

7/16/77

Dear Jim,

I've skimmed the Clapp files. Some of it appears to be in chrono order, some is loose. First of all Lil will bind it all in chrono order, then I'll go over it carefully.

It is my impression that you have removed some of the key records to another file or for another purpose. Either that or the are out of order in the part toward the end.

While I did not see some of the records of which I have a clear recollection in the skimming for them I noted others that should be useful. So I won't forget I'll list 3 here:
Clapp's letter to AUSA Ransome Davis (described by Clapp as a no-good) after going over all out records - and he began with the Williams file;
Clapp's letter to the judge returning the judge's notes on their conference;
A memo on such a conference in which the question of the government's waiver of the statute was discussed.

Some interesting things: Clapp gave two different figures for the amount of settlement for which the AUSA does not need higher authority; my notes on the discovery material are included if some of the copies are not - the volume was a stack of 9 inches; there is no doubt that until Harvey pressured me I was anxious for trial. There also is no doubt that he wanted me to do parts of his work a client ought not do. There mere fact that a client is the one who seeks the expert testimony is immediately suspect. It also is clear that I took the earlier initiative in negotiating a settlement and that the government is the one that held off. His was hardly persuasive to me that it had an airtight statute of limitations defense.

I'll go over it all when "il has it all together.

There is another file you should have included, that on my correspondence with the office of the USA in Baltimore. Another with the Judge. However, the cost of sending this by Greyhound, for which my check is enclosed, is so great that I'd rather pay one of the girls in your office to do it and then you can mail them without taking-wasting-precious time going to Greyhound. The trip in for me is now no sweat, if the bus was late last night and air hot and filthy.

For the cost of the shipment, which is greater than charged for a passenger, I could give someone like Mark quite a bit more than his gas money. I'll be writing him asking him to come up on a day he is not job-hunting for some siaple, specified work.

The real propose for writing in advance is related to the still-withheld discovery material. I don't know if I am correct in the belief that it requires the providing of copies. I had thought it did. This files makes it clear enough that Clapp accepted not getting copies for me to keep, alas. However, I did file for all personal records long before any automatic destruct time and the records I have obtained indicate more has been found than I've received. In the last batch I have you, from DJ, you have a name. I am also wondering if, whether or not she is assigned to this, Ms. Sussman would sued good offices to avoid what without them is certain to turn into a stinker for them.

It is my belief that the seced-agency rule or whatever they call it is not applicable to delivered records, delivered under court order, as these were. There are overgune now in response and in each case from an agency with no backlog, real or imaginary. This makes me wonder if other considerations are entering into it. I am sure I'll find what is important in those records and I am anxious to get them jnot only because the need for examining them is right now but I want to get all other things possible cleaned up so I can write. Thus I hope you can soon find time for a call to Civil on this, remind them and Sussman than while they made partial and prompt reply to my wife's later request they are still without compliance with my request of at least a year and a half ago. I also provided them with some file numbers I obtained from Archives and have had no response on that, either. (I'm not sure this also was Civil.) Sussman can also phone the office of the Balt. USA and get records from there, as can Civil. This filed reminded me of the AUSA names, Better (who was not), Davis and Brocatto.