o692-Shaheen 2/1/78 affidavit

(3) does not state all that the OPR team did. It also conducted interviews of its own and made use of phone consultations. It examined and obtained copies of Memphis records.

(7) contains a remarkable disclosure hidden by extreme generality-they "reviewed" among other things what is described as "certain court ~~xxxxxxx~~ transcripts" which they opine "did not contribute ~~xxx~~ substantively to the report."

These are not identified here or ~~xxxxxx~~ in Appendix C, which is no more than Judge Smith's opinion. It, in turn, is not referred to ij this paragraph at all, not even by indirection.

He says they reviewed "James Earl Ray's notes to author William Bradfor Huie" but in fact they reviewed only those of Ray's notes that were introduced in a civil suit. These are not all of those notes.

They state they reviewed "Memphis Police Department records" but do not say which ones. Those of which I know are not limited to investigatory records relating to the crime. MPD has extraordinarily extensive political files, of which OPR did have knowledge. The report makes mention of the number of informants it had in related politcal matters without going into all of them or even giving a correct total/

(8) would seem to be contrary to his affidavit in 1996, although it is of a later time. He has not informed that court that "After the report was submitted. His last word was opposite this. It is a mcahine, now that the judge was led to believe that those records he had were not within the suit, for the withholding of 1996 records.

For example, have they been searched for the missing attachments? For CRD records? Is this a ffirmation consistent with what we learned about CED records on 11/11/77?

9-His language relating to what is placed under seal is ambiguous. Where is that inventory? Is it under seal? How can we determine whether or not this includes other records they want to hide, like those not provided to me?

It is limited to the years 1963-8 and there was attention to King before then.

It is limited to"microphone and wiretapping surveillance." How about the physical surveillance and the Cointelpro operations type records?

My requests do cover them and I've not received a paper. This is the clarifying requests of a year ago, for the political files I thought had been covered in the original requests but was not. I was told this would be complied with after compliance with Smith's Order, by Hartingh et al, I don't recall who was with him.

16-Under Index he does not state that the Privacy claim is in accord with the AG's 5/5/77 policy statement on privacy withholdings. With regard to his ~~xxx~~ and Preusse's claims about Exhibits 17 and 18 I have seen nothin that identifies or describes them.

He says Exhibit I is attached. Not in my set. Ends with H.

Under 1. he says that "detailed information" on this withhelding is in the Preusse affidavit. That docymentd id a doublyOgrease pig, all verbiage and no specifics. It is conclusory and interpretative with no statement of fact that can be addressed. This is the b1 claim and EO 11652. But as I understand EO 11652 they had already violated it in not classifying these records even when they were initially reviewed-not until aftr the requests were made by both of us.

2. Does not state that its use is limited to the withholding of informant symbol numbers. It states merely yhat it was used for this prupose. I'd ask for an unequivocal statement because within my experience, not with these particular OPR records, it is used for me.

I think it is reasonable and proper to contest the withholding of the symbol numbers, which do not disclose an identification by name, because they are not "solely" an internal FBI matter. For example, the name is irrelevant in scholarship addressed to the activities of these informants, who were used in Cointelpro dirtyworks. They can also relate very much to the consequences of the Cointelpro-type activities, one of which, whether or not by the FBI, did lead to the assassination. They also provide a means of authenticating or disproving other compliance or non-compliance. They provide a means of fixing responsibility for what might include criminal acts and in Memphis at least do include criminal acts.

Withholding the numbers withholds whether these were criminal, political or "racial" informants, and in connection with the available records and the Cointelpro end this in itself is information that is not "solely" the FBI's concern or interest. The only #sensitive information" withheld from the FBI's "own personnel" by use of the symbol is the informant's name, so this is window-dressing to mislead the court. It is not relevant here, where not the name but the symbol is in question.

He does not state even that the symbols have all been withheld in the past, that none are otherwise available. I am pretty sure that symbol indetifications have been released in 1996 but because I have not tried to identify their informants per se I have made no notes on this. I do know that partial descriptions have been releases, without claim to exemption, in HQ and FO records both.

His claim that withholding the symbols "does not detract from the substantiave information" is false. This is a determination to be made by the requesters, by subject experts. For me they have significance, are "substantive information."

A further illustration of this and as it relates to the assassination is the moving of Atlanta informants to Memphis and the reporting, plural intended, from Memphis. A Chicago informant was also moved to Memphis. These I recall.

They have not in all cases withheld the code identifications of MPD informants. The principle is identical.

From my knowledge of this entire matter I believe the only reason for withholding symbols in this case and not, by contrast, in the JFK case, has to do with the acts of these informants, not with internal FBI matters "solely."

3. If this relates to Sebel or does not he is one example where they did not eithhold "medical" records. They go into psychological problems, his going away for medical care, etc. They do not indicate the nature of this withholding. If it is more than an indetification I'd contest it. The language is so evasive it does not state that this has no Cointelpro-type connection. Nor that is is not connected with the criminal investigation.

There are other instances in which they refer to people as "crazy." They have not withheld "medical" information having to do with pregnancies and bastards, giving names and family connections, with those names, too.

Why, then, seek to make an exception of this?

4. This is a clear and total violation of practise in the JFK case and 1996. It also is a clear violation of the 5.5.77 AG directive. The withholding can do more harm that the relsase because it inevitably leads to conjectures and mis-identifications. In no case among thosuands did the FBI or the Department do this in the JFK case, either initially, with the Warren Commission FBI records, or in any of the recent releases to the degree I have been able to examine and have had accounts given to me by otherd who have examined the relwase of almost 100,000 pages beginning 12/7/77. This also proves the falsity of his claim that "to relsase this information would breach that promise," or as he puts it"either an express or implied promise of confidentiality."

