

PS to John Hartingh, 6/19/77

Last night I got hold of Jim by phone. We had a long talk, not that I can afford it.

He is not going to ask the judge to delay the status call of the 30th, as I told you I'd suggested earlier out of consideration for the judge and the FBI.

He is in agreement that we face all the issues openly by raising them in court. We did not go into detail on them but I hope to find time.

Jim did ask me to retreat from my refusal to go over any more of those serials massacred by Goble so I will. He wants me henceforth to make copies of the horrible examples in which it has abounded and if there are any others in the two sections I have I'll do it.

I have gone over the sections done by Higgins. If he is much better that is like saying losing an arm is better than losing a leg and a hand. Just as one example, despite all I've written, all the offers I've made, all the baloney you continue to hand out about using the available indexes, I find he has withheld what ^{is} published in ~~1971~~ 1971 and earlier relating to Raul Esquivel Sr., as the New Orleans phone book also does. So you can feel real proud of him and satisfied with yourself after our last conference on just this kind of stonewalling I'll enclosing copies of both.

Not that all this did not start with the Los Angeles Times, a very large paper with a very large news syndicate. As I state in the book.

Naturally ~~therefor~~ your u nregenerates with unbillical cords still attached to a ghost of the past this means privacy exemption.

Minor as this is, it is a classic example for the Attorney General, whose orders are as acts of supreme dedication ignored by all of you. I do propose to make a record on this. What the hell difference would ~~it~~ it have made if Higgins had not withheld the Esquivel address? (And what kind of investigators are you to have ignored Raul junior will all the talk of Raul and Ray and the absolute legitimacy of the source of this phone number, from Ray and in his own handwriting?) had a meeting set up with him and a lawyer, senior that is, for New Years 1971, with two different invitations to the Sugar Bowl game, with one from the homecoming-queen end, but lacked the money to get there.)

I believe I exploded over Goble's unjustifiable withholding of Claire Keathing's name. I always felt sorry for that poor woman, especially after the extensive international publicity she suffered from bedding with Ray. But this was all public, extensively public, so I grew angry because we have been over this kind of thing so many times. I did not get as angry as I should have because you Sir Galahads, far from male chauvenist piggery as you are, only planned to have her hauled before the court in Memphis where she could testify to nothing except bedding with Ray. Oh how decent your concern for her privacy! The FBI didn't wait for the Memphis types to think of this, either. A curt bow and a swirl of Sir Walter's cape to you all!

The withholding of the publicly-known names of public officials never ends, even when they were subpoenaed as witnesses and when the guilty-plea hearing included a representation of what they would say had they been called to testify. With names, of course, so with the names public from the subpoena and the hearing naturally there is the privacy claim. Not that books, newspaper and magazine articles have not included these names since 1968.

There are so many cases! And nothing stops you (pl). I've gone to a lot of trouble when I do not have all that time left and I've put friends to much trouble to enable you and your people to be honest, to be in accord with the law. All my efforts have been rebuffed. I've offered my time on a name-for-name basis, I'd had friends make indexes, and from before you were on this case it has all been declined as unnecessary. Collectively in my opinion, one I am quite prepared to present to the judge, you have all found it unnecessary. The indexes on cards are to the books, to the evidentiary hearing and the guilty-plea hearing - and you are even now still withholding what is public in these well-publicized sources. It was unnecessary only because the FBI will not be in accord with

the law, with the common perjury of the past promising an immunity for the future.

If I would prefer to avoid all side issues and merely to allowed to do the work I want to do in the time I have to do it, you people give me no choice. You are determined to negate the law and abuse the judge and me, with the toll this sale takes on Jim.

This being the case you'll have it your way, again the plural. I do not know what Jim or the judge will want to do but I will want a full airing. I've done some thinking since I got Jim late last night. My idea is that we ask the judge to have all of you in court with the recently contested records. Not all of them - not that I could not make quite a show out of most of the earlier ones. With a copy of your supposed boss' policy statement on FOIA. I'm getting older fast and I have less physical reserve and less dependable memory but you can pick your bet on how many of the withholdings I can fill in from what is public, even if you did claim that James Earl Ray had more than one father and I was wrong in stating who Jerry Raynes is.

In my non-lawyer's view the issue before the court is compliance. Now just suppose the judge does what I want to ask of her, take testimony under oath on compliance, with you r antediluvians qualified as experts by their toles alone. (To say nothing of the sanctimonious Quia Shea who has already sworn to reviewing all of this nastiness.) If perfection is not a human state I still assure you that without any fear at all I will testify under oath. Esquivel and poor abused Claire Keating are but the examples I give you here.

Whether or not the judge agrees, by a carbon of this letter Jim will know I want it. I see no way other than by forcing the issues that the judges will not be as abused as I have been for so long, no other way your people will stop fighting the law and the right of the people to know what their government does. Which may not mean as much to you as it does to me.

