Mr. Quin Shea
5250 Wild Flower Terrace
Columbia, Md. 21044

1/10/86

Dear Quin,

For some months I've been intending to write you and enclose a few indications of the public uses I've been making of the records disclosed to me, of which I made copies that now are lost somewhere in the seuveral staccks of accumulation in my office. Then there was a development in the JFK Dallas and New Orleans caes I thpught would interest you. But in my laterted life I just didn't get around to it. It is not only that I am able to do less, and with the passing of time even less. I've also been enjoying a few things that the intensity of my work had precluded for many,many years. I got hooked on reading for enjoyment when I found myself with resting periods during my daily walking therapy at a nearby mall. Then I found the Orioles and the Redskins and enjoy their games, never missing one, which is easy because we never go anywhere. It for years has been unwise for me to drive more than 20 minutes at a time. I do try to plan what I will do, particularly the little work that is now possible. Today's schedule called for, with milder weather, sawing up an accumulation of lop wood I'd already stacked at the house. Here I can use my electric hain saw, which stops the minute the finger is off the trigger. (I'm under a strick prohibition against any cutting or bruising and a simple accident that would be insignificant ordinarily can result in my death.) Just as I'd finished thending the fire - I still heat us with wood and thus have a heating cost ranging from nothing to a few hundred dollars - and was about to get to it when a neighbor decided to do her shopping today instead of tomorrow and thus my wife is away and thus I can't really take any chances of being lone if there is even a slight accident.

I was reminded of my intentions when I got a card from a college student whose studies included my work. I made a copy and I kept it on top of one of the three stacks on my desk as a reminder. If I don't locate the others, I'll put this in the envelope so I won't forget it. My books are both texts and outside reading and my first book is a text in a criminalistics course.

If you've seen notices of Garrow's new book, on the King wiretaps, I put him onto that backdoor approach with the field offices inventories I finally got in the case (still!) before June Green. I've just remembered where I put the copies of an endorsement on a copy of a doctoral thesis and a page from it and a letter. This college instructor now has his degree and is an assistant professor at La Salle. It indicates, I hope, that despite everything I've been living up to my end of the responsibilities imposed by FOIA. I also do fairly much of this by phone, which reminds me of something that may interest a history buff and I remember where that is and enclose it also. This article was syndicated and did appear in major papers coast-to-coast, sometimes, as in the NYTimes, rewritten.

In the field offices cage I had the inceurt problems I think you'll remember, only they were magnified by J dge John Lewis Smith's pro-government record and the Reagan administration's policies. You may or may not remember, but you told me that Dallas had been so arrogant it didn't even make a search (and to this day hasn't) but t at New Orleans at least made a pretense of searching. I finally got those N.O. search slips. They are a carelessly recopied search in response to an entirely different request - of about a year before my request. So, actually, no searches were ever made. At one point a couple of years ago, Smith told the lawyers to get together, right then, and see if they could reach a compromise. They were up to the Vaughn indexing point. Jim phoned me and I told him (again) that I'd move to dismiss subject to the preservation of the rights of others to seek what had not bee searched for me and that I'd waive the Vaughn for all those records. The DJ and EBI people rejected this out of hand and when they went back before Smith told him that they want to do a Vaughn. You should

seek their time estimates to fully appreciate the amount of time and money they were determined to invest entirely without any need or legitimate purpose! Jim told me that even Smith was shocked. But it didn't last long. Your side then demanded discovery, and not just plain discovery - "each and every" document and reason for believing that pertinent records exist and were not provided. I refused for a number of very legitimate reasons, according to the Rules, plus the fact that I had already provided all the documentation and information I could think of. Without holding a hearing of any kind or trying to resolve the sharp conflicts Smith ruled for them. As soon as they filed for discovery Jim wanted me to make some pro forma compliance but I refused, again for a number of reasons. One is that I'd be swearing to what I knew would not be true under that "each and every" phrasing. LaHaie began by phoning Jim and threatening to ask for a contempt citation ~~from~~ and I told Jim to tell him I dared him. Obviously, even before a Smith he and they didn't dare. So they asked for a cash judgement and again I just refused to pay it. Then, still carried away because of their reading on Smith and his record, they asked that the judgement be amended to include Jim- who had tried his best to ~~kept~~ me to file something, even coming up to lean on me -and Smith rubber-stamped that. Long before it got to that point I'd been trying to persuade Jim to interest some of the public groups, and I mentioned Nader's and the ACLU and he put it off for a year - until the judgement was duplicated against him. Yup, the same claimed costs (of which there is no record, none having been kept) against us both, or twice the claimed and unjustifiable costs. Then he went to Cornish Hitchcock because of the precedent and Hitchcock sent him to Mark Lynvh, for Lynch to represent me, both on appeal only. On remand Smith dismissed the judgement against Jim and amended the judgement against me, to which they'd tried, without success, to add on another $5,000.

The DJ appeal included. to attempt to justify ~~dan~~sanctions against Jim, the complete fabrication that my ~~xxxx~~ allegedly sinister miscpnduct and influence over him in doing never really defined evil things was "closely observed by the court throughout the five years of this litigation." As you well know, I not only wasn't there but being there was a physical impossibility. Moreover, the record shows I was not there and, in addition, nothing at all happened before Smith for the first four years because the FBI asked for and was granted time. What I wanted to do about this deliberate lying to the appeals court was make a major point of it but by that time all the lawyers were terrified. After some arguing Lynch made passing mention in a footnote. The appeals court accepted this wrongful official conduct, ignored it, and knew so little about what was before it (Scalia dominated and wrote the decision) it actually said it was a lawsuit for King assassination records,

Seeking the judgement against Jim caused a conflict of interest, Lynch had agreed to represent me on appeal only and with my permission filed for recusal, which Smith hasn't yet acted on, and thus I was left pro se.

