

Dear Jim,

FOI Disclosures

3/26/75

When there is no time to stop and think things through there also is no time to stop and put them together. So, off the top of the head, here is an idea that has been taking form for some time, partly indicated before and added to yesterday, or what I believe the government's tragedy is and will be on responding to FOI requests.

They don't directly fly into the face of the clear Congressional intent, not especially with us, so they have to use other means and they intend to use the law and our and perhaps other requests as a mean of forwarding other objectives, like blaming all sin on Hoover. And the Members of the Commission.

From Jerry I learned yesterday that Jones Harris claims he can deliver the New York Times and Harper's. He has a record of performance with the Times. Jerry had his own unfavorable experiences there.

The Harris deal with Sen Franklin was one that by dishonesty made Hoover a guy who wanted the truth out and the Members of the Commission, especially Warren, the guy who opposed it. There can be this interpretation, with the Commission, of the 1/22/64 transcript which we got by return mail once we filed what they knew to be a prelude to suit. I believe we both felt it had been typed up sooner.

Now Harris is proposing to Jerry that he do a piece Where Were the Liberals? when the critics first started. I recommended against it at this time. You may recall I was battling them directly in the old day. Now you were not here. Bickel, some New York City judge, etc.

They think, I think, that the matter is ripe for coming apart now. They want it to come apart their way. Our need will be to try to keep it clean and straight, which is one of the Gregory et al problems. They came down again last night to see the Rockefeller Commission today again, Jerry told me. They serve Disinformation. Schoenmann seems to be forcing these things, I suspect for selfish rather than other obvious reasons. I don't suggest he is working for the government. What makes this more sickening is the knowledge of what could have been accomplished with all this wasted support.

We never did figure out and couldn't be sure why they just delivered the 1/27/64 transcript. In that case there were too many possible explanations. However, not even stalling as they could have easily on that of 1/22/64 does justify some thought. I think it leads inevitably to my conclusions, that they are speeding it up.

Now with the spectro the existing FBI can't escape responsibility. It can't be all Hoover or all Warren so we can expect not to get all the spectro, as we expect we will not at least initially. They will not dare, especially with it, to withhold completely. (I'll try to write Herb this morning but we ought have a second choice for reading it and I can't make any local effort until after the college Easter recess. My best shot at finding one on the faculty who is competent is way for another week.)

The reasoning leads to other possibilities, conclusions and concerns. Among these is also our greatly handicapped need for speed. We want to push. But on the right things. One that appears to me to be safe is for the Watergate stuff. Another is the suit for damages over surveillance and violations of privacy. They and all the other safe ones work together. One that may be tricky but I'm inclined to risk is Memo of Transfer. Others that are safe are the pictures I ticked off when we met with them. You have a list. I'd file that promptly, asking for prints of the stills shown witnesses interviewed and a viewing of the movies. In general I think the pressure ought be as directly as possible on Justice and FBI at this time. (Lane's misdirection makes this more important, I think.)

If the spectro copies are as unclear as the sample I saw we ought ask for some means of making what we get legible. (We will also want someone to tabulate the results for us, sample by sample, with the elements arranged in the same order as we tabulate. We may be able to spot variations that way.) If they are as unclear as I saw when you pick them up ask for a comparison between the originals and the copies. They did not use a xerox, I noticed, and this may have been deliberate. To get unclarity.

But try as best you can to keep the pressure on now. If by the time you get this you have not heard on spectro, please call and ask. We were to have gotten the copies by now. We'll also want some kind of written assurance of completion. This will be more important because they have not let us see the file. Best,