

11/3/74

Dear Tom Susman,

Jim Lesar and I got back from the Ray evidentiary hearing late last night.

The burden of this work has fallen on us mostly and an extraordinarily large and taxing part of the court-room work was his alone. We are thus both quite tired and we both, were he, have a large amount of work to do to prepare the papers the court still requires.

For a first case, beginning with his first deposition that of Percy Foreman, Jim's performance has been remarkable.

We should prevail. ~~Jim~~<sup>We</sup> will be making a Constitutional argument that should be much stronger and certainly will include more than in Russe.

We will either be at your disposal in the FOI debates and preparations. It would be better if I alone can serve your initial purposes to spare him the time because we can't afford the transcript and he has a demanding job to do with complicated and extensive materials. The record is vast, largely due to our unprecedented discovery that despite contempt (unpunished) and other abuses yielded fantastic material.

Tomorrow, when this will be mailed, I'll begin, hopefully a little rested, typing notes and memoranda for Jim. I can and will interrupt it at any time to go there or receive anyone you may want to send here, when I have more than I can carry, particularly not knowing your needs or desires.

When I heard of your call I arranged for a copy of the new book, done as usual in too much haste, to be delivered to you. Hope it was done. We have not yet released it partly because we had to abandon it for this Ray work, partly because we'd like to have a chance to sell the subsidiary rights (Jim borrowed the money to pay the printer) and partly because we neither now have time to arrange distribution or promotions.

However, we are agreed that all these considerations mean nothing if there is a use that can be made on the Hill. We do plan to give copies to most Members, all where unreceptiveness is not certain. But we have not yet even tried to arrange delivery to them.

If I/we can do anything, please let us know.

We both have more on the last case Jim handled for me and on my earlier and other cases as well as on phoney #security# and "national defense" arguments. In fact, I think I have enough for the inprobable, court action to punish perjurers who have made these claims in refusing the non-exempt. Ditto for "investigatory file" claims. My own activist view is that this would be more persuasive than debate and argument.

If you would like me to go there, I can be there any day except Friday before 9 a.m. Fridays it would probably be a little after 10 a.m.

Sincerely,

Harold Weisberg