

Dear Jim, Replacement copies in C.A.75-1996

6/21/77

Two sets of records were given to you. One is a different set of worksheets covering Sections 60-73. The other is 9 previously withheld documents, one no more than a slip sheet alleging not within scope.

I will be returning the worksheets to you so you can take this matter up with the judge is not with some assurance of change with Hartingh. I want to be able to read them now and I want those who in the future will have less knowledge to begin with also to be able to read these records. This does not seem to me to be asking much. Especially because these are copies of records created by Hartingh's team. Meaning they can and should be the first xeroxes of the originals.

Two different machines were used in making these copies. The second set preserves with fidelity all the flaws visible in the set replaced saved the over-exposure is reduced. I'm inclined to believe this means not that the FBI could not get the machine repaired but that it still is not making copies from the originals. If the copies come from xeroxes all the flaws in the original xeroxes will be preserved if not magnified.

In my opinion the second machine ought not be used until it is functioning properly. Examine the typing on the form. Some of the capital letters appear almost as a solid block for the length of the word, as those on the left bottom of the last sheet.

This appears to be done on a mimeographed form beginning with poor stencils and cheap paper. I believe also the form was typed on legal-sized paper held sideways. This means the certain waste of 20% or more of the available space. This inevitably reduces legibility and makes for inefficiency on the part of the analysts. With Goble, who writes instead of printing, it means he has little space for dates and usually omits them.

I have difficulty believing the FBI can't do better than this. From my personal experience with less cost initially they can save themselves time. They can use a 1 for 1 reduction, or actual size, have an artist divide up all the available space on a sheet that can be reproduced more inexpensively by offset- and on better paper at no more paper cost. If this is done the words added also will be clearly legible.

Offset is cheaper than mimeographing and the volume of these kinds of forms used requires a stock of many, more than can be made from a single stencil in mimeographing. However, if the FBI wants to cling to the past in this too, there are mimeograph machines that have been readily available for more than a decade, electronic-stencil machines that do good, clear work.

Because this is the FBI and because of its unquestioned skills and capabilities I find it difficult to avoid the belief this is a deliberate harassment, that the resulting inefficiency within the FBI is deliberate and carefully-tabulated for misused in public and for the Congress and that it is part of a pattern of stonewalling in which each little interference with compliance is part of what becomes non-compliance, with problems for the plaintiffs and the judges that need not exist.

Because you forgot to give me the explanation you gave you for the eight records provided I do not know the reason they were withheld. Getting each of the files out and going through it is too great a chore for my immediate purposes in writing you about it.

Not one of these records is of any substance. I see no reason for any withholding. The first five are Fred Vinson versus the FBI. Dozens if not hundreds of such records have been provided without the Department being consulted. There is no second agency involved. It is a big and hopefully happy unit.

But what these records do disclose is that I was absolutely correct in my testimony of last September, that the Departmental components that swore to compliance swore falsely and with deliberateness. We received from the Criminal Division not a single one of the hundreds of its records in the FBI's files and not one of the relevant records in its files and not sent to the FBI. In Criminal and Civil Rights the deliberate, knowing non-compliance is

enormous proportion. I believe the same is true of OPR. We have not a single piece of paper from it. Whatever it may argue as it has in Shaheen's affidavit it did generate records that are within my request and I can prove it.

These few records again illustrate the frivolity with which the privacy exemption is claimed. All sorts of known and published names remain withheld, guaranteeing at best perpetual confusion in the scholarly use of these records. Yet when there is the clearly irrelevant allegation of Communism, these names are not withheld. Examples Edward Gerst and Curtis Neely in Serials 1689 and 1747. Similarly in 2570 the name of the one who made baseless charges is withheld but the name of the man against whom they were made, Larry Simpson is not withheld. Identically the same is true in 2749. The false accused has a privacy to protect not not the doctor against whom false charges are made.

In the remaining Vinson memo all possibility of meaning is destroyed by the hiding of the ~~gating subject~~ subject and the omission of the reverse side of the card.

1146 may have been referred to INS. There was no need at all and this has not been done in many other instances. It relates to a perfectly normal and proper search of standard known records for traces of "Galt" in maritime areas.

