

Mr. Seth Kantor
5115 Wessling Lane
Bethesda, Md.

7/10/86

Dear Mr. Kantor,

Shortly after he spoke to you Henry Hurt wrote me that he made only the most general reference to what I'd asked him about and he told me what I'd assumed, that you are interested in FOIA matters. Were it not that on days when I'm good I spend five hours plus a little travel time in doing what my doctors tell me to do, and never less than three hours at it, I'd have written you sooner with specifics that, in my reporting days, which may have been before you were born or not long thereafter, would have been news as well as FOIS precedent that is entirely unreported.

Because of circulatory impairments it has not been safe for me to drive to D.C. since 1977 and I haven't. Complications following successful arterial surgery of 1980 limited me even more and I'm still struggling with still another venous thrombosis visited upon me this past January by a urologist who has not yet learned that good plumbing may not be good medicine. If you read Meg Greenfield's "Wednesday" piece or its oped reprint in the Post, please believe me, it is quite understated and if you, as I hope you don't, face surgery speak to me first so you can look out for yourself as only too often hospitals don't. As an NIH panel reported in March, for those over 40 there is a one in four chance of venous thrombosis, for which there is standard preventives that the hospitals can be quite careless about. Three of them with me, two teaching hospitals in D.C.

Before this arterial surgery Jim Lesar filed two suits, since combined, for me for the Dallas and New Orleans filed office JFK records. To this day the original searches have never been made, and the record on this is beyond contradiction. After four or five years of stonewalling the FBI demanded and Judge (pardon the expression) John Lewis Smith ignored everything we presented and granted it. I had invoked a number of unrefuted basic oppositions to the motion and he also ignored all of them. Several precedents were involved, and I do not now take your time for them. In the course of all of this dishonesty they also demanded and got a judgement against Jim and only then, when I'd been after him for a year to do it, he spoke to the Nader law group for them to represent him. They sent him to Mark Lynch, then of the ACKU, who agreed to represent me. It was then that I learned, as Jim also made quite specific, that all the lawyers are now terrified of the "organized courts. (To this day I've never met Lynch, who seems to be a rather nice guy.) With some difficulty I got a compromise from Lynch, to include as a footnote what I wanted him to hammer, that the DJ had knowingly fabricated the most prejudicial lies, to get both Jim and me and to come close to demanding that his license be lifted. They alleged a never clearly defined misconduct to me and stated twice that Smith had "closely observed" this throughout the litigation- when I was not before him once in it and when it was quite impossible because of my health and its limitations. I was allegedly influencing Jim under Smith's eye to do what a lawyer knows he's not supposed to do. The appeals court cared so little its decision says this is a suit for King assassination information.

After the case was on appeal the same FBI SA FOIA supervisor who swore to much he knew was false to get this claimed discovery then disclosed to Mark Allen irrefutable proof that he'd lied. Even after I called this to official attention when I became pro se (Lynch had agreed to handle that appeal only and I filed an en banc petition with this "new evidence" under Rule 60(b), there being a conflict of interest for Jim), the false swearing that is the sole basis for the judgement against me was never withdrawn. On remand Smith dismissed the judgement against Jim, modified the judgement against me, and I filed a number of documented pleadings with the unrefuted "new evidence" attached and he ignored all of it. I alleged perjury, fraud and misrepresentation, proved it all beyond any question, and to this day there isn't even

pro forma denial. Under Rule 60(b) I can go back with "new evidence" under clearly defined conditions and without even pro forma addressing of it by the DJ and FBI, I meet the standards of the last three of its six clauses. Smith ignored this, too. What is not exceptional because he also ignored my claim that I'd been victimized by fraud and instead said only that undenied fraud did not victimize him (when it was the only official representation before him) and ~~beside~~, the undenied perjury, which he also didn't bother to deny, was merely "cumulative."

The only attention to this litigation of which I am aware was by The Reporters Committee. It carried an article that came right and exclusively from the government lawyer and it didn't even indicate what is proven and undenied in the case record.

Until this January's surgery I sent copies of everything to a number of reporters who almost without exception were not responsive. Two ~~with~~ major papers's men, one by phone and well known to me and the other in a letter, said they saw no news in any of this. It thus appears that to a fair representation of all the major media undenied official felonies are no longer news. And, as I'm sure you'll see, if I made even the slightest error they'd have me on charges. But they don't dare have any proceeding on these charges so, as after threatening contempt, which I then dared, they switched to a money judgement, they don't dare come after me for what I've proved and they instead depend on the corrupt judges, who I suspect fear them, and a press that only too often protects its sources, if not more or worse.

The extent to which this was ignored when by normal standards there was news value, includes no reference to some of the new evidence, that the FBI actually prepared dossiers on the members of the Warren Commission and twice did this on its staff, prepared "sex dossiers" on the critics, and instead of investigating the crimes, ^{the FBI} just, and while the quote is from memory it is accurate, just stood around with its pockets open waiting for evidence to fall in. The words are Alex Rosen's. Dossiers on such eminences isn't news? Or what purposes were intended by them? Or they could serve?

The remaining precedent, now that sanctions against counsel have been dismissed, means the de facto end of FOIA when this is all over and if it isn't reversed. It means that despite the language of the act, that the burden of proof is on the agency, it is shifted to the requester; and it also means that in this as well as in other civil litigation there is a legal basis for demanding unlimited discovery, regardless of law and rules. The cost and danger is too much to be risked.

To underscore this, I add only one of the many details that might be of interest to you: in two cases, JFK and King, by request, I voluntarily provided so much information and documentation that my copies jam two full file cabinets. Can you believe that even if justified any discovery was needed? It was, of course, ignored. However, more than two years ago OIP found, exactly where I said it would be found, one of the items at issue, recordings of the Dallas police broadcasts, allegedly the original dictabelt. (I think it is not the original, that the Ramsey panel thus was had by the FBI and that is why it remains withheld still.) Phillips had sworn that the FBI never had any of these recordings and he hasn't altered that attestation. Not unusual for Phillips because he also swore that the entirely blank Hasty search slip is genuine and accurate! After all these flaps, the results of which I have!

Aside from protecting myself, I think that some decent attention to this can do much good and will protect the act. If you think perhaps so, I am in walking therapy at a nearby mall every weekday for at least three hours and usually am home by 10:30 and except for such things as medical appointments and my wife's shopping stay home. I can't do much anyway. I'm usually lying down with my legs elevated for an hour beginning about 1:30 and for at least a half hour beginning 4:30. If you'd like to come up, it isn't much more than a half hour from Rockville and I'm less than 10 minutes from the Holiday Inn and police barracks in Frederick, which you may remember if you've driven to Camp David, Harrisburg, etc. Best wishes, Harold Weisberg

Harold