

11/23/76

Dear Phil,

While the accumulating extra work is extraordinary burdensome your mailing of the 20th, which you sent before you received my letter, is so valuable I do write.

To thank and to say that it confirms my belief that the papers would carry much that has value to me without particular or easily perceived journalistic value.

Let me update you in case the papers there do not carry it, ~~writ~~ in confidence from this end unless some of what I tell you does appear, of course.

The subpoenaing of Ed Thompson's files is a legal outrage. It also was unnecessary. I believe the carting of the locals' files to Washington is abusive and unnecessary.

Thompson's files are those of co-counsel and immune save with Ray's waiver, which was not asked, not offered and was the subject of our prior and vigorous protest after which Sprague apologized and backed off. That dealt with Foreman.

While Jim was busy ~~starting to prepare~~ <sup>starting to prepare</sup> legal moves on Sunday I wrote Sprague a really tough letter. I told him I'd have no more to do with him, specifying the reasons. He got the letter, or should have, Monday morning. He called Jim last night to apologize again and say it was still another mistake, that he had not intended to subpoena the P.D. and did not know it had been done.

Ozer is a wildman. Lane lead them into this. That is the baloney story on the destruction of evidentiary files. And the lie about the date.

This is all I can let you be aware of now. There is more.

If you want to do a story you might look into why the committee did not accept the offer of I think Stanton to make copies if he is give a subpoena and instead are still, from today's WxPost, demanding the carting of all to D.C. This probably won't reach you before the returnable date. If you want to go into this with him I have no objection to your letting Stanton know that I've suggested it to you.

One of the stories includes his offer to copy for the committee. When I was a Senate investigator this was common practise, a courtesy extended to those subpoenaed as well as a convenience for the committee. I know of nothing wrong with it and can still see much right in it. In past days, before xeroxes, corporations used to set crews of typists to work making copies in their own interest and those of the Congress. That was much more burdensome than xeroxing.

There need be nothing offensive or demeaning in a subpoena. I think Stanton would have been wrong not to ask for one. A subpoena is also a protection, as he can explain better than I and I have no time. There is nothing wrong in his asking for one. What I do not understand, given his offer, is why Ozer did not phone Washington if he needed approval and then, if given, save himself, the committee and your locals time by indicating those of which he wanted copies. I'm sure anyone would have taken the Congressional word that there would be a subpoena. In any event, Stanton could have held the copies back until it was received so there was no problem. Except of Ozer's and the committee's creation. If I am not their apologist I do believe your locals have been abused without cause of reason.

Sorry about the haste. Many thanks and I do hope you can keep it up.

Best,