

Dear Jim, The FBI, DJ and C, A.75-1996, 10/1/77, pt. 2

When I wrote you earlier I was shocked that after all that has transpired in this case the FBI would be in open contempt, in open violation of their own stipulations. That, however, is much less than the offenses, all of them, I have tried to inventory what I have received. As a result I am, for the first time I can recall, turning back to the Old Testament. I want an eye and a tooth. I want it not because it is my due, which I believe it is. I want it because it is their due, that of all the people and all the judges and all who live under their concept of total immunity, whatever they do, total disregard for even minor deencies and concerns and for their intent to do other than they undertook to do before a court of law. I want to be a real law and order person, not their kind, the Nixonian species. Some of the added reasons will follow. I believe they make it apparent that there simply is no way of negotiating with them, treating them with consideration or having any other experience than one could expect on jumping into a pit of sobras.

It is impossible for me to make an inventory of what I received because they deliberately made it chaotic. I can't tell you how many Vol 1s there are, how many duplicating serials, how many different volumes bound into a single volume. How many are totally missing. To get the answers requires an amount of work I simply cannot begin to think of doing.

This is to say that I begin with a demand for an immediate and total replacement of all 6293 pages. I want each separate volume kept and uniquely identified separately so I can know what I have, can make reference to it and so that anyone else can understand.

Some of these records had been processed by the middle of July or ~~late~~ ~~late~~ 10 weeks before delivery. I know they will have an out, a claim to delay in review. The unsigned, anonymous letter with the form signed by Powers this time goes out of its way to say Mitchell did the reviewing. Gruesome.

The last time any of those FBI's saw me I could hardly walk and they knew it. They wanted to confer so to make it possible they parked your car inside the Hoover building. I'm sure they knew my absence from status calls was not because I was on an Alpine vacation. They have known for some time that I have real physical limitations. So what do this cats sired by Joe College out of Halloweenpranks do? They take all this paper and cram into a box entirely beyond my capacity to lift or move. I've measure six the carton and will keep it. It is 20 1/2 long by 14 1/4 wide by 13 1/3 high. In terms that may mean more when out of the box this is a solid stack of paper that measures more than 31 inches. This is more than an entire solid file drawer.

The mailman was kind enough to put it in the kitchen. But it was, obviously, in the way. So when I could not move it I started trying to put each unit into a file folder, as I have with all, identifying the lip of the folder with the contents as taken from the worksheets and by actual checking of the Serials. The latter was impossible because there is no such thing as a single volume with most of this. Right? It is withheld or there is more than a volume, with the worksheets not even in the front but throughout. This means to know what is here and no more I have to handle every one of the pages of those larger volumes. So I could not make an inventory. I can give you what is on the front of each bound volume, which is what I have on the file folders.

When I receive materials like this I really have no way of working on them, no place I can separate them. It is impossible to use my desk of it, anything like that. I do not have an entire J. Edgar Hoover Building or legions of clerks. I had to work on this where the box was and using the stove as a table or desk. This meant I had to stand most of the time and that meant problems with my feet, which still burn more than an hour later.

For us and for what Powers represents as full and final compliance these upholders of law and order, these protectors of society have found the enactments of the Congress inadequate. They therefore have legislated new exemptions to FOIA. Their abbreviation is "BQ". I will be including one sample of this with more than my present intense anger.

Does HQ mean the have referred to headquarters. Gollygee, all the time I thought they were headquarters. But whatever this means, from mid-July to now those papers languish

in some cubbyhole (aka memory hole) while there is the guarantee of total compliance by yesterday and there is this anonymous sheet of paper that has no name or even initials says it is total compliance, paragraph one, with typical FBI acronyms that enables it to say well, it really is not total compliance. ("...completes the processing..." I was certain they'd try that one and insisted that the stipulations preclude it. But they are immune so they can draft, sign and then ignore their own stipulations. I did not ask for them.

Now if you do not think this new exemption, /"HQ", is real cute they try more than one "Vol 1" without letters and more than one "Vol 1" with letters, like Vol 1A, Serials 193-214 and Vol 1A Serials, 1-34, the former dated as processed August 23 and the latter, meaning of lower serial numbers, not until 9/77. Or Sub's with and without Volume numbers.

Now I know I'll suit you fine when I tell you that Sub H Vol 1 is identified as lab reports, that the worksheets are not filled in properly but they indicate 117 pages and that all are withheld. That new exemption HQ.

I'm determined to see that you are completely satisfied. So try this: There is Sub A. I have noted volumes numbered through 5, with records that apparently duplicate being identified as Copy 1, Copy 2, etc. Serial 1 is of 194 pp. Serial 2 also appears in Vol 2, where it has 193 pp, is accompanied by Serial 2, which has 122 pages. Volume 3 also has Serial 2, 122 pages. Another copy is in Vol.4, with Serial 3. Serial 3 also is in Vol 5.

