

Dear Jim,

8/31/76

In an excess of caution I'M sending a carbon copy of this letter to Singapore. If as your letters, which came today indicate, you have left, I hope your in-laws open this and realize it is not necessary to forward it because the letter will await you at your home.

Well, if you had to do it, it certainly is too bad that you were impelled to do it with that customary dedication to perfection I've been trying to persuade you needs some compromising. Who's ever heard of delaying an emergency appendectomy for a 15,000^{mile} trip? That is ~~the~~ for the Guinness Book of Records, whether or not having the appendix ~~in~~ back instead of in front makes it alone. From your second letter I take it your spirits were more advanced than your body. Join the club!

Frankly, I had been worried on two counts. I did, really, expect a teasing "wish you were here" card. And I was quite uneasy about writing you. Lil also felt May would be and I think she was right in it. You both needed the vacation and a chance to let freshness into the mind to relax it a bit. However, I also believe I had to let you know what the realities are so you would not face any kind of crisis on your return and so that you could give the situation some thought prior to the accumulation you will have to confront. (I've been giving this some thought and I'm going to Dutch Uncle.)

I'm okay, although there were a couple of weeks that were uncomfortable and made me apprehensive.

After deciphering both letters, both having come at one time, I decided to phone Judge Green's clerk. He really sounds like as fine a person as you described. I have just finished talking to him. Football-in-the-Courtroom Dugan has not replied. Sagby apologized for not calling me. My letter appears to have some good consequences. He spoke to the judge and she is holding everything in abeyance. I was right. We did have only ten days for response. She will not issue any order. She had decided to hold a status call on your return and to insist upon testimony from an FBI or DJ witness or both, one who could give first-person testimony on the search, etc. We had some discussion. I told him I would like to tell him what I had heard from you and would like to tell him what I have done subject to your approval of your return but asked him to stop me if I said what I should not. Turns out it was all okay.

I asked him to set the earliest possible date for the status call and told him that if you are unable to go through with it one of us would let him know. I also asked him to please try to schedule it for the first thing that day so that if you are weak or tired you could retreat to bed pronto. He considered this wise and has set it for the first call on the morning of the 8th at 10 a.m.

I also told him that your letters indicate you plan to file a motion for contempt. He asked if against Shea and I said no, against everybody. (He will be in touch with Dugan for me, by the way.)

I told ~~him~~ him that being entirely without counsel I had had no choice but to let everything go and prepare drafts of affidavits addressing all substantive allegations in their affidavits and that these runs to about 40,000 words and that this would be much for you to read on your return. I also told him that while it is subject to your approval, it is my desire to confront each and every one of these things in the record and under oath and that while I expect to have them retyped for you by the time you return I do not know whether you will approve them as I have drafted them. I told him this includes a response to each of the affidavits they filed and separate drafts of affidavits on my medical condition and whether or not as an ~~an~~ investigator, expert of authority, Shea's words. He passed no opinions, had no objections and in fact said it was okay to inform him, I take it so he can inform the judge of our tentative plans, permitting her to plan.

I told him I did not know how you would react and would not think of making any decisions for you but I personally welcome this status call, think you will if you are up to it and it is thus that we agreed to the tentative date, at my suggestion the earliest possible after you have a few days. And subject to change at May's if not your wish.

My own feeling is that whether or not Dugan is cued in on the deliberateness of the withholding he is not unaware and he has been footbaling it because the only alternative is outside their consideration. This has driven him to too dirty a dirty trick, waiting until he knew it would be completely impossible for you to make any response to file these overdue papers. I think the judge fully appreciate what he was up to, even though Bagby neither said nor indicated anything along this line.

Oh, yes, he did tell me that you had been in for a minute on your way to far away and had told him you were without time for the filing of anything. However, I'm also glad, since Dugan behaved so badly, that he also left you without time to inform me, which required that I write. There was no objection of any kind to my letter.

We are agreed on the importance of the project Scott started. Lil is working it over with the idea of preparing a tabular exhibit. Assuming the accuracy of Scott's work I can and probably will execute a short affidavit on my requests on King. They go back to 1969 in non-compliance. It was my notion that when she has completed this Lil might execute an affidavit on the entire exhibit. I cannot be completed by the time of this status call. I think that because they have made the due diligence and good-faith representations under oath we should reserve the right to file the complete record, if you consider that for immediate purposes we should file a simplified one on King alone.

When she finishes the file on which she is working I think it would be best of Lil begins the retyping of the affidavit drafts. This way I can have them all for you.

In today's mail I have a postcard with a copy of a Memphis Commercial-Appeal clipping saying McRae turned down the motion to depose Huie. From the language of the short story I believe his reasons are weak. I'll write him, carbon to ~~sixth~~ sixth circuit, to preserve your rights. I'll enclose a carbon to D.C. only.

I do hope that Singapore hospital food is more like Chinese cooking and not like American hospital food so you may have lost some weight.

The report on the fantastic Jenifer is fantastic! Maybe I'll learn a few words of Chinese from her.

Best,

