

6/21/71

Dear Cyril,

Two things of interest, both of which I am saying little about because there are too many among us who trust the wrong people and too many anxious for accomplishment who take what is not theirs use it prematurely, usually wrongly, and kill prospects for ongoing investigations. Thus, I'd appreciate it if you keep what follows to yourself and McCollum.

On the spectro suit, which we lost and is on appeal, fortunately we had a terrible judge. Between him and the rotten things the government did, the chances seem to be better, depending on who hears the appeal. However, we are now at a stage where we cannot use witnesses. And I now have in my possession proof that the testing of the samples (which did not include all the proper comparisons) does show differences. So, I am hoping that McCollum has standard texts which will show the significance of any inconsistencies in both spectrographic and neutron activation testing. I will not give this to Bud until he is preparing for the argument, because his committee is also a sieve. But I do want to have it all ready for him, and I want to be able to brief a few members of the press right before the hearing, after Bud is prepared for it. We do not yet have the date. The papers were filed some time ago.

On my suit for copies of pictures of the clothing, which required an enormous amount of work for me (I was pro se), in defeat I think I won a significant victory. The documentation of my charges of suppression and legal improprieties was really extensive, were not only unrefuted but undenied. The government abandoned all their suprious arguments, some really ridiculous, and restricted themselves to two things: a narrow interpretation of the family contract and a promise to make whatever pictures I want but not to give them to me, to show them only. Thus I will get to see what I want, or will be right back before the same judge, and will see if I can appeal the decision not to give me copies. The judge, without my asking, told me I could appeal. I told him this was meaningless because I am without means. He then said the appeals court would help. I wrote the clerk who told me that I must file in forma pauperis in the federal district court, and I've written the clerk there for the proper forms. We'll see. My chief concern is with the costs, not the assignment of a lawyer, with the printing of the transcript and the record, which is, believe me, greater than book length. I decided that regardless of the outcome of the case, I'd make a record.

By a strange coincidence, the judge who heard these arguments was sitting on his first Freedom of Information case. Three days later the Washington Post case fell his lot. He had quite a background for it! And he was the first to decide against the government on the use of those classified papers. Perhaps there was collateral benefit.

Best,