

I don't have time to do this now and it need not be done this instant, but it is in the very early part, as I recall it.

6 The top here and the page before reminds me: if there was this law-enforcement purpose he attributes to the FBI via the "allas police, where is the proof that what I seek was ever transmitted to them. It is lacking and it does not exist. It never happened. If they had that purpose, they had ample time to fulfill it. They sent only the inadmissible, paraphrases.

His footnote 7 says, unless it means nothing, that under the law not only Oswald but any subsequent accused is not a "party". Can this possibly be? If so, lots of people better start worrying!

But here again, in saying that "We deem it demonstrated beyond peradventure" that these "were compiled for law enforcement purposes," he depends 100% on Williams or what he has elected to manufacture that is not legally and properly before the courts perhaps the only reason besides emotion or sycophancy that explains all his drivel about the crime. He runs on and on about the perjury here, making it over and over again the central issue, as I have argued from the first would be the case.

His footnote 8 citation is interest here because it really addresses all his bluster the way he doesn't want in camera examination was directed, exactly as Kaufman said could be, to determine whether as a matter of fact this was a law-enforcement file.

The language of the citation from the Senate report is wrong and out of context. I could blow their minds by taking in only those FBI reports I have that I have not yet read! They are not and they do not have to be secret and they are regularly produced in courts. There are even laws requiring it.

7 Citation of Hayes: this looks forward to prosecution after the completion of the investigation, does it not? And his italicizing of what this is not also is important, which I addressed earlier in saying we should go into the completely non-secret nature of the spectro. NOTHING would or could be revealed about anything except that the government pulled a fraud -or told the truth. No other issue is by any remote extension involved. And there is no evidence before him on which to base this. It could not be because it would be so completely fraudulent. The names of people are as irrelevant as anything can be. This is so great an outrage that after time immediate is over, we should see if some writer could get interested. But again, it makes Williams even more important.

This bastard can't even cite the purposes of the law without bias. It was for maximum possible disclosure.

8 He can get the works from a writer who cares if and where he says that Congress' concern was over advertising rather than the integrity of government and its word.

I think there had better be some close attention to what he here says about (a)(3)

His asterisk footnote here again is not based on what is in evidence or what is even fact. There is not "investigatory techniques and procedures" question here.

Note that he keeps reiterating the non-existent law-enforcement purpose. This is a work of propaganda in which the judge writing the decision propagandizes his colleagues first and then everyone else.

The more I read this the more I believe that for the perjury and its subornation I have a cause for the damage it did me.

I would also suggest that others might want to pay close attention to the use he makes of the language describing the spectro and thus what he says is exempt. I would expect those who always fear the light of day on their secret dirtiness will attempt to exploit this. This also is not what I asked for. I asked for the results. They merely say the "results" are what they described as "adequately shown" in the testimony. This is like saying porno is love. Aside from all of this there is the question of a negative spectro very important and not here shown in any way.

p3 missing 'New Set

deliberate misrepresentation & misinterpretation

It is hard to take his constant and deliberate misrepresentation, but especially when without citation (indeed, it does not exist for what is at issue) he professes no doubt at all about what was in Congress' mind.

12 But if the Congress meant what he claims, why would they have used the language of this exemption? Why did they not just say investigatory files and give them all blanket immunity? Or permit the agencies to dump everything in a file they call investigatory and get blanket immunity for 100% of their paper?

And what does all this jazz about prosecution have to do with the results of a simple, scientific test for which there can be no law-enforcement purpose if the claims made for it are genuine. Oswald is that dead. And he makes the claim that Oswald alone is the criminal. Can it be argued that if he is correct in all the irrelevant he brought in, then there can be no future law enforcement purpose? Or has he taken it far past that?

I am lost in the next citation. What is relevant to any investigation of the adequacy of execution of laws in a non-secret scientific test the results of which they claim they have published? How can he claim they have no competence based on this?

Ditto with the next paragraph about prosecutorial function. Irrelevant.

IV

13 Sure Congress didn't intent not to prescribe the right to not disclose "In certain prescribed classification." This simply isn't one of them. It did prescribe them and he is torturing all kinds of crap in to make it seem like one. (Wonder if it really was his rifle?) Same with specifically exempt. Nor is it national defense.

14 How the hell can he (of course he does) drag security classifications into this?

It is pretty wild when he says "There was to be no room for challenge, no 'balancing function', no in camera inspection." He cites a decision that says there is to determine that the claim to exemption is justified. But I suggest that this may have the widest application as Nixons especially and any DJ will seek to misuse it. I don't know law and decisions, but I think he has this in in a way that does not limit it to link.

