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Washington, D.C. 20515

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PHONE: 617-342-8722

November 28, 1973

Mr. Ed Berkeley
815 Washington Street
Newton, MA 02160

Dear Ed:

It may be that the attached decision of October 24, 1973 has already come to your attention. It may be on the other hand that you have not seen the full text.

Although this question becomes very technical and specialized due to the Federal statute involved it may be that you would think of publishing the dissent of Chief Judge Bazelon in your fine journal.

With best wishes to you and to your wife, I am

Cordially yours,

RFD

Robert F. Drinan
Member of Congress

RFD:se
Enclosure

NOV 30 1973

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United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 71-1026

HAROLD WEISBERG, APPELLANT

v.

U. S. DEPARTMENT OF JUSTICE

On Rehearing *En Banc*

Decided October 24, 1973

Bernard Fensterwald, Jr., with whom *James H. Lesar* was on the brief, for appellants.

Walter H. Fleischer, Attorney, Department of Justice, with whom Assistant Attorney General *L. Patrick Gray, III*, at the time the brief was filed, *Thomas A. Flannery*, United States Attorney at the time the brief was filed, *Harold H. Titus, Jr.*, United States Attorney, and *Barbara L. Herwig*, Attorney, Department of Justice, were on the brief, for appellee. *Alan S. Rosenthal*, Attorney, Department of Justice, also entered an appearance for appellee.

Before: *BAZELON*, Chief Judge, *DANAHER*,* Senior Circuit Judge, *WRIGHT*, *McGOWAN*, *TAMM*, *LEVENTHAL*,

* No. 71-1829, Committee to Investigate Assassinations v. U.S. Department of Justice was argued together with the above entitled case. Senior Circuit Judge *Danaher* did not participate in the consideration or disposition of 71-1829 and an opinion in that case will be forthcoming.

+ 22 more pages

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