

6/28/71

Dear Bud,

Enclosed are carbons of my letters to Helms, Mitchell and Boulanger and the Boulangers and Kleindienst letters to which they respond. I'd appreciate the return of the copies of these to me. My order of 3<sup>rd</sup> paper has not yet reached me. (If Carman could phone them again and remind them it would save the toll call. I placed the order 1/15 and they promised delivery in three days.)

I spoke to Paul Valentine this p.m. He agrees with my uncertain recollection, that in drafting the order for Gesell's signature Werdig seems to have stretched it a bit. I note that Werdig delayed from the 15th until the 24th in doing this simple thing, if that has any significance. I could not hear part and as I wrote you, I was undoubtedly a bit nervous, etc. It is my recollection that the judge was specific in saying that 5 U.S.C. 552 does apply, that it is the only means by which he had jurisdiction, that he decided on the basis of the contract, and that the government was, in his view, complying with the contract by taking pictures for me and showing them to me but that this did not require giving me copies. If I am correct Werdig has knowingly stretched the decision, something I think Gesell might not like. I assume he just signed what Werdig drafted, expecting it to be a formality. He was, of course, a busy man, and Werdig may have drafted this earlier but not been able to get to him until the 24th. However, before writing the law clerk I want to be sure that my recollection is accurate.

Meanwhile, in 10 days I've had no response from James Davey, clerk of that court, to whom I wrote at the suggestion of the clerk of the appeals court, to ask for the forms, etc. I fear this may be wasting the time in which I may appeal. Before writing either again, I'd like to know your opinions. Or, should I write Gesell, in the hope that this would not waste any of the days permitted for appeal?

If the transcript is typed up, perhaps Jim can check it on what Gesell actually ruled. If Werdig has stretched the decision, on top of all the other dirty stuff he pulled, it would not look good and Gesell might recall some of it. My charges were specific enough. And, I think, well enough documented.

You have copies of my earlier letters in each case. Kleindienst is even more incredible than his previous record. What I asked for in one case is copies of the pictures normal scientific practices required be taken before removing samples for analysis and for copies of the sworn statements Clark said were provided by the panel, and he also said they had a neurologist examine. Since these do not exist in the record we have, I asked for them. He does not say they do not exist, which is quite possible, but instead sends the panel report without explanation (and that is a different edition, more, letter-sized pages). Having already given me four pictures of the same kind, he now says he "cannot" under the investigatory-file exemption! We have the Army dead to rights now on Powell, because he did provide the one picture through his commanding officer and did file a report the Secret Service said would be available to it if it desired it. The regulations Boulanger sent are not those I asked for, those relevant to 5 U.S.C. 552, but they do require expeditious answer. From this, and with the history of delay of more than six months, I would assume that we can file anytime after 10 days. If you agree, in a week I'll draft a simple complaint for you and Jim to go over. If you say so, I will with the others, too. The CIA one is lovely! I have carbons of some of what I seek, proof it was for them, and they not only do not respond for 5 U.S.C. 552 regulations (do they have any?) but do not even send a copy of a speech made in public! "Trust us", he said!

Sincerely,  
Harold Weisberg