Does not the next to the last paragraph require that the district court require that it know the contents if it is to decide "that disclosure is not required?" Suppose they took a sheet of music from a file and called it "investigatory" because someone had put it in that file? However, this again means Williams has the meaning and effect that require attack as perjurious.

15 "before and at the top of this page, the interpretation of Scan" is, I think, very important. I think it means and I am sure it will be interpreted to mean that he can be 100% wrong and that he can have no reason at all or he can decide in open defiance of the law.

Footnote 15. This is pretty far out. It is a part of the package that makes me think Danaher has set himself to arguing against every possible line we could take rather than devoting himself to the issues. If the rest of what he has claimed is so, why bother with this minutiae? So, why has he set himself to such ends? If I was not entitled to the spectro because it's part of a law-enforcement file, isn't that enough for a judge with the interests of a judge and actin like a judge? I think Danaher has not hidden the fact that he is a partisan, not a judge. This could explain his dragging in all the irrelevances, his minor rewriting of the Warren Report, even his knowledge or pretended knowledge of the case, the not-in-evidence stuff, which is also susceptible of other explanations.

Being a partisan of Hoover or the FBI could account for this; being as reactionary, as fascist-minded as he seemed to be at the hearing also could. But I am not satisfied that these explain his seeming interest in the assassination. For that I have no ready explanation. It and his apparent passion seem out of place.

Perhaps I believe that his arguing all the fine points is a psychological self-disclosure, that he knows he has done an evil thing and is compelled to justify it as much as to make his destruction total.

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To do this he is straining at the meaning of word, writing a new dictionary. The language of the exemption does not require that there have been a legal action. It neither says nor implies it. It does imply the conditional, that it would be available. It also implies that if there was a case, if the participants didn't exercise this right, others would have it. Its purpose, as I recall, was to protect the information until the time of use. If I am correct in this, then the very fact that the case was mooted requires its availability and the only countering argument would be that the case is not moot, that they now claim there are uncaught accomplices. Or that they were wrong, which this evidence could and I am confident would establish. Perhaps Link did rewrite this, but unlike what I take him to be saying, I took the language to mean that if it is available to a party it is available to anyone else. Here he seems to be arguing that it is meant to be available to a party only.

16 As you noted, I am not Nichols, as he says here! I wonder how the rest could have permitted so gross an error. It makes me think they really did not participate. However, if they did, my God! judges knowing and caring so little about fact. Again, how far afield Danaher roams! Where does he get all this insanity- and animus?

Let me skip back from footnote 16 to footnote 15. I believe this also should be studied with care by competent lawyers for I believe it is possible there will be an attempt to extend this by the government, to give it wide applicability, misuse. As I read this, I get the feeling that Danaher is really against the law in tot and wants to do what he can to undo it. If this is the case, then I would presume that he had extra-legal intercourse with interested parties and, if I ever can file the parallel suit I suggested to you, sure would like to depose him on this and ask where he got all the stuff he has worked in here and used in the orals.

Back to 16: the bracketed part at the bottom which I now see for the first time confirms my analysis. It has two parts, neither relevant, neither in evidence if that can be sued for what is before him. Here I think he again displays his role as defense counsel rather than judge. I think we should argue that he departed from his role, make a strong, direct attack on it instead of him.

Now the reference to the regulations does not encompass this on two grounds. First of all it is not in the Archives, so their regulations are inapplicable. Second of all, as it relates to the materials that were tested, the metallic ones are available for examination, not "withheld from researchers as a means of protecting them from possible damage." I have actually held some in my fingers, not merely examined them in cases. Moreover, the reference is to something else. I think checking this out will show he has used materials from another action, my 2569 and used it as it is not susceptible of use. In any event, the paper on which the original spectro results were typed are not going to be damaged by xeroxing, which is all I asked. In practice, almost none of the evidence of this character is withheld. Only the clothing of which I know, and of that, only some, JFK's. I have held Oswald's shirt in my hands, carried it from one part of the Archives to another seeking light of different character, and pawed over it with infinite care, as my memo on the examination will show. It was not against regulations or practice. Moreover, if I remember correctly, he quotes incompletely. Quoting completely would argue my case. Those regulations require as a substitute the providing of copies as close as possible to the original, pictures. I'd be quite satisfied with pictures of what I seek. BUT, if he is going to take this line of argument, then what is relevant and applicable is the statements of policy by the Department and by Warren, both of which require maximum not minimum availability.

