

Defendant's Components Still Not Searched

The Department, the brief states (at page 24) "has absolutely no reason to believe that the 'components' named by plaintiff have any documents relevant to plaintiff's request." This is folloed by the at allegation that the defendant had searched thoroughly the files of those components¹ which it reasonably believed to have information pertinent to plaintiff's request" and thus "legitimately refrained from searching other components on the strenght~~x~~ of palintiff's speculation (sic)." Here a fottnote represents that no pertinent records were found in the offices od the attorney general and his deputy.

With regard to the latter, I filed a separate action and pertinent records were produced in it.

With regard to the alleged "legitimacy² of refusing to search where I alegedly "conjectured" there were relavnt records, the fact is that after the attorney general found this to be an historical case, which was not, for all those years, until after I filed this action, the appeals office referred my request to all components for searches and compliance. Neither this nor what ⁺ provided is by any means a "conjecture."

I illlstrate with a component of the Department and of the FBI.

One unsearched component is the Office of Community ⁴elations. One of the significant facts in the case record, a fact of imp~~o~~rtance to the country, is that this office, supposedly having the ~~some~~ responsibility of handlign black compaints, was in ~~fact~~ fact an intelligence arm, collecting intelligence ~~on~~ blacks and their organizations. A representative of this office was in a motel room almost next to Dr. King's and was present when he was shot and killed. I did not merely presume that he filed a report - he told me so in public, as the case record, withour denial, reflects. We were both on a TV program in St. Louis when he stated this. So, I did not merelt "conjecture" that at the very least that office had responsive records, as one could, however, reasonably assume.

~~The Oliver Patterson records~~

All Oliver Patterson records are pertinent, particularly because they are within the surveillance items of the request. Those that are disclosed refer to others that remain withheld. While I am not absolutely certain, I believe that the existence of the FBI's High Echelon Informants committee was first disclosed in this litigation. Oliver Patterson records are included in the records of that FBI committee. I did not "conjecture" in requesting that they be provided. I attached the FBI's own disclosed records so stating. There has been no response. No search is claimed to have been made, no exemptions were claimed, just non-compliance

When I provide the FBI's own records that is not fairly or honestly described as my "conjecture."

To illustrate what this means, particularly after the attorney general himself has ordered that all pertinent record be disclosed, is the fact, included as a separate item of my request, that the Department was involved - more than once - in the plea bargaining that Ray did not initiate or want. So was the King family, the Department's records of which are an item of the request.

Not a single record related to the plea bargaining is disclosed in this litigation, and yet a ~~reasonable~~ search is claimed of all components "reasonably believed to have pertinent information.

gories are not the FBI's categories. The FBI searched those files in which it was most likely to find the information requested by plaintiff, and released those files to plaintiff.⁵ It thus complied with plaintiff's requests and with the August, 1977 stipulation. Thus, the Bureau plainly "conducted a search reasonably calculated to uncover all relevant documents." Weisberg v. Department of Justice, supra, 705 F.2d at 1351.

Howe

Plaintiff further alleges that "[t]he Department of Justice failed to search all of its components which might have responsive documents." (Pl. Br. at 37). The Department, however, has absolutely no reason to believe that the "components" named by plaintiff have any documents relevant to plaintiff's request. Having searched thoroughly the files of those components which it reasonably believed to have information pertinent to plaintiff's request, the Department legitimately refrained from searching other components on the strength of plaintiff's speculation.⁶ Ground Saucer Watch v. CIA, supra, 692 F.2d at 771, 772; cf. Weisberg v. Department of Justice, supra, 705 F.2d at 1357 n.22.

*with in court
about*

*in
Murray
P. M.
Murray*

⁵ Plaintiff's statement that "the FBI attempted to restrict its search to its MURKIN file" (Pl. Br. at 37) is flatly incorrect. As the Mitchell affidavit and the August, 1977 stipulation clearly show, the FBI searched numerous files other than MURKIN. R. 91, Mitchell Affidavit at ¶2; R. 44.

⁶ Indeed, at plaintiff's behest the district court ordered the Department to search the files of the office of the Attorney General and the office of the Deputy Attorney General. R. 182. No relevant documents were found. R. 187, App. B. (Affidavit of Quinlan J. Shea).

*with
Murray
Murray*

*Searches
Stipulation
App. B
Components*

(4)