

10/21 70

Dear Gary,

A short break before supper, what I'd ordinarily look forward to so that I might read (but I'm reading Newman, undiluted UGA), provides an opportunity to take two things up with you.

The first is simpler. It comes to mind in reading Oswald's "historic diary" excerpts in Newman. It is Oswald's spelling, a subject on which Newman rarely quotes a Minnesota shrink. There is a strange inconsistency in this. One example caused me to lay the crap aside and write. In one sentence Oswald has no trouble with "habituated", spelling it correctly, but "exactly" comes out without the "x". Now that is not bad spelling, that is some kind of carelessness. On the other hand, some is bad spelling. Can you give any kind of reading on these things? Especially when he is a guy who read so much, and some of it not easy reading, either.

The second has to do with the committee you once had. We once also spoke of getting some law students to do some helpful research. I presume Nichols sent sets of all their papers in his suit to everyone but me. Howard sent me the extremely valuable government response. We need fewer friends of the kind we have and more such enemies. My question is, have you a law student you can get to check with care each of the citations in the appended memo on the law? It would be even better if I could get copies, for I frequently enough see what the lawyers do no (which is not as much bragging as it is condemning).

Because I'll be filing a series of suits, I think it would be quite valuable (not to say essential) to have everything they cite and the context in which they cite it. Objective: intellectual judo, legal style. And, of course, they are liars and they do misquote.

One of the things cited is the 1965 law, another is that on Presidential papers.

Bud told me by phonen today, when he called for another purpose, that Nichols has sent out copies of his response. I'll be getting that one, at least to borrow (My legal-size 3M paper is almost beyond use, so I'll not be able to copy it, but Bud may not want to keep it). I'm anxious to see it because of the measure it will give me of Nichols' lawyers and a chance to form a new estimate of his chances. Without something really good here, I think he is whipped unless the judge is a rare one or one who hates the government. The approach is arrogant, uniquely John's. It has elements of self-destruction built in and mixes with what would succeed what not only cannot but, at this stage, with the alternatives available to him should not. This gives a judge a chance to throw everything out, one of the reasons I broke my suits down when I'd drafted an enormous one. You'll note that each thus pinpoints and deals with one thing only--so far. It would be great if John could win, for his is an ambitious thing that could do much, but I think there is no chance unless the judge breaks it down. In fact, I'm worried that after getting this response, if it is not a good one, he may toss the thing out. Nope not.

Gary's associate phoned today to confirm my availability for an appearance at Kansas State (Fort Hayes) in November. Encouraging. Also first one.

Best,