This again convinces me that Danaher is out to get the law or out to get me or out to get anyone questioning the official assassination mythology. He is an Orwellian.

And here again he discloses his need to argue unnecessary small points, that his real objective is a totality of destruction of the possibilities of the law.

In order to have my thoughts, for whatever they may be worth, ready for you, I got up at three a.m. again. At this point I had to go to the bathroom, so I read the Bazelon dissent through once. It fortifies certain complaints I have made privately

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to you, not personally against you. I have written you separately outline what I regard as my obligation to be even more flexible because much more than my interests now rests solidly on this litigation. However, I must also learn from these painful experiences.

Outrage that Danaher's decision is, we made it possible. There remains a limit beyond which men, including judges, will not go. We did not make that limit an impossibility for a partisan in robes. We would have if what I had asked be done and was promised would be done had been. What is incomprehensible to me is that it was not done without my insistence, and I did so insist at each step, from the moment I first saw the Williams affidavit. So, while I feel no less strongly that I must be flexible and subordinate person interest to that of the rest of the country and to other litigants for other information, I also feel even more strongly in two areas: that this being my case, I be consulted on what is done and not done; and that promises made me be kept. I would like to believe that this is the norm of the law's practice and the custom of lawyers. If these things had been done, this decision could not have been dared.

I am dismayed, not flattered, that my non-lawyer's estimates have been so often validated by what happens and the judgements of lawyers opposed to mine invalidated in court. You know how often this happened in the "ay case, for example, where I did the first legal memo and where what I said should be done, when it wasn't, was then asked by the judge. (I have just been sent a clipping from the NYTimes 10/11/73, UPI's account of Bud's 6th Circuit argument, and it reads like an excerpting of my earliest work on the subject. This is not an expression of resentment.) Time after time after time things of this nature happen. I make arrangements for what obviously must be done, it isn't done, and a long time thereafter we have to go back and pick it up and do it, when we can always under more adverse conditions. Witness your hasty trip to Birmingham, under the worst conditions, when I had arranged for all of that earlier, under ideal conditions a such things go.

So, I have a long record that says my non-lawyer's judgement in these legal matters of which I am part stacks up at least favorably with the records of lawyers. I think that this added to the fact that the case is mine warrants my simple demands, that I be adequately consulted and that the word given me be kept. If you want to recall how inadequately I was consulted on this, I didn't see the complaint until after it was filed, when I found gross factual error in it. (No offense, but the same thing happened in Memphis.) Incredibly, once I corrected this error, it was repeated, again showing that I was not shown the paper filed before it was filed. You know my record of ready agreement with what you have found reasonable. This is not ego-tripping, nor is it blind insistence upon rights per se. It is, rather, that I have knowledge others do not have, which is enough, but I think also valid is that I draw upon experiences others lack, experiences that are relevant in these matters.

Nor do I object to wide consultations with others about doctrine, approaches, anything. I am all for it. But not without me and in a kind of sense, behind my back. What I refer to is what I have just learned from you, not Bud, and for the first time, what you represent as Bob Smith's interpretation of the law-enforcement language. I am NOT saying such things should not be considered, however invalid I may feel they are. I am saying that this kind of reasoning in my case should not develop to any serious point with me in ignorance of it and having no chance to argue against it, as I want to make as specific as possible, I DO. I have read "azeilon and that fortifies me even more. I am not against proper withholding. I have withheld myself what defames and the government has made readily available. I have withheld it when the titillation it would have added to the content of my writing cost possible sales. Some things should be withheld. However, why the hell castrate our minds by torturing clear language, and this language is clear enough, as is the intent, a good intent?

Let to try to simplify this. As I read both decisions, if the court had found no law-enforcement purpose, I would have won hands down. Even "azeilon became convinced by the spurious arguments that there was such a purpose. To put this another way, had we made- and in part this means had we been in a position to- a solid argument on this, not merely my off-the-top original argument in the first instance and then virtually

ignored it thereafter -even when Werdig helped us - we would have been in at least a much better position and I believe would have prevailed. "specially re Williams. The files must be overflowing with long memos I have taken the time to write on these things, only to have them ignored, my time wasted and with it my legal rights.

I find myself wondering if more time was spent consulting with Bob Smith than with me when I am the client. You know you found my legal files in those of the CIA and you know not only that I resent this but that it is clear violation of an explicit agreement. Bob's mind works in its own way, a way in which I am not often in accord and in a way where, when there has been disagreement between us and the questions have been resolved, his judgement is established as not good. So, whether he is a nice guy or in general terms a bright guy is not really relevant.

