

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

10/1/85

Dear Mark,

It was thoughtful of you to have Ms. Sally phone in response to my call when I did not know you were handling a criminal case. Thanks. The only purpose of my call then, before I wrote anything about the Nosenko records I'd just received and of which I'd read those from the main file, is covered in my letter about it. I did not even have in mind then asking you anything esle about mandamus. However, after you have this much more important matter taken care of, I'd like to hear from you about both.

I'd tired after reading the pages from the main file, and I was tired enough after first writing Hall to delay writing the appeal, with which I've not troubled you. Then I read what appears to be the Sub A and may in fact be only that, I can't tell. I've found some pretty farout things in it and I've just written Hall further about them, copies also mailed to OIP as an appeal. I'll not send you a copy now while you are busy but I will if it can be of any interest or use to you. I'm only telling you now of two of the several things that may be use in litigation with the FBI. On classification, WFO stated explicitly at the outset that the Oswald information it obtained from Nosenko was not national security and thus was not classified. So, it was classified, including WFO's opinion that disclosure could be embarrassing. The classification was extended by the FBI's #2333 six months after the CIA and FBI public testimony before HSCA, which published that testimony, with exhibits. I think that this, and there are several instances of it, can be used to challenge FBI classification and classification by 2333 in particular. He's the worst in my experience. Also, for the first time I can recall, I've gotten what is represented as FBIHQ records which did not go through central records, bear~~x~~ no FBIHQ filing markings of any kind, not even the file number, almost without expection bear~~x~~ no indexing markings and thus is apparent irretrievable, among other things. And there isn't a single page reflecting how the FBI got any of this stuff, from as far away as India. This includes pages from my Post Mortem relating to Nosenko. No source, no file number, etc.No comment, either. Also of possible use is the fact that all of this public domain information was withheld from me for close to a decade although it had all been published. And now it is certified, every published page, as entirely unclassified!

I've not heard anything from Smith yet. As you said, he may be busy. But with me in the past he's been fast, almost overnight sometimes. I continue ~~yo~~ believe that he does not want me to go up focusing on fraud, perjury and misrepresentation. One of my interests in mandamus was to be able to press this and go up on that with no other questions involved.

Hope your criminal case goes well.

Best wishes,

Exhibit
Consolidated
C.A. 78-322 & 78-4