie the National Security Council into the CIA directly. I take it that this communications problem was the breakdown from overload of the DC phone system. It lasted about 2 hours.

We now have proof of falsifications, lying and I think perjury by all of those we've asked for their records on me. I think we should as soon as possible get to a new preparation in the light of the various disclosures and lay the foundation for a broader suit, combining all in one. I think that this should begin with new written inquiries to all the cabinet-level heads of the various agencies with copies to the next level, i.e. Levi copy to Kelley. And we should invoke privacy act as well as if not more than FOI. I believe one the new law provisions is that lying tolls the running of the statute. One reason for this is the practical impossibility of knowing the names of all the many military agencies alone. Another is that they have fronts, assets, proprietaries, etc. and can pretend disassociation, the spook way.

Ron seems to be a lost cause. He is undependable if only from his own affairs. Whatever the reason I think we should seek other co-counsel as soon as possible. Phil?

Heine case: I think that we now have enough to take a chance with Judge Roszel Thomsen, a conservative. He sealed the Helms affidavit(s) on the representation of national security. I think you should consider writing him and sending excerpts from the various transcripts, not just the two most recent, that all say these cats lie and swear falsely, alleging that that he also was lied to. If you want you can add that in discovery in the civil suit the Air Force withheld a file, or perhaps DJ did, but I provided the exact identification of the file from the discovery material, asked for it and was lied to through Harvey Clapp, who then failed to send me copies of the correspondence as I asked. You or Dick have these records. That was a lie within his jurisdiction and the information was mine as a matter of right under the discovery under him.

If this fails or perhaps as an alternative, but I think each a separate step, and the judge first, an FOIA action for those affidavits. Helms is now clearly a false swearer aside from the Heine case.

There is current falsehood by the present general counsel.

There is the general truth from Dulles and Russell that they all lie and perjure.

All of this also is relevant to Williams.

FBI-DJ: Now that we have caught them in false swearing, regardless of their response I think it is time to eliminate the possibility of a too-limited inquiry/request and of their resort to semantics and make the request(s) under both FOIA and the Privacy Act. They have to have files on me going back to the late 30s. Some can fairly be alleged to be for law-enforcement purposes. Others are security investigations (Passed). Then there were security cases. (Reversed in my favor.) I was in innocent contact with those in whom they had interest and had under surveillance. I had liaison functions with the FBI when I was in OSS. All prior to the present. They did work on the first damage suit and one agent did corrupt my major witness, his uncle, who later confessed to kid and me and thereafter never entered our home again. What other investigators could the USAtty in Baltimore have? I did turn over information on more than one occasion. There simply is no possibility that. Aside from what is denied specifically, there are no files on me. I can add details, but this would become one of those oral histories in which Wrono is interested.

CIA: Specifically add mail interception or intrusion. Include Post Office? I still have the overt fraud case evidence sealed as returned and there were supposedly investigations, one at Hyattstown and one after we moved here. I was told in both cases that there was no mail interference and now from the Cotter testimony there is no possibility of doubt that there was. On this I also have the correspondence with my British agent and there are two probably relevant incidents:

Verbal: Collins had given editorial approval to Whitewash in 1965, asked a reading of John Sparrow (whose denial as I recall was less than complete and definitive when I raised this with him after his article) who recommended against it.

Written: Leslie Frewin had gone for Whitewash and was actually writing the contract when he was fed bum information.

Speculative: if Newman was CIA, as JP seems to think there is reason to believe, he blocked publication of Whitewash by Farallax while The ~~Autobiography~~ Autobiography of Malcolm X was a best seller and they had fine distribution.

The rest you know. You do with Army and we now have proof of lying. Ditto for Air Force. They can all retrieve now.

(I believe the law also says that if there is lying costs can't be assessed.)

Timing: with disclosure of not less than 15,000,000 computerized files added to what has already come out the possibility of a flood of suits and an official determination that there are so many nothing can be done can't be ignored. I think these impel an effort at speed, which would seem to be not easy. We are into too much we can't drop. This again indicates the need for co-counsel. I think the ACLU is a lost cause on this. Ditto from Ron, who has been silent for three weeks. However, I also think the possibilities are exceptionally good. Aside from what we have and the changing attitudes toward

what I've been doing, the record in and the fact of these five FOI cases, whether or not there ever is reference to them, will tell even the judges that there is no possibility that there has been no improper interest in me.

I'm not suggesting that this would overcome either press or judicial prejudice but I am suggesting that there might well be expectation that something might out and be embarrassing because of it.

There are a number of conflicting considerations.

On balance I think the situation is favorable and the prospects good, including for cash recovery, which we both need urgently.

I thus also think that these kinds of endeavors should take priority, if only because they can make a significant difference in what we can be able to do with the other interests we share.

All we do and what we cannot do are controlled by our resources. We have none. These cases can provide them.

I, for example, will soon face reprinting needs and costs. PW will cost more than WW IV and I may want to add, not only to extend the copyright but because an addition could be indicated.

I have to prepare to leave on an errand.

I'll try to write you separately today on Magell.

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