

Dear Jim, Our summary-judgement cross-filing in 1448

6/25/76

For reasons I will in part explain I think this would be a mistake.

I'm sorry I was not more alert to this when you phoned earlier today. Between what the news that sixth-circuit will not release you means to both of us and other matters much on my mind I was slow-witted.

Of all the reasons for not asking for a summary judgement perhaps the most important is that we might win. This would enable to government to stall us more by going to the court of appeals. They could do this immediately and refuse to comply with Robinson's decision. Whatever then eventuated, we would not have the record that may in the end be more significant than the transcript.

We are both into more than we can handle properly. I think this means that we should opt for what will require less time in the end. Giving them the chance to quit Robinson and go to the appeals court means more work in the end. More time.

There are advantages in not going by the book, in making as good a record as we can before Robinson. This includes a record of patente we may be able to use in other cases.

One big advantage, despite the limitations of and work involved in interrogatories is what we may be able to learn that at least for many months we will not if they have a basis for any appeal. If they elect to appeal a Robinson decision in our favor on the 5/19 transcript I think we must ask to proceed separately on the others. The question is not alone stonewalling and delay.

I have thought, not continuously or at great length, about why they are now fighting so hard to withheld these two other transcripts. The most likely explanation is embarrassment. I've talked to you only about CIA embarrassment over the Nosenko story and what he might have been able to say about the KGB's Oswald file and the Commission's Oswald file. I think this may have been too simple.

How about the Commissioners? And of these ~~Swartz~~ how about Ford? With his record there is virtually nothing he was not capable of having done and said that would now, in an election year in particular, be a real problem for him. (Electronic news, I think WTOP-TV at 6 yesterday, had an item quoting Nessen as saying Ford would be for a limited investigation along the Schweiker-Hart line. I saw nothing in the Post.) If you face an emergency situation on this in the future, OK by me if you chance it and while expressing distaste, ask Robinson to see in camera if this may be the reason. Here the indecency of this report works our way, very much so, if only on Nosenko, who is probably not mentioned in it.

1/21/64 is also about the time of the FBI's supplemental report, among other things. I've forgotten, maybe receipt of the autopsy report, too.

The chance to interrogate CIA people is one we ought not pass up or risk. I think we can include Helms, possible by interrogatories, not by deposition. I believe this from files I've had and from a new thing in the S-H report: Helms was in charge of the CIA's JFK assassination when of all things we was DDP! But I've got more than enough to make a record with Briggs alone on withholding and masking in documents I have. I've asked under FOIA for unmasked copies and well after the time for response do not even have an acknowledgement of receipt. I plan to file an appeal today and, as usual, add a new request.