

Dear Jim, Attached paragraphs for 226 affidavit - etc.

7/19/77

These days vary with how my legs feel. I just walked the length of the lane and back after sitting and typing for a ~~while~~ while (with the necessary interruptions for walking) only to find the thigh feeling tight and one an inch larger than this morning. Not comforting or conducive to concentration or thinking of much else.

I walked the lane back and fourth I think eight times today, ~~or~~ careful to do most of it before and after the greater heat, mostly before. ~~Before supper~~ ~~7/19/77~~ I rode the exercycle a simulated 1/8 miles. So I'm getting some leg exercise. Only to find the right thigh more swollen at the end of the day.

So maybe I'm not thinking too straight.

I had gone through some files and collected records I thought might be relevant. ~~Ed~~ Ed has duplicated copies in advance.

For the most part they are records I'd like in this court record and with an explanation of them and their meaning.

We might want to consider what else we'll be able to do. And if going this far we want to stop without taking such an added step. I want to. I also think that on appeal it will make appeal simple for you if detested by the appeals court.

There really is not much to expect from Pratt, this one or any like him. His mind is made up as it was before he saw us for the first time. He is one judge who just does not give a ~~damn~~ damn what the appeals court does, thinks or says.

There are also our practical limits. Under Pratt this case has cost much more than it has been worth. It will cost and cost and cost under him. Meanwhile, if we go up on appeal and he is again reversed, much more time will pass and we'll still be back where we were. So we file a motion to recuse and perhaps he does. We are still back at square one.

Aside from this there appear to me to be two alternatives: the FBI, knowing its business and all the dirtiness necessary to it, knew from the first what not to do and just didn't do it; or it has what we seek and is this determined not to deliver it.

Given its determination, what can we really do about either alternative?

Only make a record all these kinds have to live with. I think that with editing and some reorganizing the affidavit, which will be a book, will do it. It will not have the literary qualities of the ~~day~~ day appeals but it will have content.

That will then be available for the use of others. Like one of Dave's studies.

There are importances of doing this in a court record. One is that it is subject to challenge and attempted refutation. Absence of this makes the record powerful. It then becomes an official and an uncontradicted record.

This way a loss becomes a real and a meaningful victory.

With very little more time required of us.

I saw this earlier but those matters of which you know prevented my getting to it. Then under worse than usual conditions. And now without the possibility of the help needed to fashion it well.

I think that except for this perfecting of the record we are past the point of diminished returns on this ~~one~~ one. So let us rush through with what remains as best we can with a rush, do what we can to make this have lasting value, which to a degree it has already, and then get on to other more important and more promising things that are more important to both of us.

With this affidavit fixed up and with ~~Tague~~ Tague, which is better than the draft, we will make one hell of a record. I also believe that in terms of what constantly looks most important and most promising, a suit for damages, this perfecting the the record subject to attack can be very important. There will be no factual attack. There may a few minor mistakes in hasty writing but no more and I think not much of that. I'll get to reading it if Les does not come tomorrow.

Best,