Actually, a large number of these FBI records begin with the statement that anything the person interviews says could be used against that person. This is totally opposed to his representation, which he does not state as a matter of personal knowledge. In only a very small percentage of more than 50,000 pages I have read in the Kingcase is there any refereone to the request for confidentiality. When it is asked or promised it is stated in the FD302s, for example, and in LHMs and other such records.

His second paragrpah in this runs directly opposite the policy statement of Director kelley with regard to "historical cases," which we put in the record in 1996 in the form of his letter to Emory Brown.

It is further false because some of these agents have retired and have gone public on their own. Example, Murtaugh.

The real purpose is to hide the identities of those who had been responsible for acts, not just the collection of information.

In 1996 the judge held to the contrary of this claim. I believe there are other cases establ
lishing that it may not be done.

In this entire matter tere are agents who have committed crimes, like breaking.
There are those who have violated legal rights, like Ray's if not King's.
In an historical case this is important information, especially with the kind of acts against ing.

5. (a) This can't be true, except that the prosecutor asked that the records not be released. They have in fact given me hundreds of pages of Memphis Police Department reports of political nature. Among these there were many reports of criminal investigations by the MPD.

The have release FBI versions of what the MPD reported in these reports. They have used the content of some of the MPD reports in court, as in the extradition.

The real purposes of these withholds are to hid
the infidelity to fact of the OPR report itself and
the infidelity to fact of the "solution" of the crime,
plus evidence that is exculpatory of James Earl Ray.
Of these I am certain. I also believe that the withheld information in some instances bears on whether or not there was a conspiracy, whether or not the crime was commited by a single person.

I.further believe that the withheld reports contain information about the violation of Ray s rights that could lead to a reversal of the conviction, that this was with the knowledge of the DA's office, and that this rather than fear of withdrawal of MPD co-operation is the real reason for an aspect of the withholding, meaning of some of the records. They can t very well release some and not others.

Some of these relate to criminal acts of violence by the only elleged "eyewitness" even when he was under police supervision and presumed control.

Some relate to the bribing of this witness, Stephens, by such things as paying for his whiskey and picking up whiskey debts he owed.

Some relate to the mishandling and misrepresetation of evidence, like the finding of the so called bundle and the handling and even moving of it for taking a staged and misleading photograph of where and how it was found and by whom.

Some relate to the false accounting of the finding of this bundle as represented by the federal government .

Some relate to what witnesses who were ignored stated that is contrary to the official solution. Of this general nature also are reports on the undependability of those alleged to be witnesses, including but not limited to the so-called "eyewitness" who was actually too drunk to know what was going on.

Some have to do with the silencing of witnesses who said other than they were wanted to say. An example is Canipe, who never stated he saw a white Mustang or a white car leaving that place or even area. (Gracie and Jowers are other examples, as are all of those who reported seeing what really was Ray's car where the FBI and DJ Divisions say it was not. There are many such illustrations.

While to a non-subject expert this claims may appear to be reasonable and to be without other purpose, other purposes are quite apparent to one who knows the fact of the case, ranging up to and including the inclusions or and omissions from Shaheen's own report.

(b) shifts from singular to plural although it begins by stating that "This subsection was used as the basis for deleting material that would siclose the identity of a confidential informm source and confidential information furnished only by that source." It the rambles into generalities that whether or not true and not connected with this opening sentence in any statements in this claim.

It is true that the information itself can lead to identification of an only source.

But with all the generalities this claim does not state that the FBI promised confidentiality to this source. The language is so vaiagus vague and peripetic that it cannot be determined if he is talking about an informant of a source, the two not being identical. If it is a source the same standards do not apply under the Act.

There is in this large case very little that can come exclusively from a single source, even personal stuff on King.

There is no way of checking the truthfulness of this claim. Based on previous experience there is no basis for assuming truthfulness. This suspicion becomes more persistent when one looks at all that tail he has tied to this frail kite, all those allegations he does not even pretend are relating to the above-quoted sentence.

As cited above, these generalities simply are not true and he states no basis for representing those generalities.The record in the King and JFO releases gives the lie to this stuff/

6. Again there is the claim that something is not known. I don't know what basis he has for makin this claim about "investigative techniques," his plural. From shadowing to mail opening to intercepts of all kinds the techniques were all reported in one form or another.

If the FBI has such totally unknown techniques there is no reflection of it in the law-enforcement record it has compiled. I have grave doubts that this is possible, that they have totally unknown techniques that they used a decade ago and that still remain totally unknown. A decade ago at the latest with ing.

He has not qualified himself as an expert on this aspect. I note that there is no FBI expert who has provided such an affidavit. The average person has no way of knowing how well-developexd various forms of interception are. Letters are read without being opened. Their contesnts are removed and returned without the seal being broken. Letters are opened and closed again without this being detected. Electronic interceptions have been sophisticated for years. Even light rays have been used to carry intercepted communications. Rooms are bugged through the phone and activated from great distances.

I have seen recording devises not much thicker than a cigarette and the overall size of a flat jacket-pocket wallet.

I'd challenge this on competence. He has not accredited himself as an expert in such matters.

7. If what he here refers to is Exhibit I, it is not attached to my copy. of his affidavit and its exhibits.

There is no doubt in my mind that some records should be withheld. The problem I have with all these affidavits is that on the face they are not fully informative, often not honest, not competent, as in the claim that the withheld is not public domain, and not in language that permits examination of them by a non-subject expert, like a judge.

I recall no place where this kind of evasiveness and indirection is necessary.