

Dear Jim, re 0322/0420 affidavits

8/21/83

Possibly from the weather my morning therapy tired me more than usual so when I got home I skimmed the papers, read the xeroxes of stories you'd sent that came in today's mail, had an early lunch, and instead of getting back on the 226 costs affidavit decided I'd best take a nap, which I haven't, and until then bind and file the affidavits you kept on stalling for months and then told me you'd have Mark file in your absence.

This took me a long time because Panic, I'm sure intending helpfulness, stapled them with deep and heavy staples. I had to remove them in order to punch them and it took forever. (Iⁱⁿ the future, would you please ask them to punch them first? It is helpful to have them stapled, but I have only a rudimentary punch and it is a bit dangerous for me to remove those heavy staples in order to be able to punch.)

It happens that this time, for my own convenience, I'd punched and filed in a separate folder all the affidavits I'd sent you. So, in replacing them with the copies filed with notices of filing, I discovered that despite your many promises and specifically those made repeatedly with regard to these affidavits, you didn't file two of them. I've not read them completely and it is quite possible that my recall is far from complete, but in skimming I saw enough to inform me of two things: I did discuss these two affidavits and what I would do in them with you, in advance, and they are important. I also discovered that at least one of these includes my catching LaHale in some of his permeating lies that have been so costly in this litigation and have both prolonged and confused it while giving the fink judge more than he requires for his usually finkery that in itself has been hurtful and costly.

You have had one excuse after another and you have not kept your word on more than these affidavits. You make up excuses that you talk yourself into believing, which is quite separate from being busy, which you are, and you just not only do not keep your word with regard to filing them, you also never get around to making any real use of them.

We are both too old, too tired and with too many other problems to dritter our lives away and tire ourselves with these kinds of futilities. You have not kept your word so many times, witness this last breaking of it in its many forms, so I'm not prepared to take your word agin. You will always find some excuse and you will always believe it and you will not keep your word.

So, I'll do the two affidavits I've said I would do and thenceforth I'll do no more of them.

If you do not file these two promptly, regardless of how busy you are on other and important case, I may not bother to do these, I'll forget the FOIA cases where they are, and try to get back to writing that may serve some purpose.

I've too much liking for you to provide details that you will not like and long experience tells me you will not confront in your own thinking. However, with regard to these affidavits, I will repeat your excuse for not making use of them when you received them: you wanted to review the entire case first. I kept disagreeing and you kept assuring me that you'd have plenty of time. I even had to talk you out of filing to take depositions in the Blakey case at your own expense merely to prove that the FBI lied, such was your concept of efficient and proper use of your time. And you certainly knew of the appeals you'd have to file and the work you'd have to do in the Prouty case. But nonetheless you gave me repeated assurances. And I've done this enormous amount of ~~work~~^{work}, more than another book would have required, and for what? To be ignored again and as usual. Months ago we discussed all of this and you haven't kept your word in any particular and you have already - and I believe unnecessarily and wrongly - you have already created the situation that will effectively preclude it even if you would be able to make up your mind to do it now. And you won't by the time Smith has finally

set for a calendar call. And what in the world would you have done if he hadn't been hospitalized for surgery and been so long off the bench? With all you are into November 9 is very close and with all that is tacked up and completely ignored there is no possibility you will ever be able to get around to do what you promised to do as a precondition of my doing this long series of affidavits, including when I was ill and exhausted.

Because you are overloaded it will be more difficult for you to try and understand how all this has come to pass. But even if you weren't, you still wouldn't because you have worked your way into the situation in which you are when at every point, as so many times in the past, you had to have had some awareness that it was inevitable. If you really want to try to figure this out - and you'd not even consider it if I were to suggest it - it ought be obvious. And you'd be so much better off if you did!

With regard to the 11/9 calendar call, I'd thought of trying to make arrangements to get there but this changes my mind. I see no point in it and in suffering what I'd have to suffer to be there and sit and watch and listen to the repeating of the past. If I'm required for testimony, that would be different. But to be an in-person observer of what you've been letting LaHale get away with, that is painful enough when I read it in written records, including transcripts - and we still don't have that one for the time you returned to the courtroom after supposedly considering settling the case. Or at least I don't, as I think I wrote you some time ago.

I don't know when I'll be able to complete the draft of this affidavit. Before all the extra problems I'd hoped for the end of this week, but that, clearly, is not possible. After my therapy tomorrow I have to get the car into the shop and back for an expensive repair. The prtime has been bouncing so much, albeit almost always within the parameters, I'll be in twice-weekly prtimes for at least another three weeks and probably longer. In a few days getting my mother-in-law to and from her cardiologist and conferring with him over the results of tests just made will take at least a half day. And week after next I have three extra medical consultations and examinations and one with the dentist. As you know, I'm not able to work day and night any more and by the time I'm home from the daily therapy a big hunk of the day is gone. I'll get it done, it will be detailed and documented, but I can't say when. But as you should realize, I want to get it over with and will when I can. Then, as I ~~xxx~~ promised, I'll do the same thing in 1996.

Sincerely,