

Mr. William Schaffer, Ass't Chief  
Civil Division  
Department of Justice  
Washington, D.C. 20530

12/29/77

Dear Bill,

In order to be able to continue with my review of my notes on the 44-38861 file I started to get up at 4 a.m., returned to bed and did get started at 5:15. I should not be doing this but it is the only way I can do what you have forced upon me. I regret, as I believe in time you will regret, that you (plural) went ahead and misrepresented to the judge in camera, totally ignoring all I had told you and what I had written you the week before. My review to date completely confirms what I said, that the purposes for which I made note did not include the use you asked for, that in the sense of use to you they were limited to providing Jim with illustrations, not inclusive evidence, that I had given the FBI more than enough illustrations of non-compliance, and that they were not either incomprehensible nor the cause of any FBI allegation to me that they were incomprehensible. I write because early this morning, while going over my notes on Section 59, I found I had attached a note to Jim and a carbon of a letter I wrote John Hartingh about that Section and those provided immediately before it. I find no response from John.

Jim and I each proposed that the FBI make a review of its own worksheets. You all ignored this. It means that I have had to make a partial review of them simply because my notes could not possibly replace that. To illustrate is one of the reasons for this letter. I illustrate that I must waste this time because my notes were not intended to be inclusive and that this is a simple chore for the FBI, whose responsibility it really is.

To let Jim know that withholdings of entire documents by referral continued I noted "4588 2 pp referred to State Dept." For my purposes when I made these notes there was no need to tell him of other referrals because of which, allegedly, records were withheld. But from the worksheets I find several other such referrals. Under "Remarks" after 4643 it says "Ref. to State Dept. 'Conf.'" I did not note that 38 of the 40 pages of 4662, a Rosen memo, ~~which~~ were withheld under claims of C and D, with the explanation "Refer to DORU - Scotland Yard." The apparent reason for not informing Jim of this with regard to Serial 4662 is because I had informed Jim of the continuing practice in an earlier Serial in this Section, "4638" one of records referred to attached or otherwise provided."

In the memorandum I will provide more relating to this Section. For your information I repeat the first two notes I made for Jim, about 4584 and 4585: "refers to information of earlier than this date, 6/19, not provided." and "contains information on John and Jerry Ray not in earlier serials." These illustrate another point and raise questions of FBI honesty. There now is simply no way in which I can specify this with regard to all 50,000 pages but throughout there were references to information to which no documentary source can be attributed in what was provided to me. Because these are Headquarters files there have to have been records not provided.

I wrote John Hartingh about these and other matters. Not expecting the present or any other use besides as a reminder and because of the realities of my financial situation I reused some 3M copying paper. This means it is not as clear as it could have been. However, in rereading it this morning, I did not find it to be incomprehensible, the representation Lynne made to the judge in chambers. I marked in the margin several paragraphs I intended to illustrate the spuriousness of the claim to exemptions is so I could write you. I also corrected one of the typos. There are a few other typos I may not have corrected on the original. I had no need to correct my own aide memoire copy.

If John wrote an answer I do not have it attached. He did replace Section 59 and some of the utterly illegible worksheets, all I believe deliberate FBI misuse of the xerox machines. But none of the other improper withholdings has been addressed to this minute.

So you can understand the utter ridiculousness of some of these withholdings there is the reference to the first records supplied by Jim Wiseman, the second of the marked paragraphs. As I told John these were well-known names related to the Aero-Marine part of those records. ~~HE~~ You can learn for yourself what the FBI is up to and how nothing I can do for you can address this. Ask them to give you those records and only the Look articles William Huie wrote. All that is withheld is in them. Plus the guilty-plea transcript. Plus all the books. Plus millions of copies of newspapers from all around the world.

This happens to be the first of the countless illustrations I gave the FBI of the impropriety of its withholdings. It was on the occasion of my first meeting with Wiseman. Jim was with me, Parle Blake with Wiseman. In going on two years those records have not been replaced by Wiseman, Blake, Hartingh or anyone else. It is more than seven months since I wrote Hartingh about this. Nothing from him, either. Stonewalling and only deliberate stonewalling. If you find anything incomprehensible about this simple illustration please let me know. Also if you find any excuse for the FBI's stonewalling.

