His filed affidavit sent, Harold

Dear Paul (JL), 6/8/75

While each thing I do or try to do gets done at the cost of something that goes undone I do want you to be informed to the degree you want to be and is possible for us. I can't begin to take the time to spell out what I hope will be apparent enough from my last night's letter to Jim. After reading the transcripts of the two hearings that came yesterday the apprehensions with which I left the courtroom on the 21st are considerably greater. I was sick for the first hearing. One thing that may illustrate this for you is that in the first hearing Jim made non-compliance specific and the judge was already talking about hoe good the faith of the USDA was and how dishonest he was, already on the record and repeated in more detail at the second hearing, made no difference. When the judge went further and said he'd regard "substantial compliance" as full comp,iance, I hope I have to spell nothing else out, in specificity this case or in general when this will be the precedent case under the new law.

Whatever the motives of others may be, the fact is clear and the record is terrible, of the worst kinds of mistakes. They can be very hurtful and I'd rather not go into details. In fact, it is depressing to think that it is necessary.

These are essentially political matters. Most of us are entirely without experience in them. Just about all the others find it best to ignore the realities and to pretend that each time I forecast something like this and turn out to be right it has no meaning.

I am aware of the actuarial situation: that the one who has never been wrong in these kinds of things has a high risk of being wrong each next time. In this case it simply isn't possible. If we prevent what looms it will be because of what Jim and I do, not because of anything else.

I really do not enjoy the risks I have to run. I have just gotten one copy only of the affidavit I had to file. I had to start doing this as soon as the last hearing was over. The next morning I had the draft finished. Jim went over it and cut out what he felt should be eliminated and out it in generally better shape. Nonetheless, as anyone with any sophistication at all ought to realize, when I have had to do this in four of the five cases, the odds again become operative. How many times can I lock horns with the FBI and hope to remain unscathed? In this case I have charged perjury and asked the judge to do something about it. Whatever he does we have no reason to look for an easy time. If I had not done this and done it immediately the situation would be much worse. Remember, the lawyer for the other side is also the prosecutor. He is the one who files charges.

The realities are not as they may seem from the distance, from another type of life and another kind of life's experiences. I have been through these things before and t ere is no way of learning them except from experience. Especially if one is unwilling to to begin with.

When what was going on became apparent to me in court as soon as the judge left the room I had to lay it on the prosecutor. I did, too, and he is aware that I am capable of lodging charges against him and that I removed his innocence at that moment.

If it had not been necessary I would not have done it.

The weight we are carrying in this is enormous. Ot may not be apparent to you and if we pull it off it will seem as though it never existed. There is much I'll have to do that I'll not have time to go into and may not be able to do but must, somehow, try. It is made much more difficult because of the campaigning of a personal nature of so many others, throat-slitting for self-seeking purposes. I am foreclosed from those to whom one would ordinarily turn.

This is partly to try to inform you and partly so you can try to understand some of what I have written to which you have been indifferent. The possibilities I see are real, as are my fears. I do not give details where they are not essential because for the other side the situation is also one fraught with the greatest danger. You may not see it but this can be the real crunch. I have to go on the assumption t hat it is because it can be. If the judge rules for us it surely will be. Others seem never to be able to look ahead.

When we have this kind of situation it is at the least upsetting to find indifference elsewhere aside from those who cause problems, where it is more upsetting

still. In this matter it is virtually all those who seek and get attention, each in different ways. Some overtly, some probabilities.

From the enclosed you should recognize that the so-called scientific experts Nichols and Wecht haven't even recognized that there is major withholding. They have both made a public record that says there was compliance. Can you project what this can mean?

From each of these and from all of you I know who are in college or were or are near one I have asked a very simple thing that is inaccessible to me. The standrads for these tests, what is required to do each properly. With Nichols this began in 1967, early 1968 at the latest. More than five years ago Cyril promised it, from his criminalist. More recetly I asked it of you and Lifton, who was up to his old tricks, as I'd feared. In all this time noe one has seen fit to go to this little trouble. Whatever the reason in each case, can you begin to comprehend the frustration it means? There is nobody around here to whom I can turn who is not federally connected. I've even tried through faculty friends.

This is why I've had no interpretation of what figures we've gotten. I have not regarded them as the significant element at this juncture but I would have liked to know what they mean. I assume that Quinn is close to it and thus I've said nothing more. But the other aspects are the important ones, not what I've referred to as the numbers game.

We ought to have this but with this past I'm not finding it possible to make any further efforts because the past tells me it will mean a waste of time I do not have. This represents a very bad situation holding danger for all and more for me.

We can be seriously hurt in this and in what still is possible from Melin et al, who have had the kind of insane help nobody can begin to expect when one sets out to do what that Commission did. Temporarily the needs of the CIA took precedence. I understand that Melin put up a real fight on the inside and lost. I do not think this will be the situation indefinitely because of Ford's needs.

In any event, for whatever little it can mean, I'm trying to explain what you seem never to have been aware of and what it means here.

We have a political situation and it has to be met. It ought not be impeded. It is being impeded, in various way, some minor and probably well motivated but unthinking.

We have serious financial problems. We can't do all the xeroxing necessary. I may have overcome some of this yesterday. I'm working with some college people but the separation is of 120 miles in travel time and much greater in knowledge and understanding. If they can come through I'll have other copies for you soon. Jim has only parts of mornings away from home. He has to babysit afternoons. But even the time it takes him to go for xeroxing comes from other work he can't do. He is not close to any xeroxing facilities except where the cost is quite high. And then the lawyer has to be his own clerk-secretary.

Unless I can get away today I'll not be able to remail your note of the 4th to him until tomorrow. Not knowing whether you sent him the attached list of documents, which is quite helpful, I'll make a copy of it and send it, too. It would have been much better if you had sent this(these)directly to him. We have time pressures and each little bit added to our potential undertanading means the possibility of more time being required.

I hope you are right that Lifton will not do anything stupid. We are being haunted now by another non-stupidity of the past. If anything is done publicly or in any way that gets back to the other side it will not be helpful and can hurt as he may not see. The realities today have nothing to do with figures insofar as our situation is concerned.

It was good of you to take the time to include descriptions but from them I can't tell which I have and don't have. Some do seem unfamiliar. I do not have all that the Archives finally sent Jim so I can't say if they were complete. This can be very helpful that way. I wish we'd had it earlier. but I think Jim can still use it before the next hearing, which may be the determining moment.