

Last graf 7-1996

JL

Re 77-1997 and DJ/COA Reply Memorandum

8/5/78

You will recall that when I saw this extraordinarily large filing, complete even with many copies of decisions, my immediate reaction was that it represented much more effort and cost than the case and the issues involved in it appear to justify. Compared with our extensive experience of the past this is quite obvious. So there was the immediate question, why.

Once you told me, as you did yesterday, that there is no proper response permitted to a Reply memorandum, what I believe may be the many parts began to fall into place. As a result, and particularly because your present situation precludes your doing anything, I have written Savage and Dolan the enclosed letters.

These people are trying to pull a Robinson/1448 on us. I regard their possibilities of getting away with it and confronting us with a fait accompli as good, depending entirely on the judge, of whom I do not know enough to have an opinion. I see no other explanation for their overwhelming him and his clerk with so much paper, so much false paper, and so many assaults, no matter how seemingly subtle, on us, particularly on me.

As you know, I am unwilling to permit any assault on my integrity to remain unchallenged. As you also know, the kinds of people we deal with do not need to have ~~misuse~~ records such as they are creating to use and use effectively in secret. We have some copies of the most malevolent fabrications and records of their extensive distribution throughout the government, including to the White House.

For some time I have felt, as you know, that it is essential to confront this business directly. It has been beyond your capability because you are so overworked. I have come to believe that unless we do this the government now will not change its method and we will be continually defending against baseless charges and face judges who are prejudiced by them. You may recall this was the actuality in the earlier cases. If you reflect you may agree with me that this kind of dirty legal trick became the norm once we turned the corner in court cases. There is no other way in which the government now can hope to prevail. I therefore believe that unless we do something about it our chances of prevailing are greatly reduced.

It may well be that this should be the first priority in the current cases. I am inclined to believe that it is.

Perhaps we may have time to discuss this after the status call on 8/14. I'll have a carbon for Howard but he may not have had time to think about it. I think it would be good if you can lunch with him some day and discuss this.

If as a result of these deliberate misrepresentations and what I regard in context as defamations they prevail at this point in 1997, I would hope that it would be possible to appeal and to make the integrity of what the government has done the crux of the appeal.

There now appears to be no immediate purpose in my doing anything about the Reply Memo if we cannot respond. But if you can think of an acceptable means I would like to prepare a detailed response, with many attachments, in which we make their and our integrity an issue. I had already begun this with theirs. With the CIA this is long overdue and there is now an apple record. Our problem will be having time to retrieve it and to assemble and use it.

If Lil is able to make some copies before mail time I'll include the newest appeals with copies. Otherwise the copies will come later. It was not possible for us yesterday because Lil's mother and two sisters, one from a considerable distance, visited us. The phone and the House assassins/Byers and other matters and reporters as far away as Florida, Seattle and El Paso, took much of my time. On this please remember that more than one of the OPR staff recalls repeated Spica records. Regardless of whether the obliterated index card relates to him. If it does, despite what Beckwith says, and I think he would not lie about this, it still cannot be all reference to Spica. This means that the relevant is withheld by obliteration or by total withholding.