

Dear Paul,

1/17/78

Jim and I won a significant victory yesterday. Today I am about to be snowed in. Lil is not feeling well and was ill all day yesterday, as I learned on getting home last night. I believe it is nervous reaction to a very rough couple of days getting ready for yesterday. Electronic components in her typewriter were malfunctioning and she had a terrible time. She was typing until about 11 "unday night and I never did have time to finish the affidavit I filed. When I realized she'd not be able to do more the affidavit ended where I was. Two fraduate students are at a nearby motel, here to work on a doctoral thesis, for which, in time, I'll refer one to you (Nancy Stone). So I'm adjusting my today's plans to let Lil sleep. Otherwise I'd be riding the exercycle to the a.m. TV news.

First of all to thank you very much for the affidavit. ~~FF??Z??S??E??~~ Jim got it as his office on the way to court, that close. He worked until 5:30 a.m. yesterday, then napped for an hour, and then was not the best of Blackstones but a very good one for all the fatigue. I could see his pauses as he was stopping to ask himself what am I talking about. I did much better. I didn't have to say a word and got about 4 hrs. sleep. His briefings, as usual, were magnificent. Much more work went into what he did than anyone is going to recognize or anyone in the critical community is going to thank him for.

There is always the chance that the crazy people with whom we deal will appeal. If they do not I'll be beginning to get the second 40,000 pages with shipments of tomorrow.

I'm sorry I can't go out in the snow to get the paper, which may not yet be here. Jim phoned to say Lardner has a good and fair story in the Post. You'll get a copy. If you want any of the legal papers, let me know, not Jim, and Lil will copy them for you.

My own attitude is not that of a lawyer and my opinions are not those of a lawyer. But I think this may well be a major breakthrough. And not because I'm not having to spend \$4,000, which I could not do in any event. We'll have to let time tell us.

I regret I do not think that there is enough time for others to learn from experience. But because there is a future, and not to recriminate or boast, I want to remind you that I did see the possibilities, did write you and others suggesting that you get behind me in this effort, did say I do not want these records for personal reasons and would make them available, and I received no response. No help, either, which means that Jim had a very heavy load to carry totally alone. With all those self-important people in Washington riding free and puffing out their empty chests. I'm not at all sure, by the way, that the decisive factor in the releases was not the official perception that "im and I would soon be free to go after what they have released. If we had, believe me they'd have released more. (Nite that I file an FOIA request for the worksheets.)

That except for your fine help when we asked for it we were totally alone does not change anything with regard to the availability of these records. However, much as I am willing for others to have access and copies, that nobody heeded me now means that those who want copies will have to get them here, not as I offered in Washington. I'm not now going to ship them to Bud's office and let them be available there, the offer I made to begin with.

I am reasonably confident I will get them all. Jim and I talked about this before daylight this morning and I think he sees what I see. He'll probably work on it later today. I hope after he goes to his doctor for a checkup.

Rather than being a personal boon to me, as I suppose everyone will assume, this now presents me with more problems, more intrusions into my time and the work I want to do. It only begins with having to spend money for more file cabinets. I'll have to make space for them in the basement and there will be no help from those whose mouths have been so large and so open. There is not all that much space in the basement, which is also our book warehouse and has many file cabinets in it.

There is also going to be the expense of buying the transcript. It costs \$1.50 a page if I buy it, .50 if Justice buys it first and then I do. But we'll need it, again for no personal need. The amount I've spent on transcripts alone over the past two years would, I think, surprise you. For that matter in a period of 11 months or so my checks to the FBI are about \$2,500.

My belief is that by their constant improvisations the Justicepeople have made so many serious mistakes they may have delivered themselves to us. Jim and I talked about this and about the possible receptivity he might find. Again we'll have to wait and see. But I tell you if not not then not too far into the future.

Because I had a suspicion that they might be trying to play you against me, to be able to say that I'm so bad a person they can't get along with me but there are you, this nice quiet type, and look how helpful they are to you, I was alert to how they may have sought to use or misuse this. Whether or not it is the case, I think Achilles has shown the heel. I think I saw it clearly and that Jim will be able to grab it firmly.

There is something that should be done that I will not think of trying to do. It is likely that the most important FBI records are withheld. It is also likely that most of the obliterations are outside the exemptions and unjustified. I've had one experience with this kind of operation and how they can stonewall so I know the work it can involve. However, someone ought to be preparing to break that stuff loose.

I'll get the worksheets. There is no more chance that they'll want me to drag them back before Gesell on compliance than there is that a judge will agree to delay a release and then be charged with covering up. So if you want them let me know. We'll be glad to send them.

I'm not in any hurry on these records now. I told Jim to accept any arrangement that does not require me to handle them physically before they are in my home. I really did have only one reason for wanting them in time to service the press, that reason. Of course there was the principle of equal access, but in personal terms I have no immediate use for these papers and will not be reading them now. They will probably be in my way on the enclosed porch, where I keep firewood, until I can arrange for basement accommodation.

I don't know when people will begin to learn. I look back on the period beginning when Jim began to do the work he has done and I see only one possible defeat. To put this another way, only one possible effort that was not productive. I think it will in the end turn out to be worthwhile. This is the effort to get the remaining executive sessions. Our defeats, by the book defeats, have been the greatest successes. Gesell made a much longer and more significant speech about the importance of what I have done than Gardner uses, quoted correctly. I regret that Gesell was not aware of Jim's part and did not, except by inference, include him. Yet through all of this, through all the personal sacrifices and enormous strains, through all the accomplishments, none of the others have done a thing to help Jim in any way. He still has to stay up all night to type those magnificent briefings. Does this add a facet to how I feel about the AIB types and others like them? They do not help. They have from the first milked off what help there could be and then wasted that money in their better moments. Other times they did harm, they in the ~~plurals~~ plural, not just AIB.

The wheel has turned. He'll now start getting paid by the federal government. But to now he has not gotten a penny in fees and has shared the costs, which have been heavy for both of us.

I don't think there is anything you can do to lighten the load on him save as you have. And I don't mean any of this to apply to you personally. I am regretting that Jim lack the help he should have and I don't believe there is anyone who will lift a finger for it because all those who have really done nothing worthwhile will still believe that they alone do what counts and will continue to see to it that whatever help is available does not reach Jim or me....We'll keep you posted. Again thanks, including for the pkg that came yesterday and is unopened.