

JL - my letter to Schaeffer, etc. and decision in 0692 HW 8/5/78

After we finished talking about these things I gave farthur though to the letter and read the decision.

I think I recall what you say can be used against me in the letter, as you put it blaming Schaffer for the accident I had. In a sense I do this, as I now recall by saying that if he had not misled me and promised to be present I would not have been present and thus the accident would not have occurred. If that is going to be used it will be misused. It is literally true that I would not have been there and that only because he told me that he would be I went there.

My clear recollections of the day end with the injury and my examination of it on the bus on the way home. I recall misleading you because you were concerned. Because there was nothing I could then do and because you know of the danger from bleeding as well as from clots I told you it was nothing. In fact it was a unique sensation for me and it worried me. I felt the flow of warm blood as it was released into the ~~stomach~~ abdominal cavity from the ruptured vessels. It covered a large area and soon enough that large area swelled considerably. It stayed swollen and discolored for a long time.

You may recall that the pages I was given were neither packaged nor separated nor secured in any way. We also had to separate them several times to get them packaged so I could carry them. I had to do something with all those pages as soon as possible after I got home. I also had to compare them with the earlier versions of the same indices, then bind them, a tedious and time-consuming job with the old three-hole punch you gave me. It takes only about 6 sheets at a time and does not hold one of the settings.

As a result of my worry about the accident and its possible consequences and from having to try to straighten out the mess the FBI created for me by the manner in which it gave me the papers it had already refused to give me I made an error in saying that the Memphis Sub C Sections were withheld. It is not true, as Beckwith claims, that he gave them to you and you lost them. They were included with the indices and given to me. I discovered this yesterday in getting to the bottom of one of the many stacks. There is no doubt about this because as soon as I discovered these pages I put them in file folders on which I included the date, 11/18/77. Apparently I never got back to them because of interruptions and the need to keep the index sheets straight.

So, while it is not true that Beckwith gave these records to you and it is the fault of the FBI that I had these problems and made the error, it is true that I did make an error in stating that the records had not been provided. Even Beckwith's bad behavior when I offered to pay for copies after the May calendar call does not change the fact that I did make a mistake. I ask you the best way to correct it. I want to do this. I am not a Beckwith. I do not pull dirty tricks. That others have forgotten this also is immaterial.

After reading the Gesell decision I continue in the belief that doing anything will be tough. However, if you want to do anything, or try, perhaps I can help. I have marked the decision up, indicating where I think there is no chance and where I think there may be. One thing I would ~~not~~ add to what we discussed is his failure to treat this as an historical case, even if he seemed to talk about it that way, and in so doing repeated the error you corrected in court, the one Joann misused in 1997, while totally disregarding the AG's 5/5/77 policy statement.

I would add a consideration, that of Justice. This is not an ordinary crime, there has been no trial and because he has no knowledge of what is within the public domain he is not in a position to function as a judge. I would address this not in terms of his shortcomings but in terms of the Department withholding any and all such knowledge from him. In this connection I would add to what we discussed another element on Stephens, his having told the FBI on 4/18/68 that Ray is definitely not the man he saw. I have given you a copy of this but I'll try to remember to locate a copy and send it. This in the context of his being the only eyewitness, allegedly, and of the contradictory

or inconsistent affidavits and the Canale transcript and even the taking of a knowingly misleading affidavit and using it as the only claimed connection between Ray and the crime to get him extradicted can be politically if not judicially important. I may even give this in advance to a reporter. I'll think about this. I've had it in mind for some time because of the House assassins. Lane has been the deterrent.

I'd refer to the D'Leary business, of the FBI leaking and lying about what is now withheld. Then the Department goes to court and claims that having eaten the cake it still has a legal right to have the uneaten cake.

I'd refer to the fact that the police destroyed their domestic-intelligence records when a court was about to make them available to a Vietnam vet. You have the clips. There is a public interest in preventing this with any King assassination records. There is a reasonable basis for alleging it can happen again.

I've checked the Stephens file. Part of the record I recall is not in the duplicates I made. I'll have to go to the original record, not in HQ files but in a Memphis Sub. I'll include other Stephens records on the chance you can use them.

There are portions of his decision I'd ignore. These relate to FBI names, b1, etc.

I cannot believe that there are only 15 pp that are not of personal-life content in all those files and after all those records were compiled. Here is where you did prevail. Perhaps "etcalfé knows of no others but there have to be others because if there were no FBI interest in compiling such stuff there would not have been its enormous domestic intelligence operation.

He repeating the corrected error in the decision may be an important consideration because it is solely on the basis of this that he was able to hold as he did on privacy, without regard to whether or not there was nay privacy to protect. He had no way of knowing.

Stephens (and McCraw and the Mustang) are important on his representation that the Memphis investigation was thorough and dependable. Plus the PD's copies of inv. reports. He may well be uneasy on the in camera inspect of what was public domain without his having any way of knowing that it was public domain.

What this really means is that he has upheld the right of officialdom to collect all kinds of information in such a case and to withhold that which is not congenial to officialdom or can, to an expert, refute the official line. He has no way of knowing what this is, as he also had no way of knowing whether the FBI has provided me with other material it obtained from the police and disclosed to me. It did also disclose what it received from the prosecution, as I'll include. The same prosecution who self-serving affidavit he accepted.

You may have some strength from giving him a political situation instead of or in addition to a legal one.

Maybe I'll add more. We have company.