

Dear Mr. Stern,

Carl, NBC

7/4/85

This differs from what I sent you in the past, if you recall it, in form, to a large degree in the content of the new evidence, and in refusing to obey Judge Smith repressive and corrupt Order I'm putting my head on the block. Not as a trick to justify the slug Man Bites Dog but to get a trial in the event, as he probably will, he rejects my Rule 60B Motion.

While the danger to what remains of FOIA and to plaintiffs remains, which is why I continue to fight this evil, we have overturned that part of the very bad decision which constituted a threat to lawyers.

The new evidence which proves that the FBI's supervisor lied under oath was disclosed to my friend Mark Allen in his FOIA lawsuit in which the FBI has the very same supervisor. On the basis of this new evidence I alleged perjury, fraud and misrepresentation, ask that the judgement be revoked and that there be a new hearing, and as an alternative I claim a constitutional right to a trial. Smith didn't even make a Finding of Fact. With the same FBI supervisor swearing one way in my case and simultaneously disclosing what proves he lied in the other case, I think the perjury is apparent and indefensible. And it is to what was most material that he swore falsely, to get the "discovery" from me that they now beyond question did not need for any of the alleged purpose and could not use as they claimed.

The problem will continue to be lack of attention in this world in which almost all official mendacity is accepted and not regarded as news. Unless the lying is to a Senator who has his back up.

In my reporting days, which probably ended before you were born, it would have been news when an old man who is in poor health and without any resources or real support, persisted in any kind of fight against any kind of corruption. I've come to understand that the world and news standards have changed but I do not believe that basic principles have or that individual responsibilities in our kind of society have or that I ought to be intimidated by this great and unyielding power that is so utterly and determinedly corrupt. That is not why my parents fled the tyranny into which they were born. And whether I succeed in the end or not, as long as I can I'll try to meet what I regard as my obligation when I was the first of my family born into freedom. Like Polonius said.

I'm writing a few letters while, when she can, my wife, who also is not well, is retyping my Motion. I'll mail this to you ^{when} ~~later~~ I mail the court and FBI copies. Not inappropriately, I think, I have until Bastille Day.

This new evidence, by the way, comes from what the FBI swore does not exist, its ticklers. They swore that all ticklers are routinely destroyed after a few days. If you've faced that lie, you may want to remember this. I have only a fraction of the massive tickler being disclosed to Allen but what I have now fills two file drawers. And the man who swore to this lie is the one who is ~~in~~ charge of this disclosure to Allen.

If you can't use this and known anyone who can, I'd appreciate your passing it on.

My hunch is that if they have to come to Maryland to collect this judgement and if that would permit any kind of trial, they'll drop the thing rather than run that risk. I don't know the law or case law. I'm not the defendant (at least yet) and am the plaintiff, and that seems to make a difference.

Thanks and best wishes,

