

7/6/73

Dear Jim,

This hasty note, which I'll mail later this a.m. when I take 141 in town, is in the event we do not speak by phone before Wednesday's hearing.

I read your memo first thing this a.m. I was too tired last night. It is excellent as far as it goes, but I feel that Bud will need more in front of him to keep him from forgetting arguments that must be made. Primarily about perjury, which I feel could not come at a better time.

You must have given me a copy of the government arguments you address because I remember writing you much of what you have here (and more).

Your suggestion to ridicule at the bottom of page four is perfect, again in the best of possible times. Their ridiculing of federal judges as unable to determine what has a law-enforcement purpose, etc., makes it even more apt. However, in ticking off all this deep-siding, illicit bugging and the things Gray did, see to it that Bud does not ignore that while he was doing all those things, Gray was also signing these papers, in this case! Arguing that there is never disclosure of FBI files while hand-delivering them to John Dean.

The perjury that should be charged is Williams' in this case, Anderson's ^{extradition} in my ~~extradition~~ ~~per~~ ~~suit~~ (swearing needlessly to judge ~~Curran~~ ^{Curran} that he had delivered what Curran gave him a week to deliver and he hadn't when the copies of what he said he'd delivered hadn't even been made. You have a covering letter from Eardley to prove that he had not given this and Paul Valentine, who was with me, remembers he gave me nothing. There is an added point here, what he perjured himself about is proof that Justice has classified as secret the public records of a public trial. Then there was perjury by Rhoads in the in my clothing. ~~per~~ ~~suit~~, the most basic kind, falsely swearing that I had not made the request required by the law when I had and the record includes countless exhibits on it, including the Archives' reply and that on appeal to the director of information. I have given you all these things. If you don't have them or can't find them, I'll bring them.

More, I wrote Mitchell as AG about this criminality and he declined to do anything.

I know Bud agreed to allege the perjury yesterday, but unless he is prepared to prove it he will not. That is what will really put the loose fat in the fan now. It has to be done at some point. It should have been done initially when I first raised the question. Because I agree with you that the FOI law itself hangs on this case and because of the political situation and because of the same kind of mendacity in just about all other cases, I am more than ever convinced that making the strong case for official perjury and official subornation of perjury, serious crimes that today have a special context, I fear that we will long regret it if we do not do it this time. More, with what is going on and with the record in this case, with the position this CA is in, it provides them with an opportunity to do something more than merely affirm. That also is urgently needed today.

In any decent sense of morality, there is hardly a more serious crime that a government lawyer can commit is perjury, particularly in FPI cases. We must be ready to make the point firmly and persuasively. Bud won't go over my memos on this in the last minute. He must have the ~~per~~ ~~proofs~~ in hand.

I did some snapping on the way home, and I am more convinced of the need for this from that.

You did not return the Colonial Parking file. Keep it until I am there.

Valentine is not on vacation. He is on a story in Mass. Isn't that where Chappardick is?

Ed Williams says that Freed/Tackwood also say Bud is CIA and came crawling out of the woodwork to defend McCord. Bud said he didn't get my letter on that book and Avon. You have it, a copy, or both. They are pishing the book hard, as recently as last week. He should be prepared. I think Bill should phone Avon or write because from what I hear they may have done the seemingly impossible, libelled Bud and McCord. Hastily,

Flots, New cases