

Dear Jim,

2/17/78

This is hardly the day for writing you about how I feel and what I would like you to do about the apparent unilateral DJ ~~King~~ renegeing on its consultancy agreement. I am swelling again and feel a little fuzzy-headed, like there is pressure in the head. The diuretic does not seem to be effective today. It was earlier in the week. After I started taking it again on Sunday I went from weighing 174 lbs naked on Sunday to 172 pounds fully dressed Wednesday morning, a loss of at least 7-8 pounds in less than three days.

I've been up since 4. I decided to get out of bed at five. I went to bed at 11 only to be awakened a half hour later by someone who was doing a radio show last night and wanted "ing information after the Abby Mann flicks.

I've been fighting a losing battle against the accumulation on my desk. Except for one OPR file I now have shifted from stacks to file folders of materials. 't looks neater and it makes room on the desk for the dictating machine but the work and the confusion remain. The extra amount of work caused by the FBI's well-timed releases is incredible. I can't really avoid any of it. (Yesterday alone, for all of Garrison and his in New Orleans and the Dallas-area researchers there a paper in each city took quite some time on the phone.)

I say well-timed because some of these records were processed a year earlier from markings I've found on those that were called to my attention. I've not had time to do my own searching in them. The lawyers may not see it but I can see that the FBI had its purposes in making these releases when they did. I am without doubt that the processing began earlier than is indicated on these records I've seen.

Of course this accumulation and its increase are oppressive. It is likewise oppressive that all winter I've not been able to find time to take my car to the local ignition shop to have the ignition checked and adjusted. One cold day on which it does not start and I'll be paying for it.

Today if I'm luck there will be further intrusions into working time - if another file cabinet is delivered. I have the space in the cellar but I've decided against using an empty cabinet there because Lil's trick knee is giving her trouble and too much walking of the steps makes me dizzy. (I have fallen down twice in the past week getting the mail but I did not hurt myself either time.)

I'm going to put the new file cabinet on the porch and use it for the OPR originals, to keep them separate and more available. In merely glancing at them as Lil copied them I've seen what bears heavily not only on non-compliance in this case but on the deliberateness of that non-compliance. This, at least from what they said, is what the Civil Division lawyers claim to want to know.

The very first thing I did for Bill was to write him in sufficient detail about the FBI's dirty tricks in C.A.75-1996. I put him in a position to save much government time and money and to obtain compliance and to avoid a possible judicial dressing down. As of yesterday Metcalfe apparently also had not looked at that letter. I know this from part of your conversation.

I specified files not searched to the FBI, particularly to John Hartingh. I will be getting to this and I will be establishing that Lynne misrepresented to Judge Green in camera over it. For the moment I restrict myself, with this background, to one of the proofs I observed in the OPR records. It is attached, several copies.

The FBI has been lying for all the world as though individual survival if not advancement depend on it - as apparently it still does. An illustration is that I told John Hartingh that I had reason to believe that Hoover had King files, that no record had been provided from them, and that they should be searched. He gave me the stock lie, that the only records are in central files. The House of Representatives has recently proven that this is a very big lie.

The attachment is either the file divider or identification of Hoover's King files, "J. EDGAR HOOVER OFFICIAL (plus-my mark is broken and I've not had time to take the typewriter for repair) CONFIDENTIAL FILE."

Civil is even involved in some of these misrepresentations to the judge. Example: their claims that OPR did not have custody or possession of the relevant files of other components. I now have proof that this is false, from the records supplied recently.

To put this another way, I find myself wondering what kind of people we are dealing with, what they think of themselves as well as their professional responsibilities. Does nothing matter to them except protecting the wild FBI elephants who are trampling around in the jungle? Not the FBI alone, of course.

On the one hand they claim to need what knowledge I can give them while on the other they pay absolutely no attention to it.

On November 11 I suggest a more expeditious and less costly alternative, send a paralegal up here with a tape recorder and they don't accept that. They force me to become their consultant and thus take time from what I want to do. They fail to give me anything in writing. I have only Bill's word that it will be their regular consultancy rate. I write and ask that this be formalized and I get no response. You make several efforts and finally you are told it is \$75 an hour.

Now along comes an ~~arrogant~~ arrogant Metcalfe apparently bucking for Brownie points. He is shocked. This is an offense to him-too much. No matter that they have given their word. No matter that we have taken their word. No matter that when I am paid, as is not always the case, I am also paid at a higher hourly rate.

No matter, either, that they can't get any lawyer to do what they want of me.

This is insufferable: these lawyers who spend their time and my money wasting more money and frustrating the law taking offense at someone other than a lawyer being paid at a lawyer's rate. It is fine for a lawyer because they are lawyers, but for a non-lawyer it is wrong, only because of not being a lawyer.

If I don't get interrupted or forget I'll address money's worth.

Now what am I going to do with what I get? Not what lawyers do, spend it for themselves. Get better cars. Mine is only 14 years old.

Not knowing there was going to be this kind of double-dealing, which is what it is, regardless as what the self-important Metcalfe may tell himself he thinks it is, I undertake to use all of it 100% unselfishly - to pay someone else to help with the work these people themselves say nobody else can do. You know this because I've been consulting with you about it for a month. Discuss it with them if you desire but without identification of the one to whom I've made the offer. You can tell them this person is a licensed lawyer who has not yet started practise and in my opinion represents the best single selection I can possibly make, of all the people I know or know of.

Now why should the Metcalfes of the Department think that if I alone can do what they want paying me what they'd have to pay someone who can't do it is paying me too much?