So, I believe and in the absence of meaningful consultation that can lead me to change my mind but will at least give me full opportunity to argue it will insist that no law-enforcement purpose within the reasonable meaning of the law be argued at every point hereafter. I think we can get aid on this and I think it is indispensable to the rights of others under this law. I think also it is indispensable to any effort to deter official misuse of the law, which this decision can make even more possible.

I am even more convinced after reading Bazelon that we must make the most direct and explicit attack on the Williams affidavit as perjury, as subornation of perjury, as a deliberate misrepresentation by those who knew better with the intent of deceiving the court -and show that it succeeded. There is nothing new in this. "esterday I have you the memo that seems to have disappeared from Bud's files that I wrote, as I did this, in such haste because I regarded it as that important.

I believe this is important to others in other cases. I do not pretend to know what the government does in other cases, but on the basis of my limited knowledge, I am led to believe that it is not like an open and shut case of the foregoing is likely to be found. And the very evil of Danaher's extra-judicial conduct and language becomes a legitimate weapon in this, one, incidently, that can save his fascist face. All he did wrong can be laid to the perjury. Each and every detail of all his incredible language can be laid to the intent of the perjury as well as the fact of it. We need not for such purposes consider whether as I am sure we agree Danaher had extra-legal, extra-judicial purposes. Without Williams none would have been possible. "espite Bazelon's language on superficial reading, I believe that also supports me in this. I am without doubt about Kaufman's footnote five, and it was a fatal error as it was an abuse of me not to do what Bud agreed to do based then newly but not really new on my reading of Kaufman. "t is on this that we failed. Kaufman laid it all out. I think here was a decent judge, probably a conservative one, practically pleading that this effort be made to fight governmental duplicity of which judges also are the victims, Bud agreed to it, and he then, behind my back, refused.

You may not be aware of it, but I was so sickened at the en banc rehearing that I left the courtroom. I couldn't stand it nor could I stand having to feel that I had to be silent about it. I used that time to collect myself so I would not explode.

You know I also wanted to include that in papers filed, and it was not done.

On reading Bazelon I find my interpretation of Mink, that it supported my argument, validated. That was then the current last word. "ad the argument been made persuasively, it could have made a difference. "ere Bazelon argues it.

Now I think that on reading quotations from the government in Bazelon I see other dangers for others. There is here a subtle shift to encompass any file labelled as "investigatory" as complying with the law.

Reading this part fortifies my belief that we must argue the absence of spectro traces as I suggest in the draft affidavit I gave you. Especially because Bazelon includes Kaufman's footnote five here.

Reading this also convinces me that we did not make enough effort to distinguish between a simple, non-scientific test and a secret-type police investigation. The affidavit we talked about is important in this and it would also help establish the..."

There are so many FBI investigations that have no law-enforcement purpose you can't begin to imagine them. However, they are very worried about them. They are not at all worried about those with legitimate law-enforcement purposes because they are adequately sheltered. I have lived with them and I know. You should see the kinds of jobs they do ~~in~~ a jury investigation! If you had just gone over Gray's testimony in his confirmation hearing you'd get a feeling of what I have in mind. Or even simple analysis of the Warren statistics from the Warren report. I am not sure of the figures Danaher misuses, but I think they show that for each text interview there was but a single report. Or, they begin by suppressing. They have that much to hide. Freedom cannot survive their continuing success.

I also feel I was right in saying that all I am asking for is the uninterpreted original results. I don't remember asking for more and I don't remember being asked if this should be extended. All I really want is what the paraphrasing is based upon. I think here we should do two things, based on my request for the pure results rather than any rephrasing of them: quote them on the fact that they did represent them, and thus, even in the light of this court's recent Nixon tapes decision waived an right to withhold, an argument I think I made in my first memo on this matter; and give case after case of deliberate and gross misrepresentation. I have offered to do this in the affidavit. Do we need more than Watergate? And did I not ask before the rehearing that this be laid on the record, this long and then authenticated history of official mendacity that is so relevant in this case?

Besides, their making a paraphrase available and permitting it be to published means it is non-secret. I'm not even asking for the process, which is non-secret. All I'm asking for is proof that they didn't lie in their paraphrase, and I have proof that they have to have lied, as I have and offer proof that they lie regularly. I think that important as such things are in this case, where they become the central issue, they become very important in other cases, where the possibilities of even going into it may not be as good or as clear.

After reading this I am more inclined to believe that improper official interest in me is not necessarily irrelevant. I sure would like to know more about Danaher after reading these two decisions!

