

Mr. John Hartingh
FBI-FOIA Unit
Room 6902 J. Edgar Hoover Bldg
Washington, D.C. 20535

11/4/77

Dear John,

For months I kept writing you about instances of non-compliance and improper withholdings only to have you claim day before yesterday that the wanted FBI, founded by the world's best file clerk, can't find a record without a number.

Then, day before yesterday, when you and John and Charles heard the words "pre-trial" suddenly John gets a very good idea, lets talk it over. So we do, in his office. And I'm subjected to what ranges from round treacle to outright fanaticism, the piety of only the best of intent and performance on the one extreme and the allegation of blackmail from Charles when Jim says what I've said before, that if you force me any farther you people had better consider the consequences, including on the image of the FBI but by no means limited to that.

If you haven't gather^{ed} that I'm angry and making no effort to hide it, I am, I'll explain it. I'm sending copies to "in and John."

As you know I just gave up on trying to avoid the problems you people build into this case at every possible opportunity and for which, as you will soon see, you actual reach out to create. I'd decided the hell with it, let the whole thing go to trial. You'll not live within the law without it, there will be no genuine effort at compliance without it and you have spent two years wasting what time I have left for me. Then I take John's gesture at face value and appreciate it if it clearly is at the least months left. Only for what? To come here to a dismal repetition of it all in the few files I had not had a chance to examine. You have not provided records that have to exist and you are still claiming the right of privacy is protected by withholding the known.

It was sickening to go over what you have provided as all that is relevant from the St. Louis files, which is what I did yesterday. Here so with what I had to give up to be able to go over this deliberate incompleteness of what I have called Swiss-cheese paper you provide. I start early, I work later and I get started at 5 again this morning. What do I come out?

In the main MURKIN file Chicago's first record is dated, as it appears in the first volume, seven weeks after the crime! By number is it 24A. Nothing before it I am to presume. And of that entire first volume you provide this single page, 24A. Can you really expect anyone to believe that all the other records in the entire first volume were provided from HQ files? I don't, any more than I believe you compiled from the St. Louis or other FO files, as I've specified more than enough. And I have a clear enough recollection of the HQ files to know what has to be in the FO files.

You get a bit more generous in Volume 2. It has three records. By the time I've gone over them, a total of four Chicago records, I'm at Serial 222205.

By comparison Volume 3 is real fat-mine records. They get me, with 13 records that are not complete, to Serial 336. It is something I've written you about several times and spoken to you about several times, without response and without replacement of a single Swiss-cheesed piece of paper. So John can understand it: Newark teletype to Bureau 4/24/68, and contact by subject's mother brother, JERRY RAY, with - - - - - (you even obliterated the comma) Camden, New Jersey. Enclosed for Chicago is one copy of letter dated 4/24/68, from JERRY RAY to (same obliteration plus space for address), Camden, New Jersey. Newark will forward to Chicago copies of photographs of RAY which he enclosed in his letter."

This is one of thousands, many thousands of your deliberate violations of both your

own stipulations, those you sought, not I, and of the supposed directives to you and the entire FBI and Department of Justice by the supposed boss, the Attorney General. It is but one more of your jacking up of Doug Mitchell and proving that the supposed review and appeals mechanism of it is a mockery, a sham, an outrage, and an imposition on both courts and FOIA applicants.

It is not secret that Margarita Potters was Jerry Ray's pen pal. Nor is it secret that she was a Bureau informant. Nor that Jerry went to see her, for which you had her properly prepared. In fact, I can take you by the hand and lead you to all of this and much more in your reading room, available to anyone who walks in.

This is good faith? Any kind of diligence? Faithful to your personal word, your own stipulations you had already violated before you negotiated them? This is the way you do what the Attorney General of the United States directs you to do - and not do? This is the way you keep your word to a federal judge, a very patient and tolerant lady? This is what you do to Jim, who gets up in court and taking your collective word is put in the position of being a liar and of lying to a court?

If Jim had not told Jim the realities in advance of the Wednesday calendar call John would again have filed false affidavits and I would again have been put in the position of accepting this or having to prove them false. I did - and I dare you to challenge me on it - deliberately false.

Jim and I, who did not expect John's Wednesday invitation, obviously had not discussed it in advance. His proposal of a means of settling this was unknown to me. I should have thought of it earlier because I, not he, had been going over all this paper. If Charles represents the Bureau's real view, not the sanctimony that goes all over the front pages and drips out of the tube, I am left with no real choice, as I believe I've told you before. As I told you Wednesday when Charles started off on that "blackmail" line and with it the attempt to build another Berlin wall around your Moxey Hole, I am quite prepared to make that choice and to do it wholeheartedly and with all the determination of which I am capable.

