

JL - Your 6/18 to Metcalfe re 78-322 and 420

HW 6/21/78

Your letter appears to have been written just before he phoned to report that 116 Sections had been processed. The combination of Metcalfe's apparent forgetting of what we had discussed and my current review of my many wasted letters to the FBI in 75-1996 prompts some specific suggestions.

My recollection is that we did have an informal understanding that as soon as a relatively small number of Dallas records were processed they would stop the processing to give me a chance, as you say, to make an examination. It is also my certain recollection that he said the first step would be the making of an inventory and that I would get a copy of it. I have not, as you know, and this was to have been completed in Dallas, before any records left there.

So maybe young as he is he has a memory worse than mine. If so this suggests that when we have discussions and do have some kind of agreement it will save time to take time to confirm them in writing.

If you have further discussions with him on this and especially if we anticipate that FBI practises will be the same as in the King case, I do have some suggestions.

First that you refer him to the policy statements made as soon as the Commission was out of existence. Hoover's on FBI records and the practise with those released in particular are relevant. There was no withholding of names and no withholding for privacy considerations in the records released (although some may have been withheld out of privacy concerns). In particular there was no withholding of FBI names. And there should not be in such a case, at least.

If the FBI processes these records as it has those relating to the King case I will have no choice but to start contesting everything at the outset. I have just been reminded that names that were in all the many news stories, Erie's, Frank's mine and all other books and magazine articles, were systematically withheld by the FBI, beginning with the very first records provided. They have steadfastly refused to replace any copies of any and all these records, even after the judge issued a verbal order they did not appeal. (Ignoring appears to have been easier.)

As Metcalfe should be aware, I examined the first five sets of worksheets in the HQ JFK releases and filed an appeal. There has been no action as yet. This is precisely what I will have to do in the new cases because the failures of Civil and the determinations to do what is wrong by the FBI permit me no real alternative. Please give him to understand as clearly as he is willing to attempt to understand that while I would prefer just to get the records, make minimal requests for additional records, and just do the work I want to do, these tactics, if they are not strategies, make that impossible for me. I also cannot and will not take the time to read so many records more than once. If I accept wrongful withholdings I'll not have time to read those records when they are replaced. In fact I'll not be able to file replacement copies where they belong. These are among my realities. This means, I believe, that they are and will be his realities.

If the FBI has taught me but one thing it is that the BI never learns and never, voluntarily, ceases abusing the Act in the kinds of cases I have or me. It has taught me that it will not keep its word and will not reconsider and will not correct itself. It slips and slides around and ducks proper searches and reviews and pretends there is nothing within the public domain. Actually there is virtually nothing in these cases that is not largely to entirely within the public domain.

It will, from our experiences in the King cases, be much easier and cheaper for us to battle strongly from the outset, in court if and when necessary, than to go through what we have been going through. I don't care if they have processed 1000 Sections by the time I've seen the first, as soon as I have a fair case of improper withholding I'm going

to appeal the whole thing. I'm also going to stop there and do other work. If I do not get a reprocessing of all they've processed based on the first sample the past provides every assurance that they will provide no inadequacy of added samples. So I'll do the same thing with a second fair sample. And a third. Or fourth. Or as many as is necessary.

Each one of these is going to mean work for him and cost for the Government. In this Proposition 13 time I would not want to be wasting any Government time and money, especially not with ample pre-warning.

Perhaps he does not recall that I alerted him to this when we spoke more than two months ago. If he does not he'd better start keeping notes.

If he does not recall then please try to let him see that for me, in my condition and at my age and without help as I am there is no alternative that I do not prefer to what the FBI always does to avoid compliance in these cases where the chances of embarrassment to it are so great. No matter what fees it may earn you I will not waste the time I've wasted in 1996 and he'd better understand it. If he does not I believe he'll be spending an enormous amount of time that before very long he will realize is entirely wasted time.

If he accepts an FBI retreading of the false pretense in the 1996 case, that it can and will comply from an acronymed file like MURKIN, then I believe he is fairly certain to be putting in a lot of extra time. The FBI does have other relevant files, regardless of what they tell him and he may chose to believe.

Maybe it will be a brave new world. Maybe the rogue elephants of FBI FOIA-ing are all back in the various New "avens being "liberal" FBI SAs. That would be great. This is written for you to use to discuss with him because I do not see the FBI making that kind of radical change. I fully expect it to ~~have~~^{be} using processors who are not familiar with the literature on the subject or the Warren Commission's published 27 volumes or 300 cubic feet of available information and to be withholding what is within the public domain. If they do this, as they have in the past, and if they have made no effort to learn what is within the public domain, we'll all have problems. But I think that inttime he'll regret what it will mean for him.

You see, there are many ways in which I could help them, save them so many hours of work and the costs that entails. But they have not asked and as you know in the past they've turned such offers down. I hope the reading I take from this is wrong. But until I have reason to believe it is not a correct reading it is the one on which I'll do what thinking and planning are required.

Best,