

10/7/76

Because this has been a much-broken day I can't go to bed. Lil is typing a statement (about 1000 words) I'm asking Jim to read in C.A. 75-1886 tomorrow. Then she has two short motions I've prepared by copying the form of one of Jim's. One for contempt, beginning with Levi and Kelley; and for full and forthwith compliance from every office of every component, to be completed by 12//55, with a first-person affidavit justifying each withholding.

The statement begins with the statement that Jim is reading it at my request and on my responsibility.

It ends by saying that if the Court does not grant me full and long overdue relief she and the lawyers can dance their ritualized minuets of words without my presence and I will not again be present except under command. I say I will no longer be a silent partner in the violation of the Act and of my rights.

The affidavit is a tough one, abundantly documented. How I wish your letter had come yesterday! I'd have liked to include it. But Lil had completed the typing before I had a chance to look at the mail. It then was almost time to get it executed. And have a xerox made for future use. I'll be filing (I hope) the original and carbons.

The letters I got from Les Whitten and a fellow you do not know are fantastic on practise, procedures and special discrimination against me. I've attached maybe 15. We've worked at such a pace I've not counted them all. I noted where exhibits went and Lil numbered them as she typed. She even corrected in longhand and I initialed. Now if the first moment I've had to reread it and I'm too edgy for that.

If Jim does this whatever the end we'll have taken a step forward in doing something about those who moved crime off the streets and into the Department of Justice. I will want to note an appeal if she turns it down outright. I will want to force the issue because I have that kind of factual case and the law is clear.

Jim and I spoke briefly a few minutes ago. I told him the line about the jousting while I'm screwed and that I mean it. He laughed. He had just filed the petition cert. I didn't know they can be filed after the end of mail by handing them to a guard. That is perhaps the one democratic remnant.

I believe motions like this can help with other cases and judges. Even if I do not make it. I'm certain they are all aware that this will come before the Congress. I sure as hell will be there if they'll let me.

If Jim files them I have a carbon for you. You can have the attachments if you want.

The mess is because of a break. I splurged and got some file cabinets for the basement. The deliveryman was a nice young fellow. I asked him if he knew a handyman. He thought so. He called back. The boy friend of a girl who works there is an apprentice cabinet-maker. He came about daylight. He worked all morning. It is a mess and will be for several days. But I can now get into the right-hand side of my new second-hand desk, for one benefit. Instead of the small built-in cabinet you may remember, not out, I'll have a shallowed set of shelves, which will hold the 26 and more, with a shelf on top for the phone, my early a.m. radio, etc. We even discovered a hidden electrical box for a TV aerial. But I'll not go ape with one of these in this cramped space. One of the college people did abandon an old portable here.

In my 10 by 12 office I now have 8 4-drawer file cabinets and believe it or not 5 of 2 drawers. I've another full-sized one on the porch for my Ray-King files and four new ones down the cellar, one already about full of CIA records another started with those of the FBI to which I'll be adding 3,000 soon. I got an unexpected and un-requested grant of \$300 from the Fund for Investigative Journalism. The records that pays for, all but about \$20. They've also asked me to conduct a seminar on the press and political assassinations. They wanted that tonight. I couldn't. Probably the 14th. Floyd will provide transportation or I'll take the bus down and they'll return me. Floyd wants to be there.

Lil is down to a page and a half of typing. I'm almost at the bottom of a Scotch and water, so I'll bathe and bed. One of the importances of your Kelley correspondence is that yours really was not an FBI request but Levi's office referred it to the FBI only to stall. None of the Divisions has any backlog. Why don't you appeal. That does take some time. You 10 days are up. Do it now. Allege special circumstances. Include that there is no backlog in the Divisions. After 20 days file your own complaint. You'll be justified in a summary judgement against all but the FBI under even Open America. Best,