7/1/70

Dear Bud,

That despicable Eardley letter, to which I did not react violently yesterday, disturbed me more than I showed you and, in fact, more than I acknowledged to myself. It is now but 5 a.m., I've been sleepless for two hours, and it was about midnight when I retired. This has been on my mind for several hours. I believe it to be not accidental on Eardley's and/or Justice's part and it is consistent with a long record about which I now think we can do something. It is my purpose here to propose that to you - and not for the first time.

The last time was the 18th. The first time was the firt time I asked you to file suit against the government for me. Now, however, I think the government has built a solid case for me where there may be no provision for doing something under 5 USC 552 but where existing tort law should permit it, 5 U.S.C. 552 giving it a special and appropriate context. I believe the clear Congressional intent, the obvious and explicit purposes of the law, the doctrine laid down by LBJ and Ramsey Clark in their showcase statements on the law incorporated in the Clark memo on it, of which I have given you a copy and the demonstrable and, I think, appraisable damages done me by the persistent and permeating violations of the law make this history an actionable tort.

Recall that, without this in mind, while going over the papers appended to the Ferrie complaint yesterday I showed you two deliberate lies about them by Fred Vinson, then Assistant Attorney General, to whom my letter to Clark had been referred for answer. In the case of the CSA-Kennedy-family contract, I was denied this though I first and immediately asked for it for reasons that precluded its ever being given to another. Therefore, when the first sycophant asked for it on his own or when he could be inspired to ask for it, it was given to him, with the fairly certain knowledge he would use it not in its true meaning but in the manner desired by the government, which is precisely what he did. The letterwith which it was, long after publication, mailed to me (and which you have) makes clear the violation of existing regulations. My requests for an explanation, repeated over the years, have not yet been answered. The next case that comes to mind is the denial to me of those portions of the executive sessions dealing with the autopsy and medical evidence, which thereafter were declassified especially for Wise in a piece he did for the Saturday Evening Post that, again, became a bit of pro-government propaganda. Those things I have pried lose have been withheld from me or the Archives has gone out of its way, as I think we can adequately establish in court, to call them to the attention of others, to the end that I be denied the fruit of my labor. This is not consistent with the standards of either scholarship of Archives practise. Now this Justice buiness, which I here try to place in a different perspective.

When I first asked for this Ray stuff, the case was "hot", my book was for all practical purposes done, and it was at that time a very commercial piece of property. With this misrepresented evidence in the graphic form in which what I ultimately got permits, I think it could have been a very big best seller and I think we can produce industry witnesses to so testify (which would not in any way damage your other interests, or tilt your second hat at any but a very cocky angle). My proper requests were first ignored, then yours for me were deliberately and needlessly delayed. I think both are in themselves, with the doctrine of 5 U.S.C. 552 torts and actionable torts. Then they lie to me, then they repeat the lie. Then, when they have firther delayed me, further put me to trouble and needless expenses over and above the pre-existing ones, when they finally come accross, they do that in a way still designed to delay if not frustrate me. Then, on the real ocsaytne stuff, the play more games, like two weeks after I gave them a list telling me it would

take three more weeks to get the pictures, which caused me to cancel my order for all but one of them- and that one I still have not gotten (as we know, they had duplicates of these pictures and could have supplied them on the spot, and they could have delivered the xeroxed pages the next day, the time this required being less than a half hour). To top it all off, this demonstrably deliberate lie by Eardley (wouldn't you like to examine him and his secretary on it?), that the cover he told me he wouldn't give me when I showed it to him didn't exist? Reincarnated Kleindienst, that's what it is.

For a long time, as you knowy I have been discouraging publicity and saying instead let us build a record we can use. I think I now have, that this little bit of added dirtiness by Eardley is the last thing needed to give us more than the minimu, which I believe I had when I first broached this idea to you more than two years ago. I think I have been damaged, can show the damage, who caused it, why, which is lily-gilding, and believe, although it may be a new concept, that we can establish this as a tort. I believe it might also be possible, should you consider it desireable, to find amicus curiae interest.

