

Dear Newsday bureau chief,

12/6/85

Because of his interest in restrictions on/availability of information I've been sending copies of the court records in this litigation to Tony Marro. He has the Motion referred to in the enclosed and on which there will be a hearing, if not some kind of kangaroo court, this coming Tuesday.

I've so little time to prepare I'm not now able to make a copy for you.

Please excuse my using something done in haste yesterday for radio/TV people.

The "new evidence" was disclosed to another requester by the FBI after the case record in my litigation was closed at district court level and the case was on appeal. The same FBI SA who swore to its nonexistence in my litigation supervised its disclosure to my friend, from whom I obtained it.

Thus there has not been even pro forma denial of my allegations of fraud, perjury and misrepresentation against both the FBI and the DJ.

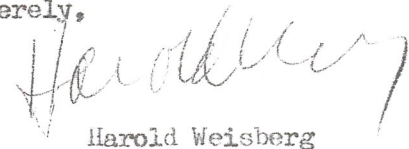
In this FBI/DJ rewriting of FOIA, meanwhile, they have a judgement against me and I'm technically in contempt in my efforts to force a trial on the facts - which there has never been.

If I fail - and I'll appeal if I fail before Judge Smith - FOIA will, for practical purposes, be gutted and too costly to use because of the "discovery" precedent - when the Act places the burden of proof exclusively on the government.

With sanctions automatic against requesters who refuse to provide alleged "discovery."

All of this is netirely ureported. Anywhere.

Sincerely,



Harold Weisberg