

For John Larry Ray - 86798-132

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October 29, 1973

Hon. Frank J. Murray  
United States District Court Judge  
District of Massachusetts  
John W. McCormack Post Office  
and Court House  
Boston, Mass. 02109

Re: McMillan v. Carlson  
72-2551-M

Dear Judge Murray,

I am writing to express for the record my deep distress at the inordinate delays involved in resolving the problems in this case, which delays I attribute entirely to the dilatory tactics of the defendants.

As you know, the complaint in this case was filed on August 15, 1972. This followed a period of lengthy negotiations set forth in our prior affidavits. Shortly thereafter, counsel for Mr. McMillan were advised that the government might be willing to permit him to interview Mr. John Larry Ray, but that it would take some time to decide this matter. Months passed, and only after repeated phone calls from the undersigned did we learn that the government was not going to allow this interview. The motion for a preliminary injunction promptly followed and was filed on March 8, 1973.

The hearing on this matter did not come on to be heard until March 12, 1973. It was our understanding that the matter would be resolved fairly quickly. In due course, a further conference was held on August 2, 1973. At that time it was understood by all parties that the case was ready for summary disposition. The government was given some ten days in which to file its final papers and it was assumed by all that this would simply wrap up the matter. The government did not file these papers until the 21st of August, at which point certain new issues were raised, the spuriousness of which counsel felt it necessary to point out by letter dated August 31, 1973.

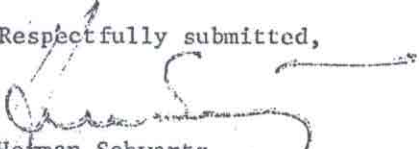
Almost two months have gone by since that and the government's submission has obviously delayed matters, so as to preclude prompt resolution of the matter.

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Counsel wishes to protest these dilatory tactics on the part of the government in as strong a manner as possible. This is a case in which some of the most fundamental First Amendment considerations are concerned, regardless of which way the ultimate decision comes out; on the latter point, counsel is frank to say that the government's arguments seem to us contrived at best and ludicrous at worst.

Plaintiff therefore requests as prompt a resolution as possible so that this matter can finally be brought to some kind of conclusion. An appeal may follow whatever the decision, but plaintiff will seek to expedite any such appeal.

Respectfully submitted,



Herman Schwartz  
*Atty. for Plaintiff*

HS/jl

cc: David Epstein, Esq.  
John Reinstein, Esq.