

Comp.

Dear Jim, Re:75-1996- compliance; stipulations; lets do something 10/1/77

In writing this I've not yet taken time to read what was with the records that came yesterday (you have their carbon) or to reread the stipulations. The contemptuousness and the deliberateness of the violation of the stipulations render all else unessential for my immediate purposes.

This box of records was so large 411/ could not move them. The mailman brought them into the house for her

The volumes are in two parallel stacks. I've looked at the top worksheet only of the front of the top volume on each stack. Both are MFO files 446 - 1987, Murkin.

One is Vol. 1. The date of processing is given as 7/77. The top of the second stack is Vol. 15. Its worksheet is dated 7/26/77.

✓ This means that the processing was completed before the stipulations were formalized. Yet the entire set of records, contrary to the pledged official word in the stipulations, the promises in court and the word of the judge, was deliberately withheld to reach me on the final date permitted, by the stipulations, that is.

How many months ago were you told how many volumes of personal records on be there were and had been reviewed by them? Three or four months ago at least.

Sp in yesterday's mail there is a letter from Kelley announcing that at long last they have another 600 + pages. Only coincidence that after so long a withholding they dump all of this on me at one time?

Of course since our June 30 conference I have had to arrange my life and work schedule in accord with Harting's promise endorsed first by the Office of General Counsel and later by the offer of stipulations and then the stipulations to be able to work on the records as supplied. Only they were not supplied.

This meant I have spent three months spinning my wheels. Of course there were other things to do and I did do them, but I have not put all the time and effort into this case to back-burner it.

This means that the FBI thumbed its nose at Green, who on 6.30 indicated a willingness to give the FBI and Vashti v. Rosen. The actuality is that once she gave this indication in court their added contemptuousness was to slow down their rate of delivery. From then until this minute I have received only two batches. I'm talking about exactly three months. Prior to them, in accord with the initial pledge to the judge, there had been weekly deliveries. (In this case they even lied to you about when they would make belated mailings, which resulted in still new interferences with my work.)

They had a Bulky HQ Murkin batch ready 6/30. I trusted them to not have to copy it all and to give me all relating to the specifics of my requests, especially on the ballistics and relevant tests. They did not. I wrote immediately. I await even acknowledgement.

Were I not so tired I'd be thinking of more. I want to get something in addition to what we discussed briefly at the airport last night to you. I got good but not enough sleep after a day of about 20 hours and a rough ride plus the tensions of uncertain reservations on planes that were running late

I am in accord with your desire to do something about this as you told me when I phoned you from Chicago. We did not go into details. I will start thinking out loud now on them and on what we can or should try to do about this. It certainly is something we have to put to Green and in her interest and that of judges in general as well as our own interest and that of the Act. I think it is important to do it as fast as we can even if this means inadequate preparation, in part to bring this all to an immediate head and end it and in part because from a letter I received from Mac Athias yesterday the BOIA subcommittee is holding hearings now.



While I would not think of misrepresenting what it does to me, there is still another possible violation of the stipulations. I do not have the list of files from other FOs. Even if this was not called for until the end of the month rather than may may be incorrect in my mind, that it was due today, the fact is that we have proof that the FOs were ordered to prepare such lists very long ago. This is to say they they exist in some form and could have been provided by now. I think this is one thing we should ask Green to permit us to establish by discovery and by the taking of testimony. By testimony I mean not limited to me. Hartingh, Harp, Keith and all others in any way involved.

There is an important fact I do not want you to lose sight of in all of this. First it involves the FBI and Kelley and it involved Dugan. There were written and verbal assurances that I had been given everything relevant to my requests from the MFO files. This is not grossly false and obviously of deliberate falseness. The actuality is that the Kelley letter was so excessive it said that I had been given everything that the FBI interpreted as even of any possible interest to me. Dugan gave her this assurance.

I suggest what she will not like and if I forget remind me to come back to what I said a year ago that she then did not like. Call both Kelley and Dugan as witnesses and let her deny them before you out me on in the hearing you said you would ask for. Kelley will have to testify that he knew nothing at all about anything that appeared over his signature. Or what will do him more harm and us more good. Let us expose this wretched business of dirty games and trading on the name of the Sainted Director. Let Dugan deny that he gave his word to the judge. Or let him say he did it in good faith. He deceived and misled, regardless of what he will claim as motive or inspiration.

