

Mr. David Wright
National Enquirer
600 South East Coast Ave.,
Lantana, Fla. 33462

3/6/85

Dear David,

Gary Mack's mention of getting clippings from you and of Barger's backing out remind me: DJ has located a dictabelt of the police broadcasts described as the original, with related records. It has been months and I've not gotten any copies or a dub. When there was no response after my reminders, there being no justification for delays after these were located, I wrote and told the appeals director that if I do not have this stuff in my hands by April 8, selected arbitrarily because it is my birthday, I'll sue them and him personally for failing to perform the official function assigned to him. While I am inclined to believe that he'd probably prefer not to be joined in the suit, the FBI does love to tie me up on court so they may force this to court again. We'll know in a month.

With regard to this dictabelt, a single one, I am inclined to believe that it is not the original. If analysis of the tape could establish this when I receive it, there might be a good story, that the FBI deliberately deceived and misled the Ramsay panel of the National Academy.

I remember reading but cannot locate an FBI Dallas record of the time of HSCA in which the means of dubbing originally was explained. No direct patch was possible and the originals were played aloud and taped through a microphone. This procedure made cross-talk possible, if not probable.

The FBI has and lies about tapes it made at the time of the original investigation. For some reason it persists in risking, however slight the risk, lying under oath in court to continue to withhold the original tapes. (They may well be of much better quality.)

There is an interesting situation in the litigation in which both these tapes and the lying are quite material. I'll not take time for a full explanation, but an FBI SA lied regularly about the tapes in the litigation when it was before the district court. He switched to a new lie each time I proved his attestation was false. With a rubber-stamp judge the DJ and FBI engaged in a series of rather dirty tricks by means of which they not only prevailed but established several very repressive precedents. I saw what they were up to early on, tried for about a year to get Jim Lesar to involve the public-interest law groups and only when there was no alternative did he. The Nader law group then represented him and the ACLU represented me. By then that fink judge had actually ordered sanctions against both Jim and me. On appeal the briefs for us were legally competent but sterile, defensive and academic, totally lacking in the essential political context. With a Reaganite/activist majority on the appeals court panel we lost. It was a terrible decision, with, among other things, very gross and basic factual errors. When I heard nothing from my ACLU lawyer I wrote and thanked him for his effort and told him that because he had agreed to represent me on appeal only I released him from all obligations and would file an en banc petition pro se. (Of course this is part of the appeal, but I'd had enough of that kind of law.) While I had to rush and was (supposedly) limited to 15 pages of 10-point typing, 6 1/2" ~~high~~ ~~wide~~ and 9" high) I filed not only a petition but two additions, both violating the court's rules and the second one after time has expired. Each of these three filings was off the top of the head, each a retyped draft, but what is incredible, if you know how these things work normally, and the ~~2222~~ Reaganizing of that court ended normality, it appears that I am getting en banc reconsideration! There is only silence from the court after more than twice its normal rejection time. However, when I spotted a conflict with another JFK case, and conflict in its decisions

is basis for en banc reconsideration, the DJ filed for a rehearing in the other case and was promptly turned down. They had actually expected to win, they told Jim. What I filed was tough but not impolite, minded no words and used words the courts abhor, like "lie" for lie and rather thoroughly e,barraased the panel which sat on my appeal.

Jim thinks that a) because I wa my owb lawyer and am not a lawyer and b) because of the ~~majority~~ severity of my allegations the full court is having staff counsel review the case record.

While I do not see this man biting dog as an Enquirer story, you and perhaps Bill Dick, if he is still there, may be interested in my minimum objective is this assault on enormous odds. It was to fuel the dispute between the traditionalist judges and the political activists, with a fuel not as easily slaked as in other cases in which the activist majority prevailed. I exposed the ~~gross~~ ^{gross} errors and determined pursuit of preconceptions and bias by the panel and stated explicitly that it had accepted and acted favorably on deliberate lies even after being informed without rebutation that these were deliberate lies.

These political judges have thick skins but I'm inclined to hope that I punctured them. If in the end I prevail there will be a remand and that is a second road to these police tapes. And, of course, it will be quite something, a real accomplishment, for an aging and ill old man who is not a lawyer to prevail before an obviously biased court when it is rare that an en banc rehearing is granted and rarer still when it succeeds. And with specified FBI and DJ lying basic.

Meanwhile, as you may have noticed in the Jack Anderson column of 3/1, I also found it both expedient and possible to dump a heavy factual load on the appeals court, in the form of relevant FBI records that had been withheld from me and sworn not to exist. I'll enclose a copy if you didn't see it. Maybe some followups could make a story.

Best to you all,