The last of the marked paragraphs is not the only time the FBI has refused to respond to my writing about the Marjorie Feters withholdings. Nor to date has it replaced a single page. My source was not Jerry Ray. The FBI itself earlier had made all this public domain. While there is no doubt in my mind that the FBI can virtually instantly lay its hands on every record relating to Marjorie Feters, I call to your attention that first of all I refer to records withing Section 59, so finding them was a snap; and second of all that the FBI did not ask for further identification. If it had I would have told it that in this Section my note is to Serial 4595.

So you can better understand this and the probable reason they have been giving me a rough time, she was Jerry Ray's penpal and he went to see her, just before James was captured. She also was a PCI. And it is all public domain. Except that the FBI continues to withhold.

I refer to other parts of my letter to John because they have point today. This is because I think you should be aware.

Toward the end of the May letter I told John of what I reported in it, "This is personal abuse, and it creates needs adverse to my health. The extra time this has required of me sitting down has caused my legs to swell, has cost me sleep and has denied me the exercise I require."

We had several meetings thereafter. I took to each copies of records that illustrate wrongful withholdings. I gave John those copies that he wanted. I probably still have the other copies in folders I prepared for each meeting. It should be obvious that when I show and/or give copies of the records in question this cannot be attributed to any alleged incomprehensibility of letters. And at each meeting my condition was also obvious. They were all well aware, despite the kinds of things Shea included in his affidavit.

That was the beginning of a rather bad period for me. Not long thereafter my walking capability was so limited that John arrange for Jim to be able to drive his car into the J. Edgar Hoover Building after a calendar call to reduce the amount of time I'd have to be on my feet to get to ~~the~~ one of those meetings. Later still we learned that my venous problems, which are serious enough, were complicated by similar circulatory problems in the arteries.

before  
Night ~~before~~ last my legs and thighs began to swell again. Of course this concerns my wife and me. It happened again yesterday. I have an appointment with the doctor for the morning. When it happened again after I was up for a while this morning because it is too cold for me to be outside much I rode the exercycle for more than an hour. While this did force circulation and reduce the swelling it appears to have imposed too much of a burden on the arteries and I have chest pains.

There is nothing you can do about this.

But you can reduce the pressures on me. I have taken time to write you about these matters and came to raise questions of your good faith in this all. Yours personally and the Department's. If you doubt my word that what you have imposed on me will not make it possible for you to comply in this matter. It could, in the course of still more time, make a little more compliance possible but no more than that.

The enclosed letter to John is one of many. Prior to what I regard now as a trick to stall me and to further intrude into my life and the writing the Department does not like and after our first meeting I did write and ask for demonstration of good faith on the part of the FBI. I stated then that I had given it ample specifics to which it could respond and that in all cases, where I did not include Serials, I did identify Sections. The enclosed letter does establish I did not exaggerate.

You did not even have to xerox that letter. I gave the FBI separate copies for you, it and Lynne. But instead of doing as I asked, making the FBI respond to the specifics I had given it as a precondition of my doing what you asked the Department misrepresented this to the judge. It is simply not true to say that I outright refused. I did not.

Not that there is ~~an~~ basis for placing the burden of proof on me, which you did by this misrepresentation.

By your own word to the Congress you should not have done this. I have recently been sent a clipping reporting your "une testimony. You told the Congress you would withhold only when disclosure is demonstrably harmful." That UPI story continues, "The Justice Department will not use 'technicalities' in the Freedom of Information Act to deny requests under the Act - even if they mean a lawsuit by a personal falsely accused in F.B.I. files - or to 'cover up any official wrongdoing,' Mr. Schaffer said."

This just happened to be on my desk because I am that far behind in all filing. It also is relevant in general and in the specific I quote. If you go over Section 59 I am confident you will find that some of the withholding relates to "wrongdoing," interference into James Earl Ray's rights, including to privacy of consultation with counsel. In general there is virtually nothing in any of the withholdings that is "demonstrably harmful," even in the uncommon cases where what is withheld is unknown.

