

Dear Jim and Bud,

7/19/84

I didn't tell you last night or today when you were on the phone with Lynch and me but yesterday and today both turned into bad days after my morning therapy today and after the searching you asked for yesterday. More leg and thigh swelling than in a very long time and other manifestations and more of a tendency toward dizziness. I've just returned from the doctor and while he is not certain what it is and can't think of any test that might disclose it, he is inclined to think that increasing the anti-coagulant a trifle may work and we're trying that. 17.5 mg today, pretty high, but the protime was only 18.6.

So, instead of returning to my mostly complete project of spraying all those pines, which I'll get to after morning therapy tomorrow, I will catch up on some correspondence. But first I want to get to what is necessary as a prelude to taking the kinds of steps against these Nazi/KGB types at justice and all their evil with which Lynch offered to help all he could short of handling it. I do believe that regardless of the outcome it can serve several constructive and worthwhile purposes.

I was not happy about dropping the demand for expunging their brief but felt that I should for a number of reasons, including the fact that you had more at stake and after speaking to Hitchcock clearly did not want to take this course. I have no complaints and no regrets. There were other considerations on the same side.

After I clear up the accumulated correspondence I'll try to type up the kinds of things Lynch might find useful at oral argument and will send you copies.

From what you said there appears to be little likelihood that any remand would go to Smith. If it were I'd immediately ask recusal and I think with much reason. This leads to a question I'd like you both to think about: can I raise these kinds of questions with any new judge, based entirely on the existing case record, and ask to begin with that all the incompetent attestations be expunged and all those that are not truthful be examined to determine whether they constitute an offense against the law. I have already documented their falsities of varying degrees, including outright lies when material.

In this connection, not long ago I read that Phillips had served a similar role in another matter and was very bad in it. Was it in Theobald, a book I borrowed and now cannot consult? He and Andersons are, I believe, nailed as a matter of fact, whether or not any court will consider that.

Of course I am also willing to file in my own name to avoid any enticement to further harassment of any lawyer.

I have a number of ideas but no way of evaluating them as lawyers might.

Frankly I was surprised when Lynch offered to help, and I do appreciate it. I also think that taking steps of this general nature can be helpful to all lawyers handling OIA cases and, if before Congress reconvenes, helpful to the Act.

So, please think and then please let me know. To bad, many thanks for your willingness.

Best,