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Upayne

3/16/84

Sometimes we change our minds, sometimes they are changed for us. Makes no difference which I'm sorry you didn't let me know because I fear the possibility of embarrassing you and I do not want to do that. However, I made those several calls because you had told me that ~~have~~ someone watching such things and there were a few developments. The one I'd been hoping for recently is what I write you about, in confidence, and in the event the others involved decide to go public. I am leaving this entirely up to them not only because I think I should but because I now prefer to use what little time and energy I have for other things.

As of the last word I had from Jim the ACLU has agreed to represent me and the Hader law people are representing him. They may want no public attention or they may not want any until after the briefs are filed. I'm not sure but I think they have 3-4 weeks for this. I've not heard from them.

In any event, there will be some kind of defense ~~for~~ of the Act and what also concerned me much, of lawyers willing to take cases for those who cannot afford lawyers. Those were my major concerns.

DJ had given Jim five days (only two by the time he got the letter) to pay the judgement against me before they filed against him. He entirely ignored them, as I had, and more than a month has passed and they've not done it. I don't know if saner heads prevailed or if some of the backgrounding I'd been doing got back to them.

I'd been after Jim for a year to speak to the ACLU and the Reporters Committee and he kept promising to and never did, until after they got the judgement against me, when he spoke to the Haders about representing me and they declined. When they moved against him I insisted again that he speak to the ACLU and he finally did. Their staff lawyer who has handled several cases for writers read some of the case records and consulted with those above him and they first told Jim we needed separate counsel which I'd been telling him all along and then that they'd take the case. I'd suggested that when they asked him to speak to the Hader people again he ask them to represent him. Whether or not he did, that is the way it has worked out.

I'm hoping they'll take initiatives, not merely defend, because of the possibilities I see but I'll agree to whatever they decide because the main thing is the defense of the Act and eliminating this threat against lawyers.

Gradually I've been clearing this kind of stuff from my desk and for the first time in months a fair amount of its surface is visible. I hope to be writing again soon now that these interminable interruptions seem to be ending. Unless Jim decided to attempt to recover costs and get fees awarded in another case all my FOIA litigation is now before the appeals court.

Best to you all,

CB