To Quin Shea from Harold Weisberg King assassination appeals 5/30/79

Non-compliance with requests and Civil Divisions commitments to me and court;
FBI refusal to return photographs I loaned it in April 1968;
FBI refusal to provide all relevant records relating to above, including from Memphis Field Office under Stipulation in 1977;
FBI and assassination mythologies - its perpetuation of them by misuse of FOIA;
Your failure to act on relevant appeals - do they not exceed claimed backlog? -

Directly and indirectly and by leaks and similar devices the FBI has forwarded a large assortment of assassination mythologies which have served to confuse everyone, including the major media and the Congress. In various ways my requests for information relating to this are included in my actual requests, as distinguished from the Department's substitution for it, and in some of the records included within the MURKIN substitution. Based on what I found in MURKIN records I made a large number of requests for compliance because arbitrary and capricious filing is immaterial as long as it is possible for the FBI to retrieve the information requested. Over the years I have given specific and accurate information on where the FBI should search and hadn't. Under this prodding that took much time it did come up with a few additional records. Those records indicated exactly where some of the withheld records were and the FBI refused to search for them. This refusal continues to this very moment, deppite the Departments 5/11/79 Motion for Partial Summary Judgement. (Supposedly limited to the Stipulation but actually phrased to cover entire request. Memphis is within the Stipulation, should the Stipulation continue to be relevant, as I believe it no longer is, and all relevant Memphis records have not been provided.) The photographs have not been returned to me. They were to have been returned through the editor of the local afternoon paper, with whom I left them for the local RA. In one of my appeals I informed you where the photographs were filed, according to the FBI's own records. I have had no response of any kind.

In a number of affidavits I have filed in this case, to the best of my recollection all totally unrefuted or denied, I have alleged that the FBI was stalling compliance with my requests and refusing to comply with them in order to be able to manipulate the recent House assassins committee. I believe I also showed how in fact it did manipulate the committee. You have some knowledge of this from the appeals that led to my obtaining some but not all Byers and Patterson matter materials. (You have not acted on my appeals from the continued withholdings and the entire withholding of all records relating to similar matters, like that of Richard Geppert.)

Others who have other interests in the political assassination to follow than I do and who have and have had a different attitude toward this recent House committee have prepared a circulated a list of its published exhibits. I have just read the beginning of that list. It reflects the significant degree to which the FBI and these mythologies and the FBI's efforts with regard to them in fact did mislead the committee, the Congress and the country.

One of these mythologies relates to what is incorrectly know as "the tramp pictures." A sketch in FBI files, identical with one provided to me in 4/68, appears to have been drawn from a face in one of this series of "tramp" pictures. When questioned about this contemporaneously the FBI iasued an ambiguous statement no copy of which has yet been provided from any FBI files.

I am taking more time with this and providing more than the usual and I think ample explanations because I believe this is a comprehensible illustration of the meaning of the appeals I have filed, the meaning of the Department's word to the Court and the intent not to comply and to continue to stonewall by the FBI.

When I heard nothing from the FBI about this sketch and the accompanying picture I used them at a press conference (attended by non-reporters) in Minneapolis prior to an appearance at the University of Minnesota. (Mid-May 1968) I raised questions about the remarkable similarity in appearance. Thereafter, as I believe I have informed you, when I left Minneapolis, there was interference with my baggage and a new typewriter and new tape recorder were both ruined while their cases remained pristine.

Investigation of disinformation and official uses and misuses of it have from the first been an important part of my work, which addresses not whodunits but the way the official agencies functioned in times of crisis and thereafter. I have spent much time on these pictures, all misuses of which stem directly from the FBI's ignoring them at the time of its alleged investigation into the assassination of the President. Incredible as it may seem, from the records provided to me and from those provided to the Warren Commission that I examined at the Archives the FBI's investigation excluded all those picked up by the police as potential suspects. This included those in the "tramp" pictures.

While in the Kennedy case these mythologies persistx, including in the published pages of the House committee's volumes, I was able to prevent a serious miscarriage of justice by misuse of them and another major misleading of the country that would have resulted.

In the King case a number of efforts were made to get James Earl Ray to identify a "tramp" beginning with William Bradford Huie and Percy Foreman (none by me) and with large sums of money involved.

From the MURKIN records I now have it is clear that when the FBI made the carefully ambiguous press statement it still withholds in this case it knew better and it was fully aware of the real antecedents of this particular sketch. I do not provide full details on the results of my own inquiry but I do tell you that I have dated and sourced photographs not provided by the FBI which clearly establish the antecedents of this sketchin Mexico City. Incomplete compliance of a nature indicating that other relevant records remain withheld shows that among the files in which these records remain unsearched are those of the Legat. The name of a person involved is Claude McLaren (approx.)

After a number of unsuccessful efforts to obtain compliance from the FBI I raised this matter at two conferences with it and the Civil Division and a member of your staff in November 1977. At the first Civil Division merely asked the FBI to comply. At the second, with some apparent impatience, its representative said something like "why don't you do this and get it over with?" Based on the FBI's response or other information to which I am not privy or perhaps merely on expectation Mrs. Zusman opened her presentation to the judge in camera on about 11/21/77 with the promise that there would be full compliance with this and similar matters none of which have since been complied with.

The FBI did make a gesture but no more. Previously withheld records were privided but not all of them, as their content leaves without reasonable question.

The wrong questions were asked in Dallas, for example, those reflected as being asked were relevant, including in Mexico. No information was provided by Memphis, where a supposedly actual sketch did originate. (The photographs I have obtained outside the FBI include dated and sourced photographs of the origin of this other and supposedly actual sketch. It also is a fake.) And when the records belatedly provided by the Baltimore office show clearly that the pictures I loaned the FBI through its local RA were returned to him no record of what he did with them has been provided and my pointed request (to search mail), and appeal remain ignored - this a year and a half after the Department's word was given to the judge.

Why the FBI has made a big deal of this I do not know. I do know that consistent with its decade-old determination to "stop" me it stonewalls whenever it can. Why Department counsel has no interest in seeking compliance or in the integrity of its representations to the Court I also di not know. As you know you have not addressed this or any aspect of it.

If compliance required a major effort then non-compliance might be attributed to that. However, no more effort than was expended in effectuating non-compliance would have been required. Argueably less would have been required from the records provided.

When neither the FBI nor Department counsel (while moving for summary judgement) nor Department appeals can or will provide compliance I believe this becomes a comprehensible illustration of intent not to comply, even with the Department's word to the judge involved, and a comprehensible self-description of the Department's historical case determination. It illustrates why this case has been in court as long as it has and reflects purposes for this. It is a reflection of the enormous costs and wastes built into non-compliance, this cost then being described as the great cost of compliance.

You will find that similar misuses and misinformation resulted from the continued Milteer withholdings, reflected in the committee's published volumes and currently in the press. I received a copy of such an article (by Peter Dale Scott) in yesterday's mail and will be glad to give you a copy of you want one. Yet even after the information I provided relating to the Beck-with affidavit in this case all additional Milteer records remain withheld. Instead the Department moves for summary judgement.