I didn't ask for this. I didn't want it. I did propose alternatives. It is all their idea, including the agreed compensation. I do regard it as a binding agreement and if necessary I will litigate it.

If the Metcalfe's of the Department did not spend their time trying to hegate the law and obstruct us in the other cases, merely to perpetuate wrongdoing in all cases and by wrongdoing in some cases, I'd have been able to finish this task. I've spent more time ~~the~~ which is to say that they've wasted more time for me - in those other cases than finishing this should require.

Are these people even rational? Do they ever stop to think of anything except nullifying FOIA?

If my interest were in getting the government's money would I have tried to keep up with what to me is more important of my other work and put in only about 100 hours on this?

Would I have gone out and bought a dictating machine just to have it sit around unused for two weeks or more just to say I have a dictating machine? You know very well that I've been unable to get to that because of their representations in other cases and what this has required of me. The amount I've sent you in this period is ample proof. (Three years ago, before I was taken ill, I gave a friend a double-unit Dictaphone that had been given to me because I never used it.)

Several days ago their boss pontificated that we have no involuntary servitude in this country. So how about me?

How about my right to spend my time the way I want to spend it, not the way they want me to spend it?

Right now my time is priceless to me. If I were in perfect health at my age it would still be priceless to me.

The only retirement I have is Social Security, about \$200 a month. Yet I do not plan to put my consultancy fee away for my own security. I hope to be able to use it to be able to in effect prolong my years by getting help.

Are these people capable of anything except pettiness and self-deception, perhaps necessary to live with what they do to make a living?

Can they really believe that there is any amount of money I may yet obtain that can repay me for the amount of time and the other costs of the past more than 14 years? You tell me that they actually believe I am commercializing this - or even can.

Now on that first Social Security check - I did not take my wife out for a night on the town or buy us what we've not bought in many years, a steak to cook at home. No bottle of better whiskey or better cigars.

I finally found a local student who can spend a little time trying to straighten out the chaos in my files from the years of illness. In the bad snowstorm her car was wrecked. It may be totalled, she doesn't know yet. But I've offered her this to get her car repaired so she can come here and when she can straighten out the files, as an advance on the work she'll do.

Compare this with the Metcalfe-mindedness of the Department and paying me.

If I had my choice I'd be spending all my time putting on paper what I want to get on paper, what may never be put together in some cases if I do not put it together. There is nobody who has any right to evaluate my time for me. It is worth, to me, more than \$75 an hour not to be able to do what I want to do, which is what they've connived.

You know, regardless of how they conceive themselves these have to be sick people. They cook up these childish things and then talk themselves into believing them. They have their Figleys to invent impossibilities and then they all follow the Figley line. Or is it Hoover's and the FBI's? Tell them, if you'd like, of the offer you made for me to give the Department all my work on the "ing case when Bell made his noble if unmeant speeches about his doubts. And that you did not ask any fee for me.

I've had it. They may think they are right, as so many within my lifetime have thought they were right- Seig Heil! They may have the power they think they have and they may not have learned anything from all this litigation.

They should have learned that neither their power nor their beliefs, if this they be, make any difference to me and in the long run to any courts. The one exception is not at its end and however it comes out they have egged their faces already.

They double-crossed me in the stipulations. They double-crossed me in their false representations to Judge Green in camera. Now they are trying to double-cross me out of the agreed compensation for the precious time they have stolen from me.

Here and now, for all their power and their concept of their power, I am drawing the line. They have choices to make and they will make them soon, not long after you return at the latest.

The first is to keep their word, in finest detail, beginning with the fee.

The second is whether we fight or we don't fight. I mean not in this case alone. My time is precious to me. They have made careers of denying me the use of my time as I elect to use it and by denying me the public information that is mine as a matter of right.

Given good faith, no sign of which I have yet received, much if not all of these matters can be worked out. If they want to avoid needless litigation and its costs.

But after my experiences with them I have no interest in any unrecorded communications of any kind. If we talk I won't be there unless it is tape-recorded.

Whatever they chose as an acceptable substitute I have had nothing but lies and other deceptions from all of those with whom I've dealt, not just the FBI. I was invited to the meeting in Bill's office, for example, under the impression they wanted me to show them non-compliance and I take time to prepare to do that and instead I have to sit and listen to pointless speeches about the compliance they pretend there has been when all they have prepared is for the prating of ignorance.

I go to the next meeting prepared to do the same thing and again it can't happen. But I give them a paper and in it I say other than that I refuse to be their consultant. Next thing I know Lynne tells Judge Green that I have refused.

Let them stack their pretenses, for example, against the fact that the four part of Memphis Field Office SubG are still not delivered when they were supposed to have been in November- and I informed Civil when they were not sent to me.

Let Lynne face the fact that despite what she told the FBI about returning my property, those pictures from the Baltimore office, and what she told them about obtaining the rest of the relevant records by a phone call I have had no piece of any kind of paper and no spoken word on this - in three months. And that she has done nothing about it.

What purpose is served for me in these kinds of meetings, this kind of non-performance?

None.

I'm much better off using that time in court or preparing for court.

I've made my choice.

This is it.

They perform, they show good faith, or we have no reason to try to work anything out for their convenience.

I don't want to fight them. I want to use what time I have left in constructive ways, not that fighting official misconduct is not in itself constructive.

But if they give me no choice then I have to give some thought to changing the way I've been opposing them. They also might want to stop and think about this and about the options they might visualize me trying to exercise.

I think that when you get back it would be a good idea if we talk this over and agree on a different course of fighting them. I do have some ideas.

Meanwhile, I will not accept \$74.99 an hour for the work I have done or will do.

Sincerely,