Mr. Bob Woodward
Washington Post
1150 15 St., NW
Washington, D.C. 20005

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Dear Bob,

Your today's Outlook piece is very good but it would have been much better if it had spelled out the significance of the FBI interviewing 220 people while very obviously avoiding potentially important witnesses. This is standard FBI practise in the major political cases I have studiend long and closely. It avoids the obvious and necessary and covers itself and its deliberate failings with statistics, like that impressive number 220. At the same time, there is always the cliche, in Hoover's day, "no stone unturned," used by the top echelon to reflect orders neither given nor intended to be given nor understood to be given. I can provide countless illustrations that, alas, were always avilable to the press and never wanted or reported by it.

This is not limited to interviews. It also is SOP in the Lab, which performs elaborate, unnecessary often pointless tests, spending fortunes in time and money on them, while never making the most essential and inexpensive tests. In this nothing is too ridiculous and nothing is too ridiculous to provoke any interest at all in Department lawyers.

Even when Department lawyers know of these things, they defend the FBI without question and not uncommonly with perjury.

Judges like Harold Greene are the rare exception. It is my not inconsiderable experience that there is nothing they will not accept from the FBI and its Department counsel and that instead they punish those who bring these transgressions to what little light they get in open court when the press is never there and never interested afterward.

Of course there is just too much for the press to cover everything, but I'd like to believe that few matters are of more importance than official mendacity, particularly by such agencies as the FBI and the Department.

In one of my FOIA cases, when I documented such things thoroughly, if not in fact overwhelmingly, without even pro forma denial, the response of the lawyers was to demand "discovery" that was entirely unnecessary, not in accord with the Act, which places the burden of proof on the government exclusively, and was designed to be excessively burdensome. (In fact I had already provided all such information earlier, as the lawyers admitted before they cooked up this scheme to nullify the Act.) I refused, stating reasons the rubber-stamping judge ignored, and since then have been subject to a contempt citation I believe the Department and FBI actually fear seeking because they would have to go to trial on the fact and the record. Instead these same lawyers first got a judgement for costs against me, which I also ignored and appealed, and then they got a judgement for my costs against my lawyer who had actually counseled me to comply to some degree as the lesser evil. Thus there is, by the lawyers defending the FBI in its wrongdoing, a threat against all lawyers willing to represent clients who cannot pay them, against even wealthy corporations and their counsel, and the Act itself, which will be effectively negated if any of these precedents stand. Yet not a word about any of this has appeared anywhere, even when the press is supposedly concerned over the Reagan administration's efforts to control information.

If you want to know how commonplace what you report is in other major political cases I'll be happy to privide more illustrations than you'll need from the many thousands of pages of FBI and Department records I have obtained and studied. I write because I think it is important for both the press and the people to under-

stand that the significant failings you report are and have been the standard practises of both the FBI and the Department and because they have political influence and significance that cannot be exaggerated in our system.

While I do not want to waste any time for you or Stephen Rosenfeld, to whom I am sending a copy, I provide a few illustrations of what I've said above.

When after my criticism and that of others who followed and after I'd filed an FOIA suit the Department of Justice decided to make still another internal investigation of the FBI in the Martin Luther King case, FBIHQ sent a long directive to all 59 field offices, beginning with two pages of "no stone unturned" rhetoric to appear to demand an inventory of all records relating to actions against Dr. King and to the assassination investigation. The means by which the field offices knew correctly that FBIHQ was actually limiting their responses and thus their inventories was the list of the files FBIHQ told them to include. Except in a few atypical cases, where it was necessary for self-protection, no field office admitted having anything else. (The first law is "cover the Bureau's ass," the second is cover your own.) Nonetheless the incredible volume of records, mostly of what the FBI did and tried to do to Dr. King and his family and associates, ran to 402 pages! Yet in all of this, not a single tape was inventoried, of all the many tapes the FBI knew it had. And when the Washington field office, covering its own ass, indicated that it had more, the records disclosed to me (which it took two years to get because the Department lawyer fought disclosure that hard, in court) do not include any FBIHQ request that this additional and pertinent information be provided.

With regard to witnesses, in the JFK assassination investigation, the FBI compiled about a quarter of a million pages of records without interviewing the best witnesses, the 17 Dallas police of the escort. When later one of the cops who'd had a fight with the FBI said something that could have been embarrassing to the FBI about this, Director Kelley wanted to know more. He then learned that not one of these 17 had been interviewed. So, the FBI satisfied him by interviewing only two - 13 years later - without getting from either what the FBI did not want to know, and I did and got. (They saw and said what is not in accord with what the FBI wanted believed, and if you want it, I'll be glad to provide it.) But the interviewed who knew and could have known nothing in the FBI's records are quite numerous, well over 220.

James Earl Ray bought a small-caliber rifle in Birmingham and returned it the next day for the rifle the FBI claims was used in the crime. It got the first from the dealer, the second from the Memphis police. Examination of the first established that an encrustation of a preservative, cosmoline, made it impossible to fire that rifle. Nonetheless, the FBI, in seeming thoroughness, swabbed the barrel to see if it had been fired, at all or after the last cleaning. But when it got to the rifle it claimed had fired the fatal shot, something I am quite willing to contest and will in my next book, it never performed that very simple and inexpensive test. But the tests it did perform - that 220 business again - are so numerous that when I was given court access to them as Ray's investigator for the 1973 evidentiary hearing, not counting the rifle itself they filled nine large cartons.

In apparent thoroughness the FBI performed such JFK assassination tests as of the hair found on Oswald's blanket. The Warren Commission was much impressed when the FBI reported that Oswald's pubic hairs were found on what was indubitably Oswald's blanket. Why anone other than his wife should have been interested in whose pubic hairs was on his blanket is neither apparent nor stated. But when it came to the fragments of bullet recovered from the victims, where the evidentiary need was to show common origin, the FBI only pretended to take the test which would have been definitive, either way. And without making that test, it led the Warren Commission and the nation to believe that it had. It performed only a qualitative spectrographic analysis, or one that detected the chemical elements present. This is to

say that it went through this charade only to be able to say at the end what it knew to begin with, that a bullet is a bullet and a fragment of bullet is a fragment of bullet. But it never performed the quantitative analysis, the one that can establish whether or not there was common origin.

These are but a few illustrations off the top of the head. Others like them and perhaps even more significant are available if there is any interest, which I do not presume because they were earlier available to the Post and it was not interested.

For many years mine has not been a study of the assassination as much as a study of the functioning - and nonfunctioning - of these essential agencies, in time of great crisis and thereafter. This is because I regard these matters and what you report understatedly to represent a great hazard to our system and potentially a course that can lead to some form of authoritarianism.

I believe that the worse than failures of the lawyers - their active collaboration - is in some ways even a greater danger.

I hope there can be more such reporting, and that it can be more pointed and thus more comprehensible to the country.

Sincerely,

Harold

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P.D. Watergate, too, particularly about Hunt, Mullen and the CIA.