

JL - Reur draft letter to Shea as judge indicated in 75-1996

HW 7/5/78

Just a few reminders, not unless you think necessary for further letter to Shea.

There was nothing mandatory in what the judge said. Please limit it as it relates to Vaughn v. Rosen to FBIHQ MURKIN. There are Items of the request without compliance of an affidavit stating the records do not exist. There are other components. And there is the large question of field office records. Now I think that because of the stipulations and of deliberate non-compliance with them he could and should be properly involved. If you agree to raise this question with him then I think a beginning point for him is to get a list of all relevant records from all Field Offices involved. Each will have a list of Murkin Subs at the least. Have him ask if they have indexes, which are a separate Item. Most important re: Memphis. Be careful not to get trapped on the form of any index. It can be a tickler system, like Long's (about which tell him, I think).

I think there are existing relevant appeals.

I think there are reasons making telling him of the existence of clippings files and the FBI's failure to check them for what is public domain. Let them claim that they did not read the clippings. (Which are indexed at field office.) They'll have trouble being believed when they excise a la Bonebrake.

In general I also think it is unfair to Quin not to indicate the full scope to him. You are perhaps too literal in not doing this. You are faithful to what the judge raised but that is not at all inclusive. This is one of the consequences of the games Civil plays in court and out, the whole thing gets bogged down in their distractions and digressions.

At the least I think he should have a set of the Items, the earliest requests that were not responded to and a statement giving him reason to believe, if he needs or wants it, that compliance is not possible from ~~field office~~ ^{MURKIN} files. On this Jay Dugan's lies when he substituted MURKIN could be quite helpful all around because he did assure full compliance from MURKIN. He knew better without being told.

The more evidence of official bad faith the easier a resolution we can accept may become and the easier his path. Open America, I always say.

I believe the field offices can be important. I will be writing you separately about this with what I think will be pretty persuasive proof of the deliberateness of the FBI's dirty FOIA tricks on us.

If you talk to Shea I'd prefer that you be as informative as you believe you can be in the broader scope without specifics - enough to be certain we are being fair and given the fact that we are in court as open as possible.