

Lindsay Newcomb

Dear John or,

7/4/85

This differs from what I sent you earlier, if you read and remember it, in focus, in form, in content and in my risking jail to defend FOIA from what will as a practical matter, mean its end. The question is discovery against an FOIA plaintiff, procured, as I think without reasonable question I prove in the enclosed Motion under Rule 60B, by fraud, perjury and misrepresentation.

The new evidence that is the basis for this motion was provided to a friend by the very same FBI supervisor who swore, among other material lies in my case, ~~news~~ ~~network~~ that it does not exist.

He also swore that the alleged discovery from me would enable the FBI to prove that it had provided what in fact he had in his hot little and was withholding.

My interest is in preserving what remains of FOIA. It would be much easier and cheaper for me to just pay what they demand and Judge Smith Ordered me to pay - by Bastille day, it happens - but I fear it would mean the de facto end of FOIA. And, of course, at my age and in my impaired health, much safer.

Smith has never been other than an FBI rubber stamp and with the Reaganizing of the appeals court he may be without concern over what it might do, so I do not expect him to grant my Motion. In that event, I've claimed a constitutional right to a trial. He didn't even issue a Finding of Fact and he took no evidence.

I do not know whether any effort to collect the amount of the judgement requires using Maryland courts, but if it does I am inclined to believe they'll prefer to forget the whole thing rather than risk any kind of proceeding or anything that can get any public attention. In this world in which there is little official mendacity that is considered newsworthy. Unless a Senator gets his back up.

You may find some interest in one or two of the exhibits, all from what this FBI supervisor swore does not exist, FBI ticklers. They say, their words, they had an "adversary relationship" with the Warren Commission, prepared dossiers on the members and the staff twice, the second time when the Report was issued. On the "critics" ~~they~~ ^{they} prepared "sex dossiers." FBI dossiers on the chief justice, CIA head, minority leader, senators of then and now, at least one sitting judge, and a to-be President. And they investigated the JFK assassination, in the words of the assistant director who headed the investigative division, by standing around with their pockets open waiting for evidence to fall in. (From my reading of hundreds of thousands of pages he exaggerated: even their pockets were closed.)

The jeopardy to lawyers that existed before remand has been ~~al~~ ⁱminated, so that much at least is accomplished.

When my wife finishes retyping what I've written I'll mail this and the copies that go to the court and the FBI's counsel.

I hope you are well and happy,

Harold