I told her that this would never end without some kind of severe action by her and that it should be punishment of those who deceived and misled her. A year has passed. They are still toying with her and putting me in the position of having to accept stipulations to avoid burdening her with Vaughn V Rosen work. That would be no burden for me. It would have been an aid because I could have planned and used my time in other ways. If she is unwilling to go that route I would not challenge her if you take testimony from me. But the net effect of the testimony would be to make exactly that record.

Now what should we do faced with this? I think that with the stipulations rendered null and void we ask punishment whether or not we get it and ask for total compliance, forthwith, from each and every field office with each item of each and every one of my requests going back to 1969, those she has already interpreted as meaning "everything." I think we accompany this with a request for the total remission of all costs and fees, with time to prepare a case if on the existing record she is not willing to grant it forthwith.

I think we call the Shea people and ask them how they can possibly review the records they supposedly review. This will do what the Congressional committees do not. What will the sheas say, that they act in bad faith? But we are awaiting rectification of entirely unjustifiable withholdings from the very first pages given us in this case.

What this boils down to or perhaps it is better to say erupts into is giving the judges an unprecedented opportunity to relieve themselves of an enormous burden they should by now be able to see extending into perpetuity - and at a time when if we make no such suggestion they can see the possibility of the Congress getting interested if they (she) do not. We have an unprecedented case, I have unequalled subject knowledge, what even the Naders cannot duplicate, and the timing and the situation are ideal because they have been so utterly contemptuous of her, of the Act, of everything, including common decency.

You would require little preparation, if the scope would seem to lead to other fears. Your preparation would be almost entirely limited to a list of subjects you'd want to go onto and a few letters to be retrieved from the files.

If there is unwillingness I then want to exercise my rights under the Act to establish exceptional circumstances and that to which these exceptional circumstances entitle me. Each



different point like this provides a basis for a separate appeal, too.

In every possible way this is the best of times for us to take all the initiatives possible. I think that in this we will not have the opposition of Lynne and those she represents. But if we do I want to face it as close to here and now as possible and on the ground they have provided me. We'll never have any more advantageous.

I am also beginning to think that there now is more than you can begin to cover in a short letter as was asked of you. But I'm not unwilling to confer more if it begins with some assurances of determined action by them if I make out a case. I'm not sure I can now offer to go there again, not with this enormity of records requiring time I do not have for them alone and the personal files about which I must do much coming. If Lynne and those like her enjoy personal justice their client does not. The time has to come then the costs, especially in time, are not ours.

If you speak to them among the matters I would like you to present is the perpetuation of the offenses of withholding as of the last records I've gone over that were complained about in the very first, names and the like. My appeals and complaints are ignored because this makes an impossible situation. Well, I want to try to teach them a lesson and lose nothing if I lose on it. I want every single record replaced at no cost and as close as humanly possible to forthwith. This is the promise of less scope of last one and instead of being corrected it is perpetuated. I'm not talking about sources. I'm talking about such names as those of Memphis policemen who are known publicly as police. This was continued withholding in the last records I read on the plane last night, from the batch prior to the one that came yesterday.

I would be willing, with your approval, for an on-the-record administrative proceeding inside Justice separate from anything in court if they want it. But I would agree to nothing without some advance and meaningful assurance of prompt production of the withheld and now without any further cost.

On the Louz/Life pictures, a pun perhaps repeated, I like your idea of an in camera informing of the judge. I think you may want to consider expanding this or at least giving her an opportunity to expand it if she would like to. I see every reason to let her know that we did make offers to the FBI and to DJ and in advance of the OPR report. You had in mind letting her know the importances of the content of the pictures. I am willing to add to this from other evidences.

By the way, will you please ask Lynne for the replacement of the indexes to those 25 numbered volumes? This is in 44-38861-6139, Blake's 11/22/76 to Dugan, especially last gray page 2 and in particular includes recognition that the complaint was amended, note bottom page 4. It forecasts a "fuller release" after those volumes "are processed." That was very long ago and since then there is the always-ignored 5/5.77 policy statement. If I am without doubt that this is fully within the complaint there is no doubt that it is part of Murkin, their substitute.

Lay on, MacJunkyjin!

Rest,