

Dear Jim,

10/28/78

Almost three weeks ago I wrote Blakey asking for some of the public record and offered ~~to~~ to pay for the xeroxing in advance. Some was relevant in the Opposition you filed on the last possible day two days ago. Some is relevant in the Spectre/NAA case. I asked for nothing not secret and I believe I explained the impossibility of my going to their offices to read this stuff and then of making any use in court. Of course he knew this, as he also knew that if my purpose was to use the committee's record against the committee I could do that by reading and making notes.

What Blakey professes is not law. And when I was custodian of a committee's public record although I was only a kid I saw to it in that day before there were copying machines that I had copies for those who had a public interest prior to the publication of the printed volumes of hearings. And I also mailed them out to reporters who were not based in Washington. I used galley proofs, by the way and I had the type set fast.

This phoney is keeping everything - well, almost everything - secret so the reporters will have the same kind of impossible situation with which the also holy Rankin confronted them, first 900 pages without supporting evidence and then 10,000,000 words to read in digest in a few days.

To call Blakey a fraud is to praise him. He is a jerk - stupid - and he gets away with what he has on any committee's power and the abdication of the press.

When we spoke this morning I had not had time to read his letter. It was almost supertime before I did, and responded immediately. I've been thinking since then.

As I told you Carol phoned me last night to tell me, among other things (like her new sister-in-law sounds like a good person on the phone) that John has been re-subpoenaed for 11/30. She has not been told to appear. She does not know if Jerry has been. She thinks Jimmy is slated for two days, as I recall 11/16 and 17. This can mean they are building up to a John contraption, after getting some attention by clobbering Lane and through him Jimmy. This should be child's play.

You have not had time to make copies of what I had Carol send you that she and John got from this stupidity, an effort to get them to confess in the guise of a "biography" what they had denied under oath. It is really an outrage and how cheap! So I know only what I recall of what Carol told me. But don't take time to make copies now. Carol will be sending me copies and that will be time enough.

While Blakey even had the staff take your notes on their secret transcript away from you, which is one way of getting an "accurate" record when you can't take things up with your clients, I have another of their "secret" transcripts. They'll have a problem pretending that they can withhold from a witness and counsel what they have made available to others.

You said you'd have to ask for a copy of the transcripts so you could prepare. I agree but think that is not enough. Remember, with John, they went out of their way to have him put back in jail. It seems to have been quite hurtful to him from what happened when they let him out again. Something really did happen to him when he got off the bus after all that solitary and refusal of medical care. They have been pressuring him all over again. Mel Waxman, from Carol's account, did all he could to invent ways of calling to the attention of John's new employer that he was being subpoenaed by the committee. John got one job and the committee pressured DJ to put him back in jail. He is on parole and they put the heat of his new employer. This is neither normal nor decent and I think you should interpret it to mean the worst.

With this in mind remember that they have actually charged him with perjury while denying him the right to confront, even by filing charges. The reason is obvious: if he did lie, which I doubt, they do not have the proof and they will not subject their allegations, really inventions, to court testing.

Because this "professor" did make charges and did have John thrown in jail without any profess, sue or another kind, I think you should demand transactional immunity for the past as a condition of not advising him to take the Fifth over this past they have contrived. Not covering future testimony. Only on what they alleged was perjurious. If you do not they can ~~make~~ bedevil John and Justice without going over the same insane b.s. in public.

If they are unwilling to do this and risk having that insanity aired and confronted in public then you know they are out to frame the poor bastard. And with him the case of the King assassination.

I think also that you should have the prior transcripts in ample time to give them to the press. This will do more than show that John is not hiding anything. It will enable the press to determine independently if the committee ducks anything of has anything more than the garbage they heaped on in secret and is merely repeating it in the hope of a good press from reporters who will have no independent subject knowledge. The whole thing is pretty ridiculous, including Fithian's making a \$10 check to the Wallace campaign into one of \$1,000 and then threatening you when you undertook to correct the deliberately corrupted record.

From their leak to the Post-Dispatch that I sent you I think it is certain they will try to phoney something up from the Byers phoney deal with which the FBI did Cointelpro the committee, as I learned from inside. (The Times was on strike and there is no chance they could have conned Hardner if they'd had the disposition to stop hating him.) We still don't know that Byers himself was not an FBI informer. He got off that contracted art theft fast and easily. The Byers of the records and the leaks is not the kind of crook who can afford to bring two lawyers to Washington with him. Two were with him when we saw him in May.

I don't think the committee is going to build up to an expected let-down with John on their last day. I therefore think that they have fabricated a case out of nothing but what in the absence of a genuine adversary process will look like other than the nothing it will be.

This means, I think, that if you are going to be able to represent John effectively you will have to begin in advance and by making everything possible public in advance. One side only will be presented by these bankrupts and it will be false and prejudicial.

From the committee's imagined career of successful bank robberies he was so broke that he couldn't hire a lawyer to represent him. Who could believe it? Or that he was sentenced to 15 years for a crime in which the man he allegedly drove was acquitted? With the judge now Director of the FBI.

The truth is unreal but the problem is to make the Blakeys unable to make what is unreal appear to be the truth.

Hastily,