

For Lynne Kusman and Bill Schaffer on Friday

11/17/77

Jim asked me again last night if I would go over my notes and prepare a list of non-compliances in accord with Bill's offer of 11/11/77. I have thought of it since. I told him I would under a few conditions. First that I have some assurance you can see to it that the FBI's stonewalling is ended. Next that I can do it at home because of the problems and time-waste of travelling. Then that I do it on tape, with you to provide transcripts of the tapes.

Last week I handed Ralph Harp a long memo to John Harting. While because of my limitations, including of time, this had to be off the top of the head and uncorrected, I have heard not a word since. It is specific enough and it addresses compliance. Jim had what I take to be a striking call from John. I have had nothing.

This morning's news gives me a convenient example of the bitter-ending of the FBI in all of this. It also provides an example of what I could do with the records I have received if I had or were willing to indulge ulterior purposes. This means the potential for embarrassment to the FBI and what it continues to withhold not to inform those without my factual knowledge, like reporters.

Robert Edward Chambliss is currently on trial in Alabama for the bombing of a black church in which four black girls were killed. The FBI never placed charges against him or anyone else on this atrocity. It had at least one publicly-known informant, identified by his Congressional testimony and testified to in the current trial. None of this is in the records provided although Chambliss is as a reasonable suspect.

The bombing of that church is in a tape given to the FBI by Miami authorities. I have for years had an ignored request for a dub of that tape. I have published a transcript of most of it, in Frame-Up. The names of those involved in the tape and the taping, which I also published years ago, remain withheld in the scanty and incomplete records provided. It is quite a long time since I wrote the FBI specifying that all of this is public domain. But it continues to withhold and has made no response, written or verbal, to this and most of what else I have written it about non-compliance.

In Frans-Hu and more than six years ago I published in facsimile several of a series of FBI reports. I obtained them at the National Archives, from the Warren Commission archive. One page of that series was withheld. Long after it was available at the National Archives the FBI complied with that FOIA request, confirming what I published, that the page was withheld (outside the Act and only to avoid embarrassment to the FBI. This is the only one of the FBI's responses since I testified to its non-compliance in about two dozen other cases when I testified in this case a year ago this past September.

The Miss informant was the late Willie Somerset. He also was an FBI informant. The man he taped is the late Joseph Adams Wilton, who laid out an account of the church bombing, with names, and who described in advance how both President Kennedy and Dr. King would be killed.

(Now if the FBI read the published books and used the indexes, including that to Frans-Hu, it knew these withholdings were improper (and that it was withholding what is public knowledge.)

Not unrelated is a series of other withholdings about which I have written the FBI without response of any kind. Here again there has been FBI embarrassment and it has the visible purpose of withholding because of embarrassment. Jack Nelson of the Los Angeles Times wrote extensively several years ago about its involvement in what he called the setting up of a right-wing extremist in an attempted bombing in Meridian, Miss. in which Kathy Ainsworth was killed instead of the intended victim, a Jewish industrialist. Her captured and convicted accomplice is Albert Warrants. He was associated with an older extremist named Barnes. These and other relevant names are withheld in the entirely inadequate reflection of these suspects in what has been provided. Much more appeared in the newspaper stories of the time than the FBI has provided. The claim to privacy is spurious. Yet the FBI persists in non-compliance long after I took time to spell all of this out in writing.

I have not said anything about Chubbless to it although it continues to withhold what is public. His name came up long after I had written it without response about the others.

There are dozens if not hundreds of such cases about which I have written the FBI, which has remained unresponsive. Where I complained with specifics about the misuse of b2 and 7 c and d, John Harting did say "We should not be using b2" only to immediately claim it much more often instead of 7 c and d. The latter exemptions are used interchangeably when neither is justified.

I have called countless cases to the FBI's attention. Not only have I had no response, in all these more than 44,000 pages I cannot recall a single replacement.

(When I complained that the worksheets were designed for illegibility and offered the FBI a design that would eliminate this incomprehensibility it accepted and used the design only to eliminate information, the names of the analysts. This thereafter precluded my identifying for it the analyst whose attitude guaranteed non-compliance.)

