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Dear Bud,

Thanks to you or Bernie or anyone else who was ~~thoughtful~~ thoughtful and sent me copies of the Department's Memorandum in C.A. 75-1996, the King FOIA case.

I believe that it, too, presents an unusual opportunity for friends of FOIA, so extreme are the abuses, the incredible record in that case and perhaps most of all, the present official shenanigans.

There is withholding, proven beyond question, the initial searches are not made, yet the Department opposes dismissal without prejudice. It is explicit in claiming that dismissal with prejudice with ~~defraud~~ ^{deny} Jim of his fee and me of what is admittedly a debt, payment for dragging me into being the Department's consultant in my case against it. (Such hear of such a thing in litigation? Think it could attract Hill attention?)

Another and very real reason it to accomplish what cannot be accomplished any other way, getting a court decision out orizing permanent suppression of non-exempt but very embarrassing information. Hardly the intent of the Act!

Jim is understandable reluctant to force the issue on false swearing and misrepresentations and deceptions, and history is on his side. However, there is, or at least can be, great official vulnerability in all aspects of what they are up to and someone on the Hill can have a great time with it. I have prepared the draft of a relatively short affidavit responding to their Memorandum and ~~laying~~ ^{laying} out a few of the realities and apparent motives.

At some point someone has to force the issue of falsifications by errant officialdom in FOIA cases. Some of it in this case is, I think, actual perjury. There is abundant ~~false~~ false representation by counsel, not mere adversarial zeal but knowing and deliberate untruth. While there may continue to be a reluctance on the part of judges to face these matters, perhaps with the assassination of Dr. King there may be less and perhaps also, there may be a greater prospect of Congressional interest.

If one of those many miscreants is ever really clobbered it will be a great cleanser and will reduce the cost of FOIA as nothing else can.

Hastily,