

Dear Jim, Our tonight's conversation, 1996 and the future 6/23/77

When I argue or disagree I hope you realize this is always impersonal.

Lil was near me using the copying machine so I was inhibited in what I felt I could say.

There is another factor in all of this we did not refer you. You showed no awareness of it is anything you said, which can be different than what may be in your mind.

It really is how much time I have.

Each of us at considerable personal cost seeks to do public good.

From the time we finally got the indexes I needed nothing more for a hot book. The more I receive, the more I have to worry about eliminating, the greater my writing problems. This has always been a problem for me. It shows in what is often called prolixity.

For more than six months I have been aware of a considerably and abruptly reduced physical capacity. No matter if it sleep longer.

I never have foot or leg night-pains. Years ago I did in a foot, as I think is not uncommon.

The night I returned from the trip I had a severe one, toward morning, in my more severely damaged left, the left. Unlike any of the past, which ended immediately, this one lingered for the next day.

Sunday night, really Monday morning, I had a severe one in the same left leg. The severity passed off once it awakened me but I have been limping since. The difficulty remains. I hope it will pass off but as yet, after four days, it has not. I have difficulty believing that after all these years I have only a night cramp that does not go away. I realize that as I grow older the muscles and nerves grow older with me. But there is another possibility and that one we should not eliminate from our decisions on what we do and do not do and what is more important.

I think it would be wiser to believe I am no longer a young man of 62.

This means some of our thinking and planning should consider that I am not permanent. In turn this means what is most important for me to do of the things I can do. In no sense for me personally. It also means is there something I can do that others cannot do? In terms of the Acts and the crimes both. If there is, is this not a priority?

Please think this through, not in terms of what the lawbooks say. No law was ever established by rote. Judges live with their problems and litigants live with the problems of the judges, but compared to some we've had Green, timid a fine lady as she is, is better. This case is monstrous, meaning for counsel exceptionally good. The abuse of the Act and of me is not only unprecedented. It is deliberate and we now have the proof. If my recall and command of fact are not what they were say five years ago they are still not all that bad. I am not only telling you that many of these people have within the meaning of the law done what is illegal, they did it knowingly and I have the proof. Maybe the time will never come when a federal judge will be willing to face this. But there will not likely be a litigant who can make a more solid case. Maybe the time will never come when judges will rebel at the federal abuse of them but I think we'll not have a better shot at it or a better record we can make to add to what we have and take up on appeal if need be.

To Bell all these bastards are ancient regime. Bell-Slater Carter-re-election hopes = blacks. This is a simplification but I urge you not to dismiss it. Bell also has FBI problems, if not Divisional problems.

We raised the question of me being a special case before Green. Before her alone we ticked off several dozen case on which there had been no compliance. There has been none since except on CA1347, which was much earlier available at the Archives because of our pressures. Or, nine months after this testimony before her nothing. No compliance on them.

With this the contemptuous record before her and with what has happened and what we have learned since do you for a minute think she'll want this to go to an appeals court as it now is? Do you think DJ will? If she does do you think a panel such as we had last time, with all of them needlessly abused, will think well of her of the government with such a record?

In my view it is much more important to raise the questions of the recent records before a court of law than before any one sitting of any one Congressional committee. It will be much more important before any Congressional committee in the future if it is a court record, subject to cross-examination by the defendant, who is immune from all abuses because he will not prosecute himself.

Dugan has had his crack at cross-examining me. He blinked. There is nothing with which he can be armed that will change this. He has a hard hat but his ass is soft and he knows that if he pushes me I'll kick it like no opposing lineman ever did.

Moreover, he has a personal weakness in all of this. Each and every item is one over which he has lied to the judge. In his lying he did not say my client tells me. He spoke in his own name. Falsely and knowingly falsely.

Sure it shook Green up when I said to his face that he had deceived her. This never happens. But what was Dugan's response? "What can I say?" He did not question me, he did not ask to question me, he did not even deny it. When he had a full chance at me he pooped out- and lied about that, as direct quotes I have given you prove. He may be a bully in his helmet, a bully with his trappings of authority, but he is yellow when anyone stands up to him, as I can do and will do if I am prone.

What decided me to go to New York and the ABC show is a persuasive argument, it was past time to establish that there is a middle position in all of this. You were also correct in saying the time to try to stake it out has come. We represent that middle position on King, thanks to the Lanes and the Fauntroys and the House assassins committee. On this you also have a greater and more detailed knowledge than on JFK. Or anything else that can now get before any court. Between us we can take on all the FBI agents at once.

