

Mr. Larry Ellsworth
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8/13/76

Dear Larry,

I'm sorry you and Jim did not have a chance to get together before he left for a month in Singapore.

He tried to reach you about another matter yesterday. He did not because he had various papers to file and a plane to catch. It was close to 11 before he knew. His plane left at 5.

The new reason is dirty even for a specialist in the dirty, AUSA John Dugan, who regard the court as a gridiron and ethics the practices of his professional football past. He has stalled in filing a number of motions and affidavits until he knew Jim was leaving then he filed a different large set on the two last days.

I wanted someone to handle this on an emergency, temporary basis. I asked Jim to ask you if you could. Having heard nothing I've written the judge's clerk and asked for a month after Jim returns.

Because of the possibilities their typical dishonesty provides we'll need this time. I will want to have Jim ready to confront them on all counts, no matter how seemingly minor. To this end I'll be doing an enormous amount of work.

Prior to the Open America decision Jim had raised the question of exceptional or unusual circumstances. They sneer and slur. I've begun with this part. I'll take each claim, each part of each affidavit and have a draft of a documented response for Jim.

This does, in my non-lawyer's view, provide an even better opportunity for offsetting some of the liabilities of Open America. This is G.A. 75-1996, the King case. You may recall that I suggested you speak to Jim about this one because it appeared to me to be as close to ideally suited as a case can be.

They claim good faith and due diligence, not for the first time. After I spoke to you I began an enormous project directly addressing this, based on my own experiences, initially with DJ only. I have made about 40 requests. There are 1970 cases where my check was cashed and I received nothing. There are about 20 requests to which there has been no response. All kinds of fudging and lying and false pretenses.

Since we spoke I got a student to make separate files for each request. I'll have to go over them and be certain of accuracy. I wish there were a solid, dependable law student or another dependable person who could do this. I believe it will, when completed, and with a supporting affidavit which will ascribe motive by going into content and its meaning, make a massive case of no good faith and diligence only in deliberate non-compliance.

I have already given Jim the names that have been masked in spurious claims of privacy. I can do this extensively, particularly with the CIA, which even censored the Church committee on it.

Probably the last part of this I'd address is Shea. I will! I've got it on him, with withholding, with being witting, with frivolous masking, with swearing falsely and much more. With documents to attach. There is really very much I can and will prove. Given the political situation of this case I believe the effect will be synergistic. With the mandate of the appeals court I believe that will be magnified further. It will be a month before you can obtain Jim's assessment.

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These people are desperate with me for a variety of reasons, the political ramifications being one little understood by those who lack knowledge of the subject. They therefore make what I believe are serious mistakes. Here they have made nasty, slurring remarks about whether I am an investigator or Ray's investigator when the DJ recognized me as his only one and when before you were born, or they, the DJ borrowed me from the Senate for my skills. They have likewise flown into the face of the appeals decision in spectre and what the judge has said in court and have even sworn contrary to Dugan's repeated statements in court on these issues.

If there is a case in which the punitive provisions can be invoked, this is it - and on the professional level, where the real dirty-workers are. We've started keeping time records and will be going after costs and fees.

If you or Mark Lynch or anyone you might care to have look at my set of the court records, which is fairly complete if not entirely so, please do so, almost any convenient time. Bring shorts. We have a decent pool, in a quiet, pleasant woods. It is only an hour away. I have a spare typewriter and if you would want to dictate notes, a decent tape recorder. I do not usually have legal-size paper for my 3M copier but yesterday I bought 200 sets in case a need develops. It is slow but makes very good copies. Air conditioning, too.

Do not misunderstand me, Larry. What I said I'd do for you I'll do whether or not there is help. With help I'll be able to do ever so much more.

I always leave final decisions to Jim, whether or not I agree. Sometimes I do not agree but we do it his way. I prepare drafts. The final formulations and decisions are his.

Thus with this case I'll be preparing a case or two, I think very solid ones, of perjury. Whether this is explicit in the papers we file will be Jim's decision. But I think it is time to do it. This judge has been abused in most possible ways. She knows she has been lied to before. She has been ignored, she has been addressed insultingly and because she is a decent judge one of the options I think she would prefer to avoid is the enormous amounts of work prior cases have visited on her because of all this official corruption. I think she may opt a course less laborious for her if there is a good case for it before her. I have a notion a number of other abused judges may welcome this. They have been swamped with contrived work. I'll prove, overwhelmingly, that it is contrived and that it is part of a campaign to nullify the law. So what we do will have usefulness when this effort is made.

The next status call in the spectre remand is 10/1. There is currently an in camera inspection of one of the three transcripts involved in C.A. 75-1448. I expect to prevail on that. I'll be surprised and disappointed if the judge is not turned on by what we have given him addressing the claim to privacy for what is not a personnel record. I'm sure the real reason for the claim is to protect Ford from his McCarthyism when he expected perpetual secrecy.

I do much work. It is not impossible that I've completed the draft of a long book that includes much of what the Open America people were looking for. I had to lay it aside for the preparations for the Ray evidentiary hearing. I've not been able to read the draft. I am reminded: I have a Watergate request that goes back to 1973 where several appeals have been without response. That one could be heard in a very short period. I wonder if after a complaint were filed ~~if~~ it could be amended prior to response under federal rules.

Best regards,