I agreed to an exception to this with regard to prisoners even though I know the FBI does not always hide the fact that prisoners talk to it. In all the time since I gave the FBI a list there has been not another word, as also there has still not been any copy of the missing Sub G Sections or any explanation for the new stalling of more than a month. (On prisoners there has been months of FBI silence since I informed it of specific instances of those whose identities it withheld going public, like Raymond Curtis. Another is Billet/Bucelli. Not a single piece of paper has been replaced. You may believe that the FBI does not have those clippings but I do not. I can tell you that it has not questioned my word and has not asked for my copies of the various published accounts.) I have written you about these missing Sections. You have not even acknowledge receiving my letter.

There are countless such cases, not all in my notes. I had just seen the Bickett note and one referring to interference in Ray's rights. More on this, with withholdings, is in my brief notes on the next Section. (The intrusions into Ray's rights by "extremely confidential" means extended into reporting even his attitude toward his lawyers. This is in Section 60. It just caught my eye. "do you want to be in the position or do you want the Department <sup>to be</sup> in the position of sanctioning that kind of thing? You are, you know, by ignore <sup>ing</sup> what I have told you and contriving this stall.) It is because I knew my notes were not inclusive that I suggested what you did not go for, having one of your paralegals come up here and pick my mind on tape.

These Sections also refer to records given to the Criminal and Civil Rights Division neither of which has provided them, neither of which has admitted having them and I believe both of which ~~has~~ denied having them.

Now despite all that has come out about the FBI and all that your review people have disclosed about themselves in this case, I do believe that both Ralph Harp and Doug Mitchell and their associates are familiar enough with the language to have understood what I read and understood. You did not need me to tell you this and you did not have to louse up my life and work for me to have to tell you this.

As I've told you more than once you people have made a very bad joke of the entire Shea operation. This is one of uncountable illustrations. You'll be getting some of CRD's, too, if not now and not through these notes or comment on them. I am now going to have to do other than I began by doing, informing you more than you'd asked.

I have let more go than I should have let go to be able to do what I have. When I have finished with this I will have an enormous mess of accumulations to clean up. You have not offered to pay for that. Nor would merely paying for it eliminate or compensate for the problems made for me by it.

Not anticipating this new medical reverse last time I saw Jim I asked him to raise the question of pay. This was because you ignored this to begin with, Lynne then also ignored it and you then also ignored my writing about it.

I believe I have the right to refuse to work for less than I think my services are worth. I do not believe this will be any kind of problem but I do believe there is a real principle involved. I also believe that you have foisted off on me a kind of involuntary servitude. I have no idea why you have created this situation. Telling people how much they will be paid and giving them the chance to accept or not accept is the norm.

I will give you both sides not to deceive or mislead you. I am not paid for most of my consultancies. At the same time I do not have to accept those for which I am not paid. I do them for public rather than personal reasons. When I am paid because of both my unique knowledge and the judgement people have come to expect of me the rate has been up to \$500 for reading 60 pages and making a phone call to report on them. To do what you arranged for me to have to do I had to give one up. I did not have a specific agreement on the rate but those people have paid me \$300 a day plus expenses in the past. Because of this situation I had to cancel that one. Jim cancelled my plane reservations before I left Washington and I took care of the rest by phone after I was home. Aside from the pay I had an all-expense week in Dallas, with my wife, with cabs to and from the airport from here. You are not going to restore that to me.

The stonewalling in this case has been enormously costly to me. It precluded much else I could and would have done. In money it has meant that for the last quarter my income was just under \$650. Of course I spent a large part of those days engaged in what did restore much of my walking capacity and was otherwise medically beneficial. But with that income would you not want to know how much you were to be paid, when and how?

I am not seeking debating points. I could report much more. I am trying to serve you. You have created a bad situation for yourself and for the Department. It is not just a Mean game you are playing on and with me.

Meanwhile, as you have also learned, paying no attention to us has required that we file another suit. It is an unnecessary suit except for the fact that the Department's stonewalling gave me no choice.

Sincerely,

Harold Weisberg