

7/14/77

Mr. John Hartingh
FOIA/PA Unit, FBI
J. Edgar Hoover Bldg.
Washington, D.C.

Dear John,

I'm glad you called a little while ago. The chief purpose of this letter is for an apology, if it is called for, to be in writing. My complaints were. Even if without written response.

You made two point in referring to my complaints and Ralph's information to you is probably correct, that I was not correct in saying the words of the Act were omitted in the listing in the Kelley letters of 2 and (7)(C).

I've been thinking about this and I've come to believe that what I meant and should have said is that the key words were ignored in interpretation, not in the letters.

With 2 I'm sure I specified claims where the record could not meet the "solely" requirement of the Act.

With (7)(C), which included even yesterday's unrefrigerated milktoast in the withholdings, I should have said, whatever I did say, that the "unwarranted" standard was not met.

In D the only-source standard is virtually non-existent in this case. This is one of the reasons I took time to give you explanations about interceptions and Judge Battle. Both were testified to extensively at the evidentiary hearing. The judge who sat on that ordered access to the contents of Battle's office. Prior to that testimony I located much and obtained other public information.

Neither the sheriff nor the DA's office nor the police is any longer a confidential source in the interceptions, this relating to Ray. There is more than I told you. I was trying to give you enough to satisfy you. There is much more. I know of the Foreman bugging.

McCallough blew himself as a name. He figures in court records, my third source. Second was a ranking police official to whom I spoke after my first source, a different reporter, not Chastain. The Les Payne got confirmation from other invaders. Without OPR this would be more than enough.

This will also confirm my agreement for you to withhold all the bedroom stuff except if any of it is part of an informer or similar-type function.

I would prefer for all interests that we can agree on stipulations. If they are as you spoke today and are in unequivocal language there will be no problem. But if the delayed six Section include the same kinds of unjustified withholdings you can expect a reaction.

Jim may not have had time to prepare it but I've spoken to Fensterwald, who has agreed to a release to me, not to a general release. This is similar to the Ray release. There may be some pages referring to me. Some of the CDA's are in factual error. There should also be references in the Washington and Memphis Field Offices. With the processing of the records in response to my PA request completed or close to it please have the relevant files in this case searched separately to eliminate the possibility of that hassle.

On the surveillance report Ralph gave us, I did not understand our request to be limited to operations by SAs only. Nor did we use the word as limited to tailing. Not that we did not see dark shadows.

Sincerely,

Harold Weisberg