I tell you and John quite frankly that if it had not been for the limitations imposed by my health I'd have taken some of the options available long before this. I once did intend to take the entire question before the bar. Not with the expectation of prevailing but with every intention of making a record for some of you to confront. And perhaps achieving something constructive from it. This kind of thing has simply got to stop. I do mean now and at least as it relates to me forever.

There is something else I've not discussed with Jim but I have every intention of taking up with him. Heck as they are the Act now has positive provisions. If there is not an immediate and satisfactory end of all of this and rectification of all of it I will be exploring this with Jim. That is not all I can do. With your own experience in public relations I do not have to spell it out to you. Nor do I have to spell out that with my own former experiences I well knew a hot story when I see one. Yet for all these months I have been silent and patient and a little bit tolerant, hoping that those of you who are supposed to uphold the law might begin to realize that you also have to live within it. If I spare you Brandeis on who is the teacher of us all I do not avoid Lord Acton's wisdom, that power corrupts; absolute power corrupts absolutely. I do not avoid it because it is what now confronts me: Your reliance on traditional protection and confidence in what has been your absolute power. While from your collective record in this case I think you may not be able to understand it I tell you that if I do not face this I abandon everything by which I have lived my 64 years.

By your collective abuses of me you may well have made this my easiest course. I had to abandon much other work and a manuscript two-thirds drafted, one I cannot now see. You have wasted most of two years of my remaining life for me. You are now making it impossible for me to do what I should do in the interest of my health. I gave up a medical appointment

wednesday for that conference that is made into an indecency by what is illustrated by this newest Marjorie Felters harassment. (By the way, when I've been saying Hunt I think I meant Morris Davis as the informant and source obliterated from the records when you turned him over to the House assassins committee and they to "ark Lane. So to clear those parts up I'm now asking for any and all records wherever kept on both Davis and Felters-without any obliterations. I ask for your word on when I can expect those records. (I'd some kind of explanation of how you can claim any exemption after you have done this, as you did year before last.)

Let me spell what I mean by abuse out a bit.

When my effort on this matter goes back to 1969 and when under compulsion you have no choice but to provide some records, the first thing you do is see to it that I am wasted in it, wasted in time, wasted in money when I have no regular income and wasted in the capability of using this material as I think it should be used. This is consistent with more than what Jim put into the record, that nastiness of giving everyone else what I have to go to court to get and arranging for it to be used before I can use it and then angling it to corrupt it. (You have done the same in this case. I have just given Jim the proof from your own files.) You say or may not have personal awareness, but the word went out years ago to "stop" me. The quote is direct.

Want to make a bet, for all my infirmities?

For the past 25 months I have known that is a single blood clot breaks loose I may die before I can get to a hospital and even if I get there. When I met with all of you the end of June, although I did not know it, a serious arterial problem had developed, in addition to the serious ones in the veins. A week before we met this past Wednesday I had almost passed out because I had to stand for about 15 minutes. Yet when I can't drive to Washington any more - and will never be able to again - I risk the problem of going by bus to try to work these things out. For me to be sure of a seat on the return trip Wednesday Jim had to go to the bus station with me so I could be first in line. This means a half hour early. Then he held my place in line so I could move around a bit and keep some circulation going. Now this is not the way to treat Jim, who can't keep up with things without having to take time this way. It also is one of the factors that tells me looking horns with you is my easiest alternative.

To be certain of having a seat going to Washington I have to get up at 5 a.m. To be able to return from the conference of the 21st I'll have to arrange a ride home, an imposition on Jim or some other friend. Why should I go through all of this and have to ask others for help for what confronted me all over again when I was able to return to an examination of your personal and collective words and that abounding good faith and overflowing due diligence I refer to above? Why should I give up for the second straight day what is essential to my health to be able to help clear this up to be confronted with such arrogance, such contempt for the given word, the pledges to the court and all else?

Has any one of you all of whom are overwhelmed by your faculties and the power behind you ever given thought to how you would feel and react with the situation reversed? How you would take the obscenity of the Quin Shea affidavit of a year ago this past July? Or what you would expect of "appeal" and "review" with a mind capable of such indecency presiding over "compliance?" I'm trying to give you an understanding of how I regard the options you leave me.

