

Dear Jim,

9/17/74

There is a special reason I asked you to read the reporting of the Nichols excoriation in the AIM case. You will have read what you have before you see this so you will have an independent assessment.

Haile has set precedent in extending time for filings. So let us file one in general, with no specific reference to me until after the evidentiary hearing.

Ask for discovery on all surveillance of any kind on any member of the defense team (use this kind of description which really does cover more than the lawyers) by any federal agency or anyone acting for any federal agency, without regard to the nature of the surveillance, at any time or place.

Also at the same time ask for discovery on any surveillance or any other kind of surveillance - but this time specify mail - in Ray. From the moment of his arrest.

We can even make out a case that the bugs were on when the lawyers were with him. And that would, under Ellsberg, be enough to turn him loose. This may give them the out they much need.

We can later come back to me in particular.

In addition to what you know about I have opened mail that could not have been opened by anyone outside the government, etc.

I also complained to Mitchell, who wrote and said of course this would be improper and he would refer to the sainted departed. Said sainted departed never responded and I could never get another response from DJ.

This was not a frivolity or a stab in the dark. I had a report from N.O. that agents were going around behind me defaming me. Also, there was a time when Ivon had a tip there would be a federal ripoff of my motel room. They actually put a bug in and had someone there around the clock, in an adjoining room.

I think that once we get them nailed to a denial of any kind of surveillance by or for any agency we are in better shape.

And so is Jimmy.

I suggest that each case fortifies the other.

Plus I have the identification of the secret Air Force file on me, the one they alleged they didn't have in the helicopter suit after I found reference to and identification of it in the material we got on discovery. My notes contain this. I went over the discovery material and have a complete list of it, too. (You don't suppose a lawyer would take that kind of time, do you?)

I think Byrne and Nichols have shown us the way. Let's take it!

Best,