

77-2155

Dear Jim,

1/17/78

While I've not had time to think about our pre-dawn conversation this morning (my, my - what IS happening to you!) I return to it pending the coming of Nancy and Liz for Nancy's work on the executive session transcripts. (As Liz or Lil make her a copy they will make an extra one that I'll have to lend to others.)

Despite my recent experiences I will take your evaluations of Lynne and Metcalfe. I'm leery of boyish-face men but not those who are cherrubic.) The questions I then have are like okay, they are straight types and want to do what is right, but can they? What impact can they have on that vast and entrenched bureaucracy? Who can they reach who can do what I think should be done and what I want done?

While I will remain with some difficulty in accepting that it was all a misunderstanding that Lynne said other than I had said to Judge Green and did not retract it after I was pointed if less than I could have been in saying otherwise then, for the time being I'll accept your explanation or belief that what I had said did not register. If you want me to accept that they did not read all I wrote while I'll wonder why or what they did not have an interne or a paralegal read the letters, for the time being I'll assume that.

There is no trouble believing that people think other than I say because most people can't accept straightforwardness and always believe someone else may have an ulterior motive. More so an adversary. I'm sure they'd have trouble believe I was never pulling any kind of trick and did advise them honestly and fairly fully, regardless of where my own interest might lie.

The ESP is working strongly. Here is where you phoned. I've spoken to the local postmaster and he'll work something out. They are not allowed to send a truck into the rural areas. Only the route men in postal vehicles or their own, which are contracted. I said I'd pay any extra costs.

I've also started asking for bids on file cabinets. Yesterday's paper said 58,000 pages. So I'll figure for 60,000 now and an estimate on the price to hold 100,000.

Lil has a pretty good idea about where we can find space for them. I had not thought of it but I think her idea will work. Know better when I have an estimate on the volume. Meanwhile I've already asked three local office supply stores to give me estimates on file cabinets, enough for 60,000 pages now and opinion of for 40,000 more.

Now if I go back to your belief, that what I was telling the DJ people did not register, we are where? I tell them to no end or they are going to have to stop and listen or there is no point in trying to talk to them. They are going to have to decide, and that pretty soon because I'm not disposed to continue wasting time. If I get paid for it and the time does not serve my ends I still regard it as waste. No matter how much I'm paid. If they elect not to believe me they'll learn. I was so outraged at what they had done that even after you told me how much they are to pay I wrote Lynne a letter and said I'd do no more. Only because I forgot to put it with the outgoing mail and the cab to take me to the bus station come 20 minutes early did it not go out yesterday.

From my experiences these people can't pay attention in their own offices. Not only because they keep getting interrupted. From my experiences they are off on the wrong kick in gathering people together each to say what he has done and how ~~nobel~~ nobel they are, how honest, how careful. This in itself means they can't concentrate on what I'm trying to tell them and I can't to her face say that Sallian is a nincompoop and that Mitchell is at least utterly lost. Nor will they tangle with the FBI to its face, whether the face be a Chuck's or a Harting's.

There are only several possibilities of getting them on a course that can be productive for them and for us. Interrupted twice by phone in this sentence. Pretty incessant this morning. So I digress.

I have some of my own sources. A dependable one has just told me of a session ~~axx~~ ~~axxaxx~~ between the FBI and the assassin's committee a week ago last Friday. Guess 1/6.

Whether or not this establishes the deliberateness of what we have just been out through, especially the stonewalling and the delay in letting Lynne's people in on it - and I do think it does - it is illuminating in other ways.

One of the FBI agents was Bill Shackelford. He was cussing me up and down, in and out, without regard for who might overhear it. Typical FBI arrogance, typical contempt for the law, not hidden in any way. Who the hell does this guy Weisberg think he is, that kind of thing, I take it these being his quieter expressions. I've asked for a full account in writing.

And this really is what Bill and Lynne are going to have to deal with. One of the courses I indicated above. If they do not do this they can prepare for long and unproductive time in court - with what I think are strong possibilities of many kinds of kickbacks.

Bill said he wanted to end the playing of games. So regardless of who did it they have just played the dirtiest, and Bill has his bosses name on the papers, as Lynne does hers. Not just the lower-level Metcalfe. They had better learn to question the FBI's word even if it is of a reading of the calendar on the wall. Or they will get hurt, not the FBI agents, whose files are already overflowing with cover-the-ass memos that at best are angled and generally are false. These, in turn, have already persuaded the top FBI people.

