

Dear Jim,

3/20/81

Your new Memorandum to the Court in Mark's case is excellent. I've read it alone of that mailing to now. I have a few suggestions for future argument and briefings.

One is that you and Mark read or reread Wise's excellent Politics of Lying. In it you will find many examples of the improper claim to national security to withhold what otherwise can't be withheld plus what I regard as important for the Courts to know or be reminded of, the actual hurt to the country of the misuse of classification.

I think it is past time for emphasis to be placed on the damage from classification and withholding as opposed to protection of national security. It can be and has been jeopardized, as with the Bay of Pigs and the Cambodian bombing.

I also think, as I've said re 1996, that it is important to tell the Courts they are being toyed with, made sport of, abused, etc., particularly with the good quotes in the remand on bad faith.

I think it might have improved it a bit to note with regard to the withheld identification of Mexico City, the only information restored by the CIA, that this was also bad faith and that it was not done until after you filed my affidavit in which I stated that this was withheld in bad faith because it was public domain by official disclosure.

Rather than there being a grave danger to national security from disclosure, there is the opposite, grave danger from non-disclosures, which are intended to hide misfeasances and malfeasances.

I do not mean that this should be attributed across the board. With it there should be an allegation of over-zealousness. Point out that corrections and ends of very bad, illegal and anti-democratic practises, was made possible only because of FOIA disclosures and that they were made possible only by citizen diligence, that they are not spontaneous internal reforms. You can even quote the recent efforts to get these abuses written into a new agency charter - and that citizen opposition has just led to that being withdrawn.

This also means a little more political thinking and arguing.

Hastily,