Let me give you a few minor illustrations. Going back to Smith, whose behavior in the presence of a colleague whose name I have not forgotten was so bad he was yanked immediately, and then with Tom Keating, with Jim as a witness, I have offered countless means of avoiding these problems. It is recorded in letters I write not to be able to use them but to obtain compliance with minimum hassle. I did have indexes made of the unindexed. Like the evidentiary hearings that lasted two weeks. Jim has them, if they are mine, because he was then and still is also Ray's lawyer. (The sixth circuit would not release him and Ray would not fire him.) I did have the guilty-plea hearing indexed by a friend who did it nights, after work. A Bureau agent can pick it up for a receipt at any time. Now with the catalogue of horrors I can tick off, what will any of you tell the judge? If you want more than I gave you in the past, showed you on the 7th and now tell you about with Keating and Esquivel, ask. I know you will not.

How many plaintiffs office this kind of help while taking not a single step in court?

I also have other and strong personal feelings about this. Your people tried to make me out a liar in court when I swore that this is as old an FOIA request as it really is. All I then did was testify truthfully. Since then I have other proof, of exactly what the thrust of my testimony was. ~~WHEN~~ The Bureau reached a formal decision to violate the law and ignore my FOIA request, which was a violation of the law, and then sent its helmeted counsel into court to pretend none of this happened and that I am some kind of nut. Remember, the Bureau is not the only respondent in this matter. If the Bureau thinks I am bluffing calling my bluff is simple and easy.

Why do I take this time? For what the Bureau appears unwilling to believe, to avoid what with any concept of decency on its part it should want to avoid. I merely want it to comply with the law, with its promises, with what the judge has said. It is, I suppose, what should be a last effort of this kind. It will take less of me to give every issue to a judge, much as I think there is more important demand on their time than pretending the FBI is not a rogue elephant. Maybe you can't swing the Bureau but I think I am entitled to

the meaningful supervision you are supposed to be providing and I think the judge was assured.

I have complained about rotten xeroxing- what a tribute ~~to~~ to the famed FBI - and you replied I think three sections. Well, I complained about the worksheets on which you supposedly (not not actually - and you can call me on this too) list what I get and what you withhold and why. I've complained that when you begin with the originals of your analysts I still get what I cannot read, with the bad xeroxing I do not any longer believe is accidental encompassing this.

There is no excuse for the abominable xeroxing, commonly deliberate over-exposure, in what was given to Jim on the 10th. Or on the worksheets. I do not yet have what you gave Jim the 17th. I am asking for the total replacement of all the sections of the 10th and all the related worksheets. Whether or not the costs are remitted I am paying what it is hard for me to pay and I think it is not unreasonable to expect to be able to read what I pay for. I want this assurance, if from you I will accept verbally and to Jim, by the 24th. (Some of the more grossly overexposed related to the Raul bit.) Now if you want to tell the judge that the FBI can't operate xerox machines or can't call those who guarantee to adjust them promptly, get ready to tell her. I am ready to put all of this material in front of her. I am also asking Jim to seek some kind of order to assure me that you do not again, even, give me copies from wrongly-adjusted machines. My vision is not good and I have a cataract on my better eye, so if without this my complaint is not legitimate, as I think it is, I am telling you that the next bad batch I get is going to be on the judge's desk or yours. If you people can't run xerox machines, what in the world are you good for? Don't tell me you have bad ones, either. The FBI has excellent Xerox 9200s and they collate up to 50 ^{pages} ~~pages~~ feed automatically and at a rate of two per second. No more, John.

No more of my not being able to determine what exemption you are claiming and of not properly identifying a record. The top record in Serial 5612 is not identified or referred to in the worksheet. Only the teletype attached to it is. You provided four of five pages. I have no way of knowing what claim you are making for the withheld page or if it extends to the memo that is the beginning of this record. For the record I challenge the withholding of the three paragraphs of the second page. In context the reasonable suspicion is that when you have to face the extravagant lengths to which the Bureau went to violate Ray's rights and to persist in ignoring his refusal to speak to the FBI it persisted and has something to hide, for which it contrives an exemption and complicates this as stated above. Hoover merely agreed that the FBI determine whether Ray agreed to be interviewed, as on many occasions he refused to be, including this one.

In any file of this size it becomes impossible to recapture improper withholdings. I think that I am within my rights in asking to know unequivocally with each record. If I am not I'll be content for the judge to so find. If you want me to produce records I have.

I do not spend time going over these records to list debating points, but when I thought of it with these, after the apparent mindset I encountered on the 7th, I made notes of some. I'm sorry all of you were incapable of even trying to understand that the people working on these things are clearly of a bent of mind which requires them to withhold first and find an excuse for it later. (Not the Bureau alone, alas.) Your boss has said no more. I want no more. When after that meeting I find what I have specified, which is much less than the actuality, how can I feel except that you are going to suppress some hell or high water? Of course I must contest this, particularly after all I've done to avoid it.

The Attorney General has stated that you are to release all you possibly can. The time is past when you can withhold all you think you can get away with. I will be forcing this issue. One of the reasons I want meaningful assurances by the 24th is that the house committee of FOIA jurisdiction is holding hearings. If I have to ask to be heard there it will be for the first time but I'll make the request. And if you want me to be putting case after case in the record you can arrange it easily enough.

HW 6/19/77