

Dear Les,

7/29/84

When you are back from your Alaskan vacation, refreshed and full of energy, perhaps you can be tempted by a somewhat different situation than I presented to you before you left. I'm not trying to lean on you in any way but I am trying to tempt you because while all of us to a degree have come to accept official dishonesties, it still serves worthwhile public purposes to bring them to light. Particularly if it can be helpful in resisting the official attack on FOIA, which is designed to and has brought official wrongdoing to light.

What I'm trying to tempt you with is finding a full and complete case in relatively short documents now filed in the appeals court, a case of deliberate fabrication, allegation of the knowingly impossible and other overt lies that, in polite, lawyerlike language, is characterized as lies. By the Department of Justice. Under the law which is intended to let the people know what their government does. And so that they can continue to suppress information gathered in the investigation of that most subversive of crimes, the assassination of a President.

Aside: is it not reasonable to ask if they have nothing to hide why do they hide it - and lie to the courts to continue to hide it?

In this case they had more than just lying for the above-indicated reasons. They were well started on trying to get Jim disbarred and him and me soaked with charges not properly assessed against us.

I am reasonably sure that I've been able to frustrate this evil in what I've provided my lawyer and in how he's used it. So I seek to serve no selfish purpose. I want to try to deter what I regard as genuine subversion, a real menace to our system, to lawyers, to free information, and to writers.

I'll give you an example of what I mean, made up out of the whole cloth in an effort to get Jim Lesar, an effort entirely unhidden in the DJ brief. He allegedly is guilty of reprehensible and actionable misconduct because he allegedly was my "mouthpiece" in court, did what I wanted regardless of his obligations to the court, and in the course of this stonewalled the litigation for five years. And, during those five years, the judge "closely observed" all of this while we were in his courtroom. That judge, an FBI rubber stamp, never once "observed" me in his court in this litigation with Jim and the case record leaves it beyond doubt that for the first four years all we did was agree to delays asked by the FBI/DJ. For which the judge actually praised Jim! I attended only the first calendar call and didn't even sit with Jim because it was all pro forma at the request of the DJ lawyer. From then on, and the case record shows it under oath and without contradiction, so it was known to the DJ liars when they made it up, it was physically impossible for me to

be there and I wasn't. Of course without the proof in the case record the DJ /Aars knew they were lying when they made all of this and more up out of nothing. And it was, among other things, intended to hurt Jim and me, him by ending his career as a lawyer who has forced them to let a little light on so much that is so embarrassing to them. Remember also, that his and my perseverance, Judge Gesell's word, is what led to the 1974 amending of FOIA and the partial opening of FBI, CIA and other files.

While the difference is obviously vast, in principle this is what the KGB and Gestapo and other such agencies are known to have done, not what we expect of our institutions. And not at all what they lead the country to believe about them.

Mark Lynch of the ACLU ⁺ foundation represents me in this and, while I'd have preferred more vigor and point, has done an excellent job. He has made a clear, comprehensible and concise record before the appeals court. Our reply brief was filed the 20th, so I guess DJ/FBI's is due two weeks thereafter, or about the end of this week.

On the complete and deliberate fabrication about my alleged bad behavior in the courtroom in which I wasn't even present, the record is clear and I also prepared what I did not expect to be used, that not being done before the appeals court, a short affidavit attesting to the time I was hospitalized, my inability to drive to Washington since the first surgery, and the fact that there was only that one pro forma calendar call prior to my surgeries.

When those indecent people tried to mislead the district court about my health and capabilities and blurred me in so doing, I reacted with a detailed affidavit to which I attached a long series of hospital and doctor's bills, so, with this in the case record, they not only knew they were lying because they knew they were making it up, they also dared do this with such a case record. Which says an enormous amount about what the DJ and FBI think about and expect of the courts. Can you imagine them daring something as raw as this and expecting to get away with it?

A few days after the government's reply brief is filed I'll have a copy and I'll go over it. It makes little difference what they say, unless they decide to lie even more. If they dare, I'll nail them again. There is no way they can lie themselves out of this, even if the courts continue to avoid doing anything of consequence. Even if, as I believe, the practise of this kind of law by the government subverts the independence of the judiciary.

So, I'm hoping that finding all you need in existing and ignored court records indicates there will be very little time required, not much work, and a reasonable expectation of a worthwhile result.

Hope you did have a fine vacation. Best regards,

