

Attachment D to McCreight letter of 6/8/78, "24 documents referred to! CRD, DJ.

Exemptions claimed: (b)(1),(3),(6) and (7)(1),(C) and (D) for all. For CRD records, all (c), one case (D),5358.

Serial 1766 is in Section 14. Four records in that Section are withheld and marked "Refer to DOJ." (One only in this release.)

What the McCreight letter fails to state is that this record was referred to the Department in 1976. This is 1978. I made a number of requests for the FBI to ask those to whom records had been referred to process them. At our November meetings CRD claimed to have processed all relevant records. It then lied or the FBI has just been sitting on these records.

Why this Serial had to be referred is not at all clear. It is a covering letter for some letters to DOJ from citizens.

Serial 1823 has a memo slip reading merely "More transmittals," from J. Harold Flannery to Mr. Long, who marked "No action necessary." It and 1824,1827, 1866,1874,1875,1887, are all similar letters from citizens. The FBI gave me hundreds of these without referring them to any other component. Why these were referred and why all the delay is unexplained if not unexplainable. Also 2572,2578, 3072,4873

Several similar to 1887 were provided, with the name withheld. The name of a publisher of a newsletter? I spoke to the FBI and wrote it a number of times about this particular withholding and the attitude toward withholding it represent without response. The name is of Mrs. Alma Lomax, as I told the FBI. It was not secret. Just withheld.

2109 relates to the late Bill Sartor's writing-investigating and the story of John Mc Ferren. All of this was well known, I kept telling the FBI that much had appeared in print, from Time magazine to my own book and the rest was known - that Sartor was dead and that his wife had given me his notes and manuscripts but it persisted in withholding. Not one of the records on which spurious claims to withholding were made has been replaced. Why this letter to the AG had to be referred and many other not referred is not at all clear. But there are many records that, with these unjustified withholdings in them, can mislead others in the future, others who may use them in the FBI reading room. The facts about McFerren are that the Memphis SAC spent much time giving all the allegations and the disproofs to the press, from which I learned. Were none of the foregoing true there appears to be neither need nor basis for the withholding. 5197, too.5358

Why 3072 should have been referred to DoJ is a mystery. It is from SAC, Jackson, to Director, with no DoJ attachment.

4505, Pollak to Director, forwards drafts of extradition affidavits, attached. When I obtained the actual affidavits used on C.A.718-70 why these were referred or delayed is not apparent.

5899, without naming me, refers to my C.A.718-70. Says related DJ file is 125-12-1403, which should have been supplied in response to my PA request. Extradition file 95-100-473. "Here an apparent (and baseless) reason is given for not disclosing any more Ray info, "there is an outstanding complaint charging Ray with a civil rights violation." Of this, "the matter is still under consideration in this Division (CRD)". Under the extradition treaty, as many released records establish, this was impossible. It is a transparency for withholding what could be embarrassing. I wonder if there are records I should have received in C.A.718-70 that I've still not received.

5904 asks for several inquiries, one of Renfro Hays nonsense another the subject of continuing CRD and FBI withholding, what Ken Smith reported to CRD of the Byron Watson fabrications. CRD and the FBI have not responded to my appeals on this and related matters. Yet here the same information is not withheld. Also 5908. With 5942, which is something else Fensterwald reported, all should have been made available under the release he provided and that

part of the information request.

6132 is exactly the kind of record the DJ Office of Legal Counsel has just withheld under claim to (b)(5). 6132 is one of a series of such records, the others, as best I recall, all released a year or more ago. These relate to the efforts of the King family and friends to obtain certain records and possible to be of help to DoJ. Why this and not the others had to be referred to DoJ I do not see, as I do not see why at this late date the 6/8/76 memo is withheld and this one of 6/30.76, obviously on the same subject and of the same content, is not withheld.

(The OLC letter is so elliptical it tries to hide all detail, which makes it ridiculous in the context of an historical case and the mass of available records.)

After having read all of these I see no reason for any one to have been referred, for any one to have been withheld, or for any of the inordinate delay in processing them.

While checking the worksheets I found that there are others said to have been referred to DoJ that are not among these.

Aside from accomplishing non-compliance and stonewalling requesters like me what this kind of thing accomplishes is a great waste of Government time and money. It is make-work, perhaps part of the large campaign to build phoney statistics in an effort to obtain changes in the Act.

It is possible to be suspicious about some of these records and their ellipsis. What J. Edgar Hoover said in 1969, for example, about "civil rights violation." In a later letter he said "we retain prosecutive interest." Impossible. To obtain Ray's extradition the U.S. had to insist there had not been a conspiracy. It did insist there had not been. Otherwise, no extradition under the treaty. Also under the treaty Ray could be tried only on the charge on which he was extradited. How the lawyers could not have been aware is hard to see. The obvious inference is that they were hiding something, whether or not this was in their minds.



Dear Quin,

6/16/78

This is not an appeal. It is for your information.

I read these records yesterday and prepared this memo this morning, to file with the records and for Jim's information.

However, once again I believe there is an illustration of bad and costly policy and practise under FOIA.

There never was any need to withhold any of these records.

Even if exempt, even if there was an excuse for referring them around.

But the amount of work and cost alone must be considerable.

You or others in the Department can do their own arithmetic, but unless this is quite exceptional it must have accumulated, with other such instances, into a very large hunk of Government money.

From my experiences it is not at all exceptional.

I believe this also illustrates how the machinery is designed to permit avoidance of compliance on appeal. If I had not obtained the worksheets and was not in a position to go over them and list all withholdings, there would be no way of knowing that these records had been withheld.

If the records themselves are not before the appeals authority the appeals authority has no way of knowing they were withheld and no way of acting either way on the withholding.

Best wishes,