

1/22/72

Dear Bud,

I take it from the unexplained Order of the Appeals Court putting the Spectro suit on the summary calendar that there will be no arguments under Rule 12. My false pretenses of the past, acting as though I am a lawyer, may have gulled you into the rather good joke attached, but it leaves me uncertain on this and whatever else may flow.

If you mean by "how did you get so popular with the courts?" the opposite, then you are on fairly solid footing, as what I believe I have sent Jim in full should show. I have been keeping after them on their refusal to appoint counsel and otherwise help in response to my affidavit in forma pauperis. They keep repeating what to me seems the meaningless, that there appears to be "no non-frivolous issue". I regard such an affidavit and request as anything but frivolous. So there has been a series of exchanges in which, in one way or another, I raise this question, and in one way or another they say no more than the above.

My last letter on this, addressed to the Chief Judge who will sit, is without answer. Almost all have been addressed to him and all have been answered by Paulson or Cathy in Paulson's name.

To make your life easier and simpler, as soon as the Graham story appeared I also write Gessell remind him that my charge of perjury in the clothing/pix suit had not been responded to in any way, by him, the office of the U.S. Attorney or the Archivist, against whom I made the accusation. I then quoted the appropriate parts of the Rhoads affidavit filed in that case compared with the reality reflected in the Graham story and added a new charge of new perjury, in that Rhoads swore and on the basis of that oath Gessell ruled that Rhoads could not let anyone see that clothing. I think the perjury is clear. Only it appears to be less than popular to embarrass the courts by making them face federal corruption or the many assorted kinds in which it can come before them. Unless you are the Post or the Times, when it provides judges with the opportunity of appearing courages and striking poses for history.

Because I do not really know what this means, if it means any more than that they will decide and record their decision with nobody there, then there is no point in making any preparation. However, the second paragraph of Paulson's letter refers to the time limitation and the number of counsel. So, I take it there will be argument. In that even, I strongly encourage you to be completely prepared on the question of Williams' perjury, which you chickened out on and omitted from the pleadings and the appeal. You have a memo on it from me, sent you as soon as I first read it. Before Bazelon, especially if we are put on the defensive, it might be effective. This memo also goes into the irrelevancies and immaterialities.

It might be a good idea to be prepared on the other perjuries and on my keeping after them, with the later the simplest formulation being that either I swore to the truth or I didn't. If I swore falsely it is a crime. If I did not, why the denial? If it has to do with a technical fault not spelled out, I did precisely what was told, by the clerks of that court, and how can a man who is not a lawyer and needs one, and uses this means to seek one, be held to account for not knowing the law? Why else did or would I ask for a lawyer? Whether or not binding on him or other judges, the very last thing Gessell said, and he volunteered it, is that the Appeals court would help me in precisely this way.

Of reference to the number of counsel who may argue is some subtle hint that perhaps I intend this, you know this is not the case. I have left this entirely up to you. There is one thing that I think should be different this time, though. Last time you asked me not to sit with you. This time I should, last time you missed something Werdig said on which you could have clobbered him. While it is by no means certain that were this to happen again you would miss it and I would not, I think it would be better to have me sitting next to you for this reason and in case you want to ask me anything. The government is hung up because