Your two letters of the 15th did not come until today, noon, and I do not expect to be going into town. If I do I'll mail. Otherwise I'll hold assuming we'll get together Tuesday.

On the executive order, while I think it better to ask for it in the present case, if you feel otherwise, by all means do as you think. Remember, there is one referred to in the correspondence I gave you. I think the thing to do is ask for both in the interrgoatories and ask if they are identical. If Werdig has to face a misrepresentation to the judge in the spectro suit, so much the better. My feeling, without thinking it through, ~~xx~~ is that it would be better if we learned of his misrepresentation in that case via another, innocently. It might make a difference, it surely could be added to arguments from here in, and I believe it might have more effect if it evolved this way. However, I have no strong feeling about it and if you have no better reason tha that you just want to, do it your way. Is there reason for a quick response? If there is, why not just phone Werdig and ask him for it instead of making a deal first?

On the proposed interrogatories:

1 and 2: I'd ask for a copy, which you can properly do in an interrogatory and this might be a good place to ask about the one Werdig referred to. He did quote Mitchell in this line, recall.

After 7, I'd ask if there is hurt to any sich proceeding that is anticipated and if so, was it hurt by Ford's use in 1965. I ~~xxxx~~ think we should rub this in with vigor, perhaps in 3,4, and 6. This provides a marvelous chance for exposing their fraudulent claims along those lines, perhaps citable in other cases. If you agree, Lay On, MacLesar!

In this connection, should we not now do what we have never done, demand politely that they meet the minimum requirement of the law and justify the withholding? Any court should look with favor on this. I have solicited it in correspondence to no avail. If they did not in letter and do not in answer to an interrogatory, it could be embarrassing even to a Danaher. Thus we should make the same request with regard to each allegation of exemption they made, if you agree.

8: I would rephrase to make begin "Any official Texas proceeding and then itemize, leaving out the non-exutent" investigated the murders of President Kennedy and Lee Harvey Oswald." (Don't make Jaworski look good!) I would add here a question about any federal investigator "such as the FBI, CIA and any others." The allegation vs Oswald, remember, was that he was a Soviet agent. If they didn't give to CIA, ONI, DIA, FBI, etc., it looks like they knew better besides not having the reason they give.

9 It has been a long time since 2/8/72. How long does it take a development to develop when the law requires promptness? I'd ask also if it came to pass. And if not, why the appeal was not processed as required by their regulations (in evidence in 2569-70) They are required to forward to the asst administrator for administration. His name then was Johnson.

I think we should ask why they did not respond to my invocation of American Mail. And if they hold it not applicable on what basis.

My point here includes saving the time of the court. It is not a new question in this matter, it would be raised in court, so let us do it in a way Gesell should see and appreciate. This is not like 2569-70 where I wanted to make an exhaustive record and felt I had to in order to answer each phoney allegation. I think there is a real advantage in using the interrogatories to elicit everything we could have to address in the courtroom. In doing this one thing that should be emphasized to the degree that will not affront Gesell is Ford's use for personal profit without hundrance and still denying it to me which is, as I wrote and I think you should cite, to give him an exclusive commercial right to public information and then to make it non-public to others. The net effect is to give him ~~xxxx~~ lifetime propreitary rights to the Top Secret. In pursuing this kind of approach where it is proper and relevant and not dragging it in there can be a collateral benefit in educating the Watergate-sitting judges. Besides making a better, briefer and more comprehensive record for the future.

As I think I have made clear, there are several matters involved that we should keep in mind, but none against your own judgement. In making a clear and complete court record and in making and facing challenges in court we do what we can immediately do to rectify the corrupt record and to earn support when it may be available. We also educate, if only a few. These few include government lawyers, not all of whom are whores (they almost quit the Garrison case before Halleck, I know from the inside), judges and other functionaries, and the reporters who are not permitted to write stories. In the future it can always be politicians.

There is something else I have in mind. This will be your first case, the first exclusively yours as a matter of fact and of court record. I would oike you to win it for this reason, too. Because of its nature, it will be examined by others who at some point you may want to think well of you. Like for a job. Or to engage you. So, the better and the more careful the record you make, the better for this interest I do regard as important. To the point of risking redundancy but avoiding it, if it makes a careful and full record, I would encorage it.

Having said this, I also want to assure you of complete freedom. As you know, I didn t even want to see the corrected Complaint before you filed it and I told you not To phone me with the changes. Ditto for the interrogatories. If you want to file them fast, use your own judgement and ignore what I suggest that you do not agree with. The only things I would expect are that you ask if you do not understand and consult if the question is an impirtant one and you have doubts. Otherwise, do it your way.

If I did not above suggest asking in a separate question why they did not comply with their own regulations, which are in no way altered by any allegation of any "developments in the state of the law," whatever that can be said to mean, if anything, I think there should be a separate question citing the applicable regulation. With a change in "the state of the law" if it had the effect of making available what might not have been, they could always comply. Pending this change, my rights were those of the time of application and they had no right to stall me under the law. Or any other for that matter? It is now more than 21 months since they were required to process an automatic appeal from Vawter's rejection. Merely pleging this should send Gesell up the courtroom wall, especially if you site The requirement for promptness. It is also in the AG's interpretation, the Memo on the law, and thus also was binding. In fact, I think it is in the Nixon revisions, which are not binding in a case filed prior to them but state policy.

In short, I guess I am suggesting that in a case like this one, with the kind of record I have to this point, you may have a chance of winning through the interrogatories, which can have the effect of an argument without being one, simply by using them for what they are supposed to be used for.

Best,