

2/2/71

Dear Jim,

Got started at 4:30 a.m. this a.m., for I'm anxious to complete draft as rapidly as possible because of the time considerations I outlined yesterday and because I am hopeful that you and or Bill can come up and go over it. However, I had two dizzy spells this a.m., and while I feel okay now, just a little unstead but clear in the head, I feel I ought not do the driving until whatever this is (the doctors have never, in the past learned anything or, if they have, haven't told me) is entirely cleared up.

I'm working on something I've never seen in any legal document, what I'm calling a "Commentary", I've gone completely over the government's papers and prepared a draft, except, as we discussed yesterday, of the very beginning, the part I think is important and must be at once brief, concise and definitive, all within legal norms and practises.

The papers you said did arrive this a.m. and they are of value. I found something new to me in them something never touched upon by the government in any papers of any kind of which I am aware. I am not certain it will have the meaning with the court I think it should have, but I'm gonna try.

One thing that seems to be relevant is missing. I hope you have it and can send it right away. It is Section 3106.

One of the things in which I see no immediate relevance but I think we should check out thoroughly as telegraphed in the note at the end of 2108, exemption of the 60-day period after first report in writing. The legislation and law seem to relate only to the buildings, etc., but assuming the government might anticipate an argument that without them there existed no such special archive or authorization for the acceptance of papers for it, consider these things: not until 8/27/66, almost three years after the assassination, was the report made. At that time the waiver of this 60 days was built in. Now consider what the situation was then. My book was out and getting quite a bit of attention, as was I. Before then, even though denied the normal channel of distribution then, the week Epstein's book had a front-page review in what was then called "Book Week" WHITMAN was the best-seller in New York. We went crazy shipping books. Sale as as many as 300 a day in single stores were reported. After one telephoned radio broadcast to San Francisco, the entire 500-copy supply there was sold out in a single day.

I'd done a few sensational radio and TV things, made real ripples. Some Kennedy people, like Goodwin, got started on by Epstein. Lane's book was due and clearly had a large campaign behind it. So, there is relevance, I think, in this special exemption. Add to this that if "calendar days" during which the Congress sits does not include days of no sessions--and I've forgotten, taking the weekends off, there were not 60 days between 8/27 and 10/29, the date of the letter agreement. Regardless of this latter point, with the background I've given you, the fact that somebody felt need for this exemption of that 60-day period may have quite some significance. I hope it can be checked out. I can't.

3106 is referred to in 2108, and the counterpart to that language interests me. I believe 2901 is also valuable. With luck and proper handling, we have something here, and the judge's probably hangups can be turned around. Wither way, I now have either a new chapter or an excellent appendix for POST ~~THE~~ MORTEM when I can complete it. This incredible dishonesty gives a perspect and context no author could add. Or add to.

Sincerely, and thanks,