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

1/25/85

Dear Mark,

Jim Lesar, from whom I'd not heard in quite some time, phoned last night, after getting back to town. He apparently has been virtually sleepless and is enormously overloaded. He hasn't yet read what I sent him. But he did ask me if I'd sent a copy to Hitchcock. I haven't and I'd appreciate it if you would please ask one of your office staff to provide him with copies if he'd like them.

Jim also found in the mail a DJ petition for an en banc review. Of a single footnote, by the indentical panel, in the Shaw case of 12/5/84 to which I refer.

If you do not recall that part of what I filed, the panel found Phillips not to be competent because he lacked personal knowledge of the investigation to which he attested. I noted that with the identical liability Phillips provided virtually all the attestations the same panel accepted two days later in my case.

This appears to be what DJ/FBI want reviewed.

It would mean that those who neither have nor claim personal knowledge are acceptable as witnesses if DJ/FBI prevail. Even if those who have personal knowledge are available as witnesses.

I have no idea how these things work but I report that I've not heard a word or received any paper from the court.

Sincerely,

Harold