

Re: Jim

Dear Jim, Enclosed 77-2155 appeal to Shea 1/19/78

As text I refer to my rejoinder when several days ago you reminded me about jackasses and 2x4s: we've got a very big jackass and we have to get its head down to where our 2x4 can reach it.

Rather than trying to force the head down, which we can't yet attempt with confidence in the outcome, I propose assisting its downward motion each time it moves downward. Before too long it will be down enough to be reached.

In using the form for more than a single record, perhaps more than a single page, they violate the Act. It becomes impossible to determine whether or not to appeal and thus denies the applicant's rights.

In delaying responses until after we had to go to court they have forced a time coincidence, with the time for FO responses in my PA requests. This means that they will suddenly have a deluge, if you remember the word from a headline, of completely legitimate appeals and that they will have again laid out a case for us before a court if we have to go there. They may also be applying a 2x4 to the Civil Division heads for us. Civil can anticipate much more litigation and will realize if it has not already that it is unnecessary litigation if not in fact sure losers.

No point in not letting Bill if he is back and Lynne and Metcalfe, low man on that totem, lie what is in their immediate future. I recommend with "I told you so." Tell them that with regard to the PA stuff I will specify a very high degree of what remains withheld - including the Department and their own Division.

So we don't want the sharp edges of the 2x4 to be in our hands. I therefore will soon begin rounding them off with the draft of a letter + propose that you send Shea, probably complimentary copy to Civil people.

if we have to do battle, as it appears they are determined, then let us be grateful ~~///~~ to them for keeping us out of trenches and providing us with breasting works.

Best,