

Dear Mr. Stern,

1/8/85

I hope that, as you lawyers say, the document speaks for itself. And that you have time for the 15 pages and that it interests you.

I've not discussed this with Mark Lynch or Jim Lesar because I believe I should not, at least until after it is filed and then only if they want to discuss it. When the DJ and Judge Smith created a conflict of interest, the Nader people represented Jim Lesar and Mark Lynch represented me, I think as well as possible in the face of obvious prejudice and bias. And the campaign against FOIA and lawyers willing to serve those who cannot pay them. I think a little research would turn up some cases. I recall one against the DC bar.

I believe that after my personal experience with official mendacity, and it taints all my cases - and in this instance the decision is based on two lies that Mark made clear were lies and the overt dishonesty of the decision, what I tried to say had to be said, if only for history. En bancs are not very common. I also believe that no lawyer could file this and hope to keep his practise and not be unfair to any clients.

I'm sorry that I had to file a retyped rough draft but my wife and I are not well, I even more weary, and I wanted to get it done before the respiratory troubles I have had this time in recent years limit me even more. The copies to the court and the DJ will go out in tomorrow's mail with this if the predicted cold and windchill does not keep me in the house.

If you are interested and have any questions, I am usually home from my daily therapy by 10:30, except that this Thursday my wife had a medical appointment, that will delay our return until about 1:30.

I'm sorry that it is beyond my present capabilities to include a copy of the decision, but Mark and Jim have them and they can be gotten at the court.

I do not want to imply that the danger I see is restricted to pro bono lawyers for the poor. In context this can be enormously costly and frustrating for the wealthiest corporations and their prestigious and expensive counsel. And, potentially, all the media.

In the limited space I could not go into all the factual errors but if that interests you I am sure that Lesar has made a list of them, he has in the past.

Aside from principle and an opportunity to meet what I regard as my obligations, this means nothing to me, except the months of Social Security checks they'll get if they come from what Smith awarded them and, as may be possible, I am foreclosed from doing anything by technicalities. Without a finding of fact, without trial, without even evidence produced by the FBI and DJ. But if your people came from eastern Europe, as mine did at the time of the pogroms - I'm the first born in this country - I think you may understand that I regard this, as all of my recent work, no more than what I owe by merely having been born here - and free.

I don't have any reason to believe that the major media is at all concerned about the official mendacity with which it has coexisted for so long, but I am hoping that it can see a threat to it and perhaps interest itself.

Thanks for your time and for anything you may be able to do.

Best wishes for a good year,

