

N. Olanoff & J. Stein

Dear Jim, re No. 77-1831, government opposition to addendum 3/8/78

While you proceed on your legal research into the federal procedural rules I have a suggestion to make following my reading of the oppositions filed on behalf of DJ and GSA. I read them and other of the papers you gave me yesterday on the bus back.

I believe you might consider making the allegations of frauds upon the courts stronger than we discussed but that you ought be careful to attribute them to me, as you can by saying plaintiff-appellant alleges or something like that.

In the notes I gave you after I read their first brief I noted some false statements in it. They, clearly, are not based on the record, so you might move that their brief be expunged, with some sarcasm.

But I think the basic approach is that because of the seriousness of the corruption of the processes of the courts any effort to protect the offenses by claims that wrongdoing is protected by the rules becomes a new offense.

It might not be inappropriate to use the inscription over the AG's office door:

"The United States wins its point whenever justice is done ⁱⁿ its citizens the courts," adding the word "only."

One and a response I recommend is seeking to give the appeals court an even heavier dose of the withheld truth, the need for further discovery, from what you have seen in the Epstein New York interview texts and from the "eaders Digest first piece, which I hope to get to reading today.

The offense with regard to Nosenko and FOIA is perhaps the greatest in any case yet, given especially the Schaitman-(whateverhername is) representations to this court that we could, in effect, get Nosenko killed. If you do seek to do this, and it will at least inform a clerk in the effort, I'd provide a marked copy of each publication.

This reminds me, I forgot to ask if the notes I sent down on the first New York piece have been transcribed. I sent a marked copy with ~~it~~ the tape.

I believe we discussed giving the court copies of the news accounts of Ford as Hoover's fink. I have not changed my mind on this. But what I do now believe, a belief fortified by the two briefs I read yesterday, is that the Nosenko offenses are even greater and the misrepresentations by the DJ lawyers much more serious when considered against the giving of all that Epstein got while all these denials were being made and the case was being toyed with and delayed in court.

If we had asked Epstein to say what we need in this case or had asked the CIA to do what we need for making a hard case against it neither could have been more helpful.

You may not find rules of procedure that are your way. So try on the fact, repeat what Justice is challenging, let those lawyers see what they have done to themselves, and if we lose in this effort to get the new material in the record we will have made significant advances in other aspects and areas.

They are going to wind up giving us the transcripts. Wanna make a bet?

I also believe that maybe more than the clerks will find an added addendum interesting reading compared to their normal indigestible mass.

Hastily,