

Dear Jim, 1996- subpoenaing records

9/20/76

Howard at least questioned whether I had made the requests I made and you did not use those relating to King that you had, which led the judge to want proof. I propose we do not depend on my records and simultaneously accomplish several other purposes by a subpoena for records.

We want all correspondence between me and the Department, all components, particularly the Offices of the Attorney General, the Deputy, Criminal, Civil Rights and Civil and FBI. We want this to include all memos of any kind in any way relevant to such correspondence, all DJ 118 forms I've filed, all correspondence relating to my obtaining and using these forms and all records of all searches as a result of all requests, whether or not accompanied by DJ 118 forms and checks.

I'd also subpoena those 25(20) volumes and indices not supplied in response to your motion, the time now being clearly passed for timely response. This relates to the non-compliance with the April 15, 1975 request.

From Howard's testimony, that my request for the files on me is a non-project, and that those requests were taking about 6 months, we are now almost twice that long. If there had been compliance this correspondence would have been available to us before now. There will be in these records what is relevant in this case and there will be records we do not have showing the intent of not complying, going back to Rolapp and Klein-~~stuart~~ dienst in the Deputy's office, if not also to Vinson in Criminal and Clark as AG.

Knowing Dugan and his ways and dirtiness and the situation with which this confronts them I anticipate that he'll try an obfuscation against which I'd like to prepare. It is now required, I believe, at least asked, that there be a clear invocation of FOIA. That was not the case prior to the amending. The DJ 118 also was not required. But they did not send me these when I asked for them and there is correspondence between me and the Deputy's office asking why they insist on it when I have to write a letter of explanation anyway. This insistence, as I recall, was limited to Gerald Fines. It made more work for DJ, too, and there thus was no insistence on it. And, of course, there is 718-70, which is based on the March 24, 1969 request and the Department did not in court claim I had not made that request, the essential in any suit because it is the first administrative step.

Thus, by subpoena, we require them to deliver their records on what the judge has found necessary and about which Howard raised questions of my truthfulness. This will establish their knowingness and give her a better basis than can come from my records alone. It may supply what I can't find, too. In this way we also establish our determination to provide all to the judge and give them some of the kind of unnecessary work they have forced on us. Dugan needs a bit of this to encourage restraint in his dirtiness.

I think we should also ask for all the records of all the searches under 1996 because they cannot have spent the time for which they charge just in searching records. I'll bet they have charged us for all the time spent in entirely unjustified maskings, too. If not we still lose nothing if the records do not support this. They will support the impossibility of any intent to make a real search, which adds importances to the indices and related volumes, in terms of compliance and intent. There can be added values, like who made the searches, with what competence, knowledge, training, etc. Another means of non-compliance is putting the wrong people to work in searching, as in masking.

If there is protest over this, I'd ask for copies again, including the indices. Do not let them stonewall and misrepresent on time and blow a few minds in court with the statement they have xeroxing capability of 350 pages an hour in individual copies, twice that for multiple copies of the same record. The machine is a 9200. In this we'll get more proof of Wiseman's deliberate perjury, maybe Dugan's complicity in it. Those 25 and the indices were known to them at the time of the affidavits. We might even find proof of still new Kilty perjury, as if there are records he swore do not exist. I'd be surprised if there were not records of photographs, comparison testings, etc., if not also of the preparations for Memphis expert testimony. Any fudging we turn up now is important. Other

areas look suspicious, whether or not the suspicion is justified. They have to be addressed in these volumes. Like it took too long from the propaganda about the FBI to identify Ray's fingerprints and then they were identified from a non-federal criminal record, an L.A. rap. But aside from being an escape, he was convicted on a money-order charge. Two weeks seems to me to be a long time when they had prints immediately.

These volumes also include what is called for by my first requests, all save the public statements and perhaps pictures.

On the DJ 118 forms, I do not know if you remember it but you once when to the DJ information office with me to get these forms when my efforts by mail did not succeed. They did not have any! We had to go back for them. I believe at first they claimed not to know anything about them.

It is not uncommon for DJ to annotate incoming mail. Dugan provided a sample in which the writing is incomprehensible but the markings are not.

Although the claim in this case is that there was no Criminal involvement, the practise was to refer all mail on political assassinations to Criminal. Even the White House did it. The same Vinson who brought Ray back signed the letters. I have some.

I see nothing to be lost by this. Some of the letters will show my anger. With their record I do not believe anger was unjustified or unnatural. There is a chance that we'd come up with a Horn-like pattern of intent not to comply, which I believe would be very important at this juncture and for the future, when they try to amend the law into nothingness again.

We'll surely find that the wrong request was made of the Memphis F.O., too. And none of any others, with the conspiracy charge filed in Birmingham and out having told them about WFO.

Hastily,