

11/5/76

Dear Howard,

Many thanks for the valuable clips. I've known what the McMillan book would be since 1969. It is good to know how those who know better greet it. The Hauptmann case was full of questions at the time of his trial. I recall some.

Perhaps it is becoming clear that where there were political considerations, including Hoover's self concept, the FBI has always failed to satisfy. It has succeeded in keeping all of this pretty much hidden.

My own views on it and the CIA are simplistic: in today's world we need both agencies, if they function within the pattern and norms of society.

They never have. I think they must ~~of~~ or the changes in society will be permanent.

If you read the Lewis review of the McMillan book you may recall that there is no mention of the assessment of evidence. Evidence is and has become as immaterial as fact and truth, which makes investigative journalism more important, I think.

Lewis, a lawyer and Warren devotee, has a new standard, "declared assassin." Who needs fact? He goes farther, and there are no questions, there is no editing: "No proof can exclude all hypothetical alternative explanations." Or, it is immaterial if Ray did not kill King.

I appreciate these clips much. I stay too busy to get the Times and of course never see the other papers from which you have sent me valuable bits.

It is slow but extremely productive in court. I'm getting fantastic things from the FBI, internal records with heavy and significant annotations. Fun stuff: they classify my FOIA requests under "internal security" for filing purposes! More seriously, the gears of the engine for the suppression of truth are becoming visible.

Jim will probably be in touch with you on this soon. We face serious money problems. I am getting 88 volumes of internal FBI records on the King assassination, and that is only the beginning. The xeroxing cost alone will be astronomical for me. We are going to invoke a provision of the Act for the waiver of all costs, not only search fees. On the q.t. they have waived search fees. If there is basis for claiming what I seek serves the public interest there is authority to waive all costs. I think Jim may be asking you for an affidavit to this effect.

Can you begin to see the value of this kind of material, even with some maskings?

We have some support for this in the court of appeals decision in one of my cases, No. 75-2021. It held that what I seek serves not only my interest but that of the nation. This is unprecedented. More because we have turned them entirely around and on this case, for the scientific tests on the JFK assassination.

We'll be deposing some agents and former agents soon, close to unprecedented.

I drafted the long piece on "ane I described to you, sent it to a college professor friend to cut, and instead he flipped out, lengthened it, made it pseudo-scholarly by adding footnototes and direct quotes, so I'm back at Square One. This historian wants it to be a book. I actually wrote one on "ane over a weekend in 1968 and have never had a chance to look at it. Would you like to see <sup>article?</sup> this? I've not read it. I probably will on the plane to Wisconsin where I speak a number of times and hold seminars most of next week.

An interesting situation is developing with the CIA. It is months late in responding to interrogatories it was ordered to answer. We have a hearing before a magistrate on this on the 18th. I think they must stonewall to the end. Because this judge has indicated he'll fill his witness rokm if they do not respond, now that the election is past they may take that course. I've been putting together from their files the proofs I need. This relates to the still-suppressed executive session transcripts. If one of your students can find time to go over the "imes index for 1953, probably better 1952-4, looking for the identifiation of Russian defectors, it could be very helpful. They are hiding a name, for all the world as though the Russians do not know it. <sup>This</sup> ~~one~~ one may have come out of the cold in Hungary. I have a memo on JFK he wrote. He is still in the cold in his mind.

I'm inclined to go to trial if they force an appeal on the interrogatories.

If I ca find it I'll enclose a carbon of a note I wrote Lesar on the Dick Russell story on Bosch et al. Almost none of it is new. This is not criticism of Ruseal. It is commentary on the state of reporting.

And, of course, what these journalistic failures can cause.

Best to you all,