

HW 3/18/78

I have just received these and have skimmed them, without comparing them with the language or text of the complaint.

I recognize that there are some stereotypes, some stilted formalities that are engaged in and are accepted. However, I believe that in this case they can be ridiculed effectively, how effectively depending on what kind of judge Oberdorfer is.

It seems to me that there ought to be a good chance these people will comply prior to the status call. The matter is before Shea, he said, and he is considering it. He favors it, more or less. He now knows that in the King case they have given me worksheets. They have also given me records relating to the processing of what records were released in earlier cases. From these alone I do not see where they have a leg to stand on.

So I raise the question of making some kind of response in which we inform the court that there is nothing unusual about either the request for or the supplying of the records sought.

If we do this effectively I think it will expose the spuriousness of the entire thing and perhaps lead to some criticisms for the non-compliance that can be useful in other cases.

The claim that the court lacks jurisdiction under (a)(4)(B) is bewildering, even if a stereotype. It is the provision that bestows jurisdiction on the district court. I think the rest of 4 is also helpful.

If it is time to make representations about the claim to false and inapplicable defenses just to waste the two of us? Like "The Complaint fails to state a claim upon which relief can be granted."

If this means by the court it can order the providing of the records sought. The Act is for this purpose. And they do not claim that what I seek is not "records" or public information under the Act. There Exhibit 2 says as much.