

Ronald J. Tabak, suggested several legal theories for a lawsuit against Congressman Rooney, the FBI and several White House officials. At the ACLU, we had developed similar theories. After, inter alia, a meeting in New York between ACLU attorney Mel Wulf, Allard Lowenstein, Ronald Tabak and myself, we filed such a lawsuit in the federal district court in Brooklyn. The case was initially assigned to Judge John F. Dooling, Jr. It was reassigned when Judge Dooling disqualified himself because Mr. Tabak was his incoming law clerk. I never discussed the matter again with Mr. Tabak until yesterday.

4. The new judge, Judge Costantino, denied defendants' motion to dismiss in a leading case, Lowenstein v. Rooney, 401 F. Supp. 952 (E.D.N.Y. 1975). Thereafter, there was document discovery in which the government produced documents from, inter alia, the FBI. None of these documents in any way suggested that Mr. Lowenstein had ever been an agent of the CIA (or the FBI) or that he had ever informed on anyone to either the CIA or the FBI.

5. The theory of the lawsuit was that the FBI had supplied information to Rooney to help him in his primary campaign against Al Lowenstein in 1972. Since Rooney was the chairman of the House appropriations subcommittee supervising the FBI budget, he was on extremely close terms with high FBI officials who were eager to help him. If there was any information in FBI files suggesting that Al Lowenstein was an informer for the FBI or CIA, there is no doubt that the FBI would have told Rooney. But no such information ever came to light in the lawsuit after considerable discovery.

6. Based on my expertise gained in representing clients in many lawsuits against the CIA and FBI, I have

Then, on March 29, 1962, an FBI document stated:

" _____ said the name ALLARD K. LOWENSTEIN sounds familiar, but was unable to associate the name as being involved in any Portuguese or Spanish affairs. Subject was never connected with CIA. Subject is not attached to the United States Mission to the UN or the UN Secretariat in NYC.

"DETAILS: _____ advised on December 21, 1961, that the name ALLARD K. LOWENSTEIN sounds familiar to him, but he said he was unable to associate the name as being involved in any Portuguese or Spanish affairs.

"On January 9, 1961, the Central Intelligence Agency (CIA) advised that the subject has never been connected with CIA and CIA has no additional information concerning him." (Emphasis supplied).

Then, on December 4, 1962 an FBI document stated:

"On 11/27/62, _____ was advised by a representative of the Central Intelligence Agency that the records of that agency contained no additional pertinent information concerning the subject."

8. In the course of Lowenstein v. Rooney, I interviewed at length former White House personnel John Ehrlichman, John Dean and Lawrence Higby (Robert Hademan's assistant) concerning Mr. Lowenstein's being number 7 on the Nixon administration's enemies list. While these people claimed that there was nothing sinister about the enemies list, they never tried to defend their conduct by stating that Mr. Lowenstein, after

all, was or had been secretly an agent of any government agency. These individuals had access to the most confidential government records.

9. In my several years of representing Allard K. Lowenstein, I got to know him quite well and we had many frank attorney-client conversations. Mr. Lowenstein repeatedly and emphatically asserted his obviously sincere belief that the CIA and FBI were his enemies and had had him under surveillance and tried to disrupt his activities for a great many years. Mr. Lowenstein never stated, suggested, or hinted in even the least respect that he had any worry that documents produced by the FBI or CIA would reveal that he had done any work for either of them, been an agent for either of them or informed on anyone for either of them.

10. In short, I cannot be any more unequivocal in stating that there was never a scintilla of evidence or even a whisper in my interviews, my many discussions with Allard Lowenstein or in the documents to support the central contentions of Mr. Cummings' book, viz., that Allard Lowenstein was an agent for and did covert missions for the CIA and informed on suspected Communists in the civil rights movement. Those allegations are totally inconsistent with Mr. Lowenstein's entire life and everything he said and did.


11. I had not known of Mr. Cummings' allegations until yesterday morning when I read the New York Times. I was so shocked, astounded and outraged that I immediately placed calls to Professor Bellow and Mr. Martin Garbus, the attorney for Grove Press. I reached Professor Bellow, who put me in touch with Ronald Tabak for the first time in eleven years. I then located and reviewed my files concerning my representation of Allard Lowenstein and found the three documents referred to above.

12. The Cummings book is an outrageous distortion of Allard Lowenstein's life. The allegations, as discussed above, are totally contrary to my knowledge of Al Lowenstein's life and are absolutely refuted by the documents quoted above.

13. Accordingly, I urge Grove Press to take immediate measures to correct the book and its advertising about the book -- which in its present form is misleading and irresponsible.


Leon Friedman

Sworn to before me this
6th day of March, 1985.



JOHN H. STEEL
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No. 31-9162585 Qualified in New York Co.
Certified in New York County
Commission Expires March 30, 1986