

Dear Jim,

7/1/75

When you phoned last night I was still awake. After your opinion of the reasons for this newest fink deferral move I was wider awake. I thought of it before going to sleep.

One of the reasons I wanted to file this suit early is because it is a gut one, getting to the guts of fakery and official deliberateness in it as well as such parallel considerations of lack of innocence by so many and the jeopardy to the integrity of a multitude. It is probably the one suit that can hurt the FBI most because it was an FBI operation in the field of its expertise. It cannot place the blame for this on anyone else. It cannot say it did only what the Warren Commission asked it to do. It cannot explain either the absence of final reports and conclusions or release them. Unless it decided to end the official mythology and run its risks on surviving ~~survival~~ by taking the halo from the ghost of Hoover's head.

Before falling asleep I came to the conclusion that this ~~wierde~~ operation represents a conscious decision that this course is the least of possible evils to the FBI. This is consistent with my earlier analysis which impelled me to want to make the fullest possible factual record regardless of judicial resentment at the filing of lengthy papers.

They know they have their kind of judge, witness his recently overruled decision on their illegal electronic surveillance. If from no other experience, they know it from what he has said and done and not said and not done in court on this alone.

So, they are taking their chances.

Their game from the first has been stall. If he does not rule for them they have stalled. If he does rule for them they have stalled longer because we'll be forced to appeal, as they will if he does not rule for them.

They may be figuring (or know) that he'll ignore the FRCP.

If he does they are temporarily ahead and we are held further.

However, I see no alternative course for them. They have to do something like this. Crazy, though, to give me without cost - they damn not bill me for what I said I did not want - what I may be able to use in other ways and think I can. We'll discuss this when we have time but while I was shaving early this morning before a hasty reading of the draft of last night's affidavit I did get some ideas.

That they without cost dumped so many papers I said I did not want on us and under the circumstances is pretty wild. It gives you the chance to make some eloquent arguments and heap ridicule on them. It will make quite a thing in the record on appeal, whichever side appeals. We might even more to depose Gallagher on it and our own expert witnesses because it is certain to exculpate Oswald. We might even get some famous criminal lawyer to offer an expert opinion. Among other things.

I see no alternative to the kind of affidavit I have prepared. I'm sorry there was so little time for editing and perhaps rearranging it, even for careful thought on what should be in it. Perforce it is from the top of the head, without time to think carefully about all that can be relevant. I got up at 5 a.m. to read and correct it and had this done not much more than a half hour before Ms. K. is due here.

I'm hoping she'll be willing to drive to a notary with me after Lil retypes the affidavit and that she'll be willing to take it to you or for you to pick up from her. I have already set the pictures aside. I spoke to Floyd last night and asked him to see to the delivery of them to you. If they were mailed certified and did not reach you I think you should make a thing of it in court.

In an emergency I think Floyd will provide courier service.

(I also heard from Mark Allen last night.)

All in all I think we have made and are making a record that only dishonesty will defeat, dishonesty and an unfair, biased judge with his own preconceptions.

Hastily,