

Dear Roger,

5/18/82

As best I now recall I laid your letter of 3/15 aside in the expectation of hearing from Jim about your surprise in your case, from the judge. Then I got tied up in a long affidavit in the field office cases. Now I've attacked the accumulation. With my usual morning furlough from the desk, I still spend mornings walking in a nearby mall. Takes a big hunk out of every day but it is best medicine for me.

If I did not mention a DC district Londrigan decision to you, on first-person affidavits, read it as soon as you can.

On the FBI's filing systems, why not file an FOIA request to get that info while you await whatever eventuates? There also was a study by GAO for the Congress. As best I recall, it concluded that only about 25% of the records get indexed in the general indices.

I'm sure I told you the importance of the 97 files for you in this case and any separate DeLoach files, including ticklers and including within that division.

Judges have been accepting incompetent affidavits and DJ prefers them, but from time to time a judge doesn't. So, your judge is not exceptional and I suppose all of them have varying degrees of apprehension because they all know the kinds of files that can be leaked and who conducts investigation for federal appointees.

Your judge is not exceptional in handling the case on motions. I know of only one FOIA case that went to trial.

Can you file interrogatories anyway? Does the status of the case permit it? Can you more to expunge nonfirst-person affidavits now, based on Londrigan?

This newest affidavit documents DJ/FBI mendacity and deceptions practiced on a judge they regard - not without cause - as their rubber stamp. It is as long as Inquest, maybe longer. They lied a lot.

They are trying to misuse that case to work out permanent suppression of all field office records not provided and all improper withholdings, by a 1/100 Vaughn sampling.

I've offered a very generous compromise, simply to get the case off my back. They are insisting on winning, beginning with a phoney Vaughn. So, I'm wasted some more by the bastards. But I've made a record that they and the judge will know they don't really want to go to the appeals court.

Otherwise not much new. We enjoyed a weekend visit with Jerry, who was here with Mark Allen and Kevin Walsh.

We're glad so many pretty flowers are out - but sorry we can't give them proper attention.

Hope things are going well with you.

Best,

3/1/82

Dear Harold,

By the time this reaches you, I hope that you will have already received the copy of Judge Neaker's latest surprise which I sent to you. I write this separately because I wanted some additional time to reflect.

I am somewhat aggrieved, because the judge obviously doesn't think too highly of my intelligence or legal skills, otherwise he would have properly denied DOJ's first summary judgment motion in toto a year ago for lack of sworn affidavits on personal knowledge, and allowed me to develop my own case without constraints. Neaker now raised exactly the same problems which I put into handwritten strategy notes which I placed in my file on this case 2 1/2 years ago! I didn't put them out in earlier affidavits because I saw no need to tip my hand. Anyway, and however happens, I've now arrived on the desired ground. I have been spared an expensive and time-consuming effort to close the doors of all other possible Heckler components of DOJ. Things are about to get really serious!

The remaining prime difficulty seems to be the judge's preference to resolve this case on motion paper alone. I am already thinking in terms of a second set of interrogatories seeking general information on the FBI's file systems. Anticipating that the FBI will limit its search to a check of the CBS general index, I do want to be prepared to raise the argument that the records I have requested might not be accessible through that method!

(2)

Hope to speak with you soon.

Best,

Ray.

P.S. I will write to you further concerning your latest round with Buckley, but right now I don't feel like roller skating, and trying to imagine what it must be like to be Bunden this week.

RF