

JL - Re Metcalfe's Notice of Filing and Report to the Court, 7/21/78 HW 7/25/78

Metcalfe is long on presumption, which he treats as unquestioned fact, and has a way of twisting and angling that I think needs watching because it is unobtrusive. By twisting he represented the issue of the MPD reports as restricted to subpoena only, not to other disclosures and whether or not they constitute a waiver, as I believe they do. (Both Atlanta and Memphis.)

He continually confesses error in the processing and by means of an attack on you, as in your responsibility for delays in DM mail, directs attention away from the newest confessions of error in processing. Error is euphemism for FBI dirty tricks. This relates to the "inappropriate" part of Volume XVII. Of this, as he puts it, now "appropriately designated as "disclosed on July 21, 1978." This is hardly described as "appropriately designated" after all the supposed reviews and re-reviews did not "disclose" the "error."

His submission of the 29 Atlanta pages is neatly cited to what does not force this upon him, his Memorandum and Reply Memorandum rather than my affidavit. (I'm sure he hasn't indicated the pages I had, to make it look as though that kind of info. is always withheld.)

Of what Holloman provided Walker he says, "who apparently retained a personal copy of the document upon his retirement." This one record only? Or he did not go to the MPD and get a copy? Either way the availability of the record to Holloman rebuts his contentions. And why presume that he did not keep any of the many records more directly related to himself and his real problems? He must have many of them if he had this one. If he could go to the PD and get any copy their argument is gone. I think if this goes farther you should force him to support his conjecture.

He is all conjecture, as in footnote six, which begins "It may be discerned" that there was the exasperating "error" with the Holloman report. And "It must be stressed ...not obtained ...under subpoena..." The stress is to divert, not because the stress is justified. If the record is available in any way I think their claim for need to withhold is void.

The attachments of OPR memos appears to be from a spiral binding. I may not have paid any attention earlier but I do not recall this on earlier copies. It suggests they have different copies, whether or not this means they are or are not identical.

The Carlisle letter, evasive and indefinite as it is, actually seems to say that DJ is now withholding as MPD info what the MPD got from the FBI. Also that the withheld homicide report contains the content of the not withheld Times (Holloman) report on the surveillance.