

Dear Jim, C.A.75-1996: our course, my new affidavit 10/3/76

I got up at 5. By 5:30 I was working on this affidavit. A little after 12:30 I had the unread draft completed. It is now about twice the length you specified. If I can cut it I will when I read it later today or tomorrow. However, I will want it filed, even though the reality is that you will not be able to read and change it by the next status call, on the 8th. You are overly-committed through the 7th. This is the same situation that has robbed me of most of a year of my work and life and it is going to end now, one way or another. I've said this before but in every case I've relented in defence to your perfectionism. I can no longer. This is endless. I began trying to work out some way of doing this about May and we have not advanced a millimeter since. Except in meaningless sophistries and fine statements without meaning or significance by the judge.

What I have drafted is, under the circumstances, a moderate, modest affidavit. I do lay it on Dugan and on Ryan as part of a pattern and on all those who filed affidavits and testified live. The records I got from ^{her}es leave no possibility of reasonable doubt about perjury and the intent to perjure. I will go into town in the morning and make copies of each for attaching. His case was within Howard's definition a project. He ~~has~~ had the promise of compliance in three months, partial compliance in four and what is represented as the fullest possible compliance nine months, with the offer to search further. One partial search offered promptly was of an estimated 120 hours. They have not come close to this ~~xxx~~ in this case of seven months earlier.

If this does not do it, the hell with ^{Green}. You go through the motions without me. I have other things to do and no time for them. If you are unwilling, then I will take no more time on this case. I will not appear at any other status call, for the same and compelling reasons, to me.

I do not have a single page to show for these interminable status calls and hearings. She is complacent in the face of repeatedly proven perjury. That may be the way of the courts but it is neither my way nor in my interest and I do want to force an issue on it now. If I lose I lose nothing. I am no ~~worse~~ worse off than if I do not try. When she could take open contempt, failure to comply with her order, she'll take anything. This is not the first time. She has compelled nothing and Dugan expects her not to long enough to suit his purposes. I will not agree to remove what I have on him. You can refuse to file it and I won't. Nor will I remove the similar allegations against Ryan. I ~~totally~~ believe for what these bastards have done to me this is my right. More, it is my citizens obligations.

When you file the Ray petition I would like you to prepare a simple motion or two, to give her options. In one you ask for forthwith and total compliance, with the allocation of all manpower necessary to search all files, including of all field offices so that I can be given ~~xeroxes~~ xeroxes in full not later than December 15. I'll add to this. If she refuses it say you are going to the court of appeals and do it, on this issue alone. I don't give a damn if they rule against me. It in no way hurts our case, prospects or anything else. I do not, in fact, expect a rule against me. They have to have all of this coming out of their haircuts. I will prepare a short, simple statement I'd like you to read in explanation of your motion. I am not including all in this affidavit. I may even hold a press conference if she refuses our motion. I've had it dozens of times over.

Once this is done I want to file a damage suit, as fast as possible. There are many reasons for it. Don't worry too much about the complaint and don't take a lot of time on it. I'll want to hold a press conference then. I am determined to take the initiative in these matters and I am determined to delay it no longer. I think I am abundantly armed now and see no reason to let posture accumulate on the ammo. I also want to try to steer the House committee around, not between Scylla and Charybdis. As of now this is an important possibility. I also want to put all publishers on notice about the certain ripoff. If we had not been overly-patient I would not now be in this rotten situation of having a book two-thirds written and no prospect for it and every prospect of these whores stealing and selling it. I also want to do all of this with plenty of lead time for NBC. This means I must do it rapidly.

As I have written Ryan, I'm not taking any more of this DJ Watergating. If Ryan does not tell Pratt that he lied I'm going to. If Pratt does nothing then I'll probably go public on both of them. This is going to end. If it does not it will not because

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because of my unwillingness to make the effort. After two months that Pratt was going to given then still another month's delay in answering interrogatories they refused to answer last year, based on an obvious lie. The month was Pratt's idea. They didn't even have to ask for that much. Ten years after my request? Come on! After the appeals court mandated speed? What an outrage!

We can now look back on almost a half year or my wanting to do things we did not do. I cannot recall one of them that time and event has not proven to be right. So we have for all practical purposes lost all that time and the government has it for its disinformation purposes and all my years of unpaid work on this are now being stolen. This is too much. Life holds few certainties except those we do not like to consider. There is no way of knowing in advance whether ~~from~~ what I want to do is right. I'm willing to risk it and in fact consider it no risk at all. You can lay anything you do not like off on me. After more than seven years of the government spinning my wheels on this any complaint will be entirely unreasonable. If there are consequences, as I do not expect, I'll face them. Dugan had two weeks to rebut my testimony on time. He did not. He cannot say why. It is true. Offbeat as it may seem to you from the stereotyping of law school and case law and the cliches of your profession I believe the time is now and this is one of the best cases in which to make an effort to turn these ~~heads~~ heads around. I'd rather fail than not try.

But there is no more a question of failure in this than in what you do see, no possibility of loss for Jimmy Ray in a petition cert. What the hell can anyone do to us?

