Government tactics: Ray appeal, C.A. 226-75 HW 7/8/75

There could be another handicap: what analysis can yield.

When I had time to consider what the government was trying in C.A.226-75 and all the possible ramifications, one that became apparent was the delivery to Jim Lesar of all the transcripts of the evidentiary hearing in the Ray case several months ahead of promised time.

From what we had been told this could have taken up to a year and many months (more) were assured. Then, suddenly, they started arriving. Soon all of the, but not quite all we were to get.

What this means is that Jim now has a deadline on the Ray case, before the 6th circuit court of appeals. The time for that is controlled by the time the clerk of the district court certifies the record to the appeals court. I think it is 60 days.

I wrote Jim and suggested that there had been D.J. pressure. My thinking was that both cases are crucial to Justice, Jim alone is doing the legal work in both cases, and that it would occur to Justice that the best way to hurt us and help themselves in both cases was to overwork Jim and dilute what he could do.

Jim had occasion to phone the federal-court clerk. I saw Jim today and asked him about this. He said he had questioned the clerk about the premature arrival of the transcripts and had said what this did to his scheduled work. The clerk's explanation was "pressures." I told Jim "D.J." He laughed and said what is not exactly that xxx but can mean nothing else. He was told merely, "Washington."

Whatever happens in C.A. 226-75, especially if the judge rules Tuesday the xxth 15th, there will be an appeal. If the judge rules then, which would be wrong but remains both possible and probable, it will mean that Jim will have the appeals in both cases to prepare simultaneously and will not really have enough time to do justice to either. Meaning either alone.

I was so sure something like this would happen I undertook to prepare Lil for another consequence several weeks ago, when the first of the 14 volumes of Ray transcripts began to appear at Jim's.

Jim is handling some civil matters for me, to collect moneys due me. He has not had time and had expected to get on it after yesterday's scheduled calendar call, before we got it postponed until the 15th. The last other impediment was a case in which the decision was reached last Thursday.

Now, inevitably, these other matters will have to slide more.

While the planning need not extend to this (but with eavesdropping this would not have been secret) it has the consequence and hurts Jim and me both.

I was certain that after a half year of nothing there would be this kind of ploy. It is the end product of analysis only and is in fact in opposition to what we had been told.