Instead of a record there is a slip-sheet on what was 44-38861-4509. It was also 26-398415- 1X or this was added when the first number was lined through. (26 is a file code for interstate transportation of stolen autos or aircraft.) There is the written claim, "Not Within Scope." Not "Not relevant." I have never, in any way, limited this request to the 4: file and have repeatedly stated it is not so limited. However, when I have been given and charged for so many items I've not asked for, like all the nut stuff and all the puffing up of Hoover, I think it is not right to make an exception in this case. I have stated I want the entire record for a university archive, not my writing, and the Bureau understands and accepts this. It even discusses it with us, as when on the 7th John told us there might remain little of the King personal records. (In this decision I can see a mechanism for hiding extensively what reflects not on King but on Hoover and the FBI.) I see no reason for the withholding of this record and unless it is within an exemption, one not claimed, I'd like it. It also would have been easier and cheaper for the FBI just to have included it instead of going to all this extra trouble.

The only other record provided in this group is typical of hundreds not previously withheld, all the gushing over Hoover. In this case there is a difference. There appears to have been a special form for the retyping of all this meaningless, DC-6. So there is on this Office of the Director letterhead also in the upper right-hand corner a list of the top officials whose precious time was interrupted for the reading of all this irrelevant go about the sainted founding father. From Tolson, Number Two and including Assistant Director Rosen, who was supposed to be running the General Investigative Division, or the investigation of the crime itself, copies were indicated and initialed. The embarrassment from this inner view of what was important when Dr. King was killed more than any privacy consideration the name of the writer is withheld. Is there any privacy issue here? Or is it not that he was alleged to be a "red?"

If these Vinson memos were withheld because they were referred to DeJ I think we should make an issue of such arbitrariness. There may infrequently be a legitimate need but the fact is the entire Department is the defendant in this action, no part immune.

I think it is past time, with the increased non-compliance once you told the judge we'd be patient still, to raise some serious questions that are not new, ranging from the new proof of deliberate false swearing to the entirely unjustifiable and unreasonable withholding. I note that despite the repeated proofs of false-swearing we have not had any relief from it and we now have more proof of it. It is perpetuated and I've been hurt by it, my work seriously interfered with by it, improper official purposes served by it, as I'm quite prepared to prove under oath.

Not one part of the Department is in compliance. It is not only that some have sworn falsely to compliance and done nothing at all since we charged and proved non-compliance and false swearing to it.

Perhaps this is the real reason 1079 was withheld to begin with. It proves the need for response from the Community Relations Service, from which we have heard nothing. I've known this all along. I've said nothing because I wanted proof, not presumption of its existence. Lane of this service was not only with the King party, he was in ~~an adjacent room~~ a nearby room and was one of the first to view the body after the shot. It simply can't be believed that he did not file a report or was not questioned by the FBI. But in perhaps 20,000 pages I've now gone over there is nothing at all on this.

This is not because Lane was unwilling to talk. He actually went to St. Louis, Mo., I think from Harvard when he went from DJ, to appear on a TV talk show in support of Frank when Frank was promoting his book. (That show was to represent all views and the station went to some trouble and expense to achieve this. Participants ranged from J.B. Stoner and Jerry Ray on the right through Frank, Lane and me to Bevel on the left. In the last minute Bevel did not show.)

The Department's game has to lead it all on the FBI. The FBI is not alone in non-compliance. In more than nine months there has not been a single paper from any part of the Department other than the FBI. OPR did not even send me a copy of its Report. There is reason for this. It lied deliberately in its report and without the still-withheld appendixes and the one you've received but I've not had time to read I can prove it. This lie launched a still new assassination mythology and in some ways was very hurtful to me in the writing that has been delayed by this non-compliance.

In fairness to Hartingh and the FBI I remind you that when we conferred with him and the three analysts on the 7th I agreed to permit a review of those records of which I'd complained until after they delivered the remaining serials in this 44- file. However, you and I both said, as you'd asked me and told them earlier, that we'd prefer slower delivery of what remained in this file to the kind of unjustifiable withholdings we'd been experiencing. They agreed to this, which accounts for my anger in writing John afterward more than before, the dismay that led to the conference.

The record is one in which they'll do anything but changed from their stonewalling. I've overlooked most of the legitimate complaints just to resolve the thing as best it can be without troubling the judge. But that has not worked. They have not done a single thing she said should be done, from the very beginning to now. I did nothing on that because once Smith was off this first Lenehan and then Hartingh said things would improve and I took their word.

I see no choice but to give this back to the judge, such as I wanted not to in all interests, as I'm sure the record of nine months proves.

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