

Mr. Mark Lynch
122 Maryland Ave., NE
Washington, D.C. 20002

12/3/84

Dear Mark,

The decision came today. I thank you for it and for your effort.

The adverse precedents are set and others will have to live with them. I saw an obligation to be assumed, I assumed it in the interest of others and I feel that I have now met my obligation to others and, of course, to FOIA. Unless, what I do not anticipate, others may desire that a further effort be made.

It is, as it has been, apparent that the courts are determined to rewrite the Act. I think that those who oppose it can do so with any hope of success only by trying to make the permeating dishonesties too embarrassing.

Of course there is a real problem for a lawyer when he has to first conceive then understand and then be willing to do what is not consistent with his formal education in the law and the many decisions supposedly in point. Most of what he knows and has lived with loses its relevance when he is faced with what amounts to determined corruption.

In political cases of great sensitivity to the government, it can do nothing but comply or lie. Determined not to comply it lies, and unless these lies are exposed, documented and made use of there is no chance of prevailing today nor has there been since the Reaganuts took over. In this case, with virtually no use being made of it although Jim promised to and never really got around to it, I documented each and every lie by the government. Thus a basic government lie is essential at the outset, page 3, middle of Background graf, "After several additional ~~searches~~ requests..." There were no "additional requests." Likewise, a little above this, the FBI did not make "many searches," a point you may recall I wanted to go into from the case record.

At the district level there is no way of knowing what lie will have consequences, thus I proved them all to be lies. There is, of course, less opportunity on appeal.

My unused affidavits on the government nonsearches would have had point in what the decision says on 9 about "proving the adequacy" of the alleged searches.

While the decision makes dishonest reference to my affidavits it entirely ignores them with regard to this and many other issues and what you may recall I wanted to have in the brief, that the information called for in the interrogatories is in these affidavits.

It gets really outrageous on 11, mixing fiction and conjecture and after dishonest reference to my affidavits, using the government's misrepresentations and ignoring my refutations of them. I could file those affidavits so I could respond to the interrogatories with little effort. And "it is clear that Weisberg has some system for determining what is in his files and where." This is partly correct. I have a fairly good memory. But that could not recall "each and every" document or fact. Nothing else except what I provided and what ⁺ provided was ignored. In fact each affidavit states the limitations under which it was executed and the source of the documentation, none requiring any real search, all already having been provided to the government.

At the time of the appeals I did have a part-time helper, but she returned to Vermont to care for sick relatives before my first operation. That is how the appeals got documented, I told her where to search and she spent quite literally days in those searches. Almost without exception the affidavits are documented from the appeals. One exception is the recordings of the police broadcasts, and that affidavit is quite specific on the search required and what it disclosed and how it was done.

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I can see truly horrendous problems for lawyers in the future when the government takes the language that follows on this page and adds what is in my affidavits to give that language context and meaning with the court deciding that "With Weisberg's assistance and direction it was feasible for Lesar...to respond to the FBI's interrogatories." Do you have any idea how many months he would have had to spend here and driving both ways to comply with the requirements of the interrogatories? That can be expected of lawyers? *And he still could not have complied with the actual demands!*

Having read this decision I am more than ever convinced that it was a terrible blunder for Hitchcock not to mention the DC Stanton case. Whatever his law training and experience told him this is a political case and it required some political sophistication and understanding, thus it was necessary to use something like that and unless the court were to have decided that refusing to do the lawful thing I wanted to do was unlawful they could not have decided on Lesar the way they did. Taking something up on appeal is not about to be called unlawful. Not yet, anyway.

So I've recent experiences with two supposed liberals, Adams and Wald. Remember what I wrote you about how it was in the pre-Hitler era and something about the so-called liberals of that era. In today's climate anyone who placed any dependence on them risks doom.

I'm not a lawyer and I'm not Merlin so I can't remember the future and tell you what will remain of the Act. But by remembering the past I am certain that if each and every lie, distortion and misrepresentation by the government is not exposed as such in no time at all there will not even be a decent skeleton to hang in the closet.

Best wishes,

Joe

P.S. If you ever talk to those wretches who are the government's lawyer you can give them my acknowledgement of their getting a pound of flesh. It will take four or more months of my Social Security to pay them, as it will to finish paying my mother's funeral expenses. I think they will celebrate. Let 'em! *They're cer not it.*