

C.A.75-1996: Evidentiary Hearing 9/16/76:Dugan's Dirtiness HW 9/11/76

One way or another these are going to end with the newest of which you told me yesterday afternoon by phone.

I did not have time for more than spontaneous reaction then because of the other memo you wanted me to write and I took into town to mail. Once that was over this did occupy my mind. Including, a rarity, during the night. I am never sleepless. Periodically throughout the night I was.

This has to come to a head and now is that time. If Judge Green accepts Dugan's offer as a substitute for reality, as a substitute still again for the first-person, I refuse to be part of it. What counts is not FBI practise ~~xxxx~~ in general but DJ practise in this case and with me. Nothing else is material. A man can go to church 364 days a year and kill on the 365th. Those 364 days do not mean he was not a murderer.

I want to do this the way I was groping for months ago, the way I have been preparing papers for you in all these months - by direct, personal confrontation under oath and on this case, not their vacuities. I also want to do it in direct confrontation with Dugan as the presiding officer of the non-compliance combina. I do mean I want to do it on and with him. If you get this prior to your conversation with him and if he offers any objection to complying with the production of witnesses and the relevant records I do want you to tell him this and that I will force the issue as to now I have not. I will then want to testify on the issue of compliance or non-compliance in this case and in the course of that go into all their deliberate designs for not complying and tying everyone up in the course of it, particularly judges.

The good-guy stuff does not work except in front of tough judges. Green has been too much the lady and is too timid to punish those in need of it. As a result the Act is frustrated- really nullified, and she and the other judges remain tremendously overworked. Ever day the Act is negated benefits the ~~unofficial~~ government whose intent is suppression. It can't lose on stalling and it won't until a real effort is made to stop it.

I don't think there will be a better case. I don't think there is anyone with my record on which to testify. I don't think there is anyone who can provide the specifics I can. You've been talking about putting me on. Now is the time, whether or not Dugan backs off. I can follow all those finks and in each case I'll give specifics of how they frustrate the word and intent of the Act by manufacture.

Dugan can't go through another day of what you did to Smith. But I can't continue to go through endless days of being stalled, through all the papers I draft for no purpose and still have to prepare - through letting him misuse the law to keep me from doing anything constructive. It has to end. I think he has given us the best setting for the effort we can hope for.

Now I have ~~xxxx~~ a 1969 request for identifiable records. It has not been complied with. I have appealed all refusals by non-compliance within the time set by the law. I am demanding that all other compliance with all other requests be set aside until they have fully complied with ~~xxx~~ my King requests. It will create chaos. However, they have sworn to this practise, they have sworn to how they do not do it, they have sworn to and we have show they have sworn to discrimination against me, these requests or both, and I have and insist on my rights. Throw it into turmoil. Insist that they give precedence ~~ix~~ with full manpower to my requests except that they can process those prior to the last appeal or under court order. After we complete the record.

Remember, for months I've been asking for a chance to percert the record. Under the present circumstances a perfection of perfection is impossible. But we can do enough. And I want to do it with them and me under oath and subject to the penalties of false swearing. There is no other way to stop this endless stonewalling.

You may not be as aware as I am of their objective. It is to keep control until they can issue Shaheen's report. Inevitably it will whitewash. This will nullify much of your recent life if they get away with it. All your fine and great effort in the Ray case will mean nothing.

This I must stop, this in particular and the whole operation in general. If I have to gope for other means, I'll do it. I'm not going to spend the rest of my life with the errant government wasting my every day.

There is no case in which in some degree they have not succeeded. There were two time only that I was able to nail it and end it without delay once it got into court. The third time we prevailed after defeat in court simply because we followed the path I've been wanting to follow here - direct, under-oath confrontation. Gessell saw clearly what the score was and forced the issue for us. Green is not going it. He did not like what I did pro se in 2569-70 but I won in spite of it. And you should remember what I saw when the lawyers did not in 718-70 and prevailed on the spot, with a summary judgement.

(I was aware that I was addressing much too much in 2569. But I was also aware of the chance to make a record of permanent nature and in doing this I could not lose. That record is a permanent, historical record and is entirely unrefuted.)

