DearJim, 5/11/74

This is one of those days on which the only fairly safe thing for me to do is write a letter to one who, if I say the wrong thing, will merely tell himself "That crazy old bastard is off on another one."

Everything that has happened has angered me, beginning with my own early-morning work, with which, without having read it, I am not satisfied.

How I feel about the enclosure to Ed Kabak must be apparent. This endless crookedness! Can it possible be that I have dealt with only crooks, considering all the people with whom I have dealt?

Each of my riding mowers conked out within a half hour of starting them, and the grass is high and I am not. I have just had and paid for both being overhauled!

(Matter of fact, if Idi were not now planting a couple of small trees and shrubs where I've already dynamited holes for her, I'd be hand-mowing now, and it is probably the last thing I should do. But I want one of us to be able to answer the phone when the guy I paid for these repairs phones back, assuming he does.)

But I have more than a prayed-for catharsis in mind.

Your letterof the 9th came today. I've not read Kooh yet. Gessell is going to have to face the same issue in different form very soon because he sits on the case of the WC Cubans and their layer, Daniel Schultz, is making demands (ExPist 5/10/74). Theirs is a criminal case. (I think it would be good to get what Schultz filed alleging prior CIA WC knowledge.)

What you say of Florida, clearer in the letter than by phone, adds nothing to what I was told several weeks ago, but thanks. Just have to wait and see.

McCord: thanks for the update on Hs (anti-Nazi) pet. I have this to say about him: (expletive deleted). I have given him and his counsel what should be quite valuable. It should also tell them they they are both careless or neither knows his business. And I have yet to get a word about it or anything else from it or several letters. I also have something else now that I think might be the legal deciding point. But I'm also just filing it. I've had it, and I couldn't care less what the crazy reason of either or both is, if either or both really have one. And youcan tell either or both. Or say nothing. I just don't care. Really. Too much I can't do.

Agreed on the "significant factor" with Gessell. It was no factor in 2502-73. Can there be something other than prejudice here that does not show?

Agreed also in Ehlke. Besides, there was no chance of any ACLU interest in me from the first because of the subject and thereafter when I made some fairly strongly put efforts to let them see they are really finking out except on what is "safe." The best of them is yellow and the best is at all good only by comparison with the sad state of the profession (with a few exceptions!).

In am reading Gessell on Kooh. Suggest you read full graf with great care. He is telling the FBI how to get around FOI forever! By how they file. (To this point there are three references to me that in no single case I understand of believe is really relevant.)

(But on 4 he gives my original and persisting reading to that aspect of Aspin.)

What you did not note is that in this case as in my decision he wrote the day of the month of May in and it was the same day, 3.

Ought we talk to Hoch, Bingham, etc? Or ask to?

They have a forum for deception of the court, for false statements and swearing by DJ officials and others, etc.

Best,

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May 9, 1974

Dear Harold,

Enclosed is a copy of Gesell's order in Koch v. Department of Justice. While there is some very bad stuff in it, e.g., "the Court may only look to the Bureau's intentions at the time of compilation," it is considerably more narrow than the order entered in your suit for the executive session transcript. I note he finds a showing made with respect to each of the files he agrees should be withheld and also suggests that they are to be withheld only "if law enforcement ~~xx~~ was a significant aspect of the investigation for which they were compiled." I'll hit him hard on this.

I spoke with Bud only briefly yesterday, barely longer than long enough to get his approval on the Brief in Opposition to the Petition for Cert. in the Ray case. He apparently had a very nice vacation in the Bahamas. I asked about his stop over in Jacksonville. He didn't have much to report but did say his impression was that the proposal had been approved and would be presented at the meeting later this month. As there were no negative comments, he thinks the prospects are good, so let's keep our fingers crossed.

I also spoke with Ohlhausen a few minutes about McCord, telling him he had been quoted in the New York Times. He was not aware of it (Ehlke told me). McCord called Bill up after the program and asked him if anything on Watergate would be in violation of Sirica's order. Bill said, yep, anything. Bill doesn't really know what went on during that program. He did, however, tell me that McCord had been an FBI agent working on their "Nazi" program. I assume he referred to some counterintelligence program the FBI had on Nazis. Bill said that he had once asked McCord if he had done any work on the Latin American aspect of the Nazi program and McCord said, yes, but in the United States.

Ehlke has done a fair amount of work for the Washington Metropolitan Area ACLU in recent months. Mostly civil rights violations. The ACLU was impressed and asked him to screen all the potential cases coming to them and then recommend to their screening committee which ones they accept. Since Ehlke is always edgy about using his position to do favors for friends, I'm not proposing we go to the Washington ACLU on any of the various projects we've discussed. I'm not sure they would have the jurisdiction anyway. But Ehlke may be able to find out who can help us, at least after he's gotten to know a few people.

The dialogue in the Watergate ~~xxxx~~ tapes which just fractures me is where Dean says Sirica is a hanging judge and Nixon says "I like hanging judges." Famous last words. If I were a cartoonist, I'd make good use of that one.

Jim