

Dear Jim,

Re: 82-1072 reply brief

9/9/82

Really fine - first-rate job. With a few of the kinds of errors that are almost inevitable when times pressures are too great:

Page 17, line 8: Not Tippit NAA materials, which I do not recall ever getting. Nitrate tests of paraffin casts, as you state correctly in footnote 9, page 18. (Where you do not refer to all I then received. If you are asked, I did get more than those particular results. Remember, you questioned Gallagher about some of those records.

Page 18, line 2 after indented quote: June 1981, not 1982, if I remember correctly.

Page 24, transposition in line 4, "explained."

What is brilliant is the crack about government lawyers on page 22, footnote 13.

Same point, next footnote, misspelling or I mean typo in transmogrifies."

The job on Kilty is fine! You may see him in the appeals courtroom again!

You may want to bear in mind that I also obtained, outside this case, other pertinent records he withheld, including Frazier's curbstome notes. They are attached to an affidavit.

If you could ever bring yourself to addressing government lawyers in the courtroom - their witnesses, too - as you do briefs, you'd be a courtroom wonder and how much better cases would go!

There is something else I thought of after I went to bed last night but I now do not recall it. Had something to do with another pertinent matter to keep in mind.

I'd like you to think about something forceful to do in 0322 to put Smith on the spot about DJ/FBI lies and about making them address the facts in dispute in my affidavits.

Yesterday I did a draft of a short affidavit responding to both of their filings and the two new Phillips declarations. I'll let it age for a short while and then will go over it again. I also believe that this is the last thing the DJ/FBI will now want to go to the court of appeals. What you have done in the 1072 brief, your latest filing in 1996 and the affidavit that I'd is retyping is put them on notice that we are focusing on them. This means they have no skirt behind which to hide and their personal and professional integrity becomes the central issue. I'm glad you use the words "perjury" and "lies" in the brief. It was time and not time for mincing words.

I go after LeHale in the draft I refer to and I'm going to amplify it. He lied in his typical say-anything approach and it happens to be what he made central. If you have forgotten, you'll be reminded. It is conspicuous that Phillips makes no mention of this because he knew better. So LeHale just made it up.

9/9: The 1996 affidavit is ready to mail and I've gotten by but not yet read the DJ Reply to our Opposition to their Motion to Strike. I've also drafted a short bad-faith addendum to the 1996 affidavit but have not yet read it. I've had to go an extra time to the podiatrist I have to see monthly and to the family doctor because of increased leg, foot and thigh swelling and irritation of the ~~left~~ left heel from sitting so much. Because of the warnings I was almost on my back in reading and correcting the affidavit to reduce the opposition to return-flow of the blood and eliminate the weight on the heels when I sit. With the recliner and a foam pad the left heel doesn't carry any weight at all. So I'm not going to do any more work today other than read LeHale, on my back. But tomorrow I'll get back to the 1996 addendum and the 0322 affidavit I started. I've cut an hour off my working mornings to give me more time, a weekend is coming up, so maybe I'll have both in the mail on or immediately after it. At my regular visit to the podiatrist today he commented on the extra foot swelling, so I'm listening. Best

SN