Dear Jim, 2/28/84

Smith's Order and your Reply were both in today's mail. Because of the forecast I decided to get copies distributed in tonight's outgoing mail, so what I did was rushed. I had to make the copies, this being tax season, collate, write the little I did in great haste, and I just did make it. I also had some packages to get out and they are in the box ready to go because it is quite possible that the mail will get here tomorrow and that I will not be able to get it. Probably it would be better to say until later in the day. Remember, I'm not supposed to fall, bruise myself, etc., and I try to stick to doctors' orders.

I assumed, because both were postmarked the same day but were in different envelopes that you did not get your copy of the Order until you did the Reply. Which I think was good, if perhaps again too understated. What LaHaie resorted to is not merely semantics.

If he calls you again, I strongly encourage you to make notes while you converse and have someone witness the time you post on them, day, hour and minute.

I think there is an oversight in your responses, particularly after they pretended to want an appeals court determination. You should emphasize that their posture is one of seeking the entirely unnecessary unless they have the specific and deliberate intention of going after lawyers, you in particular and lawyers who are willing to represent those who cannot pay in general. All other questions were already on the way to the appeals court. All they've done is add sanctions against the lawyer. (As you may or may not have noted, in all I've sent out I've emphasized that you even took the time to come up here to try and talk me into it and then, after I refused, even indicated that I would, a kind of pressure on me.)

I also think you should locate and have copies of at least two things: your statement in court that it was I, not you, who decided and my affidavit(s) in which I so attested. One of the things I have in mind in this is calling this in particular to Lynch's attention, on the off chance that there is still around a lawyer who will take initiatives and seek sanctions against the immune liars who work for the government and go around hurting people by doing wrong. There is now no reasonable doubt that they are out to get you. And I think that in time what you have succeeded in has to be drawn together to reflect their motive in this. It can be of use in what in some form is going to come.

I mailed 12 other sets tonight and I've one ready to mail to Dave. I just did not have time to address an envelope for him.

Also in the back of my mind recently is something I do not want you to reject out of hand but think about. Not that you personally can initiate what I have in mind. This precedent will have an enormous impact or corporate users of FOIA (at least, if not also other civil litigation) and their prestigeous and wealthy counsel, one of the reasons I wrote Isbell. The corporate costs of complying with such discovery can be astronomical, and the corporations may well refuse to do what <u>their</u> counsel could encourage them to do. Imagine then the fines that can be laid on the wealthy lawyers! Even just their costs in defending themselves. FTC-tyoe cases, etc. These people can be powerful and influential allies because they can be hurt where the hurt to use personally is insignificant. Bud may have some good ideas along this line of thought. And it is now clear, as I've told you all along, that there will be precedent.

Aside from the fact that judges can do anything, what is accepted practise? Would a decent judge have waited to hear from you in reply to their false opposition? Should he not have checked their citations and allegations? In time I may be asked this because while I do not expect and expression of interest, I'm keeping on sending this stuff out because it will change. Best,

Bn