If they will do things my way I'll do it for them. If they will not I won't try. I'll lump them both together. This is the way they have just been, regardless of what is in their hearts or hopes.

Of course I realize the problem this makes when the FBI is their counsel. But that is their problem, there is what the AG had to say about such things, and they have to cope with it or live with it and its consequences. If they do not see possible consequences I'm sorry for them.

By not paying attention to me they have gone off on the wrong course if there really intended for something constructive to emerge from this. But one of the means of accomplishing a constructive end is for them to use C.A.75-1996. If they want to do this then they have to listen, so they'll understand, and then decide. There is no time from the meeting in Schaffer's office when I said other than that my notes were not intended for the uses they wanted and that I would not think of reviewing 40,000 or more records again. (One of the alternatives I proposed they may not even remember if your belief is correct. I had told Bill I could not do anything in Washington because of the problems. I suggested that they send someone like a bright paralegal up here to pick my brains while I suggested what they should know and thought of specific illustrations for each. I still see no practical alternative in such a mass of records to take the road I did for you, an illustration of each case of wrongful withholding.) I am sure that early on I suggested to Bill that he have a review made of my letters to the FBI and from this a list of the specifics I took up with them - and to which they still can show no response.

I discussed a bit using the subject matter when you phoned. I think that you might want to broach this but under the limitations I asked. It requires more of them and they may think there are hazards for them in it. I can't guarantee that there are not but I can tell you that if I were in their positions I would take this course and the offers I would make if we can get the assistant I mentioned to you. Politically it would be of great importance to the administration. Bureaucratically it would be of great help to the Department in all FOIA cases, even though they may now see only trouble. And if Bell is for real in what he has been saying it solves some of the problems he has. I am willing to go into the substance of this if and when it appears to warrant the risk involved. This would have to mean that there is some higher-level sanction.

They have alternatives but I think I'd not want to face any of them. They are building for themselves, their Division and the Department some very bad records. They can be hurt seriously by it, as can the administration, which I'm inclined to believe might look for people to take the heat. I would not want to be such a lightning rod.

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They are going to have to spend a great amount of time in court and all this means and requires. Between the changes situation, their mistakes and what we have accomplished I believe they have a record they will not want to have to defend and will worsen it if they force us again into unnecessary litigation. I think you realize that we have never taken a case to court that they had any rational, legal reason for us to take to court. More, none that it served their interest to take to court, even in terms of wasting you and me. That might serve FBI interests but not the rest of the Department except for a few individuals.

They probably are not aware of all the other agencies and their records and what we will come to. CIA is an example. Personal records is another. If they have come to realize the position in which the FBI has put all of them they have not yet seen enough to be able to project what the other cases will mean. I mean to them. Even to be in the position of having to defend some if there are no internal kickbacks, The CIA has outdone even the CIA. These and other cases will come to them. Unless they work something out.

If they give me a real basis for trusting them I am sure I can help them much and in a number of ways. If they do not they may face much extra work that can hold only trouble for them. I think it is this simple.

I'm anxious to save us all the time I can. But not at the cost of yielding on these question of principle and not at the cost of getting the records I seek and have been seeking.

They can start exploring if they'd like. Maybe Metcalfe and we can engage in some conversations. Probably Lynne, especially with a family, will not want to do much if anything outside her office. But I'm not going to get bogged down in that environment or the original approach they had. I mean took, not what they earlier indicated. It can't work there and they are under too many pressures and distractions there.

I'll be in town a week from tomorrow again, with a 9:30 medical appointment. I should be free well before lunch but also will have to be at the bus station by 1:30. I'm inclined to think that really making a start will take more time. This in itself may frighten them. But if they can't take the time I think it needs and have available any they find it does not require I'm not willing to, either.

Maybe the simplest way of putting this is that they can work things out^{so} that all of this will be better for them, or at least not get worse, if they want to. If they do not make it possible for me they do not want to. I would prefer that it work out. I would prefer more that it work out with some of the social benefits I seek in all this work but the second is not a precondition.

Hastily,