

6/17/71

JW, HR,

I am sending you two along copies of my letter to the Archivist written as soon as I calmed down after returning from the hearing in which, as a matter of record, I lost. As I earlier indicated, I think it may result in a very considerable victory for two reasons: the judge indicated that the court of appeals would provide the means of my appeal, which can be quite costly; and I think that what I have done with what was promised by both the judge and the government is something with which the government cannot live.

My court papers in this are what would generally be regarded as intemperate. However, aside from the probability that they turned the judge off, they succeeded in every other way. The intimidating effect on the government was clear in court. They abandoned each and every allegation they had made, tacitly admitting that every charge of misrepresentation, deception, fraud and much more, is accurate. Where they denied the court had jurisdiction, they acknowledged it. Where they denied I had exhausted my administrative remedies, they said I had. And all of this is recorded and on appeal will be printed--every word I wrote, book length, believe me, every bit of documentation, every letter each way, etc. So, there would this be printed a very minor but permanent-record Warren Report documenting federal duplicity and its meaning in terms of the assassination. That record exists in any event in the court records. It would also exist in printed form.

There are some side benefits, I think. For purposes of the GSA-family contract, I am officially recognized as a serious scholar. The contract has an official interpretation, although not a matter of a formal decision, that requires the Archives to perform according to this interpretation of its terms. I have in the papers filed the basis for asking the appeals court to rule it illegal, and if they do not, I have not lost a thing. On the other hand, there is a good basis for asking it to say the judge interpreted the regulations incorrectly, that they require making of copies for me. This is one of the things I would ask. And if I lose on this, I have a better basis on another suit where the law is clear. Or at least clearer.

Meanwhile, with the government having promised to take such pictures as I require for my work, but not to give them to me, please note with care one for which I have asked. I have asked that they place the tie inside the buttoned collar and take a picture of that area. When they do this, they will have put together the proof of the total invalidity of the WR, for there will then be photographic proof that no bullet exited the tie, and I will be able to go to people of some influence who may or may not see me and taken them to see the picture. Then we'll see what there is to see.

I anticipate the Archives may decline to do this, trumping up some spurious claim, like I am asking them to make a test for me. In that event, I will send my letter and theirs to the judge and tell him they have not kept the promise they made to him in his court, and again we'll see what, if anything, happens. With the allegations of perjury I have already made, tacitly acknowledged by the judge who ruled contrary to the allegations of Rhoads' affidavit, maybe he'll get up tight and order. If he does, they'll appeal. As I understood would happen no matter what the first decision. Had I won, they'd not have delivered. They dare not. Either way, if the appeal can go forward, this case will not end before it reaches the Supreme Court, where, alas, I may be my own lawyer. My chief interest is in having the appeal made possible. And I have a dim hope that what Agnew et al have been doing to the press and the current Times flap may help. There have been some behind-the-scenes things not reported, like NBC filing a brief amicus curiae in the Caldwell case, which will mean more to JW. And someone there has suggested that I see their counsel, promising to speak to him about me before. I may try that today when I take Lil to the doctor later.... So, there is more than meets the eye and I do not want it to meet too many eyes or a single slack jaw. Aside from not wanting any loose talk, things are still happening to my mail. While most of it gets through fast, some is long delayed reaching me. The copies of the rules of the court mailed in plenty of time for me to read before the hearing, and from 50 miles away, are not yet here. JW, no response needed. FYI only. Best,