

Dear Jim,

10/12/78

As I was shaving this morning there was a volin selections that reminded me of Elizabeth Wrone's show piece and that, believe it or not, reminded me of you. They are all looking forward to your visit. ... I think it is nice that little kids form an affection for those as old as their grandparent and who are not their grnadparents. From what I have said the kids really liked you.

I should be getting out there for the appearance of Dave's/University's book but I don't know if the university will go for it. It is not a work that has a promising sale but it could get off to a better start with a little attention and it could result in favorable mention of the project.

Today is an in-between and probably relaxed day in between these legal battles. I have been deep in what Jim calls the Battle of the Affidavits - against both the FIB and the CIA, with DJ representing both. If not today then tomorrow I'll have a copy of the government's reply brief in the appeal of the old spectro case. This is the one that turned the spooks around when it resulted in the 1974 amending of the Act. While I doubt I'll be able to provide Jim with much help because before the appeals court nothing new (theoretically) can be used, I'll be going over it for any suggestions I can make.

Almost any day now we expect a reply brief in a case in which the CIA is not a named defendant but in which they are the ones responsible for the withholdings - in this case of the commission executive sessions. I expect a pointed remand in it.

It appears that the work we've done has influenced the District of Columbia federal appeals court. I think they are reaching out to me to provide them with what other plaintiff's either eschew or can't do, a heavily documented case of gross bad faith under FOIA. Even DJ tells Jim they have not appealed when I've won even when they've wanted to because they feel I've turned that court around.

Recently I've been deep in these affidavit battlesm with pressing time problems. In August I got a 68-page affidavit in time to respond only by accident. It was mailed to reach me the first mail after the next court session. I was able to prepare enough over a weekend - getting it on a Saturday and having an affidavit for Jim first thing Monday morning - to have the judge say she did not want to see the FBI agent who did the dirtu deed again. This set the DJ on edge and they flipped out and filed a Motion to Strike. This gave me an opportunity to perfect that record and did I ever! (Jim suffered Montezuma's curse the morning he used the initial work.)

My response to the Motion to Strike was prepared over the past holiday weekend and for a day or so prior to it. First from what Jim told me by phone and then with an add after I got the text. To deter what I did DJ stopped sending me copies of the various records and their attachments, but as they'll learn that also doesn't work. The last three were on weekends and I still came up with something, thanks to my friendly local garage, which has a notary working nights as weekends as a salesman- and whose wife is interested in my work. (I've actually located three notaries I can get on a Sunday now.)

The CIA and the DJ thought they'd slip on through by great bulk and the same weekend treatment when we had only five calendar days for response. That one came from Jim and DJ, after he argued with them, both also on the weekend. They thought they'd frustrate it and make it look better by sending the second batch, more than an inch of paper, by special delivery so they could include this in their filing. They delayed the mailing until after leaving for home on a Friday night. So of course it didn't reach here for the Saturday mail. But I foxed them. I got the post office to let me know when it did come in and on Sunday morning I got it at the post office. I could not do a definitive job but I think it was enough. I didn't finish it but I got what Lil had retyped and I'd gotten notarized to Jim by going to the bus station a little before 7 on Tuesday morning, the first day after the holiday, and getting one

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of the commuters to take it down. Jim got it from him and filed it. They'll be going ape when they see what I've done to their really elaborate contrivance. It must have taken several top CIA people quite an amount of time to prepare, plus the time of their lawyers. I don't expect much of the judge we have but there is, if in extraordinary haste, enough for the appeals court where I have little doubt we'll go. There may be enough to deter this judge. I think there is and that he'll not dare grant the CIA's Motion for Summary Judgement on the ground of alleged compliance.

