

Dear Tom,

2/5/85

In the rush to get the enclosed done and filed - and like the petition, they are rough drafts retyped - I forgot to send you copies, particularly of the attachments, which may take your memory back to an afternoon long ago. on the Hill.

You may not have sufficient subject-matter knowledge for all the nuances but I think the outline and the cards speak for themselves.

It may be too soon to expect to hear from the court but I haven't.

And while I do not know much about what is happening on that court, I've gotten a glimmer from a Post article and several en banc's as reported in copies of Law Day sent to me. So I hope that some may have some interest and perhaps find some use(s).

Because a conflict of interest was created by the DJ/FBI-judge combination when this is back in district court I may have to have a fool for a client. The first thing will be to ask Smith to recuse himself.

I am increasingly disturbed that lawyers per se, not any individual lawyer, put up with endless official mendacity. No system of justice can survive it if any meaningful freedom can in the long run. The timid bar is supposed to police itself but it is no better than the judges who tolerate such abuses, even reward them. This kind of thing ought be actionable and the bar ought be taking the action.

I know how intimidated some of the public interest groups are. So much so that Mark Lynch of the ACLU hasn't been in touch with me at all, even to tell me that I could file a petition. I knew he could not dare say what I believe had to be said and survive it and not prejudice any other clients so the first thing I did is write and release him on the basis that he had agreed to represent me for the appeal only.

If any of this interests you or anyone you know let me know what if any amplification or explanation may be wanted.

Best wishes,

Both appeals court  
2 FR additions  
to petition