

Dear Jim,

4/29/76

After I phoned you I continued plodding through comments on the Wiseman affidavit. It is even more certain in my mind that we should hammer and tong the bastard at the outset of next week's calendar call. I have reread Tyler's 2/12/75 letter and there is no question, he waived the search fees under my request and complaint; his request for written assurances related only and exclusively to what I never did and infact protested with considerable vigor; and virtually the entire government response is predicated upon a knowing, deliberate and permeating misrepresentation, of this and all that is relevant.

There is no innocence for Dugan, either. I hope you will agree not to be easy on him because he is a fellow lawyer. He knows all of this, as I've noted if he was not familiar with 28 C. F. R. he did file the quotations I use. I think he needs the pressure. What do they say of the best football pros as you are wont to remind me he once was? Let us give him ~~this~~ this pressure. I'm sure the judge will understand what they have done and it may give her the relief she needs.

It is an issue on which there is no honest relief for the government on appeal.

There is no question. Tyler waived the fees. We added nothing to the request. And a month prior to their 3/9 letter I had told Dugan of their obligation under 28 C.F.R but had said I would pay anyway, reserving the right to recover.

I would like you to write Tyler or the right person now, before the hearing, and ask for the return of all fees and a waiver of all in the future. Let them now refuse it when they have let it be known that they have been searching the same files.

However, the one we really want to lean on is Wiseman. He lacks Dugan's protections and is a bastard. He lies and he is trying to screw me.

What I am saying is that this is the time and the best occasion for the most extreme of toughness.

I think you understood more than enough of what I was saying. But if you did not, a reading of what I've drafted about this nonsense of written assurances of fees not due will give you more than enough. If you can't ~~now~~ prepare anything in advance, please try to write down a few key phrases you will read so that, if the press is there, you'll have direct and accurate quotes.

As best a non-lawyer can be sure, I'm sure these rotten scoundrels have violated the law and ethical standards.

I have gone through Wiseman's first 35 grafs. There is no single error he has really attributed to me and no vulnerability that can be attributed to either of us except in your ~~repeatedly~~ written assurances of payment. There is a solid way of answering that if we did not give in to their blackmail while reserving our rights we'd be many years into the future before we received another paper. By reserving this rights, as I put it, our only possible protest, we did enough.

We now have them additionally because they have, from the conflicting press accounts, included everything following my November letter to Levi in either account of their "investigation." Any assessing of fees when they were searching the identical files is fraud! If you don't want to say this, ask it Wednesday. Or say that I allege it.

We have Wiseman. He has lied under oath and I think it is material. He lied about my not providing specifics, although the law imposes no such burden on me. I did and I can tick them off and I can do this with the few pages he provided 3/23 if I have to without advance preparation.

They have gone crazy. This is our moment. Let us not miss it.

If you have any xeroxing to do, include another <sup>two</sup> sets of the Civil Rights papers you have mailed me. I'll be marking this one up in case I have to use it. One will be for Les.

It is late. If Lil can't read and correct what I've done I'll let it wait until Saturday. You have enough without it anyway.

Hastily,