

11/1/73 4:50 p.m. Phone conversation with Jim Lesar ended about a minute ago.

Background: when Tom was here yesterday on the CA decision in the spectro case I gave him unread notes I had made on the decision. In the course of this I told him of my certainty that Danaher had drawn on unprinted Archives regulations that were not in the court record in this case or that this was one of a number of instances in which, on effect, he was giving testimony ex parte on those questions on which there had been no hearing and no evidence. I claimed that his course of conduct, what he did in his decision, what he included, in actuality were a denial of my rights and I asked him to look into certain aspects, those in the memo and those I mentioned after having a chance to think further after writing the memo. He had been delayed a day getting here because of unexpected developments, meetings outside the office with Bud and others. In particular I ~~was~~ zeroed in on regulations I recognized as those of the Archives of which we looked unsuccessfully for my copies. I loaned him the file in which they should have been and were not.

He can't have gotten it because I didn't mail the letter until the morning and if it is necessary, the rural routeman will recall the condition of the mailbox, which was vandalized during the night. He had to get out of the car to pick the letter to Jim up. He will recall that I phoned him before 8 to warn him. In that letter I told Jim I have found the first page in the 2569-70 suit, as Rhoads affidavit Exhibit E and as my Opposition exhibit 1.

Jim told me in the phone call just ended that he had phoned the Archives to get copies of these regulations, that Johnson questioned him in detail about his interest and in specific was it in connection with my suit. Jim replied that it was and asked him if the judge had asked for a copy. Johnson replied that Danaher had a while back. If he told Jim more precisely I do not so remember it.

These regulations were changes after 2569-60, which was filed after the spectro suit, so an earlier set is applicable, if any are, in the spectro suit.

These regulations in paragraphs numbered 2 and 5 say much more and quite the opposite of what Danaher says. With regard to three-dimensional ~~math~~ objects they require the providing of copies ("will be provided").

I believe that Jim said Johnson said he wasn't sure he could not provide copies of these regulations. I told Jim not to worry because having found a set on file in a suit, the other versions may also be so filed. But there are two occasions at the very least in which they have to be in court records.

I was interested that Johnson asked Jim's purpose. This is none of his business. The question itself is highly improper.

I will remember this call because she had suggested I skim the leaves out of the swimming pool because they had blown into one corner. I was doing this and was just finished when she called me to the phone. While I was talking to her one of her clients came to go over his books with her. I was still on the phone when he arrived and apologized if he were interrupting, as I assured him he was not.

Before Jim got here I went over the Federal rules of Appeals Procedure and marked parts of 35 that I claimed were applicable and for a rehearing before the CA. I was rightly outraged at Danaher's blatant partisanship and at his dragging into the decision what should have been before some court in an adversary proceeding because he distorts and in some cases, these regulations being an example, deliberately omitted what was opposed to the misuse he made. I presume it is because I was this pointed, perhaps angry, and on these points and that regulation in particular that Jim made the inquiry promptly because time to ask for a rehearing expires early next week.

BW 11/1/73:06 p.m.

