

FBI Leasing

5/22/84

Dear Jim,

Lynch's brief came, I've read it and written him, copy enclosed. I'm also sending a copy to Hitchcock, without any note or letter. I've not received a copy of his brief for you, which I guess is a kind of "distancing." At first I decided to send him a copy as a courtesy but I also believe that at some point the fact that under oath and in the case record I did provide exactly the kind of information pretendedly sought under discovery may be something he'd want to know. Maybe use.

In today's mail is the marked-up copy of my 4/19/84 to you regarding the copies of records from Hoover's O & C you'd sent. On page 2 you ask for the identification of the reporter friend to whom the FBI leaked what it wanted to leak of CD 1. I'm sure he expects me to keep that confidential, as I have for years and as I think I should continue to do. However, if you have some reason, perhaps I can help you. I mean substantial reason, more than curiosity.

When it is by no means complete, I do have a file on FBI leaks and perhaps a subfile on leaks of CD 1/

There were at least two DeLoachers doing that leaking, Bishop and another whose name I've forgotten. I might recall if I saw it.

While I do not know what is and is not appropriate in any reply brief, I do believe it may be important to include the fact that those affidavits do contain exactly the kind of information the FBI claimed to need. I am reasonably confident that this was not an oversight on Lynch's part, although it may have been, and I do not make an issue of the omission if deliberate. But if it becomes relevant, I think there is a vast difference between what included in appeals, which the FBI and its counsel may claim they did not know about, and what is unchallenged in the case record. If it is in the case record and the court knows that, its reaction might be different and more favorable to us. Then there is no excuse and the harassment becomes quite clear.

It is on the chance that this omission was because he wanted to omit it that I did not include in the specifics in the affidavits what I did to the N.O. and DL attestations regarding the searches and Ferrie in particular. But I do think they, too, are significant. If you have any input. A few pointed illustrations may have impact at oral argument.

If you have an ideas about what might want to give him copies of to have on hand, please let me know. I think it would be well to be prepared for any Smithy on the panel who may refer to the spectro case. This is why when we spoke recently I again asked you to try to locate those records I sent you when I found them on my desk. They include the FBI's copy of my original request, which is specific in requesting the testing on the clothing, the FBI's correct understanding of my amended request and what it included, etc.

In the cited memo I see that I quote M.A. Jones as saying that the FBI had remained "meticulously silent." In fact contemporaneous they were trying to pin their own leaking on the Department, as I now recall on Guthman in particular. I do not recall whether those records are in the subject file I made but I do remember them well enough.

The student who did the Marina treatment study got an A.

Lila Analero was here yesterday. She asked for you. She looks well, is more mature, and is considering going for a doctorate beginning this fall.

Best,

