

Dear Dave,

12/11/63

It appears that the DJ is having second thoughts about the situation it has created in the field offices case, 78/0322-0420 and that through it all Jim has neither learned nor changed. I've welcomed the contempt situation and have steadfastly refused to do anything to relieve it. So, at the last calendar call, Judge (excuse the expression) Smith told the DJ to file their additional costs in getting him to find for them. Not that I've apid any, or will, and it has finally gotten through to the DJ that they will confront charging me with contempt for refusing to pay the costs assessed against me, and that that will go up on appeal.

Finally, months too late, Jim went to others, instead of ACLU to the Nader people, and they appear to lack interest.

Anyway, a couple of weeks ago LaHaie phoned Jim, after the last calendar call, to say that if they could do anything to help good old Harold, they'd like to. I asked Jim to take down verbatim a letter in which I accepted and thanked them for their kind offer, and in a few words laid out their noncompliance and said I'd be glad to settle the case if they complied. More than that, but the general idea. Jim was to mail it, with an attachment, but he didn't. The attachment was AG Griffin Bell's "law day" statement to all federal ~~xxxxxx~~ attorneys, that they had the responsibility of not filing what they did not know to be true. Instead of mailing it, Jim tells me, he read it when he got another call. So, they said they'd really like to settle the case and they'd be glad to drop the charges against me. And instead of the ~~xxxxxxxxxxxxxxxx~~ 100 copies of pictures they'd be glad to go up to 20. I told Jim my minimum terms were payment of his fees and my costs. He said to ~~me~~ forget about his fees, which I presume he is prepared to do rather than fight and I think collect them. So I said my actual costs (which are incomplete and can be added to, but what I have on the books) and that while I'd not insist on anything else there were a few things I'd like. He said they'd not agree. I said let them not agree but give La Haie the idea that someone else will ask and that I'd see to it that if there is a suit he'd be blamed for the extra costs of that unnecessary litigation. Anyway, Jim phoned Thursday or Friday in my absence to ask Lil to give him the costs. He said he'd call back but he didn't, I suppose because he is too pressed for time on the King appeal. (I told him to tell LaHaie that he'd get back after he files the appeal and not to take any time from it but he appears not to ~~xxxxxx~~ have, I think representing his own apprehension.)

So, although I do not know, I suppose LaHaie had more or less accepted my offer. What makes it possible for me to make this offer is that nature of Smith's memorandum opinion. Jim says that it does not mean that others are precluded from going for what I did not get, something about not making a finding of fact.

Of course I'll be glad to get this suit over and would like the King one to end. On that it appears that if we do not get a victory in the appeals court it is because of a legal error Jim made. I've given him what I think can overcome it. but its nature lends itself to copping out by the appeals court. I prepared quite a bit for him but I think he'll not be inclined to use much and won't have time anyway. I've filed it with the government's brief in the 1996 legal file. Almost entirely it addresses what in plain English are the government's lies in its brief. I had no time to search and attach citations and documentation and he won't, either, a major problem.

If the field offices case is not settled, I'm thinking of representing myself before the appeals court and saying what has to be said that he won't. If I do this, I'll probably not include a single legal citation. But what a job it will be searching the case record, vast as it is!

Best to you all,