Has any one in that vast bureaucracy of yours given any thought to what would happen if I took my records and my first-hand experiences in this case to the GAO? I'm not reaching into a hat on this. A year ago this month I was asked about this by a Congressional committee of just jurisdiction. What do you suppose a cost calculation restricted to a minor element of the waste in this case, your persisting violation of the AG's orders on privacy alone, would multiply into in dollars? There are many "Marjorie Felters. Only not one of them is black, man or woman. You have never protected the privacy of any single black woman reported

to have slept with a man to whom she was not married nor one who bore a child out of wedlock. Nor on any white woman reported seen - only seen - with a black man, even if she were a member of the press. What was said to some of them I know is shocking, as is the response of one who told it to me. There is no black man accused of having used or sold dope or a substitute whose name is withheld, and almost no name of a white prisoner who claimed to know Ray that is not still withheld - privacy, you claim. Would you like me to take this to the black caucus? And take them to your reading room and show them this newest FBI indulgence in crude racism? And tell that that I told you I want name of the sex stuff unless it is relevant to the acts of an infarmer? Knowing it started I did tell you this, personally.

I don't think John misunderstood what I reminded him of Wednesday, our first conversation of a year ago this past February, after the first calendar call. I was not boasting that I had called my shots. I was trying to get him to see the enormous waste of his time and of all others by the wrongful course of action what he had been misled into stating in court would inevitably mean. I think he can now look back and perhaps understand that I was trying to avoid all this enormous waste and much more. He sure as hell knows that it didn't work, except in "stopping" me from what I wanted to do.

On Wednesday I offered still more compromises, as I had earlier with you personally. One was to accept unexpurgated indices for these expurgated without any basis for it, despite Blake's self-serving internal record to the contrary. I had anticipated that and by the offer of a consolidated index to what had been published in books and in court totally eliminated any basis for these withholdings. Yet these above you rejected it when I said clean copies of the indices would make it possible to use those 29 volumes and I'd forego raising the question of reprocessing them. This would still mean a considerable amount of work for me. But you people are power-drunk and incapable of recognizing that the law is something for other than your sport with it.

Well, after the insulting confrontation with what Majorie Fetter represents I'm not willing to do any of that extra work in using these records just to try to make things easier for you. Singular and plural. Without my offer of the indices I could provide and prior to the AG's 5/5/77 directive there never was any basis for these withholdings. If you dispute it I'm prepared to take the stand with the indices in my hand and prove it. Whether I do will be your choice, not mine.

No more compromises. I have to learn that I cannot coexist with an octopus. I want compliance, not endless compromises for scraps of it. I'll be at the meeting on the 11th. I've scheduled a medical need for 9 and should be able to be there by 10. But there will be no more verbal agreements that will not be kept. I don't care how it is recorded, whether by tape recording or by John's making notes and his having a secretary there. But I am not again going to have any dispute about what is and is not agreed to. And unless there is a firm promise that all 29 volumes of the prosecutorial material covered by the indices as well as the indices themselves will be reprocessed with none of those unjustifiable withholdings and a written assurance of the completion of it by an agreeable date I see little point in any meeting on the 11th. You may not be aware of it but this is clearly within my 1969 requests ordered to be ignored as well as the more recent ones. If I can't and don't claim total recall I think I have enough of a recollection of the volumes and the indices to be confident there is no question of privacy or sources, that it is all in the published books and magazine articles, in the guilty-plea hearing and the 14 volumes of evidentiary hearings. (My index to the latter also was rejected by the FBI.)

Understand my position on this clearly. If I were to lose on this in court, as I would not expect to before a decent person and a good (if tolerant) judge like the one we have I'd be better off than continuing as we have been going and as you and Charles indicated on Wednesday you are determined to go.

"Anxious as the judge is to end all of this before the end of the year I doubt she wants it as much as I do. You have kept me from writing or doing much else for going on two years. In the course of it you have worked your collective selves into what I can see as a very bad position. With the position in which you have put me and the endless abuse of my trust I see no reason not to make proper use of all of this.

There is something else all of you should understand. There are other similar matters between the BJ and the FBI and other agencies and me. With those other agencies, like the CIA, which has demanded and received \$500 from me on this case and given me nothing after a very long time, the BJ will have the cases to handle in court. That is where they are going, clearly enough despite my patience. I will not accept a repetition of what I have gone through in this case. If I were less than 64 and in the best of health it would be unacceptable. If we are going to have to tangle, let us do it now and get it over with.

You people will be making the choice. I've taken this time to give you time to think it through and make your own decision.

Sincerely,

Harold Weisberg