

New look here, Jim-

2/28/76

I propose consideration of some non-law-school law in response to Wiseman, the kind of law I learned from a wise old man who had never been corrupted by law school (or any other formal education) and at thrice my age in 1957 could climb mountains with me for four early-morning hours and spout wisdom at the same time.

Dagan et al and Wiseman have given me Wiseman on whom to try the case. I began to feel this way while reading his affidavit yesterday on the plane and after you called this afternoon, when I had resumed it, had become more inclined to smt it. By the time I had gotten to #30 I was convinced.

Then, just before dark, I went for the day's third walk, walked twice as vigorously as earlier, with long, rapid strides, and that convinced me. I even felt better, the heavy legs less heavy. Ain't that good as a judge?

In part this is what I was getting at in asking you about the cited accreditation of this scoundrel as a proper person to execute the affidavit. These crummy bastards have set him up as a possible sacrificial goat. Let us then slaughter him. I think it is possible and I found the notes I was making tending more that way without conscious intent on my part.

Your indignation was more than justified. This is that bad. So, let us use it in a different way because they have pinned it all on him and he has done his masters' bidding, concerned about nothing else. In doing this we make our legal points and establish the validity and need of the interrogatories. In doing that we establish the initial basic point in any FOIA case, non-compliance. But we'll be doing it in a way that will show the fact and make a case of deliberateness in the misrepresentation to the judge and denial of my rights under the law and, parenthetically, of motive for all the dissembling.

In all of this please do not lose sight of the fact that there has been no meeting of the fundamental burden of proof, an affidavit of compliance. I think you ought to try to find some good law-school law to justify the request prior to or at the hearing because they have already claimed it in court papers and Dagan said he would be providing an affidavit to establish it. Well, after our little chat he hasn't and if they are going to do this we are entitled to that affidavit, which Wiseman's is not.

Also, I think you should be considering giving Dagan notice that we may not be able to provide a sworn answer by 2/15 in part because of his delay and in part because of your and my separation in space and my limitations. Let him know, which may mean let them worry a little, perhaps as soon as you get this because there will then be revision and my getting it executed and then getting it back to you, etc. It is my recollection that he told us on the 11th that it had been drafted. It is dated 2/20/76. Dagan took another three days to mail it to you. Thereafter you gave it to me as soon as you could make a copy and I went to work as soon as I could.

Meanwhile, I think I have a few guns for this one, too. But I think that instead of buckshot we need careful aim first on Wiseman then on Dagan, who is the one who will be in front of the judge.

I expect to finish going over this and making notes tonight. I'll type it tomorrow. There is a local high school student coming tomorrow. May I can get him to mail it and save a day. If so this will mean read more critically because I'll have had no time to do it myself. But the day is important.

We can make a quiet, effective and factual record of knowing more than Wiseman and the FBI while showing the judge they are trying to take advantage of her and us. He has opened a very large door as wide as it will go.

Hastily,

Now look here, Jim-

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I propose consideration of some non-law-school law in response to Wiseman, the kind of law I learned from a wise old man who had never been corrupted by law school (or any other formal education) and at thrice my age in 1957 could climb mountains with me for four early-morning hours and spout wisdom at the same time.

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