

Dear Jim, About my this morning's letter to Lynne Zusman 11/12/77

For me I slept late, until 6:15. While I was shaving and reviewing yesterday's meeting and what transpired at it + realized that the surprise of Bill Schaffer's unprecedented offer, to hire me as his expert on my case, may well have led me to undervalue it and that the intensity of the meeting obscured it for a while. If it had not been so early in the morning I'd have phoned you and discussed this. On balance I decided that what might be avoided by my writing Lynne was the most important single consideration. I am sorry that time did not permit either finishing the letter or reading and correcting it. It is doing that now and will detect anything that is incomprehensible. It really is all off the top of the head. And it is directed at enabling them to enable us to avoid having this now go to trial. It is intended to alert them to as many realities as possible, ranging from the actualities of what the FBI is up to to details of other non-compliance and its mechanisms. With regard to these I do hope it is enough for them to see, to perform and to act internally if that is required.

It is my belief as well as my fear that without something like this next Friday will come and pass without the accomplishing of sufficient to justify a favorable report to Green. While I am anxious to avoid a trial if it can be avoided my desire does not extend to where I will compromise past the point where I believe I can merely because those we know other than Bill and Lynne do think they can wear me down.

One of my concerns is that because of the time and detail and apparent agreement on the indices and the 29 volumes indexed other and important elements of FBI non-compliance might be avoided, leaving remaining FBI problems when we meet in chambers. I believe the FBI would not be unhappy over this and that it might actually not object to going to trial rather than be forced into further disclosures. For its Harps and Matthews there are Brownie points bouncing off the stone wall.

If they ask you what other components are involved off the top of the head the offices of the AGs and DAGs, Office of Legal Counsel, wherever Community Relations Service is or was, Criminal, Civil, Civil Rights, public information (not only the Bill King matter and they have not disclosed all of the Bill King matter) and maybe others. In her own division Carl Bardley will be a lead, whether or not he is still there, and any searching of his files that do not relate to this ought keep in mind that there has not been response from them or that Division to my long-overdue PA request. That should include the files of his office mate/ of the period, Jaffe.

I do not believe the FBI's representation that it cannot work by subject. But whether or not they can there are some subjects that are important to me in this case. What follows is again off the top of the head because I could not anticipate what would happen yesterday and thus was not able to prepare for it.

What relates to the Rays and the crime and to suspects outside those 29 volumes.

What relates to informers in connection with this and with the political stuff where they are not really secret informers.

What relates to those allegedly in touch with Ray after his MoPen escape, particularly such things as J.C. Hardin and the non-investigation of the New Orleans and Baton Rouge aspects. By non-investigation I do not mean that I believe no records exist. Rather do I mean they have to exist and by subterfuge remain withheld. I have given John more than enough indication of this in writing. I think they can resolve it if they want to by a couple of positive phone calls in which they tell the FOs to come across. When you were not with us at the end of the meeting I suggested this to Ralph and Charles as they left with regard to what relates to the "tramp" pictures.

What relates to other itemized people in our requests, like you, me, Bud and the other lawyers and as I've specified in writing to John, the subterfuges of the non-response on the surveillance aspects of this.

Among the rest, all I've specified in writing over the past year to the FBI and other components. In a few instances I may have erred or misunderstood but in most I'm satisfied what I wrote is substantially correct.

Without time to consult with you and to think this through I cannot say that this is

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all. I do believe that outside of what follows it is a substantial percent,ge if not substantially all.

While I do not believe they will misread me and think I am blackmailing them on telling them about the Shaheen trickery, where I omitted much I could have said and should have to avoid this misinterpretation, all I was doing it put them in a position to be responsive and to undertake obligations they can present for Green's and our agreement. My hunch is that many of the missing copies will turn up in supposedlt dead storage and that many withheld records are there. If they take this straight and as it is they will recognize that I have somewhat jeopardized what I can do in court by telling them and that in fact I have put them in a position to avoid riaking Green's unloading on them what Gesell did on Acelhead, Aka Axelrad. They are now in position to know before Friday what there is by volume and how long it will take them to process it. On this I believe we cannot accept Salliann as the sole processor and that we cannot accept the limitations of her and perhaps Mitchell and other knowledge of the fact as controlling. If we do we accept endless further ~~del~~ delays. I cannot accept this and I do not believe Green will. They are going to have to put many hours and people to work on that k now and they are going to have to come up with realistic compliance and realistic time schedules. If the volume of records is as great as I have every reason to believe it is this means performance other than as was the practise under the stipulations. This in itself entails many potential problems, espedially if they are going to have excessive privacy worries. If they do it means they are going to have to keep lists and segregate records they may believe they should withhold until they can determine whether or not there is a genuine issue. After yesterday, if they listened and understood, they may be willing to consider that the genuine issues of privacy are few. Whatever, we cannot permit a situation such as we could not prevent with the FBI on this.