Have you ever asked yourself why I've not had time to complete Agent Oswald, as you were talking about it Fridat to Bray? I could have ~~done~~ that and completed the draft of the new King book in the time I've totally wasted in this case. There is no single piece of paper I can attribute ~~it~~ to all the status calls and hearings and the enormous amount of time I put into preparations, whether or not used.

Let me simplify this: I have to stop being part of frustrating myself.

Here you phoned.

The other alternative for Green is doing something about the lies, perjury and contempt. I want to make an issue of all of this, here and now. She can duck it. She can reject it. But I do want it in the record and I will stand behind it. If she wants to pick a fight with me on this issue, in this case, with the record in this case and her tolerance of overt violation of the Act, let her. She has, in reality, ~~become~~ become a government utensil. If she wants to remain in this position and solidify it ~~it~~ on appeal, let her. Her record leaves no doubt she has to be pushed. I'll push with this.

You say she won't read anything longer than several pages. Okay, she doesn't. I'll be her clerk does and after he does she will. It does not take all that long. Let her also worry whether someone else will read it and do and say what she may not like. I am without any doubt that it can and will be of interest to the Congress, meaning some in it. I think she'll be aware of this as well as the appeals court.

You agree with what I wrote before you called about a damage suit. Off the top I want to include, personally, Levi, Tyler, Shea, Shaheen, Pottinger, Thornburgh, Horn, Buckley, Cross, Kelley, Wiseman, Smith, Howard, Kilty, and Dugan. Every one I can identify as having been part of this. They have combined to make it possible for me to be robbed of the natural fruit of more than seven years of hard labor against great odds and have combined to deny me my rights under the Act, for the most part by perjury in addition to tortious acts. There is no sanction or obligation for them to swear falsely, misrepresent, mislead or deceive a court. This is why I have juxtaposed them and Green. Let her decide. I mean force her to.

Hastily,

Dear Jim, follow-up on earlier 1996 letters-

10/3/76

Consistent with applying all the pressure we can I suggest that you move for all overdue responses from the government within 10 days and the formalizing of all informal directives from the judge, like those on rankings. In addition, if she does not grant what I've asked you to ask, move for an immediate decision on our Vaughn motion. She not want to and will probably rule against us. If she does ask for a written decision on it. I want to perfect and build this record. Her record is miserable and I want this to be ~~more~~ clear to the appeals court which will also have before it evidence of intimidation and blackmail. I do want to push these issues.

The Vaughn issue should be simpler than it appears to be. Or it would blacken the government face even more. We had this motion pending and DJ went over all those files. Without making any record of what they went over?

If true let us have that in the record, too, if not for the appeals court for the Congress, which can then scream also about the waste of money. It will be true.

This case will be the most powerful impediment to the nullification of the Act by amendment if we permit it to be.

I've read Jerry Cohen's article. He used to prefer being called Jerry. I called him Jake the Fake. It is a clever propaganda exercise without fact or factual basis. It is, as are all such adventures in sycophancy, based upon false assumption he makes and demands of the reader. The evidence is to his knowledge other than he represents. This raises questions about where he comes from again.

If there are no other complications in his life he is a prime example of what the appointment of Warren did to the so-called intellectuals of the East.

I notice with amusement that he picks no fight with me. You may be interested in why: he had one. It was too much. Here is how it happened.

The night before the taping of The Minority apart for "AstroMedia, in its New York Channel 5 studios, all of us who participated in it were called together to agree on the subjects to be discussed and the format.

Jake the Fake was his normal supercilious, self-important, stuffed-shirt professor self. He pontificated on everything and ran off into a long string of propaganda. I listened to it in silence as long as I could. Then I said very quietly, "You pull that on the air, you try this with me face-to-face, and you'll never forget it." He tut-tutted but the staff, who had seen what I did to those four crudite lawyers Lane's publisher planted on the earlier show that led to this one, laughed.

As he left he was patronizing. I told him again quietly, not abgrily, that I looked forward to the spilling of his guts on camera.

Then I did it when he persisted in this kind of disinformation. It gave the show a helluva time editing it out. I did the same thing to Lane, who was his usual obnoxious self. They tried to stop me but that was impossible. They ~~would~~ could have their show or not, but I wasn't being gulled or silenced. I did get angry. I left Jim Bishop have it with such persistence he spilled a cup of coffee on ~~himself~~ and then wailed about the cost of the jacket he was wearing, like an overdressed doorman's.

What I did to Cohen forced him to leave before the show was taped. Actually. His excuse was that he promised his wife he'd never spend a night away from her and he was not going to break the promise. He left when they were reloading tape, about 3 a.m. We'd started about 9 and had one 10-minute break.

During one of the reloadings the staff came up to me and asked me to stop calling Jerry a liar. I replied, tell him to stop lying instead. No quarter.

Lane also was unhappy. His publisher's influence kept much of him in that should have been edited out. I suspect payola. Anyway, Penn and I took a cab down to Sylvia's for Penn's wife. We woke Sylvia up. Penn's wife had returned to our hotel. We were there, woke her up and the three of us drank and talked and laughed past the dawn. It was a long day. I'd started at Hyattstown about 4 a.m. and gone some then around the clock. But what I told Jake the Fake I'd do to him I did indeed do. Except for that to which he was already obligated he remained silent for years thereafter. Of such is the kingdom. Best,