

Dear Mark,

11/13/78

Taking in the assassins' hearings pretty well takes up my day. Hasty response to your 11/8 after reading court papers enclosed.

My impression of Judge Smith is that he is not favorable to FOIA plaintiffs.

On classification issues I think you should have asked them to establish that what is classified is properly classified. Also, new standards go into effect with a new E.O. on this next month so ask for a review under those new standards, which you can do. Often there is not proper classification under EOs 10501 and 11652.

In your interrogatories 6 and 8 and relating to them you erred, I think, in the limitation of what is within the public domain. You should ask if in any manner what is withheld is, in all or in part, within the public domain. Some is within the p.d. by other means, from leaks to unleased stories. To a degree some may be by FBI releases. You limited to CIA and WC.

They'll claim that they can't disclose (officially) the existence of any station anywhere. So before they can ask if there has ever been any disclosure by the United States of America, not just CIA, of the existence of a CIA station in Mexico City. Of course the Commission and the CIA have disclosed it but don't give them an invitation to quibble on disclosure and what constitutes one.

I did not draft the interrogatories we used. I sent suggestions to Jim and he phrased them as he desired, omitted what he did not want to include and added what he thought of. If you tell him which ones you want he can have copies made for less than half of what they cost me.

On the Glaz-Epstein tape, while my major interest was Nosenko there can be references to other FOIS disclosures to him and they have not complied with other of my requests. In general I also would like to see how consistent the Epsteiner is.

Lane's "new evidence" is the usual Lane, not actual. He is improvising on something attributed to Andy Young through other persons by Ellsberg, as I understood before he made a statement Friday to distract from what the committee did to him via Redditt and to a lesser degree Holloman.

Good luck.

By the way their Answer is the unusual stuff, I think. I'm sure they've made the same claims with us.

Best regards,