In my view I have done them a major favor in informing them and have made still another meaningful effort to help them comply. If they think about this and keep in mind all the FBI alone has done to me in this case they will recognize it as the opposite of vindict-~~it~~ iveness and as my giving away an opportunity to dox what Mogan and his likes so richly deserve. Horn, for example.

This reminds me of something I think I want in the record in this case, an apology. If I do not insist that the Horns confess perjury I believe it is not asking too much to ask that the redord include confession of error in representations and in affidavits. Because of the nature of the venomous fabrications about me I may want to think about in-  
sisting on this. I believe that they might want to consider whether the judge will yet on her own do something like this whether or not I ask it. I think considerations of honesty and integrity, including personal ones, do not really require it of them as well as simple justice to me.

There may be more. If you think of things please try to keep a list so we can go over them and be prepared to present them. Meanwhile there are other matters we did not have time for yesterday. I'll try to think of them after I now go out and see what is in today's mail. I alac know that someone is coming who can mail this in town for me and I do want to get it in the mail for you so it can reach you with what I mailed earlier from here. I have not yet unpacked my bag. We went out dinner last night. In part I had in mind unwinding a bit.

If the 11/9 in Williams means you need the \$110 and there is not enough in the account, if there is time we'll send you a check when we know or will replace your check.

Also in today's mail is a short 11/10 note from Howard on the new NARS & GSA releases. He evaluates as "definitive and of major importance." This coincides with mine and I think yours from your glimpse of them. I suggest that if he can he select from those he had received earlier what you can use and what I now am certain Lynne will want and send them to me for us to copy for you in duplicate. While I have copies I cannot now retrieve them. In addition, he will be adding his knowledge, which is important.

The other radio for May's consideration, the one that worked well inside the hospital when I was there, has better tone. If it is good enough for her to enjoy without an external

speaker of it Chu wants a bedroom radio I would recommend it. However, depending on the space May has, if she wants the superior tone of an external speaker, the much smaller Channelmaster I showed you yesterday may be better. Rather good small speakers are available at more cost than cheap ones. Sammie Abbott's wife can make a recommendation from those she had put in her kitchen. I've heard them. The risk with a good speaker is, I think, theft. Of course this also exists with a decent or perhaps any radio. Both of these are better than market-run sets. Both cost more initially, the larger one almost twice as much as similar and cheaper sets cost. It is about 8 1/2 inches high and a little over 6 wide. The aerial extends only upward for FM. For local stations it may not require any extension. If it does and extending it upward is a problem this can be eliminated by a shary piece of lampcord or TV leadin wire taled to the wall.

Is there anything I should know about the Williams "Counter-Designation of Record?"

Before you go ahead and file a simple complaint against CIA for the King material you might consider whether you want to make that part of a larger, inclusive complaint. I am not asking that you do this, merely that you decide if it has advantages and if it does if they outweigh the disadvantages,

I am reminded of this by the NYTimes story on the House committee's FOIA guide. If you can pick one up without a special trip I'd appreciate it. I'll also try to remember to ask my Congressman.

The CIA's requests are not as numerous as it has pretended.

You wrote on the back of my Holly v. Acree (which I encourage you to read) Salliann Dougherty, FOIA/PA Unit, Civil Rights Division, 20530.

I leave to you when and if we confer with Lynne over other matters. After the 21st I know I'll be in D.C. for the annual checkup at 9:15 a.m. Unless there are unusual delays I should be able to keep an 11 appointment, or one for lunch, and still make the bus if that is my means of travel - if we do not have coinciding dental appointments. If we arrange these I'll make a special trip on another day and return by the 2 p.m. bus as long as there is no snow. I think I'd best avoid driving in snow now even if it ordinarily would be safe because I can't control other drivers and because the hill can be treacherous if the weather changes after I leave in the early morning.

I've indicated a few possibilities of importances on the list of missing attachments Harp provided yesterday. There is no way of telling from the list without more work than can now be justified. However, he managed to avoid all the internal records that were attached and are missing, as I noted yesterday after Bill had to leave. When Lil has the machine running she'll make a copy for you, as marked by me.

There will also be a copy of some clips from NR in case he did not send them. Note in particular the UPI story alleging Kershaw's pocketing of more than \$10,000.

Now our overdue <sup>friend</sup> can have this to mail so you can <sup>it</sup> get it Monday. In haste,