

Dear Milla,

11/13/77

Sorry you were not with us Friday. I think you would have found it a worthwhile experience of the kind you are not likely to get in formal education. We meet with them again this coming Friday. If the time has been set I did not catch it. However, Jim will know. We also have an in-chambers conference on Monday the 21st, in the afternoon.

Jim obtained status for you and an agreement to pay you for your time. In this connection I believe it is fair and reasonable for you to add to your time records the time you spent in travel to and from here and a mileage charge for the actual mileage. I'll find from Lil, who is bathing, what the government recognizes.

They were nine, two from the FBI, the others ranging downward in rank from the Assistant Chief of the Civil Division and his chief of FOIA litigation. Jim and I think well of both of them. Insofar as the others spoke I perceive no reason to hold the capabilities of any in high regard. However, these two, personally and professionally, appear to be fine people.

I think you can get a reading on their good faith from this: the Assistant Chief of Civil asked me to become his consultant, paid at consultant rates, with office space, help and such equipment as I might require. For a number of reasons I had to decline. While it is possible to read ulterior motive in his request that I become his expert in the case I have in court against his client I believe his offer was genuine and without such notice.

They want to settle this without trial, at this late date, and see no way of doing it without my surrender of rights under the Act. While we also would prefer not to have to go to trial, our problem is to obtain a sufficient amount of compliance, not to compromise too much and obtain less than is an acceptable compromise. We are aware that as of now the compliance to which we are really entitled is an actual impossibility outside court.

Lil says the accepted mileage is 16¢ per mile.

Jim celebrated by getting a touch of the flu. He is feeling a bit better today. He also agrees that if you can and want it it would be good for you to be with us Friday.

I'm enclosing the last memo I did for Harting. He was away Friday so I gave it to Ralph Harp, the analyst or chief analyst on the case. I also wrote Lynne Zusman the next morning. A carbon of that is enclosed, too. You can learn how not to write by critical examination of these and the other things done without time for organization, even correcting.

What they wanted of us is a list of the names about whom there should not be withholding. I declined to provide this but said I would without fee work with them as they came to specific names, telling them, where they think there is a privacy question, what I can recall. On the other hand, I wanted to talk in terms of subjects of interest to me. The FBI claims it can't function this way. However, requests under FOIA are properly by subject. If you see any reference to any subject in which I express an interest, please note it, as well as the withholding of names and other records.

Last night Jim said it would be good to have a list. So anything you see and think of can be added to what I've included in the enclosures before he asked this. He would like to have it short and to the point, perhaps as little as a page. He can cut a longer list down. Adding to a list that is incomplete is more difficult.

You will have noticed a number of appeals, question, compliants, etc. that I have registered in writing. While these are not and were not intended to be inclusive they should be listed, too. Jim can then decide whether to press on them. They also can be useful in bargaining, which we will have to do and in fact are already doing. In this sense, given the realities, the FBI cannot lose and can get away with a certain amount of continued withholding. Do not let it disappoint you. It need not. I'm not being Polyanna-ish. It is the way it is.

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This leads me to some other things I hope you will take literally.

Do not fear making mistakes. Assume you will make them. We all do. Fearing making mistakes is crippling, self-crippling. Do not recriminate when you make mistakes. It is far, very far better to make mistakes than to be afraid of making them and not doing what you think you should do because of this self-imposed fear.

You will also find that making mistakes is the best way to learn.

We expect to make our own mistakes and are aware of those we've already made. So don't worry on that score. I mean don't worry even a little bit.

Don't be afraid to ask questions of either of us and keep a record of your time on this and the phone costs. You will not be taking the government. You are in fact doing it a big favor. If we can work this out without trial they will be saved a very big black eye. They will look very bad if after releasing more than 40,000 pages the judge find that they still have not complied. If the government did not recognize this it would not now be negotiating with us. It would have told us to go to hell.

To a degree this works for us and they recognize it. This is one of the reasons Bill Schaffer offered to hire me as a consultant, to let him know as fast as possible what remains for there to be compliance. And that is what you are working on.

Of course this also is a big favor to me and I very much appreciate it.

Jim may not have had time to discuss with you what you have done. Be sure that he is satisfied because he has given copies to DJ. If it had not been good he would not have. If you had made any serious mistakes he would have told you.

When I can read it if I have any suggestions I'll make them. If his present illness is of short duration it will put Jim farthure behind. Unless he tells you otherwise I think it might be good if on Thursday morning you give him what you have done by then, maybe later that day. He can then go over it and have in mind whatever he wants to use of it in the meeting the next day.

As you try to make sense out of what I have written you will be coming to something that interests me and I intend to press. In working from memory I made a mistake. This relates to an informer I have called "Bunt." I was wrong. I remember that name from the reports but the right name is Morris Davis. He is an FBI PCI out of Birmingham. In connection with him there is some stuff on the House committee and on Mark Lane. I made some extra copies of that series of reports, forgot to make copies of some, and mislaid some. I did copy. So for several reasons I'll appreciate a list of all the records that relate to him specifically ~~add~~ or even suggest his and Lane and the Committee. Not Lane pulling the cheap act at the Atlanta FBI office. So you'll know how cheap but not for you to talk about his phonetic hero, the former FBI agent Murtaugh, was actually the Atlanta case agent agent King - the top honcho on that operation. He runs the spies there, too.

I'll explain a bit about the Birmingham agent, Davis, who also gets into a line of Memphis baloney. It is not because he was for real. The opposite. Thus the FBI fed him to the committee while making a claim to have to hide all their informers. I do not want this talked about. The committee and its supposedly professional investigator Evans went for the fabrications and made the fabricator available to Lane.

Again thanks. Best to Kim and the others,