

Dear Jim, Masking under FOIA/ Nixon's Tapes Decision of 10/26/76 10/27/76

We know the actualities, that the maskings in what we have recieved have no basis in law or in fact. However, we have not been able to force either FBI and DJ in court or CIA not yet in court to provide any unmasked copies. This is, clearly, their device for non-compliance.~~XXXXXXXXXXXX~~

There is language in Bazelon's decision, as I read it in today's Post, that is helpful to us in contesting this, as I'd like to do again before Green in anticipation of their wasting an enormous amount of time all over again by this means.

As I take the language to mean and as the Post says without direct quotes, Bazelon says that what is not confidential cannot be withheld.

He also adds considerations of questions of national concern, language that I believe parallels what we got in No. 75-2021.

It will take us more time not to try to do something about this masking as the effort will require. We have laid an adequate basis in testimony. We can add more. What kind of motion does it require, one to compel?

Without doubt we'll find masking in the 400 pages I'll pick up tomorrow unless they are totally innocuous.

Best HW

At the time of it not with the undated affidavit draft.