

To Quin Shea from Harold Weisberg, re JFK and King assassination records appeals -

Somerset-Milteer matter

Character of the FBI's processing; its anti-FOIA mindset; its persistence in stonewalling; its knowledge that its withholdings were unjustified prior to my informing it more than two years ago

In writing you on 7/31/79 to respond to your announcement that the FBI, at long last, was going to release to me what it had released to another a year ago, I informed you that I had come across relevant records in the ^{FBIHQ} JFK assassination file and would be sending you copies when they were made. They are attached.

The first of these ^{Serials} is 4443. Please note at the outset that it bears typical marks of indexing and that the other records also do. My point in this is that the records of a few numbers later disclose what is withheld in this and other earlier ones. This is to say that at one and the same time the FBI provided me with copies of records that hold what it also withheld in the same shipment of copies of these records.

It also means that the FBI knew it was withholding what was within the public domain because copies are actually attached establishing this. Despite this it withheld.

I informed the FBI of this in C.A. 75-1996, to which the records also are relevant. It ignored my letters. Yet if this had been a mere mistake consultation with its own index would have disclosed this and properly processed copies could have been provided more than two years ago.

In turn this raises new questions relating to the falsely-sworn Beckwith affidavit and all the trouble and costs ^{it meant} to the Court, to me and my counsel. If Beckwith knew nothing except that there is an index to Central Files I cannot see how he could have provided that affidavit with the false representations ^{by} ~~being~~ accidental. That was after ^{attached} these records were disclosed and were in the FBI's reading room.

If as you have recently suggested the FOIA personnel did not know their business, which raises questions about why they were put to it and kept at it, there can be no excuse for this improper series of withholdings was not picked up on review. There was review ~~and~~ as a result the completely unjustified intent to withhold is visible, where review did not agree with ^{some} intended withholdings.

The unserious purpose of these withholdings and the improper perpetuation of them is illustrated by the first two records. The second withholds the fact that Somerset, name withheld, was an informer while the first discloses the informer file number in Miami, 137-363.

This is not stupid. It is deliberate, typical of the FBI's Cointelproing of all others and the Act.

The caption has Milteer's name removed. I published that caption in facsimile in a book the FBI has (and of which I also reminded it) in 1971. The records were made available at the Archives by the same FBI years before that. So here it was withholding and for two years persisted in withholding, adding a falsely sworn affidavit last year, what it had disclosed years earlier.

However much ^{FBI} Miami did not report of what Miami News reporter Bill Barry told it there is enough in the second paragraph of the first record to make it obvious that there was no secret or secrecy or need for it. (His story is attached later.) Or justification, whether or not by so-called historical case standards.

That Barry's information is accurate and duplicates what is in the cited FBI records is clear in the third paragraph. Apparently it did not occur to the FBI that if it had not given him the information he had access to its source, which is ^{explicit} ~~clear~~ in the subsequent records.

When Miami says it "has no information as to the agency that now has custody of the tape" it fails to state that it didn't have a duplicate of it. Or transcript. But it does constitute FBI acknowledgement of the existence of the tape which is the subject of my old request to which it has not responded. You have not acted on that appeal after a long time. If I did not have reason to believe that Miami authorities gave this to the FBI and Secret Service in 1963 I'd not have made the request. If by any chance the FBI did not have it it has failed after years to use this total defense.

It appears that in the second record, in addition to the extensive and unjustified excisions that remain, the FBI had planned to hide Bill ^B Barry's name and even the date of 1/26/67.

The concluding paragraph is not identical with current FBI boilerplate regarding identification of its informants. Here there is no concern over Somerset. Rather is there concern for the FBI.

Serial 4445 forward/s Barry's story as published on 2/2/67.

How seriously Miami authorities took what the FBI kept secret is disclosed toward the end of Barry's story: they "insisted that" the President's motorcade be cancelled. *It was,*

In Serial 4446 the FBI reminds the Secret Service that it had given ^{it} copies of the earlier reports. There is nothing in the FBI's records to indicate that the same information had already been given to the Secret Service in Miami. Here the FBI may be preparing cover-the-Bureau records in case the matter flared up with Garrison, *as it did.*

Then there was the Director, who wrote on an AP version of the Barry story (4456) "What about this?"

Whether or not the Director was intended to be informed by 4456, which is of the same date, he did see it. This Rosen to DeLoach memo includes reference to a record not provided, "We received xeroxed copies of the transcript of the recording." I did not get this from the FBI under my request, in any JFK records or in the MURKIN ~~records~~ records, where it should be, given what is not in this memo or told to the Director: there were threats against Dr. King ^{in it} and an account of efforts to kill him.

Please note what the FBI had marked originally for withholding in the third from the last paragraph - not that any ^{of it} qualified for withholding. It clearly includes what can't be withheld, "At the conclusion," etc., and what is already disclosed by the same analyst, the caution to Somerset that he not say he had been an FBI informant.

This also gets to what has never been responded to, my ^{repeated} ~~regular~~ ^{over} appeals ~~that~~ what is reasonably segregable ^{being} ~~is~~ chronically withheld.

I include the second copy of the same record because they are not identical copies. It is important, as indicated above, to know what reached the Director. Or as a former SA put it in writing me recently, to know whether or not the palace guard had him and "under control" under-informed. (See note on first only of two copies of 2/3 memo referring to this one.)

The 2/6 memo did not disturb the FBI hierarchy, those who have been reading that the threat by Milteer against the President was tape recorded. He denied it to the FBI, ^{including FBI HQ,} which knew he was lying, and the FBI ^{was} content with his lie.

