

Dear Jim,

226 appeal

7/21/75

The government alleged that it gave all the final reports on all the tests to the Warren Commission.

It claimed this to us in our conference but that is something to which we could not hold them, it being their word against ours.

However, it also did this in court, which changes the situation.

From the time they made this claim to us and refused to give us copies or tell us which documents these were incorporated in I have been trying to get these from the Archives. You have copies of all the letters. So do I if you are too busy.

The Archives has not made even pro forma response. I believe the time under the law has passed. I repeated the request under the law after for months it had not been met. So, I think we should appeal as fast as possible to have this in the record for the appeal.

Whether or not we get their assurance that they have provided every relevant paper or not I have enough for the most exquisite ridicule of this in disproof, from the gibberish of the cubstone to the discouragement of the NAAs to the total absence of the providing of any NAA results relating to any item of evidence.

In doing this we will not only be strengthening the case and appeal as Pratt would not permit but we will also be making it clear that the Archives is playing the same political game.

I think also that on this alone we will be able to join the Archives as defendant in a suit to recover costs of not also for damages.

If you want me to file the appeal, let me know. I think the simplest way is to attach copies of the letters of request with a simple covering letter saying that this is an appeal from all the attached questions none of which have been responded to within the time allowed and all of which are older than the letters indicate.

Some of them, as with CIA withholding and Nosenko, may be informative to the appeals court, too.

There are quite a few. There is none that is not a reasonable request, none that does not ask for identified documents and/or deal with improper withholding -- of even what was public and published.

One paragraph in verbal argument with this as backstopping would be powerful.

For this approach, however, we will again need the text-book statement of how one performs these tests and what the results show-- especially an itemization of all the components.

Hastily,