Remember that last year I got into the record case after case of compliance with requests old than mine and with some of the same time frame. Nine months have passed. Let them show any compliance, I think this is meaningful. What we now have with this is proof of what was denied to Green, that I am a special case for discrimination. It is now not only our case that was without dispute when it could have been disputed. Dugan did not dare try to cross-examine me on this. We have it on the highest level, with Hoover's handwritten approval. It is not only that it had to be above DeLoach, something I forgot to tell you.

Sure the norm is that lawyers draft orders and judges sign them. Well, there are other norms that do not apply to me. Like people have veins in their legs. So you will have nothing personal to lose and you certainly will have no complaint with me if you do what I suggested, without telling Green what you will not have to tell you -look, you made this mess. My client has rights and a limited time to use them. Take your own way and straighten it out and hold a hearing to determine if there has been any combination to deny my client his rights by those who have ample motive. In the last I can testify as long as you can question me and Dugan with help can cross-examine.

Tell her bluntly there is a law, that you have received no fee from me and that I can pay none, that failure to do anything for so long has brought the present situation to pass, and that any order she is willing to consider and enter that I will agree to you will agree to but at the rate of the past year and a half neither she nor I will be around to see the end of this. But after about 20,000 pages we still do not know why what is being withheld and do know that what is public domain is being withheld and that to get what I have had to pay what I did not ask for while after eight years and all that has transpired before me I still await what I asked for eight years ago and more recently. Tell her that this is a dodge to buy time because I have unique knowledge and am not permanent, that after all this time I have yet to get a single letter in response to all the specific complaints of

non-compliance and that after all these pages I've had to waste time reading I still have exactly the same non-compliance. That I can't even get a copy of the original record generated by the analysts that is essential in my checking what is given me and appealing what is denied. Tell her, and this will tell her she'll have a bad face before any appeals court, that those withholdings of which we first complained to her with specifics remain withheld after all this time. That those I have charges with false swearing have neither denied it nor provided what they withheld when they swore to full compliance. If you put this on her what can she do when she is aware of our not fearing going up?

If you lay it on her and then both you limit her choices to her and them. Do you think she'll then shatter them?

Then tell her that this is a case made complicated by those who are in effect on trial, made complicated because there was no compulsion of compliance after proof of knowing non-compliance in the record without dispute. That however it became this complicated it is beyond your capacity to estimate what she will agree to in a draft of an order with so many records involved, eight years of denial and limit to my time but that we are willing to work this out, that I will accept any reasonable solution that does not require me to read all the crap the FBI compiled to be able to boast of meaningless statistics, but that after all this time, whatever she does, you think and I say that I am entitled to the protection of my rights but the courts and that there should be punishment for those who have denied them by one ruse or another and as of this day, after all this time, continue to. Continue to bow to the ghost of the departed founding father who forbade compliance with the law that could expose him.

We can't lose. We can move ahead and save much time for both of us. They can't now not give me the files of which I know. They can't dare to try.

As long as you are not contemptuous there is nothing she can do.

If I lose what can I lose?

We are in a no lose situation if you can forget the cliches, not the law, for I'm sure there is no law that requires you to draft an order for a judge. And if you will be tough and say my client and I have been imposed upon too long.

All the alternatives are much more of a problem to her. Do you know what she has to go through if she has to provide over a Vaughn business on more than 200,000 documents? Let her face this or an appeal.

There is something else you have been ignoring. What will ell's position be if his lawyers argue to a court that all his statements of policy are what esa finally got Harry Truman to call natural fertilizer? Hartingh telling you about what the Department's lawyers say. Who are they? Those from the DAG's office I'd just love to tangle with? You push and ell may clean house.

But there is no way they can touch us, hurt us. What can is a fear of losing. We now can't lose. We have already won, if we do not get another piece of paper. And I have it all organized this way, quite aside from the extra copies I've been making for you to arrange in your own way.

Basic in your understand has to be this: time works for them, not us.

And that we can't lose unless we do it to ourselves.

I can lose much if we continue at this same pace and with the same kinds of withholdings. This would not be a personal loss.

This gets me full scale, back to the beginning. Please recognize that I am not what I was in 1969, not what I was in April 1975 or that December - and we are not in 1977. I am the plaintiff. I have rights under the law. It is the judge's obligation to assure them. She has not. If she is not going to do not have time and no longer have the physical capacity to dance these ritualized minuets. Or the disposition. Best,