

2/8/75

Dear Tom,

As soon as I could after the FBI amendments were enacted I started exhausting administrative remedies in an expanded duplication of C.S.2301-70, my suit for the spectrographic analyses.

Predictably, Justice stonewalled.

Jim Lesar is preparing a Complaint to be filed the day the amendments become effective because we do not expect the information to be supplied.

We both believe this is the strongest test case and are anxious not to let the Department contrive one more to its liking.

Whether or not the government repeats itself and undertakes to deceive the court again, I am taking the initiative as I did in C.A. 2502-73, for that transcript, and have made the most direct challenges on fact in the draft of an affidavit sent Jim today for his consideration as an attachment to the Complaint.

In part my purpose is to address the new affidavit provision with the strongest possible means.

If the Department undertakes to challenge my affidavit under oath we will have the situation of 2502-73 again and there will be the question of perjury on which the Department in that case retreated. But in this case I'll be filing the challenge prior to any filing by the Department and the perjury possibility will be apparent from the filing of the Complaint. We'll see if they'll accept this challenge. If they do they will in effect be accusing me of perjury and I'll ask for a judicial determination.

In this affidavit I do address all the relevant evidence and I think destroy it.

I do want the judge to know the surrounding facts and I have all my claims overwhelmingly proven. What Jim decides need not be attached I do have in hand.

In turn this means that this time I will be making a direct confrontation on fact on the most basic evidence of the assassination.

I think you should be aware of this and of the utter impossibility of refuting any of my allegations. And what it can mean.

I also believe that all interests are served by this.

I am aware that for whatever reason there are those who would prefer someone else to file this suit. There are many reasons for my total disagreement, at least some of which Jim shares. I think some are fairly obvious. One in addition is that nobody has done the work I have done, partly represented by this affidavit. And I know of nobody who will be in the position I also was in in 2502-73, when instantly I could <sup>give</sup> Jim the kinds of affidavits I did and accompany it with that kind of proofs.

If you would like to know the contents of this affidavit, Jim or I will give you a copy. He will be able to do it easier. His phone is 484-6023.

I have not attached some of the evidence deliberately. This includes a partial reading of the neutron-activation results by Hoover. Translated from his semantics it says the whole story is a fake.

In all of this I <sup>am</sup> ~~am~~ jeopardizing a completed book. I feel I now have no real choice, much as I feel all of the contents of that book should be available and much protection as I believe is in it.

Sincerely,

Harold Weisberg