

2/6/76

Dear Howard,

My purpose in using this colored paper is to attract your attention. I presume your school and related work are keeping you busy.

Right after I returned from a trip the middle of last month I asked you to make a request for a friend I thought ought not make it in his own name and I ought not for him.

After I returned I was not feeling well for a while and I may have delayed mailing this. I don't now remember. And there was an accumulation added to the accumulation, because of my absence, which could help me to have forgotten.

So, I'm writing to ask if you have had time to make the request and if you have had any response. My friend, a stranger to you, would like to know.

When you can, please let me know.

Aside from what the enclosures will tell you when you have time to read them the government's reply brief in C.A. 782226 (75-2021 in the appeals court) is probably the most indecent thing they have done yet. It is so excessive, so risky, that I'm convinced they are really uptight. In time, when you have time, Jim will supply copies of ours, it and the reply brief he'll prepare.

They have made me and the charges I've made of perjury the central issue as they see it. In the course of this they've goofed a little but I've spotted it. Appeals are, as law school may by now have taught you, handled by another part of DJ.

Anyway, when they decided to pull this old lawyer's dodge you've probably heard of, trying the case on the opposing side when you have none of your own, I've suggested to Jim that he take it head on. Horn to horn, us, little as we are, and they, powerful. To take the issue of perjury also head on and ask why there was no charge against me if I erred, no response to three affidavits (maybe four) proving it. In addition to fact and the law, which is our way except that they are playing on the prejudices of this court in the first spectro case. So, the thing is to make it tougher for the court to indulge its past and give them a tough confrontation.

With this combination and a decent panel we may do something.

If on reflection Jim agrees we'll be laying out a Watergate-type case against federal lawyers. Some judges should be about ready to vomit. I'm willing to offer a long finger to their throats.

After this semester is over you have to read their brief. It is that bad and indecent and irrelevant and deliberately false. ~~There~~ There is no possibility of mere error. We've tackled the FBI and we'll now tackle the DJ lawyers.

If I had concern over the personal consequences of a fink panel, and I don't, I'm still waving the red cape.

Confidentially, I think that with the oral arguments in 6th circuit past Jimmy has, with some maturity and sophistication, taken the first steps aimed at firing Bob. I think Bob will read it this way, if JL didn't yesterday, and that he'll ask to be relieved. I cued Jimmy in on 11/20 on the sell-out I aborted. He waited until the day of arguments to write Bob asking response in writing and putting it on me. Accurately. I think also properly because Bob will not confront me on it. My carbon came today. Earlier I wrote Jim. I think I made a carbon for you...I'm saying nothing based on the copy. I expect Bob will write or by now has. If I get a carbon from him I may or may not write him, probably not unless there is an attack on me. I've no doubt that if Bob's letter, of which I'm sure, does not show a carbon to me Jimmy will send me a xerox.

Best HW