All copies of all version, all pages, processing completed as far back as 7/18, are withheld. What that? I knew you would, as I think maybe the judge should have a chance to ~~do~~. ~~By~~ this I mean as soon as you can tell Lyne there is no point in anything short of compulsion. Or the determined effort to obtain it and punishment.

Now this particular loose bound set of a very few number of pages presented a special treat for me. The clip obscured the serial numbers and I was trying to make an inventory. It took me a half hour to get it off, with tools I'm not supposed to use. Papers so few that a single stap might carry them, certainly two would, bound with a clip for a 2" stack? Suppose I'd cut myself?

You know at first they used the thinnest rubberbands to hold loose pages together. Smith was pretty ugly when I asked for an envelope. He finally provided a couple of those with many holes, routing envelopes, second-hand at that, for me to carry these records in on the first delivery. Then I asked them to use binder clips and offered to buy and deliver them. For a short while they did. Then they switched to the loose clips fastened to a single piece of cardboard larger than the sheets of paper. This was a nuisance and time-waster for us but finally I fell silent about it. Now they use it for everything, including to make holes through what I want to read, like serial numbers. (You may remember the episode of cutting the numbers off on the pages themselves by xerocxing them off.)

There are seven worksheets covering Sub A, all the volumes. What we have received is only these seven worksheets. The first has a single entry, for Serial 1. The total description is "emphic report." Have you any idea how many hundreds of 44-1987 records fit that description? Of course not that many are of 194 pp.

Of course the intellectual capacity of the FBI did not foreclose the use of a staple for so few pages. They did use a staple, for the first six pages and not the 7th.

There are 12 lines for entries on each workpage after I persuaded them that it was a good idea to be able to read worksheets. So the first ~~two~~ worksheets cover 3 Serials. In all the seven sheets cover only 7. Once you take a half hour off to remove the clip that was never meant to be used on so few pages and learn that what you can't read is two sets of ditto marks. (Using second-hand stuff with extra crimps in it made the game more FBI fun.

There is, with this, a powerful FBI logic. In withholding all of this Sub, close to a thousand sheets, all but the first serial were processed 7/18/77. But the first is dated the next month, without a ~~even~~ day, 8/17.

If I poured over this more I'd be able to add more but why? Is this not too much?

Under any circumstances I want all of this to go before the judge and as promptly as possible. I want with it all records of all searches, reviews, actions on appeal and

anything and everything that relates to compliance in this case, especially what bears on due diligence and good faith. I mean that I want all records of all withholdings on the claimed need to refer to others, all records of later providing of such records (which almost never happened, including when the referrals were internal), all records of requests for action following my asking that there be such requests, all records of all efforts to obtain copies of records known not to be in the Murkin or Memphis files and to have existed, especially of efforts after I told them how to locate some.

If they want to rectify any of this last shamefulmess I will not accept it unless it is immediate and comprehensible, with each volume a separate volume, each file identified in a manner that precludes misidentification, and all withholding attributed to a provision of the Act, not the spirit of the departed founding saint. I simply am not going to touch any of this except to provide a few of the cited cases for you. It is a total waste of time to make the effort. I want all of this replaced immediately as specified above.

Only this time I also want an identification of the initial withholding authority and of the reviewing authority. I want to be able to challenge directly and before the court. Without this the case will never end. Neither will non-compliance.

I want you to think of a means by which we can compel the AG to keep his word and refuse to defend such cases when he heads the department that is responsible for this series of outrages after he makes his policy statement. Can I file a taxpayers suit to prevent the government from defending what these characters have done? Hell can pontificate all he wants from trusting those he should have known better than to trust. I want him to be as good as his word and to learn that his own people are by far the worst offenders. He referred to other agencies. Let him apply his standards and his words to his own. Let him learn, that is.

You know very well that in this case no 6,000 pages constitutes the entire Murkin file of the office of origin, Memphis. The published descriptions are of onerously more paper and the records we have are greater still in referring to more.

I don't know how we can untangle all these snakes except with lusty swings of a sword. So I suggest that we tell Lynne we have no choice but to go back to court, cite some of this and demand the *Laughlin V. Rosen* for every FBI file and every field office. When the AG placed the number of records in the field offices at in excess of 200,000, when Memphis was the CO, when they say 6,000 pages is all and when they invent new exceptions like HQ, there simply is no way of dealing with them.

And when they withhold all Memphis lab files after all the hassle over the tests.... That same exemption HQ, from the people who brought me no answer when months ago I complained of non-compliance from the HQ / "bulky" on lab work.

This is pretty outrageous, Jim. We must do something and it must be immediate and vigorous. I prefer that we put each of this people under oath and ask many pointed questions relating to compliance, standards and at establishing whether or not I am singled out as a special case for non-compliance.

I thought you might be working on a letter to Lynne or Schaeffer so I called to tell you about this. Good you are both having a night out.

best,