

JAMES H. LESAR
ATTORNEY AT LAW
1000 WILSON BLVD., SUITE 900
ARLINGTON, VIRGINIA 22209
TELEPHONE (703) 276-0404

March 25, 1982

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, Maryland 21701

Re: C.A. No. 78-0322/420

Dear Harold:

As I indicated in the last of our three phone conversations this date, Judge Smith has ordered us to file our settlement proposal by April 5, 1982.

During the "settlement negotiations" and the subsequent in chambers conference with Judge Smith, I outlined the following settlement proposal, which has us waiving a Vaughn in return for FBI action on the following matters:

1. Teletype and transcript of Oswald intercept at Soviet Embassy in Mexico City. If FBI continues to assert exemption claims, they will submit affidavit justifying withholding and we will brief the issue.

2. Oswald income tax return. If they continue to maintain it is exempt, the issue will be briefed by the parties and the Court will decide.

3. Hosty statement in 67 file other than the one provided. This is a statement by Hosty after the Inspector General's investigation into the destruction of the Oswald threat/note. Statement was also made after perjury prosecution of Hosty's supervisor, Gordon Shanklin, was considered. If the only copy of this record is a Headquarters copy, Weisberg will forego pursuing it in this litigation.

4. Weisberg intercept re Mafia threat on Garrison.

5. Garrison files.

6. Warren Commission critics. We will provide list of the ones we consider pertinent in our settlement proposal.

7. Film, pictures, and tapes.

8. Attorney fees and costs.

No. 4--the Weisberg intercept presents some problems because the FBI will object to any search not limited to a check of ELSUR indices under pertinent names. Therefore thought must be given as to how to define the nature of the search which must be undertaken so that it will cover all reasonably likely locations of such materials but still have a definite cutoff point beyond which we will not press further in this litigation. (Privacy Act litigation is another question.)

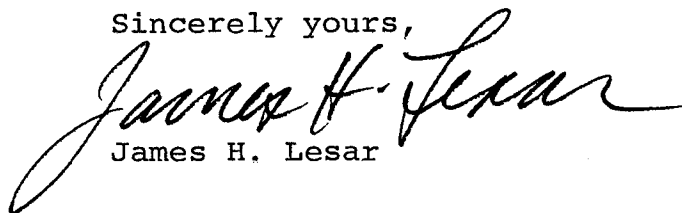
No. 5 presents several problems. (1) are the potential files really numerous (LaHaie, trying to bullshit the Court, said in chambers that there would be hundreds of "see" reference files on Garrison because he was DA; during negotiations he had to ask Phillips what a "see" reference was.; (2) how to draw the line between what Garrison's public figure status requires be disclosed and what his right to personal privacy still protects. This is particularly difficult to define in ways that a judge, a lawyer or a FBI analyst can apply easily and quickly to the materials at hand.

No. 6 presents the same problem regarding the personal privacy of critics, the Lane sex stuff being an extreme example. The question is how to limit what you want without allowing the FBI to keep all secret under the claim that it is either protected by privacy considerations or not relevant to the Kennedy assassination, its investigation and other ramifications.

No. 7 is relatively straightforward, the only real issue being whether they will provide a list of all such materials for you to select from, or whether you will provide them with the list of such materials you have complained about to OIPA. Of course, they may claim exemptions for some of these materials, in which case the simplest solution is to brief the issue and let Smith decide.

Have to run now. Let me know any further thoughts you have as soon as possible.

Sincerely yours,

A handwritten signature in cursive script that reads "James H. Lesar". The signature is written in dark ink and is positioned above the printed name.

James H. Lesar