

Rt. 8, Frederick, Md. 21701
2/21/75

Editor, New York Times

With all the respect due former Oregon Congressman Charles O. Porter, his is not "the first test in the nation of the recently amended Freedom of Information Act." (New York Times 2/21/75)

More than a day earlier my lawyer, Jim Lesar, refiled the suit that was instrumental in persuading the Congress that these amendments were needed and to override President Ford's veto of them. (Congressional Record 5/30/74, p. S 9336, "...override the court decisions in the court of appeals on the Weisberg against United States....")

In the earlier C.A. 2301-70, on appeal Judge A. Danaher actually concluded that the "Freedom of Information" law "forfeits against this appellant's proposed further inquiry into the assassination of President Kennedy." (United States Court of Appeals for the District of Columbia, No. 71-1026, p. 26.)

Properly the Congress did override this novel view of the First Amendment and President Ford's attempt to perpetuate it.

If the results of the entirely non-secret testing processes I sought confirmed what is attributed to them as evidence in the JFK assassination, can anyone in his right mind believe they would not be publicized as widely as government could arrange?

Because of this significance of my earlier suit in the intent of the Congress and because of the reflection of the will of both Houses on this in the conference report, I believe this new suit, which in time was the first filed, should also be regarded as "the first test" of the amended law.

I suggest that how the Department of Justice responds will tell the country its and the Ford administration's attitude toward both freedom of information and living within the law.

Sincerely,

Harold Weisberg