

For 1448 appeal

2/23/78

If this reaches you before you leave I'd like you to think of taking an added and perhaps risky but without reflection what I think may be an important new turn in FOIA matters and the JFK records.

It is slowly taking form in my mind. Perhaps new data will help if it becomes available in time for the appeal. It will, if by discovery, be available on remand, if we prevail at the appeals level and if the government does not do what I believe is not impossible, moot by giving us the transcripts.

It is to make a frontal assault on the claim of "deliberative process" of the Commission. These withholdings are part of the manipulative processes of the executive agencies. Olney is a particularly good bridge at which to make this stand. The available records are enough to make it more than a mere rear-guard action. This is why I'm also attaching a copy of the more recent Hoch memo.

I think that some of the records I used in the chapter ^{ed}Hades Not Camelot might well be work ^{ed}ing on what will in one way or another be an attack on Katzenbach.

K is a bastard, an evil person on all counts and in all aspects of this. He was the top Justice man on it, not RFK, who was out of it all. K was then Deputy but he was also No. 1 because Bobby detached himself. May I add that from the first I've said and still believe his detachment was proper. ~~He~~ He was parti pris. He was the brother of the victim and himself a victim.

If we have time to talk about this let us consider that I file a new FOIA request of DJ on all records dealing with the establishing and operation and staffing of the WC. I'd be specific on the office of the DAG and AG. With AG I believe it would be important for the absence of records to be established. I'd name but not limit to Criminal, FBI, Office of Legal Counsel. We can't now exercise discovery in 1448 but I think the mere filing of the request would illustrate that Wigmore's ~~own~~ engine should not have been grounded out before it had a chance to warm up and run.

What we now know about is some of the FBI's records. We have none of those of DJ. We know from those of FBI that there should be some of DJ's, in DAG and Criminal for sure.

I have a hunch that Willens was sent to the Commission to do what Katzenbach wanted, be an inside source for the DJ. He also was then in Criminal, which is where K wanted their inside man to come from.

If there was a staff structure Willens was No. 3 as staff director and DJ liaison. Only Redlich could have been superior to him under Rankin.

The DJ records cannot qualify as part of the "deliberative process" of the supposedly independent Commission.

In haste,