The two basic reasons advanced and it happens were sworn to by SA John N. Phillips to establish need for discovery were a) that it would enable the FBI to prove that it had complied and b), in the alternative, my subject-matter knowledge was required for the FBI to ~~xx~~ be able to locate any such records. I disproved both, under oath and ~~with~~without refutattion but, naturally, Smith ignored all that.

For you to better appreciate what then happened, a little background. You may not remember it, but I also filed a request for copies of all records disclosed to the House assassins committee. And at a certain point you said that there wasn't much you could do as a practical matter and what was the most important single thing then. I said that historically probably what the FBI had done about and to the critics and youn included that in ~~the~~ letter Shenefield signed. Phillips swore that there were no such records! And Smith rubberstamped that, too.

So, the case is on appeal. It also happens that a young friend had filed a

similar request for what the FBI gave the House assassins. That case is before a judge who refused to accept the standard FBI crap and orders compliance to begin. It finally does, when I'm on appeal, and my friend starts gibing me copies of some of what he gets. So far I've about two file drawers of such copies, much less than he's gotten, and all consisting of FBI ticklers. Which Phillips swore repeatedly in my case the FBI "routinely" always destroys after a matter of days. They are more than two decades old and still exist. They are overwhelming proof of fraud, misrepresentation and perjury - and were disclosed by, of all people, Phillips! These records leave it beyond question that the FBI and Phillips personally knew they had not complied in my case and thus no discovery from me would have established that they had, and that no discovery from me was needed in any event.

On critics, one of the records discloses that the FBI prepared "sex dossiers" on us - without retrievable records, of course. It twice prepared dossiers on the Warren Commission's staff, at the outset and as soon as the Report was out, and even prepared dossiers on the Members, Chief Justice, senators, Congressmen and even the former CIA director! Much other raunchy stuff in it. And my selection is now in the case record.

I used Rule 60(b) to ask that the judgement be vacated and used this new evidence only. Their Opposition, like the other papers, combines knowing falsehood with total irrelevancy, makes no effort to disprove anything, and when I alleged fraud, perjury and misrepresentation, there to this day isn't even pro forma denial or even a mild protest. Smith continues to rule for them until I file for reconsideration. Then he astounds Jim and Lynch by actually granting a hearing. I had only three or four days, but I arranged for transportation and I'm there. I've also phoned and he was actually very nice about my limitations. Because I can walk only about a city block at a time he arranges for the parking space closest to the Third St. door to be reserved, I'm waived through the security, and he told his secretary to tell me that it is OK to use the wheelcahir instead of standing and if hee can't hear he'll have a mike given to me.

Because I didn't want to ramble or forget I wrote out what I wanted to say, with extra copies, and after thanking him I tell him what I've done and why and that it took me only 12 minutes to read it. He says that just speaking it will be more effective, and I tell him that I am afraid I'll both ramble and forget and he surprised me by saying he'll accept the prepared statement for the record and will read it, just goi ahead and say what I wanted to say. So I ad libbed about 10 minutes or so. The DJ lawyer, Renee Wphlenhaus, says very little, addresses nothing I've said, and then lies all over again about the provisions of Rule 60(b), that it is limited to a year and that the time has run. But three of the six provisions are for the stated purpose of tolling that year and, because they've sought an increase in the judgement, which he did amend, it isn't a year since he issued his judgement. I filed promptly, I'm sure not much more than a week after issuance. But she was so undeterred, so certain he'll rule for them regardless, she in effect slapped his face by getting up and saying that they'd file to increase the judgement for the costs of that proceeeding and what led up to it. He was rather curt in telling her that was premature.

That was a month and 10 days ago and, unlike Smith as I've known him in the past, shooting quick-draw from the hip, no word from him.

Those craziers who work for your employer didn't stop to think that I could, after what they'd done, limit what is before the court to the very narrow quustion of their alleged and entirely undenied criminal misconduct to procure the judgement. There isn't even a pro forma denial by them in the record for them to use on appeal. And I'm pretty sure by now they know that I'll not get too old or too infirm to go on with this. In any event, I did tell Wohlenhaus that privately as soon as she said they'd be coming for more months of my Social Security check, which is what they are up to.

They have only a record of deliberate lies, new misrepresentations and failure to address anything or any of the documentation and there seems to be no way they could refute the evidence they disclosed to another while this case was on appeal. Instead of trying to ease out with some grace once I dumped all of this stuff on them, they merely got more determined to hurt me and insisted on the same position, only with new lies, even about the provisions of the Rules. And I'm the nonlawyer giving them the Rules - in the filings from the moment of his amended judgement.

Lil has just returned so after a quick lunch I'll be getting to the exercise that is good for me.

Of course I don't know what will happen. I am inclined to think that Smith may opt one of the possibilities I argued, not now equitable, and try to wash the rest away with it. I'll then have to decide whether I can do anything more. I want to. Somebody must make some kind of effort to do something about the omnipresent dishonest that does cross the line into official criminality. If I could get a good lawyer I've found possibilities of suing them now. And Under 60(b) I can go to Baltimore if there is any advantage in that or with a different appeals court. I'll wait and see but I do want also to get those terrible people off my back and I think they have given me a shot at it.

But can you imagine that they'd dare all these abuses and even when on notice from what I'd already filed, insisting on perpetuating undenied criminality?

So much might, just might for once happen to them. Can you imagine the Congressional hearing, say oversight, this enables?

I hope you are finding your work int eresting and worthwhile, that your kids are doing as well as you want and hope, and that all of you have a good year ahead.

Sincerely,