

Dear Jim,

3/7/74

You are probably still awake. I'm getting an earlier start so that I'll get as much done despite your and Bud's coming visit today. (Despite all the interruptions, some of the causes of which will be visible when you get here, I've finished going over book-length notes on WJ without retrieving all I was looking for on Caddy and Bullen and C's grand-jury appearances and Bennett's statements re hunt, a major need before returning to writing.)

I have two particular purposes in using my earlier start for this note. I am, given all that I now forget, quite gratified that my recollection of Executive Order 10501 was as good as it turns out to have been. I think still that if you can find the time it would be good to have Florence on tap as a witness. Last night, before I got drowsy and after I finished with the Moore stuff I reread it and marked it as I did. It has great stuff in it for use not only in court but in pleadings. I have marked it. Including that like Nixon's substitute for this like thing, it is presented as a disclosure and not a withholding order, a doctrine we should use when appropriate. It also imposes obligations and duties, including on the AG, who is opposing counsel in this case, obligations his subordinates have not met for him. Gessell should at some point, in this case or another, be informed of these things.

I have read the notion To Strike and the memo of Points and Authorities and thing they are both first-rate work. I want to remind you again, fortified by rereading 10501, of the importance of hitting hard in the opposition, the only place now left, at the fact that DJ and Rhoads both had to have known that the initial classification was entirely illegal under 10501 even if applied by an authorized classifier because the Commission had no such right and was denied it under the only authority cited. This could be a clincher with Gessell and particularly in the area of official misrepresentation and deception of him.

Your presentations to this point really are excellent. We can't depend on success by having earned it or from being right and deserving the rights bestowed by the law. But your presentation of the case to this point is forceful, very comprehensible, seems to be legally sound, and should be impressive to Gessell as it is to me and I would like to think to others where it might do you some personal good. I remind you that I do want you to keep this in the forefront and of my belief that in not forgetting it you are also looking out for my personal interests.

There are some things we should discuss personally, if not this Saturday as soon as it is convenient for you. They include what relates to the Williams matter but are also separate from it. Last word, about 10 days ago, Baltimore lawyer had nudged Gatty on check. He said should be another 7-15 days then. Best, HW