

Dear Les,

1/10/95

If consistency is the hobgoblin of small minds, there is nothing small-minded about Judge Scalia, who wrote the decision in Carto's case against Jack. In it, about a month before he signed the decision in my case (11/2 vs 12/7) he wrote:

"It is shameful that Benedict Arnold was a traitor, but he was not a shoplifter to boot, and one should not have been able to make that charge while knowing its falsity with impunity." Quoted from Law Week 12/26/84, 2561.

But in my case, he permitted the DJ, "while/ know" their "falsity" to more than lie about me with impunity: he rewarded them for it!

You will remember the lie about the judge "closely observing" me for the five years of the litigation during which he never once observed me with Jim. If you have not read the petition I sent you, there is another major one, and I use these two because they are specific in Mark Lynch's brief for me. It is as big a lie as, I suppose, is possible in an FOIA case. The same DJ lawyer eliminated entirely the two paragraphs of one of my requests and told the court, Scalia and the two others, that the request consisted exclusively of Jim's few introductory words. The request itself is the two paragraphs the lawyer told the court are not included.

If this does not provide Jack with a peg or amusement, it says much about Scalia as a "judge," and certainly validates my comment about political activism in the guise of judicial decision.

For that matter, the entire panel in my case is not hobgoblined because the same three judges decided in Shaw v FBI, two days before my decision, that the FBI affiant, whose falsehoods they accepted, was not competent, yet they accepted him in my case where he had no other qualification than the one they rejected in Shaw (slip opinion, page 9: "Since the affiant (Phillips) was only a supervisor of the Records Management Division of the Bureau's Freedom of Information/Privacy Acts Section, and did not claim any personal ~~substantial~~ participation in the investigation, his assertions cannot be assumed to have been made upon personal knowledge." The "investigation" is the same in both cases, JMW assassination investigation.

I'm not familiar with ~~Wald's~~ ^{Wald's} background, rather I've forgotten it. Wilkey was appointed during a GOP administration from DJ, whence Reagan appointed Scalia. The DJ is so often sitting in judgement upon itself! (Bork and Starr in another of my recent cases, Bork of the Saturday Night Massacre scandal, Reagan appointees.)

When I was young the papers would be screaming about such judicial misconduct. Now corruption is commonplace and accepted.

Best wishes,