

Mr. Mark Lynch  
Livingston, Burling  
1201 Penna. Ave., NW  
Washington, D.C.

7/22/86

Dear Mark,

As I believe I once said about something else, you've paid your dues and I hope that you prosper and are happy where you are.

I've run into a minor problem as I labor away at the appeal from Smith's predictable and rather interesting rubberstamping that in this case is much more, his acting as government counsel in his Memorandum. The copy I sent you wasn't forwarded and I doubt you would have been able to pick up what I have anyway.

He scheduled oral argument for this past December, I was able to get a friend to drive me there and Smith's office, at his direction, arranged for the car to be parked next to a door, the only way I could get. The only argument made by DJ counsel is that the time limit had run under Rule 60(b). I can't afford a transcript so I do not have one. She didn't address the last three clauses, Smith ignored my clause (5) inequitable argument, making no mention of it at all and my allegation that I was defrauded by the judgement, and although she, in a footnote in what she filed 7/22/85 actually said that new evidence cannot be resorted to until after remand, as I understand what she said, Smith held that only the first three clauses are appropriate, without mention of the other three, and that the one-year time limit began to run when he first awarded the judgement against me. Smith also held that I should have filed before him under new evidence even though the case was up on appeal and that, prompt as I was on remand, the year had run. He also cited the same decision as Wohlenhaus, a Standard Oil of Calif. case.

When I got the new evidence, the first of it (I've gotten more that I can't use but of which I'm including one thing of provocative interest in a footnote) and I asked you to use it on appeal, you said you would after appeal when, with my agreement, you recused yourself. That Smith hasn't recused you does not mean that I still do not agree because you did more than you'd agreed to do. Now Smith has foreclosed me on clause 1, which related to the kinds of improprieties I alleged and remain, by the way, entirely undenied. If you were wrong, I'll forget all about it. But if you were correct, I'd appreciate authority I can cite.

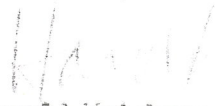
Before Jim left for a month in Singapore from which he is not scheduled to return for a couple of weeks I asked him to please send me the ~~street~~ name ~~suburb~~ address of a new sort-of offbeat public interest group which, as I recall, represented the Sanctuary Movement people and as I'm sure, is representing two correspondents in a suit against the CIA and I think Honduras because of injury when an attempt was made to assassinate a more democratic of the Contra leaders. A man and wife team head it, the man was with a prestigious law firm, returned to college for a religious education, and their organization's name begins Christ and has three more letters. Not dreaming that Jim would not respond on so simple a request, I didn't keep the newspaper story. I want to ask them if they'll represent me and I think that maybe I may be able to help them and the injured reporter, for NPR. If without much trouble you can, would you please provide this information so I can write them? I think that for them the hazard in what I want to do and am trying to do that exists for other lawyers may not be troubling. And I do think that aside from the fact that through ignorance and perhaps some emotion that I may overlook in editing I may louse it up, now that I have this restricted entirely to relief from judgement it is a solid case in which no effort was made at all to deny felonies by the government and it is as solid as one might expect in other areas, like equitability. What the courts have become is,

of course, a different matter.

It may amuse you to know that while boasting of a careful review of the case record out of consideration for my pro se status, Smith, even for Smith, flaunted an incredible ignorance of even what the case is about or the respondents in it. He says it is for King assassination records and, three times, for those of the FBI's New Haven office.

If you know where Ramsey Clark is, the new matter I plan to include in a footnote may interest him because the FBI called him a liar over it. I'd like to send him a copy. Outside the hearing room the day of his confirmation he told questioning reporters that the FBI had told him that Clay Shaw, then under indictment by Jim Garrison, was the same as the mysterious Clay Bertrand, who had tried to get counsel for Oswald. When there was a strong kickback the FBI denied having any information at all on Shaw. Only in 1954 one of its sources reported to it having relations with Shaw, who never hid his homosexuality, and two other sources reported that Shaw was gay. The first-person source reported also what I knew from my own sources, that Shaw was a sado-masochist. I do not have the relevant and withheld New Orleans information but I have the FBIHQ paraphrase of it dated to coincide with what they told Clark, I'm sure. So while I think that Shaw was relevant to nothing in the JFK assassination and ultimately broke with Garrison over his case, Clark may at some time write about his experiences and if he does he might want this.

Best wishes,

  
Harold Weisberg