

JFK appeals

To Quin Shea from Harold Weisberg re JFK and MLK records; 10/2/78
your letters of 9/27/78, with reference to mine of 9/29/78

As I wrote you 9/29 I was able to do no more than skim your letters outside the courtroom when they were handed to me as court was about to begin. It was not possible for me to read them until today. No matter how listlessly I may believe you intend to be honest, impartial and perhaps judicial in this matter I was persuaded, more and more as I read farther and farther, that this is entirely unreal. It is apparent that in a case as steadfastly stonewalled as this one has been, which seems a very large record has been created, it is a practical impossibility for you to know what has been directed, agreed to, promised, searched, provided or much of anything else. It is also apparent that you are not aware of the actual requests and that all you have done is what may be normal, except the interpretation of Civil and the FBI. Your letters at no point refer to my actual requests. You have taken the deliberate misrepresentation of them as the actuality. (I state misrepresentation intending this meaning, not anything less.) You also have accepted a deliberate misinterpretation of the stipulations. If in this also the limitations imposed upon you permitted no real alternative, the situation this alone creates is impossible for me to accept and I do not accept it. The FBI asked for the stipulations as a means of avoiding a Young v. Rosen inventory approval of which had just been indicated by the judge. Nothing more was involved, nothing else was waived if there had been compliance, and from the very first there was no compliance.

I had almost completed writing the enclosed memo to counsel when he phoned me about another matter. I told him that in the interest of time I would mail a copy to you. Whatever the defect of this procedure there is no time for him to rewrite this and if there were there is very little time before the next calendar call. As I have already indicated in the absence of meaningful assurances well in advance of the call I see no alternative to litigating this matter as fully as possible. (The administrative review may reduce some of the matter that will have to be litigated but when at this late date you are unaware of the actual requests the judge has already interpreted and in and of themselves are substantially unequivocal there appears to be no possibility of the administrative review providing compliance with my requests.

I see no basis for any ambiguity. I do see continuous obfuscation of the requests and of other matters but none is by me.

Throughout this long affair I have always been willing to make reasonable compromise not because it is required of me, as it is not, but to try to have some of my remaining life for my work. I now see no option that will not extort a great amount of what time remains for me ^{other} than a vigorous litigating of the entire matter. The choice is that of the Government. It has wasted all my alternatives.

This does not mean that my prior offers to assist you as much as I can do not apply. I made the offers in good faith and I mean them now as I meant them when I made them to you and to the FBI and Department counsel prior to making them to you. I believe it will be helpful all around to resolve all possible matters outside of court and I will do all I can to this end.

I do believe it would be helpful to you to read my actual requests and the stipulations as well as what evolved as the scope of the requests in court about September 1976. I regret that I cannot now offer to take the time to provide you with copies. However, as I come to what I believe you should have I will provide you with copies because it is apparent to me that nobody else is doing this and because I believe you cannot be other than a rubber stamp without some independent information and the means of making your own determinations. If my wife has time to make a copy of the transcript of the last calendar call I will enclose a copy of it. I have just received it and have not had time to read it.

I also enclose a copy of part of the first page of yesterday's Outlook section of the Post. I have marked what I regard as proof of the deliberateness of what I have described as FBI lying to you and its falsely-sworn affidavits filed with the Court. What it has told you and the Court it is required to withhold is available not only to other requesters, as I proved in court on 9/14/78 for the most recent time. It is in the Birmingham library in the form of records released to others by the FBI. It is not an isolated illustration.

If I had intended sending you a copy of my enclosed memo I would have been more careful with the carbons. If a copy of the original is more legible I will enclose it. Otherwise I will send you my carbon instead.

Please ask any questions you may have.