

Dear Les,

6/4/76

Called you back as soon as I got home yesterday, 5 or a little later, but you'd gone. I figured if it was important you'd call again last night or today. I was gone briefly only this morning. Back before 10.

Jim tells me he received a notice from the judge's clerk saying the next status call is the 10th, not the 11th. I know she picked that date but I also know that the AUSA said he was tied up and they set it for the ~~10th~~ 11th. Jim is to check this. If he is now free and it is the 10th I'll say no more. If I learn it is the 11th I'll let you know.

Got that shopolish stuff from Jim yesterday, read it today, put it together with what has been alleged, including a printout of the inside of my head, and put a little fat on the fire via mail, certified, addressee only, to Kelley. It was a bit much. And they have filed papers in his name and made verbal allegations for him about what I am supposed to believe (a neat way of trying to by-pass pass fact if you are a combo spook and official) so I thought the time had come for a new, heavy load. I think it will be heavy, anyway. They masked all under the specimen and all under the results. No better issue on which to lock horns when they were ordered two months ago to explain and justify all maskings and haven't and their claim to exemptions can't be even close to relevant, which is less than applicable.

We've got 'em up tighter, friend. Yesterday, in another suit, was a disaster for them before a panel of the appeals court that before amending of the law (over this same suit, remember) voted en banc 9-1 against me. None of this panel voted for me then. By the time it was over Jim, who had not been able to begin to make his oral argument when he was jumped, found it unnecessary to make any at all!

The AUSA just visibly and verbally gave up.

So demoralized that he raised judicial eyebrows and voices when he blurted out that the FBI (Bow thrice to the east) never consults with anybody. Anybody is judges and lawyers, too.

It seem certain that all those early-age agent retirements were in vain. The appeal court indicated very clearly that it wants nothing less than first-person affirmations as long as those with first-person knowledge live. We assured them we'd seen no obits! Oh, wow! If we could afford court reporters! I can't imagine the judge below, fink that he is, standing against this certainty that is coming.

If we can do it we can blow the JFK case.

One of the judges even referred to this "while they live" bit in historical terms.

Jim and I agree that fighting tough and building a solid record is what did it. We overcame considerable prejudice and a monolithic past.

I'll explain when we are together, not by phone, but I think you should add to your FOIA/PA requests on yourself every apookery you can think of. Army, NSA, DIA—all. Not whimsical thought.

I have a new way of getting to Washington that will have me at the court, no traffic jams interfering, before 8:30. If you go there next week the lawyer's lounge is directly opposite the main bank of elevators on the 4th floor. Jim and I meet there. If you use the 4th street entrance they'll search your back and let you walk straight ahead afterward. The ~~is~~ elevators are about the middle of the building on the right. We usually stay there until time for the court to open, in this case generally 10.

If you haven't followed the Hule movie deal to its end, please push when you can. Jim agrees it can turn everything around if not over. (Based on Freed's letter Jimmy wrote some foolish ones and told Jim after the fact. He can't learn.)

I'm still fighting for time to get back to writing.

Best to all,