

Dear Paul,

5/5/74

Jim, who neither tootles, as you do, nor tinkles, as his May does so beautifully, is in the midst of what is supposed to be a vacation. The one distraction he has had of which I know is being struck by a rock while his Metroliner was somewhere near Providence, R.I. (Providence?)

From a phone conversation we have just had, I take it that while he was with May at some kind of professional meeting in Boston this is the one thing that really took his mind from an assortment of litigation.

He says the cut from the flying glass is not bad and that his eye was protected by his spectacles.

He is supposed to leave again in a couple of days on the vacation part of his so-called vacation.

On his temporary return he found the government's response before the Supreme Court in my spectro case and a decision from Gessell in 2502-73, my suit for the 1/27/64 executive session transcript. I had read once and hastily the response and have a memo ready to mail to him. I know of what Gessell ruled only what he told me. I assume it is both adequate and accurate.

Beth will have to await our having time to inform you more fully. I write this on a break as a brief updating.

While it persists in the same legal, factual and intellectual drek, I find the spectre response of different quality and I interpret this as deep misgivings on the part of government lawyers. When I suggested this to Jim he was willing to agree.

We have several options about this and I asked Jim to write the Court asking for an extension of time in while to file further because he has to be away and because I am temporarily unwell. I left this entirely up to him so while I think he will do this, it is not certain and whatever his decision is will have my agreement.

(Please do not be concerned over my condition. First I seem to have pulled a muscle where I didn't know we had any and then I got an attack of some strange kind of dizziness. The former seems to have run its course and the latter seems to be no more than that which I am sure has often been bruted about, the loosening of some of my nuts and bolts, allegedly in the inner ear. Slowly they seem to be tightening themselves. So there!)

We face a similar situation with Gessell. He has demolished for me the Exemption 1 or "national security" argument. But what is simply incredible, because government lawyers failed to make or file any proof or affidavit, he found against me on the investigatory-files exemption. On this we have a number of options and it will have to await our being able to think and get together before we make any decision. I have made some recommendations.

Particularly from a Gessell is this Orwellian. My instinctive reaction is to go right back to him with a direct confrontation, but what we will do I will abdicate to Jim.

In effect he has ruled that J. Lee Rankin committed perjury, that this perjury was federally suborned, so instead of doing anything more he does what for the moment means nothing, says, "naughty-naughty." Instead of punishing perjury he rules that if you resist the temptation to commit perjury and to suborn it and file nothing at all you are a real good boy and deserve a reward. So, he rewards by finding for them. Take this laterally. It is precisely what he did because there was no evidentiary support of the invocation of Exemption 7 of any kind, the only reason Jim and I did not address it directly.

Jim thinks that after his drastic censorship of the proof I ^{drafted} ~~filed~~ what he did file sacred the hell out of this "liberal." I agree. The Warren and the truth syndromes.

Either or both of us will be in touch further when we can be.

Best,