

Dear Jim,

11/24/76

Your 11/19 memorandum to the court of 11/19 is great. It says what had to be said well, with brevity and just enough description.

There is one other item that might have been included. I note it now for the future or for any argument on this.

It is about a year since I wrote Kelley about their deliberate refusal to use sequential numbers and the obvious intent to use this to process requests out of order so that requesters would have no way of knowing under normal circumstances.

His reply was a refusal to use sequential numbers. You have both letters.

Now he has used them.

I think we forced it in this case.

But he has still to let me know the numbers of mine

He dare not because it will show how far behind they are.

So I'll write and ask.

You have not informed me of any response to your request for a waiver of all costs for searching and xeroxing so I presume you have received no answer. If the time for response has not expired already it surely will have by the time you can receive this. I therefore suggest that the 10-day provision applies to all sections of the Act and that the failure to make any response enables you to present this to the court at any time you want. I think a simple motion with your letter of request attached is all you need with the record we have and if your time permits it I urge it before we give them more money we'll have to fight to get back.

The basic approach in what you have done in this memo pleases me much. It represents the tactics we should use, keeping pressure on them and the court. There is no real alternative, no other way of making her come to grips with reality, and it makes a better record for appeal and, inevitably, the Congress.

In the Congress I believe it strengthens the position of those Members who are responsible for these good provisions when there is the coming hassle over modifications the purpose of which will be de facto nullification.

Best,