

Dear Dick,

7/3/76

Combining intensive work with a determination to get more rest resulted in a vast accumulation of the unfiled in which the letter I didn't mail you a month ago was hidden.

Much has happened since then but no writing. If there is success in court before the very end I've been quite successful in all three current cases. And the Ray case has gone totally insane, which required some figuring out and looking in. If needed I think it will be both adequate and quite scandalous. (Did you ever hear of the investigator who investigates without leaving home? Except for one social trip I've been away only to go to court since I was there.)

In the case on appeal I think we've turned that court around. I expect a firm remand with some precedent, that at least in historic cases former government employees can be required to respond to discovery if they have first-person knowledge. This was the way we handled the early retirements of four FBI agents so we could not exercise discovery through them. However, they did not retire entirely in vain. The country is better off without them exercising career-long expertise in frame-ups.

I told you I expect to be able to discover against CIA. It happened although the CIA is not the respondent. I don't know if that has happened before. I do know that there was a refusal to respond to our first set of interrogatories. The business-like judge read them in court and directed response. They have been responded to and if there is no emergency tomorrow we start drafting interrogatories I think you'll enjoy reading, regardless of the answers. The judge told the AUSA that if the answers are not responsive he'll fill his witness room. This is where we'll get to what can help Barney, I think very much.

In the King case we've continued the approach of which I told you, building a solid and careful record that only begins with the proving of negatives - that they do have what they claim not to have. Some of it is pretty hairy. The judge finally lost patience. The AUSA lost his cool and was arrogant and insolent, which was fine. The judge dressed him down and ordered complete and forthwith compliance. He asked for a written order. This was only a week ago today. There was the holiday weekend. As of today it has not come. But we created a record that, with no reporters present, impelled the judge to declare that the FBI has some to hide and is covering up and it is going to stop. Forthwith. It was a first-rate dressing down like I've never heard addressed to the FBI, still powerful but no longer sacred. Their problem is mine: they don't dare comply. No transcript yet.

If I were ten people ten years younger and with a few bucks I'd relish all this stonewalling. I can always turn it around, one way or another and extract one value or another. In the case before the above they are withholding two full Warren Commission executive session transcripts and 10 pages of another. For one, six months after the assassination, they invoked "personnel records" which can't fit and the need to protect reputations. Well, that was a give-away. They thought they'd pull a last one and offered that one for in camera inspection, secure in the belief the judge would find the material defamatory. (How I love their underestimating me!) None of that stuff was secret. 't is nasty. But it is already freely available. I got 365 pages by a phone call. Before that was copied for me I was forced to consult my files and lo! there was the answer: Ford was McCarthy. The judge has that and a letter promising more. The more is pretty lurid but instead of defaming those whose names have been kept secret from me (the DJ thinks!) it establishes they were decent liberal Democrats who to the extremists like Ford were subversive because they practised belief in civil liberties. Ford's DJ pulling this in an election year! I'll have a record that in time can be used. (It is easy to figure more fully now: Ford demanded dismissal and was outvoted so he had to back off so they could announce unanimity in that day's decisions.

Do you have this kind of fun in court? But it does take time and work.

What happened to Ray and what he did is too complicated to go into as it how it happened. It is not exactly as reported in the papers for the part that was reported. The

seamier is unreported. The least reprehensible is merely insane. It will work its own way out. As I told you Ray is an incidental character, almost, in the new book. This turns out to be the only approach now and with that I'm pleased.

The changes in attitudes are showing. Because of ~~it~~^{it} you may get an inquiry about me by Harry Wachtel. I don't know if you know him. He was, whether or not he still is, the King family lawyer.

I still expect to get back to writing as soon as the court load eases.

For a month I'd been casting about trying to figure out what would do the trick with all this stonewalling in the King evidence FOIA suit. I came up with many things. We didn't use them all. I think that perhaps the balance-shifter was a Motion to Compel that included Levi's new Office of Professional Responsibility! Yup, his own personal new broom. (Unlike the flackery, the broom is for whitewash.) They have possession of some of the files I seek and have provided none. We found ways of using as attachments what lets the judge know of Hoover's responsibility for the violence that had King in Memphis to be killed there and that the head of the Office of Professional responsibility is a Memphis-area lawyer who was the clerk of the judge who sat on the case. He is returning there to practise in two years. And he is the house-cleaning investigator on this case?

So, now you know the new concept of "professional responsibility."

I take it you've made your decision and your move. I hope it is what makes you happiest.

Best to all,