

George, P.S. 4/5/78:

While waiting to be stuck and then for the technicians to be sure I'd stopped bleeding I read the Order and the Smith decision, which also is enclosed. These are not the best conditions for a non-lawyer to try to figure out legal questions but I have a belief I'll be consulting "im about - merely for my own understanding.

The Order ducks the question we posed. The Act requires the courts to handle FOIA cases as expeditiously as possible. But rather than consider "new evidence," which I believe is not unprecedented, the appeals panel pretended we wanted a remand without argument before the appeals court and without directives to the district court from it. It used the language of the Smith decision, which is not an identical situation.

It is also possible to interpret this Order as a slap at A. Robinson and a kind of challenge to him. The record that is before appeals and is not contradicted is that after promising me he would hear witnesses - his words were fill his witness room - when I asked this as an end to months of official stonewalling he ruled on an incomplete record and cut discovery off before Wigmore's machine could start up that engine.

This resulted in delays, opposed to the Act's intention, and a needless clutter of the courts. The appeals court has in effect ruled for us because we did seek to be able to present evidence and Robinson, in what I take to be his pay, cut us off, very abruptly. It leaves to Robinson the decision of a trial and it is careful to reserve all its own options, which include entertaining the new evidence I gave it and it has neither accepted nor rejected. Maybe I'm reading too much into this but I see a situation in which appeals is telling Robinson that the matter is relevant and that he should have acted otherwise. I can conjecture that it may also be addressed to other district judges who are too anxious to unload the FOIA cases and unwilling to confront official misbehavior in them.

Also enclosed, I hope in legible form after my wife copies a bad copy, is a pair of Memphis stories I received today.

I cannot fault my old adversary John Carlisle (he blinked). His ridicule and sarcasm <sup>are</sup> more than justified. If the assassins committee had been at all serious and had been conducting what could decently be called an investigation it would have known that the green stamps that were Ray's were all traced as soon as the car was examined. This was about a week after the assassination. It would also know that all possible sources of the stamps were sought out and interviewed.

I found the reported turnover in the committee King staff interesting, perhaps provocative. If they were for real it could be a problem to them.

On the Ray positive identification of a picture I have doubts, regardless of which version I consider. One is that the picture originated with the committee, the other, in this story, represents an other than committee source. I also find it hard to believe that after refusing to finger another for so long Ray would now change. In any event, if the origin is the committee, keep the initials C.M. in mind. It will be fun if I have made a wild guess that is accurate. It is a farout hunch.

Identifying "Raoul" is tantamount to fingering, if Ray cannot connect him to the actual crime.

HW