Who can we file against? Off the top of my head, GSA, Justice, Treasury, Secret Service, that is, and Navy, at the very least, plus Marshall and the Kennedy Estate, and possible other federal individuals, like Clark and Mitchell and Kleindienst.

I further think that at the very least, this would shake them up no end, for each individual who has, in effect, been part of a conspiracy against me, would hereafter think twice before doing the kind of endless dirty things he has been doing to me.

Let me add the possibilities of the discovery proceedings this would make possible, if only in ~~depositio~~ interrogatories. Boy, if we could find a way of taking depositions, what we couldn't do! With Johnson and Rhoads alone! If we could include the Clark panels, wow! I know enough to know the answers. Like GSA holding back, now for four months, what Secret Service gave them for me. Or their, in effect, conniving behind my back to deny me even the answers to requests that are so proper, so far from nutty, that I was, ultimately, able to persuade them to honor them, but only long after the recoverable value had been disappated by the erosion of time.

This is, in fact, a case in which we cannot lose, for even a court loss would be a major victory, and I am not at all suggesting the likelihood of a court loss, for I think we would win, the question being the extent of recoverable damage. You know the men we could call on the intent of Congress, and you mk know what they would say, and could it be any more our way? The record we could build in court would be tremendudous. And here I think the Baltimore court might be the more appropriate one. In it, right now, Mitchell, the same Mitchell who has done all of this to me, has just blocked a gran-jury return against prominent public officials-including one member of the Warren Commission-whose son is about to run for Congress in Maryland.

I have given but a few cases. I think there are more, and I think Gary and Paul, who I shall ask, may suggest more, for they are familiar with my efforts and correspondence.

A final suggestion: this would certainly put the Ray case in a clear and new perspective, and in that way also would brighten our chances of showing the shining truth. Finale Ultimo: this has also hurt my career as a writer by denying me what they have already acknowledged I am entitled to until the time for it was passed. I know enough files to direct you to to establish what is in fact, if not in law, a conspiracy against me and the law.

7/1/70

Dear Paul and Gery,

The attached letter, which I shall mail to Bud this e.m., is self-explanatory. I solicit your opinions and the citation or any other cases that come to mind, as you may recall my government dorrespondence.

If you fmp not undertsna what is meant by "discovery proceedings", let me give you a lay explanation that, I think, will illuminate the possibilties such an action holds for us.

I can write them a list of questions to which I want the answers (interrogatories). These they must answer, under oath, and if any is material anf false, the perjury is the equivelent to that committed in court.

I can hail them before a court reported in a lawyer's office and question them, as in court and preliminary to court, asking pertinent questions, where again it is under oath and the penalty for perjury remains the same.

This is not a substitute for examining the same and/or other witnesses in open court, it is a proper preliminary to it. One of the things we could do is parade a long list of high officials to admit in open court that he is a liar and on the subject of the assassinations. Examples that fly to mind of ther relevant possibilities are establishing the conspiratorial nature of the GSA-family contract, where we can subpena and examine the appropriate witnesses on their files and records. Another is the security of the Archives, one immediate example being the safety of 399 and another being their ability to even keep such simple things as pictures securely.

I cannot anticipate Bud's reaction, but I can anticipate that it might change if it is initially negative. Two months ago he wasn't going to be able to handle another suit for me but would help. Now he wants to do the spectro and sees the possibility of establishing federal perjuryon it, for one thing, and giving viability to the law with it, and helping with what we seek. I go further and think the government will have to act to keeps its own people out of jail, for I have in my possession criminal acts by one on this and have shown it to Bud. I do not anticipate this agent would ever go to jail, but the case for it is absolutely solid, the alternative being that Hoover is the perjurer. I have both under oath on opposite sides of the samem materiality. .,.
So, what do you think and what do you recall that you consider pertinent?

HW