

Jim Lesar phoned me last night about other matters. e then told me that the government had filed a motion in my spectro case asking for an additional two weeks to present a petition to the court of appeals en banc. He, Bud and Bob Smith had discussed what to do (without informing or consulting me-and it is my case). Bob and Bud were initially inclined not to oppose it. Jim was and I instinctively was. Jim indicates his opposition may be even stronger than mine, he says. However, nothing need be done now, not until after his return. This move is consistent with my belief the government would go to the Supreme Court rather than agree to go back to district court as ordered by appeals. This move permits them to delay even more. They can still go to the Supreme Court before going back to District. Or, they are hung up. They didn't even ask for en banc consideration when they lost in the court of appeals in the Mink (Amchitka atomic blast) case, where they won in Supreme Court. HW 3/9/73