There is a vast difference between this case and the 1/27 transcript case. In this case there will be great damage to the DJ and the FBI on all levels. These are their highest stakes, also true of 75-226 as it relates to the FBI only. So in this sense the DJ lawyers have more to lose than in any case past or predictable or present. Why else do you think they risk perjury charges? Why else do you think I want to make and press them? Why else do you think I did all the work represented by the affidavits I've supplied you? (And I just can't continue in the position of having the need to do this and of not having it used. The late native is as unacceptable, that you do all this kind of thing. You just can't and we just can't sit back and abdicate and let them pull us around by ringed noses.)

Recognize that for me, more because of my age and condition, this is Stalingrad. So far and no farther. Now I want to attack. I have all the ammunition I need and the willingness. Green has been sitting on some of these cases for years. My efforts on this are seven years long, longer on spectro. I want her to confront, too. If she is timid, if she backs off, I'll be much better off losing this case or letting it meander around for years while I do something else.

You have too sweet and tolerant a disposition. Now you have to turn tiger, as you should have in Memphis when Maile called you a forger. You are going to have to learn this for your future cases. I'm willing to be the one who pays if it turns out to be wrong, as I do not for an instant think it will be. You need experience at this. Use me. It will also give you confidence for getting out of character in the future, as surely you will have to often enough. If you do not the Dugans and Ryans and Werdigs of the world will have you spinning your wheels. Take 2569 as an illustration. When Werdig saw that I fought back with vigor, no matter how wrongly in normal legal practises, he engineered what was victory for me. He came in with it as his proposal. So use me to grow some of your first stripes. You've seen me stand up to the Mailes and back them off. I'm less afraid of Dugan. You may have forgotten some of the record I've been building on this. I'm not in the shape I was in two years ago but if for a minute I thought I was not up to this I'd not propose it. What I'm not up to is the promise of endless futility and this is what we are caught up in by ~~xxxx~~ letting Dugan make the courtroom into a football field.

I want to lead Green with every possible problem and now. This means also using their affidavits as a means of asking for an award of costs now. She has to take a stand. If she does not our futures will be as the past has been on this, we make meaningless

points. I'm not bucking for merit badges.

I do want you to think of the importance of this for you and not only in ending the waste of your time. You will spend the rest of your time facing the Dugans of the legal world. You can't succeed after you've turned the cheek once. You have only two. To illustrate this I return to Memphis and a moment of great agony for me, where I made the wrong decision, to remain silent. My reasons were what I perceived to be your and Hay's interests. I was wrong in my conclusion. I should have spoken out before McRae in that interruption of the malpractice case and clobbered Haynes et al. You did make the record, you did say "this is all new territory" or something like that, and McRae paid no attention at all. Haynes then was Dugan today, a miserably dirty bastard bent upon injustice. The good guy in you and the indoctrination of law school prevailed and so Haynes prevailed in what could have been a turning point in that case.

Practise growling a little and when it comes after all your natural purring it will be very effective.

There do come times when this is essential. They may not be everyday but they are always potentially indispensable. You will find that when you are determined the others will back off. This is what you did in 2052073 and very, very well. This is what you saw me do to Bud and Bob when Bob had that overloaded Magnum. When that had to be done and you didn't do it I did. And they both backed off and stayed as much backed off as they are capable of. If I had not been able to do this, much as I also detest it, going back to when I was younger than you I'd not be here today.

If you were not thrilled by what you did to Smith last Wednesday there is something wrong with you. So you know you can do it and you know you can do it almost entirely ad lib. That also should not have been the first time you learned that what you need I have and that you can pretty much depend on it.

I'll be prepared enough Thursday. It is impossible for Dil to resume, leave alone complete, the tabulation. But I will make a list and I will have some relevant documents, like Justice saying there is no purpose in corresponding about a proper request under FOIA that they ignored until I got a summary judgement by pushing.

We'll be able to turn this whole thing around and perfect the record much- and under the most dramatic of circumstances. We'll also be waging an effective psychological war on Dugan and DJ. I think he is capable of blowing. Whether or not he does we are at the most crucial point in this case and a very crucial one for the law. We must meet the issues with vigor and we must do it right now.

I'll continue with suggestions for questioning the witnesses they should present and I'll make the tabulation, in that order. If they do not present the witnesses and Green lets them get away with it, you present that evidence through me.

Start eating some raw meat so you can become a Tiger in a few days!