

9/24/71

Dear Bud,

Thanks for Hims. Although it would seem to be relevant to my clothing/pix suit and I would expect the government so to construe it (I've heard nothing further from the clerk of the Appeals Court), it is not in that the pictures sought are of different character, there is an admission that precisely these pictures can be taken and I was offered access to even though this was not the case, and I seek copies of official evidence only and under a contract which provides for the taking of precisely these pictures and regulations that require precisely this (changed since I argued it).

It is a simple matter for a non-lawyer to have legal opinions, but unless it is legally possible to change the applicable law and regulations retroactively, under both I am entitled to these pictures.

The present status of related matters is that the Archives is refusing to give me what they can assure me is copies of all regulations they hold applicable and all of their interpretations of these regulations. They tell me to hire a lawyer. I think it possible Ervin might love this one. One of my suggestions to Hoads is that the purpose of the law was not to drum up business for lawyers and that it is incumbent upon any agency to provide all the information an applicant requires. In connection with this I pointed out that in court he never cited any single regulation or law in full and omitted the most applicable. And the rule that requires full disclosure to the court.

Without knowing anything not in this Hims decision, I think he made a mistake in not arguing practice, that the AF and others do precisely what he asked, have done it regularly and as a matter of practice, for years. Whether they have done it with that particular laser, I'm confident they've done it with others and have, since time began in public relations, have done the equivalent with anything the major media wanted. It would be interesting to know, the business not being classified information, why they refused to do it.

I have had cases in my reporting days where I spotted a good story, was denied what I asked, and then had it offered to larger publications. I wonder if he could have a tort should they do this? Of if I have one with the Archives on the GSA-family contract, which they refused me and then gave to The New York Times, the conditions of refusal not being subject to change (sensational and undignified reproduction).

It is getting past my capacity for a while to file new one, but I think we should, only on a very selective basis, each a completely legitimate and not a publicity-seeking request and each to limit a new point in giving the law viability. The Supreme Court in spite of which we will soon have to live may render it all a futility, but something is served in making a record and in embarrassing those corrupt ones whose real and scarcely-hidden purposes are really suppression.

Thanks. Nothing new from JR. I'm exploring the possibility of using two mikes in any further interviews. You did not exaggerate how incomprehensible yours was, and I'm sure you had the mike closer to him than to you. If I arrange this, it will be with a Sony cord, so you will be able to use it on your machine. But I'm just starting, having only that cord. Now I must get the appropriate female appliances to attach in parallel to it.

Sincerely,