

11/27/70

Dear Jim,

Thanks for the government's reply to the Nichols memorandum brief. I've read it in haste (it is late). I fear that if I were a judge, especially one not inclined to do a lot of research and other work, I'd find it persuasive. John has made many mistakes, many not necessary. He didn't even use what I gave him long ago that would have been relevant.

I have no doubt of the truthfulness of the Davis affidavit. I'd expect this. John's error and omission is obvious. One bright enough doesn't have to know what happened to dope it out. Nor do I believe that stuff has had a single repository. In fact, I could even name ~~the~~ one who saw some of it. That is, some of it, and where, shown by whom.

I think it would be goofy if we had copies of the citations used on the first page. I think we get around all of this in the clothing suit, but I also think it would be prudent to know everything each of these things says. Bud caught them mis-citing in the La v Shaw case, and I was able to spot misrepresentation in the spectro citations without even knowing them. John's lawyer may spot the legal error, but he may not be able to see where it may not be relevant and, firm as I believe in fact, may not know the fact.

I think we may have a measure of John's lawyers when we see their reply to this. I think I could wreck it with little difficulty.

If we may hope that John is lucky, we should also recognize he is the creature of a number of commonplace: ignorance, ego, hate and inadequate preparation. He just didn't do his own homework and didn't understand what he took from others. Too bad.

There is a simple, glaring typographical error in this thing that can be used, for I am just assuming it is a typo. I'd not say it is unless it were argued by the other side. It results in the making of an incredible claim. But, if it is a typo, it is great for us in 2569-70. Have you spotted it? Let's play a game and see! I'll give you this clue: it is opposite, directly opposite, to what they argue against me. (Here John serves a useful purpose for, as you've heard me say often, I am anxious for them to commit whatever we can get them to commit to signed paper.)

As of now I have two appointments I can break for the early part of the coming week, Monday and Tuesday mornings, here. If it is necessary, I can come down almost any day next week. I'll have an answer to their "opposition" in 25718-70 to file.

Sincerely,