

12/19/76

Dear Jim - re attached 1996 affidavit draft.

After we spoke yesterday I completed a draft to which I added about 3 grafs this morning when I read and corrected it. Lil will pick the changes up on the carbon, which I will mail you so you can go over and return it. If the Morion or whatever else you will file will be short, write it out in longhand and Lil will type that also.

Dugan and the FBI have to be pretty uptight to pull something as shady as his Response and Smith's affidavit.

However, it gives us a wide-open door, particularly in citation of the 9/16-17/76 testimony and my testimony. I believe this permits me with complete propriety to address what they persist in ignoring, that there still is no compliance with the 4/15/75 request; and to ascribe motive for stalling and withholding, the records Wiseman swore to having searched prove his perjury was not accidental.

This gets perjury before the unwilling Green again and in a form more easily read on appeal than in the transcripts.

I continue to believe that this provides the only hope of denting the stonewall; that it can be valuable when amendments are again attempted, as Shea has already; that it may help others avoid crossing the line in this and other cases; and that in time it will have other importances.

As you will see I think I have made a case of deliberate misrepresentation by Dugan and of false swearing by Smith in this newest affidavit Dugan filed.

Please try to restrict yourself to the minimum in changes to save your time and to enable us to get it filed as rapidly as possible.

And, of course, to give them more to contend with.

Either ^{Lenehan} ~~Smith~~ was lied to or he lied to me because those "personal" records of Jimmy's that I have now gone over do not include a single one of these I told the FBI are missing in the sequential delivery from the 44-38861 file.

I will write him a polite letter to this effect. I handed him a list of those missing, or those of which I had a record other than I gave you, in a letter to Kelley when I saw him Friday. From that he will know that I know.

I will get to Vols 9 and 10 later today. I began to read 9 Friday.

After we spoke I spent some time monitoring two all-news stations. "either then last night or early this morning nor in the Post did I see anything about what May heard earlier on the radio about the new committee.

I think seeing the transcript of the public part of its session is important. I think expelling even the reporter from the executive session is exceptional. I have never heard of that. Sprague seems to have learned the lesson of the Warren Commission's executive sessions and about devils loving scripture.

Ordinarily I would think this would not sit well with the House leadership, less with the Dick Tracy plans. However, in this case I think that those who do not want a real investigation are wise to sit back and await the more all indications are they will have soon enough.

Whom the antigods would destroy....

Best,