All of this has been hard of Lil, who gets the dirties copy and also has time pressures with it. She was not able to complete the anti-CIA affidavit in time for notarizing prior to the Tuesday a.m. bus but she got most of it retyped after the notarizing. She and her sister have gone off for a couple of days. When she returns she'll complete the typing, maybe a half-dozen pages, and I'll get that to Jim. I emphasize the dirtiness of the timing by continuing the paragraph numbering in the second part of this affidavit where the first one left off.

I<sup>h</sup> all of this I've not really felt the time pressures or my age and infirmities except that I have been trying to get in bed in time to get close to six hours of sleep. I've been churning it out without time to organize, even plan. Jim actually had to file the anti-CIA affidavit without reading it. He is reading the anti-FBI one because he does not have to file a response until today, having gotten the extra two days from the judge. Last night he told me it is goof. (And that one has 20 exhibits, which Lil also copied on out machine so all Jim has to do is prepare a ~~memo~~ covering memo, which is all he'll have to get copied. He can do that in his own office.

While I regret having to take all this time from the writing I want to do I get satisfaction from knowing the time is not wasted and in the end may serve a more constructive purpose. As I'm looking ahead to the appeals court I'm also anticipating a major effort to get the law amended to provide a means of the spooks not having to provide what they now, theoretically, have to disgorge.

And it is a satisfaction to be able to at least on paper overcome the total resources of these large bureaucracies and their immunities before the courts. I will not be surprised if in the end I'm able to have some published, if only mildly.

Lil left yesterday morning. It was a nice day, as today is supposed to be. It seems to be damning as a bright one. So I spent much time yesterday working on the new flower bed I'm making for her near the house, so she won't have the hills to make as she gets older and stiffer, with her hip-joint problems. I think I began this after you were here. It is where we had the first trees and shrubs going from the house to the road. I've got the border bricked in, all but one of the stumps out and have begun the terracing with surplus flagstones. I've taken the unnecessary ones around the house out and am replacing them with topsoil so she'll have more flower space close to the walls. While I'm not as steady on my feet after this kind of work and can't do as much of it it is good for me, I enjoy it and it is good exercise. I'll do more of it today. I've at least one more wall to put in. If a student who is doing an honors thesis on some of my work comes then I'll have someone who can get the phone and I'll be working farther from the house, with a new gadget I've just gotten with the docytor's approval, a 20cycle and much larger grass-whip type of thing you've probably seen. This one has two blades in addition to the nylon whip. Right now I'll use the whip for tall grass and weeds. After heavier frosts and after I've gotten all of this trash down I'll start going after the heavy briars and small trees and saplings that have come up since I was first taken ill. With the light 20cycle rotary mower I got I've rescued the area of the old garden from the repressive influences of an assortment of choking growths. Hopefully in the spring I can sow grass.

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I've got to get these heavy growths down because they harbor chiggers and do the chiggers give me fits when they get under my Jobst supports! But if they didn't I'd want to get the place in shape again and having it looking as it once did.

Temporarily and disasterously the moles around the house have outwitted me. I can't get the right run for the trap and their runs are so close to the ~~surface~~ surface the gas comes out and can't get them. A friend who works at Ft. Detrick, where they sure have their experience with poisons, is seeking advice for me. But we'll have little lawn between the house and pool and on the downhill side of the pool when spring comes.

I've been rambling and the day is come. Time to take the mail out, skim the paper and get with the day's work.

One apparent consequence of the assassin's committee put-down of the nuts is that suddenly my lecture bureau appears to have come to life. They've booked me for two appearances next mont, both in the east. Maybe they'll yet sigh one out there and we'll be able to get together again. I'm anxious to see and savor that "ongolian grill!".

While I don't take time to listen and generally change to a music background the kind of fine-thing hospice represents is getting more and more attention on the public FM stations and increasingly on the AM all-news stations, which I hear in daytime while I'm walking and working and which have an awful lot of time to fill with the taped-in-advance. You might be able to place items with your own public stations and perhaps with any all-news ones.

Hope you again enjoy your visit wity the Wrones. I know they are all looking forward to you.

Best,

