

Mr. Tom Susman
Ropes & Gray
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Washington, D.C. 20037

*was counsel of FOIA 1/14/85
Subcommittee under Teddy Kennedy*

Dear Tom,

In the recent past I wrote you about how the DJ and FBI were again rewriting Foia through me and the prejudice they'd made stick to me and the subject of political assassinations. I believe I also included what I regarded as a real threat to lawyers. It came to pass, first by the creation of a conflict of interest between my lawyer, Jim Lesar, and me and then last month with the rubber-stamp decision (this actually flatters it and the panel) of the appeals court. Mark Lynch of the ACLU represented me and Cornish Hitchcock of the Nader group represented Lesar. I do not know about the arrangements with the Nader people but Lynch had agreed to represent me on the appeal only. Whether or not this would ordinarily include an en banc petition, what I wanted to say and believed had to be said could be hazardous for most lawyers and for their clients, so before I put anything else on paper I wrote Lynch and released him. I was so careful that at first I did not even tell Lesar. But because he is involved in the litigation and its remand, I later told him, without telling him anything about the petition I planned. I sent copies to him and Lynch only when I mailed them to the court and DJ. Neither has commented on it. What I filed is the retyped rough draft and why is explained in the (confidential) copy of my today's letter Lynch. I also enclose a copy of the petition and of an extra page I sent to a few in the press after I mailed the petition in. In 15 pages I could hardly go into all the factual errors and as a nonlawyer I felt I should not try to go into all the legal issues and cases. The most I hoped for its attracting the interest of those I regard as the real judges on the appeals court, the nonactivists.

From our long conversation many years ago and from your interest in FOIA I think that the petition may interest you, as well as what I tell Lynch. I regard the records disclosed to Allen as his and would not make any public use of them without his approval. Even if I filed the same request earlier but was not able to sue for them.

If after reading these thing you can make and suggestions I'd like to hear from you, as I would also if you know anyone who might be interested in the content.

Thanks and best wishes,



Harold Weisberg
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