And as well as a non-lawyer can have a valid opinion in such matters, I do think I now have a better and broader suit for damages, including from the tortious act, which need not rest on the federal torts claims act but can have other founding. I do not think this combination will come again soon: deliberate perjury and against a man who has been as long the victim of as much official impropriety. It goes back to the late 1950s with me and includes even the military in a suit in which I did win and did establish a new precedent and in which they continued practises identical with what they did here. It is hard not to sound paranoid, but the record is that exceptional.

These are all things I wish you and others who I think have coinciding interests can find time to explore. I view this decision as much wider than a simple denial to me of what I am entitled to, or wider than the proof of a fake solution to the JFK assassination. I think I offer unusual possibilities in fighting back.

I also see other possibilities. One is an article, perhaps a law-review article. Another is a kind of intellectual juke, using this, if the forum is available, to show the official imperative to hide the certainty that the solution is fake and raising the assassination question all over again on a different basis. It gives a chance to get back to the solid and accepted basis I and a few others were on before the nuts came in and were given so big a play by those with the interest in obfuscation.

If anyone can arrange for me to see Warren as I saw Russell on my own, based on this alone, if he is not guilty of what I have never believed, deliberateness in the error rather than finding no answer and political need, I think I can make real and telling points and I can support with unassailable proofs.

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unless there is some compelling need, I don't want to reread this. If you ask

it I will. You are upset by the decision. I have all your feelings and others I will undertake to indicate.

This is still another reminder of the futility of trying to work with the strong-willed underinformed who do have ego ambitions. I cooperate, I do enormous amounts of productive work, and I have it all wiped out for no good reason, in the face of the certainty that with decent work it could not be wiped out and would serve usefully, specially-needed purposes. Time after time I have these experiences. You know of enough on the Day case. You have no idea how many there have been on the JFK case. Then I find that to justify themselves, these people go around and spread malicious lies about me. About all of this I must remain silent. It does become intolerable. I hate to relive it without cause.

If what I had asked be done in my case had done this monstrous thing could not have issued. If the promises made to me about the handling of my case has been kept, this again would have been impossible. If the work I had done had been heeded, the result would have been the same. This is painful to me, and in our circumstances, more painful.

There is what I cannot forget with all the work I am already prepared to do and can't find time to do, the enormous wastes of time for me in so many projects including preparing for litigation. Earl once wasted two full months for me and what for me was much money in copying records only to change his mind and render all of that a total waste. I wasted months at his request trying to help Nichols. I can't tell you how much time Garrison wasted for me. In all these and other cases I had uncompensated expenses at a time I also had no income, and in all cases I worked at the request of those who could have paid and did pay others.

And the net result of the effort of all these and other people was very hurtful to the establishing of truth. It also undermined the attitudes of the responsible elements of society and destroyed the credibility of responsible workers.

So, this is painful. For this reason and because there is other work I must do get copy ready for Ed to type in the reduced time she has for typing- I'll not reread and correct this now. If you find the errors too much, I have a carbon and I will go over it. I suggest, if you do not mind, that you correct as you read, please. In fact, I made an extra ~~xxxx~~ carbon in the event you want me to go over it and correct.

For your understanding, there is another dismaying element in this for me, a personal one but also one that makes reliving uncomfortable. You can look back over a sufficient record, and you came into this rather late. I have a rather good record of seeing in advance, seeing clearly and of forecasting correctly. I say this not intending to boast but so you can compare it with what has happened, where the strong-willed and those willing have taken strong contrary steps and rendered that I have done a futility.

Then when I find that others are paid for the useless, others who have no urgent need for the money income, like Tom, who is retired comfortably, and I go off and do the useful and successful and not only am not paid but am out some costs and we are in these desperate straits, that, too, is painful, for it is the cruelist exploitation and the exploitation of my principles. This may seem to have no relevance to the decision, but it comes to my mind with each futility that need not have been. There are so many cases. Look at the pictures of which you used some in the habeas corpus. You know that I am out the total cost because they were opposed. You also know that I have said nothing about your failure to pay for those you used because I do feel that you should be paying for them out of your pocket and do not now want you to. But with each of these endless repetitions of futilities where there could and should have been successes, much that is not welcome comes back to mind, and I would prefer to avoid all of it that is possible. Aside from the pain, it impedes work, for it is not easy to thrust these things from the mind and devote it to other work. To ask for anything you regard as necessary, but please try to limit it to that. After you have done what you regard as now urgent, let us get together on the other possible approaches I have recorded. And thanks for all the good you have done.

est,