

10/29/70, later

Mary and Gary only,

Aside from the flippancy of my earlier note (I took off to look at a TV show, to relax a bit), there is a serious aspect of this I share with you. This "answer" is either some kind of really clever play + have not detected (I've gone through it once and am now doing it with more care as I prepare a paragraph by paragraph response), or it is of monumental stupidity of the kind that has the potential of influencing the right kind of people. I regret I'll have to do this pretty much alone. I phoned Jim, who cannot come up. I'll see him maybe Tuesday (and he is, although fine and bright, entirely inexperienced). The incredibilities are staggering. They acknowledge, for example, that CSA and Burke signed the letter agreement but "deny the 'material' was 'entrusted' or 'evidence'." The pictures, X-rays and "lothing are not evidence?"

Quite frankly, my apprehension here is opposite that excess with which it has become popular to credit me, ego. What I fear is that the opportunity I believe herein to be presented may be one that, at least at the current stage, I may not be able to do well, lacking the requisite legal knowledge. And, something has been happening that Bud just refuses to get interested in or pay any attention to. The responses to this and the spectro suit are the first anywhere in which no single DJ lawyer assumes any public responsibility. In my earlier suit, the Garrison one, both of Nichols there is always at least one, usually more, D.J. lawyer whose name is on the brief. In these two cases, none but those of lawyers in the US Atty's office. I suggest that the possible readings should include a lack of confidence in the outcome for which none is willing to assume any responsibility. If to this I add the to me apparent incompetence of this thing, plus the fact they do not ask dismissal or summary judgment, two opposite alternatives suggest themselves: that we have an opportunity, a real one; and that they are anxious for this one to go to court either in the illusion the facts and law are their way; because they have the outcome fixed (which requires the best possible record for appeal); or because they think that acting as my own lawyer I'll make a mess of it and give them a precedent victory...I'll do the best I can. In that relatively short part of what I've drafted, I have asked for a summary judgment, given the reasons (the law would appear to be my way) and, as an alternative, invoked the provision of the law that sends this to the top of the docket. If those are lions, Daniel's headed for the deh.! And without the jawbone of an ass. Best W