

JL - re Nosenko part of attached letter to Shea -

4/20/78

When <sup>til</sup> turns the machine on I'll be making two copies of the interview/review for you. I'll mark one up and leave the other clear in the event you use it later.

We may be filing against the FBI on this, unless they heed Shea's subtle suggestion.

I think the more someone outside the FBI knows about what has been disclosed and to whom the better the prospect of sufficient compliance without suit.

It also appears not impossible that with the realization that very much was made available to Epstein someone may get the idea that the Government does not want this to go to court other than we can bring it to the court's attention in 75-1448.

While I've not thought it through I did give some thought to the appeals court's setting the case back to September. I do not think it is to accomodate their vacations.

I began with the assumption that they want the case handled promptly because of the serious questions we raised, that this is why they rushed everyone so with the setting of <sup>the</sup> arguments.

Now I'm inclined to believe that they want two other things more. One is that there be a full opportunity to take evidence and build a good record so that it if not also the district court have all it needs. The other is that there be full briefing and definitive presentation of the case for the abuse of the Act and the courts.

If I am wrong then I still believe we would err not to proceed on the assumption that this is their desire. Remember their ~~W67792?~~ spectro remand.

Remembering what Pratt did to us I suggest that when we note depositions we also make it a matter of written record that we will depose the fewest possible and begin with three: Briggs, Gene Wilson and Epstein. If we have it in writing that these are not all we may require I think the chances of not being cut off later are better and that if we have to note others now the responsibility will not be ours. If we have to note others now they would include people from Archives and FBI.

I think we should be prepared for this if and when we have a calendar call or for agreement with Ryan. If he refuses to agree then we can file a long list and give him problems with that.