

Dear Fred,

1/8/85

As you lawyers say, the document speaks for itself. It is only 15 pages and I hope you will give it the chance.

If you do I hope you will keep in mind what Santayana said about those who do not remember the past are doomed to relive it and what Pastor Niemueller said about his silences when there was nobody left to be silent when he went.

I've persisted in this for other than personal interests because I'm aging, more unwell and wearier. And would prefer to spend what time I have left doing other things. But I fear seriously adverse precedents, the end of FOIA as we have known it for practical purposes, great hazard to all lawyers; pro bono for the poor and the most prestigious for the wealthy corporations. And, potentially for the major media.

I'm sorry it is beyond my capability to include a copy of the decision but it is available at the court and from Jim Lesar and Mark Lynch. I've not discussed this with either and they will know about it when you do because I'm mailing all the copies at one time.

If you have any questions, I'm usually home from daily therapy by 10:30, except that this Thursday my wife has a medical appointment that will delay us until about 1:30. 301/473-8186.

When DJ and John Lewis Smith created a conflict of interest between Jim Lesar and me the Mader law group represented him and Mark Lynch represented me, both because of the dangers I see in this. They knocked their heads against walls, as I am sure Lynch will tell you. I've never met him and I've never seen Cornish Hitchcock of the Mader group. I have no objection at all if you'd like to check fact with Lynch because he did a remarkable job of getting familiar with a fair amount of an enormous record in the little time he had and because he did, I think pointedly enough, call to the attention of the panel the two major lies I refer to, two that are basic to the decision. He'd agreed to represent me for the appeal only, Lesar can't if he'd want to because of the conflict of interest, I can't get to Washington to seek a lawyer and if I could I could not pay him, and I believe that no lawyer would be able to survive what I believe had to be said and to the degree possible under my circumstances ~~tax~~ and the space limitation I tried to say.

Sincerely,