Now when the FBI has been stonewalling, has been close to totally non-responsive after I have given it so many specifics of non-compliance both in individual cases and as general principles, I now need some meaningful assurance that any more time I waste in ~~an~~ an effort to obtain compliance is going to be productive. Its record, which I cannot ignore, is that it will under no circumstances comply voluntarily. As I see it, if it intended to comply it would have responded to all I have written about non-compliance; it would have made at least a gesture of some sort subsequent to our discussions of these matters a week ago.

I say waste because I have had to assume the burden of proof.

If it now replaces any of the many improperly withheld pages I now cannot replace them in my files. It is a physical impossibility for me. As well as the waste of more time because these were deliberate non-compliances.

When Jim undertook to make my actual physical and medical condition known to the Department it was met with an indecency in a Guin Shea affidavit, for which there has not been a retraction or apology after more than a year. The actuality is that for more than two years both legs and thighs have clogged veins, with the return circulation of the veins seriously blocked. If a clot breaks loose it can be instantly fatal. Since then an arterial blockage has been diagnosed. More recently hardening of the arteries. The diagnosis of

angina is not certain. I have been told it is possible. This is what Jim was talking about last week when he said I do not have time.

It more than my age influences how I now opt to spend my time. Perhaps it can also help you understand why I am unwilling without meaningful assurances to undertake what I have reason to believe will result in more wastes of time.

I have wasted what for me now is an enormous amount of time in what has been a futile effort to obtain compliance. This is not limited to the FBI. When I wrote other components my letters were almost always entirely ignored. I recall one non-response signed by Quinn Shea and his also non-responsive request of Jim that I not write anyone, that this added burden be imposed on Jim, whom I have not been able to pay.

Jim does not have my subject knowledge, extensive as his is. It is not a reflection of good faith to continue to ignore my specifications of non-compliance and the intent not to comply or to protest that only counsel should provide specification of non-compliance. I regard this as a totally unnecessary imposition upon him. It has been the higher-level dodge by which my specifications have been ignored, leading to the present situation for you and for Jim and me.

Despite all the time I have taken to spell all of this out to this day I have not had any request for aid from the appeals or reviewing authority. This has made a rubber stamp of appeal and review.

Here the indexes we were told we being used and in fact were not used provide an example. Check the index to Name-Up under Miltner and you'll see the point and that the indexes are useful. Much more is in a limited edition, all about Barnes, Ainsworth et al. and Somerset. But not as much as I can now testify to.

This leads to motive I can attribute to the improper withholdings. As I have told you my interest is in compliance, not in debating points. So let me give you explanations other than concern over the copyright aspect of what is involved in the withholding of what is claimed to be exempt because of copyright.

With the Redfield scope it is that the catalogue discloses that the right of the so-

called murder rifle was set grossly wrong for the distance. In combination with the catalogue for the rifle and the ammunition and the manufacturers instructions with the rifle the sight could not be depended upon, in the condition in which the evidence reached the FBI lab, because it had not even been screwed onto the rifle firmly enough to be adjusted to the eye. The specifications on the ammunition and the illustrations after firing and impact indicate that a useful specimen is left. The lab claims there were insufficient marks. (Without rebuttal I have produced a qualified expert witness who testified to the contrary after examining the fatal remnant of bullet.) The lab records I have received do not reflect any test firings or even the testing of the rifle to determine if it had been fired at all. Yet the wrong rifle, the one the lab certified could not be fired without removal of a deposit of cosmoline, did have its barrel scrubbed by the lab to determine if it had been fired.

The present basic problem is not that my subject knowledge is required for compliance. If I believed for a minute that this were the actuality I'd have grabbed at Bill's offer to hire me as a consultant. I have no question at all of his good faith in making the offer. My question is can it mean anything when I have this very long record of FBI stonewalling in ~~the~~ the face of my having already done it so many times, as the beginning of this memo illustrates.

As long as I can hear the wild elephants trampling in the forest and see no corral being constructed to confine them I see no point in spending any more time this way. I have ~~sold~~ sold the FBI this often enough only to relent and give it more illustrations. Only to have them ignored, too. (I did this with other components more than a year ago.)

As it is I work a long day still without being able to keep up with my own work. I work when I travel, even when as I shortly will do, when I have my weekly blood-test. I mean this literally. I work while I wait to be called and then while the blood is taken and then for the time required to be sure I'm not hemorrhaging because of the high level of anticoagulant. I work when I use the exercycle, as required when the weather is bad. There is much I want to do. So what time I have is precious to me. I want no more wasting of it, as I hope you can understand.