

Dear Jim,

7/7/75

When we discussed the 226 case a couple of hours ago I spoke of two things as though they were separate on the chance there may have been eavesdropping. I am more than ever aware that there need not be and that there is more reason for there to be so without making any effort to think of the conflict I was just careful.

Increasingly in my thinking the word "Byzantine" appears.

I'm not going to take time for explanations. Instead I'm attaching a carbon of a letter of which I should have made a carbon for you. No rush in returning it. I've marked the file in which I want it. There also is no need for you to read it now.

I'll try to encapsulate it.

I mentioned a few things when we spoke. Like the refileing of this suit forced certain basic decisions to be made. I discussed my analysis of that situation in terms of what we then knew long ago. The government will stonewall and will be building a fall-back position if they no longer can and it all comes apart.

My thinking was too conservative, too limited. Not Byzantine enough.

This suit focuses on the FBI and rightly.

The defect in my thinking was that I did not take into account the conflicts that exist between those who share responsibility. Not one wants it. Not one is unwilling to have others assume all or as much as possible of it. Or to put it on others.

To the degree I have been able to go over the new material, meaning one reading of all but one long document I've skimmed only, there is a pattern. It is to make a case of blaming the CIA alone.

I don't think we want this or to be part of anything like this.

It can be simplified.

Where we can be fairly certain is on the covering up.

Here the major culprit is the FBI.

We are suing the FBI. Not the CIA - yet.

So, I think we must build the best and most complete record possible on the FBI in this suit, holding back what it today seems best to hold back as we are not without the capability of taking and keeping the initiative again. If despite all the Pratt readings we have we win, we'll still need if to do two other things:

Have new material for the court of appeals and

Be able to go for sworn, first-person affidavits or testimony that does have the capability with some attention of breaking the whole thing open.

There is the possibility of the kind of operations I here suggest. Given the possibility, let us take no chances. Meanwhile, I'll keep making an Archives record.

What I've been fearing in the Ray case is what you report. This puts all else of importance to me on the back burner. Costly.

It would be interesting to know if the DK put some heat on McRae.

I did make notes on my copy of McRae's decision whenever you want to talk about them.

Best,