

8/1/76

Dear Kim and Lila,

We are glad to hear from you both. We look forward to your approaching return, as you do.

Nice that Jim got to go to Niagara Falls. We've never been there. Close during World War II - Oswego.

Sorry Kim was not feeling well. Hope that has passed off. Lila had a slight medical problem taken care of day before yesterday. She remains a little uncomfortable from it but that is easing rapidly.

Scott is here working on a very worthwhile project and finishing the painting of the cabinet for the indexes. (I hope one of you can come for a short visit before school and put the cards in. We'll have it down the cellar by then and ready for the cards.)

I'll keep the special project on which Scott is doing very well as a surprise for him to tell you about. I'll say only that it is for court use and we have a code-name for it: due diligence in good faith.

Speaking of court, Jim and I have won a smashing victory in the spectro?NAAs suit. We don't know if the government is going to appeal. They'll probably stall until the very last minute and then go to the Supreme Court again.

But you'll want to read this decision and I'm sure you will understand it clearly. It does not require legal knowledge.

The Nader people, who have looked down their noses at these kinds of political case, are quite impressed. They got in touch with Jim to express their satisfaction. It was a real satisfaction for them because they got clobbered by the same appeals court the same day! They have even suggested they might help with the depositions!

Yup, under the decision we depose a number of people, including all the FBI agents with knowledge. How's that for a first? Not only did the court say I can - they used the word "must." If this is not enough for you they said this was not only in my interest as the litigant - they found it in the "nation's interest" for me to do this.

It really amounts to a mandate from the appeals court to perfect the record from those with knowledge of the "essents." Yes, their word.

So be excited. Also expect more stonewalling. Frazier may even get go on an African safari to make a scientific study of the ballistics in shooting guns. Gallagher to Peru for some spectroscopy on the pink-eyed pirhanas. But in the end we'll do it.

Doing well in the other cases, too. Have a mind-blower for you in each but let those be pleasant (of sorts) surprises.

Sorry it was not possible for Lila in particular to be in on some of this. I think it would have been first-rate legal training with other benefits, like educational ones. I've been preparing exhibits and other materials for Jim to use. That is what Scott also is doing. He's also enjoying it. When he finishes this one there are others, meaning like it and making it more inclusive and definitive. He is working on the first of a series.

I'm really sorry it has not been possible for more younger people to work on these kinds of projects. They amount to a kind of on-the-job training in areas not taught, and I do mean not taught in law school. I had a very gratifying letter from Howard during his first semester in law school. His evidence prof drew him aside one day and asked him what he had obtained so exceptional a grasp of evidence. That pleased me so much! I think Jim, who is already an outstanding expert on FOIA law with as good a record as any lawyer has, would say much the same thing. ...We look forward to seeing you both and hope all is well with your families. Best,