

JL - Re 75-1997

HW 8/26/78

Today's Post reports yesterday's appeals court decisions in two cases that seem, from the account, to be clearly aimed at ending self-serving and conclusory CIA affidavits. Perhaps this gives us a reading on what that court has in mind in its actions in the transcripts case appeals.

I believe this ~~validates~~ what I said yesterday, that the proper approach for us in 1997 is a frontal assault on the integrity of the CIA's representations.

Time will be the problem, not fact.

In this I think their record with me on FOIA and PA, in short summary form, making the case of prejudice and intent not to comply bracketed with its undenied behavior ~~in~~ with Epstein, as we have already set it out in ~~199~~ 1448, will be important.

We'll have to read the decisions with care, of course, but I think the more optimistic reading we gave to the appeals court in the 1448 appeal is probably the accurate one and that we can strengthen what it has done in these cases by what we do in 1997.

It remains my belief that as long as the courts will decide FOIA cases without trial there is no real alternative to addressing false and misleading affidavits with vigor. This is why I'm going after Beckwith, not for any personal reason, and why I wanted to do it earlier.

So I think that this or ~~these~~ ^{these} decisions are significant in cases like 75-1996.

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