

CONFIDENTIAL

4/15/70

Dear Dick (cc Gary and Paul),

I very much appreciate your phone call during daylight hours, knowing how costly it was. All your instincts about the Skolnick suit, briefly as you conveyed them, are correct and a distinct credit to your analysis. I continue to get material on it, slower than I'd like, but it is all one way. I am now hearing from those who have been close to him wondering, in writing, whether, in fact, he is a government agent. I think it is like N.O., where it is not necessary, that he does this kind of thing spontaneously.

By the time you get this you will have written him. I suggest that as soon as possible, having established yourself as a "buff" and potential fan (he has an impossible ego), you also ask if he can let you have copies of the press for your scrap book. There are stories I do not have, and those I have are bad enough, believe me.

Bud, who was taken in by him, gave him the one thing he didn't get from my friend Russ, from COUP, and that is the Hurd phone-call slip. He makes up this gilding, that Hurd is a well-known Army intelligence officer. Perhaps, but now he is best known as a nut, having just come out of the nuttery again. When I told Bud the use, he was less than happy.

Several other things have happened I want you to know about. First, when Bud refused to give the government an extension on responding to the suit, the government apparently got it from the judge. I do not know the law, but I believe this is at best irregular, they having had plenty of time and this law have special, contrary provisions. But there is nothing I can do about that until I see Bud, to see if he agrees with my interpretation. He was going to the court when I spoke to him. His understanding, my phone, is that they now have until May 5. Three weeks. I wonder what they plot for this interval. If they do not have what they say they do not have they certainly do not need time.

Paul will understand what now follows best. Bud and I have talked of expanding the Freedom of Information Act with a series of suits so designed, there having been so few. I raised the question of the missing CD61 with him. I also told him we cannot do this without Paul/Jim sanction, for it is their baby. I told him that if they agree, I sue for access only, not for copies, and for those copies I might want after seeing, which would include what Jim sought. He is tentatively in accord, and we plan to discuss this with Paul when he is in DC if there is no earlier word. In this case, to speed it up, I would begin with the completed DJ 118 form, send it in with the required deposit, and if there is no response within a reasonable time, go right to court. I think the time to move against DJ, which is at the heart of it anyway, is right now and favorable right now, for this is but another facet of the ugly Mitchell & Co picture. I think it also would open a few eyes to find them suppressing what the WC itself made public, CD 61 never having been withheld. If Paul/Jim indicate assent before Paul's arrival, I'll fill out the papers immediately. The time is really propitious and there is every reason to hit them with another every time they stall. With the panel material I am bound to wait, for that was never in the Archives, at least not officially.

I'm still upset from a number of rather rotten things earlier today and an innocent one, a rather large plumbing bill (et to come) for almost an entire day's work by two men, who have not finished. I hope I'm making sense. Included is being beat out of several thousand dollars due me and promised, and so anxiously awaited by the bank. To top this and other things, I got a garbled telegram from Nichols, who is in Washington. I was so damned mad that when I went

to town to bet it I forgot. I was in the very block, stopped at the office-supply store of a friend, tried to borrow a stenorette machine on which to play a tape sent me (I also have one I never use, taking ~~many~~ belts), and it entirely slipped my mind. To make it worse, I actually drove right past Western Union and it didn't once occur to me! I'll go for it in the a.m. What is not garbled tells me he had gone to the library of Congress and checked the copyright files and wants to buy PM and PMIII.

Our troubles began when I trusted him to begin with. He read the ms of PM, on his word to leave it entirely alone, not to use any of it or try and duplicate it, which is child's play. He immediately duplicated the 399 picture, with the resultant mess with which Dick is familiar. He has no innocent want of PM. He has known of PM III for a year and has never asked for it. I have loaned him what I have not given him in the past, asking only his word he'd not use any of it. I think he has in mind some kind of dodge whereby he can force the right to use this from me. If his recollection of PM is sharp (and I also showed him all the docs for PM II as I then had them), he may remember the part of PM I removed, to hold for PM II, when I gave Garrison PM to use in the trial, in return for credit to the book. You know how much I got that!

I have been troubled by feeling I have to keep some of this stuff to myself for various reasons, one to preserve my rights and to get to use my material the way I want, the other to protect what I have been working on with I think rather conspicuous success, even if it took those so-long years. But I have also felt that I should let people have it for their understanding. So, I'd written him and offered him what I'd gotten and expect to get if he would give me his word and this time keep it. He may not have gotten the letter. I do not know how long he was in DC. But what kind of tortured mind is this, with all his responsibilities, that he takes time for this kind of approach. Well, we'll see what develops. But as it has the kind of potential Nichols can give anything, as Dick, who has his own work now copyrighted by Nichols in Nichols name, and Gary, who has had his own experiences, will understand, if Paul doesn't. This blend of uninhibited ego/messiah and crook that so dominates so many is our worst problem. Except, perhaps, for me, when I have to decide what to do.

I'll keep you all posted, but if it is to be bad, you may as well be forewarned. I think most of you know it, but if you do not I have John's verbal promise repeated in writing that he'd not use this stuff, acknowledging I had shown it to him on this basis and specifying in some cases what it was, and I will do what I can to hold him to it-or make him regret it if I cannot. I sent some of you the letters I wrote him when he was engaged in the theft. He has never answered. Howard was here when he phoned me from Washington and overheard some of that...I hate this kind of thing, and it never ends. Trying to undo the Skolnick was bad enough without John raising his ugly head again.

We absolutely must disassociate Skolnick from all "critics" before there can be any response in court. If I had the dough I'd fly to Chicago and file an injunction, with the proper allegations and proofs. Whether or not it would be legally acceptable, it would have that effect. It would, at least, make that record. I wish I had the paper to copy it for you. Dick, if you get it, please make Pegl and Gary copies of the complaint immediately. Do not bother with the appendix, for they have seen that, Paul having gotten some of it for me and Gary having seen the rest here. I sent them copies of what Paul didn't get. In fact, you all have it in the appendix to COUP, with the single exception of the Hurd slip from the DPD, which is in the microfilm file Paul should have gotten from Bud from now and I do have. I wonder if the request for delay is to get him clobbered in court first, to damage my suit. I'll have to raise this with Bud... I think there was more I had in mind but I've forgotten it and I'm in no mood for it.