The Progressive
409 E. Main St.,
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Dear Erwin Knoll,

Over the years the FBI and DJ have sought to rewrite FOIA through legal decisions, with me in particularly because the field in which I work is unpopular and because theyIve made me unpopular with the judges through interminable lies. Strange circumstances, most recently the ACLU's timidity, have me pro se in a case that is precedent, I think, in collecting damages from a FOIA requester through the dodge of "discovery." I say that I think this because as of the time they moved for discovery they'd never done that before.

The district court judge, John Lewis Smith, has a long history of doing their bidding in FOIA cases and I'm up on appeal, with my brief due 11/15. I'm not able to stand at our primitive copier and my wife, who is only recently out of a wheelchair, having retyped the brief, is doing the xeroxing. Wiht at least 20 copies at least 225 pages long, in all, including appendix, the collating job will take some time. I can't afford to send copies unless they are wanted on $368 Social Security so for the first time this time, there having been no interest, I'm not. However, when we have all the xeroxing done and I can get access to a copy of the brief I'm going to copy a few short portions on the change they'll interest you. Or that you may know someone who could be interested.

The FOIA request was for the JFK assassination records of the FBI's Dallas and New Orleans field offices. Honest disclosure is certain to be embarrassing and to disclose enormous withhoodings from all the official investigations. I begin the brief with an example of wretched and sensational, by traditional news standards, FBI secfets. So, they did their usual stonewalling and then attested that they needed discovery from me to prove that they had complied, knowing very well that they'd never intended to, or if they hadn't they required my unique subject-matter knowledge. I opposed it for a number of reasons, all under oath and myself subject to perjury charges, and all were ignored. One of the reasons is that I'd provided, by request, two full file drawers of information and documentation in the JFK and King assassinations, of which at least two full drawers are pertinent in this litigation and thus, before the name was changed to "discovery," I'd already complied. Made no difference, Smith awarded them legal fees and when I defied them they got from him a duplicating judgement against my lawyer. This created a conflict of interest, the Nader law group represented him on appeal and Mark Lynch of the ACL represented me. While this case was on appeal the same SA who'd attested to the nonexistence of info I said they had and to the need for discovery supervised the disclosure to a friend of mine FBI records porving, beyond question, that, as I charged, the got the discovery order, the judgement based on it. both by perjury, fraud and misrepresentation. (More of them than this skunk, John N. Phillips, involved.) On remand the judgement against the lawyer was abandoned and after saying he would, the ACLU lawyer did not take the new evidence road. I've done that. As usual, Smith found automatically for the FBI and DJ. That took some doing, even for him, because these proven felonies are entirely undenied. Not even a pro forma peep of denial. Can't be, that solid.

I can't get to a law library so I was limited to about a half-dozen of the cases Smith cited on his own because the government did no briefing. They not have dared do what he did knowing that I'd go up on appeal. They claimed merely, and falsely, that the time had run.

I've gone over these few decisions of those he cited and his Memorandum and I caught him taking liberties with the case law, within quotes, too, and lying, literally. Some of t is will be indicated in what I'll enclose. He said that he'd made several reviews of the case record, one "exhaustive" in deference to my pro se status. That

man of compassion, after "exhaustive" review, wound up not knowing who I sued or what for and misstated both repeated in his Memorandum. Says it is for King assassination records of the New Haven office, both untrue. He had other factual errors just cribbed from only one possible source, one of the DJ Portia's improvisations. He also states in his Memorandum that he held an "extensive" hearing. Actually, he refused me an evidentiary hearing and when I attested that because the FBI and I had sworn in direct contradiction to what is material one of us is guilty of crimes and I wanted asked for a trail. He turned that down, too. So, he not only held no hearing but refused it, he also proved himself a liar by referring to that proceeding in his Order of the judgement as "oral arguments." That is what it was, but without argument. And the compassion he demonstrated was so great he wouldn't let me read what I'd prepared, as I said, not to forget, not to ramble, and because of my handicap. So, I had to sit in a wheelchair and try to ad lib.

As they count pages officially, the brief is just under 70 but actually a little over 75 because some are not counted. I'm not a lawyer, I'm not able to work and think continuously, so there will probably be some problems with the brief. But I'm satisfied that the content is there. I'm not at all sure it will be read. By way of illustration, the panel on first appeal, which included that great legal scholar Scalia, said I sued for King assassination records in their opinion. So, I began with what I hope may interest a young clerk who then may read on, one of the new evidence documents with some secrets and some scandals in it. Actually, if Don Edwards would get interested, a case of perjury before his subcommittee. (I've written him in the past without response.) Then I review pertinent parts of the case and then, ahem! the law. Some of the exhibits have selections of the new evidence attached.

Digression: I don't use all of what I have but there is a classic case of how ~~the FBI controls what can be known and believed through reporters and papers who whore~~ for them, then Sid Epstein of the old W$ Star. Made a sensation and it began when LBJ sent Abe Fortas to talk Hoover into doing a book on the JFK assassination!!! The stunt through Epstein, tracked by the minute at FBIHQ, made page-one all over.

I also used as part of the argument section a portion of something I'd filed before Smith in which I read him a lecture on American tradition and what some of our great, from Hamilton's #25 in the Federalist Papers to several Justices had said.

There were several reasons, aside from my liking it and of these one is that if I can do nothing else I will serve history because in theory court records are permament and because my copies will be a permanent public archive.

As you can see from the typing, this is not one of my better days. I hope it is clear enough. If you or anyone else want more and phone, I'm at daily walking therapy from which I'm usually home by 10:30 a.m. Except for shopping and medical appointments I usually stay home.

Best wishes,

Harold Weisberg