Mr. Raupach's handwritten note is not entirely legible and it appears to serve no purpose in directing that the records not be destroyed. They were not suppose to be, were they?

The first of the two copies of the 2/3 memo also includes an unclear reference to filing in a 157 file. Milteer? Has it been search in compliance? I have no records in ^{either} ~~this~~ case from that file. They appear to be relevant. This is true also of other records, including the clipping of the AP story from the Baltimore Sun, *also in 157 filing.*

Someone else processed 4933, which is in a different Section. He did not withhold Somerset's name. (What was the so-called supervisor doing?)

I also appeal the withholding of what Somerset "felt the FBI should know" at the bottom of page 1. ^{analyst} (This ^{made up} to the FBI for his not withholding Somerset's name, which he could hardly do with Somerset's signed artifice and picture attached, could he?)

Here and elsewhere the FBI appears to like and did emphasize the baseless accusation that Robert Kennedy was responsible for his brother's assassination because he did not have the FBI protect his brother from such threats, those the FBI ^{knew it} did not give to the Attorney General.

Here Milteer's name is not withheld -and nobody "corrected" the earlier records, not after I provided information, either.

I do not represent these to be all the relevant records and I know they are not. These are what I saw in two sections only.

Thanks to the Miami authorities I had more information, including a partial transcript of the tape of the threats. (Dr. King is not the only other one. It includes other attacks, as on Nat "King" Cole, and even the ^{bomb} ~~bombing~~ of the Birmingham church in which ^{is} little girls were killed. Naturally none of this/in the released FBI records when it did not solve that bombing.)

If you have wondered about my frequent references to the Cointelproing of the House assassins committee and its willingness to be Cointelproed this provides an illustration - which makes me wonder about this belated promise of some compliance ^{and} ~~some action~~ after all these years, ^{only} after its report is out. You may also see why I refer to the committee in this manner.

In the committee's report there is a subheading "8. Conspiracy allegations: Miami," followed by "(a) William Somerset." (Bantam edition beginning on page 528.)

Only in FBI records have I seen Willie referred to as William, by the way.

Milteer's name is not mentioned. Nor is the tape. Nor what I published, which the committee had. Nor the foregoing FBI records, which I presume it had.

This section is devoted entirely to a different and much later report by Somerset, which the committee debunks, that he heard another threat on 4/1/68 or just prior to the crime.

It refers to Miami Magazine without referring to the author, the same Dan Christensen to whom the FBI gave records it did not provide to me even after I displayed his copies to the Court and Department counsel and SA Beckwith, who was then in court.

^{The committee} ~~It~~ makes a large jump, from a report that Dr. King would be "killed for meddling in the sanitation workers strike" to killed by the sanitation workers, which nobody would believe, ^{and nobody, including Somerset, had said.}

^{However,} this debunked allegation is not without support in FBI files, in records still withheld by the Washington Field Office in C.A. 75-1996, despite all those compliance affidavits relating to the Stipulation the Department and FBI provided.

Because I have explained this in prior appeals I do not repeat what you know. No exemption is claimed. There is only stonewalling.

As I told you on 7/31 I informed the FBI as soon as I spotted ^{such} ~~the~~ withholdings ^{also} in C.A. 75-1996. All of this ^{is} accurately in the student's memo, my consultancy memo, in the Court record the Department tried to get expunged instead of facing the fact that it had provided what I regard as perjury on this matter, and to now there has been no copy of any properly processed record provided, ^{There is} no apology to the Court, my counsel or me. I regard all of this as outrageous and indecent - and very deliberate.

This matter also reveals the real reason the FBI refused to accept ~~the~~ ^{my} consolidated index to the books on the King assassination. It proves the FBI lied in claiming that it was using the indices in the books. Not using the indices enabled it to stonewall and Cointelpro by withholding what was within the public domain and is embarrassing to the FBI. If it had used the index to my book it would have known that the Somerset-Milteer matter was within the public domain and to a large degree had already been disclosed by the FBI.

The ~~fact~~ alternative is that the FBI knew what it was doing in all these improper withholdings, which is a severe indictment.

While I do not believe that Milteer was connected with either crime and that he was just talking big the fact is that he did outline in advance the manner in which the FBI was to claim both assassinations were committed, not other ways of pulling them off.

The Warren Commission was never fully informed. It was given just enough to influence it against looking into this. It never received the transcript of the tape the attached records show the FBI had. Can you think of any good reason for the FBI to have kept this secret from the Commission? Or knowledge that the threat was recorded?

Or later do the same with ~~the~~ tape, transcript and threat relating to Dr. King?

Or continue to do this in C.A. 75-1996 even after I disclosed to it what I know? Can you or ~~the~~ the Department explain these continuing withholdings in C.A. 75-1996 as other than obstruction, deliberate withholding, deliberate burdening of the Court and me and my counsel? Deliberately prolonging that case and non-compliance in it?

It is by such means, and this is far from the only case, that the FBI has deliberately created and perpetuated those many mythologies that confuse and mislead in any assessment of the FBI's functioning (and non-functioning) in the investigation of both of these most subversive of crimes. And this gets to the heart of the purposes of FOIA, which the FBI and the Department have violated for more than a decade in C.A. 75-1996 and continue to violate even now, as also in my JFK assassination cases.

This also illustrates, I believe, the consequences of your failure to act on most of my many appeals, all or almost all of which were accompanied by proofs, as this one is.

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Whatever explains your failure, particularly after the judge involved you last year to clear all such matters up, if you had acted the prospects of the FBI and the committee that depended on it to avoid total bankruptcy pulling off what has been pulled off on the nation might have been diminished.

The Somerset-Milteer matter is not the only such case and it is not the only one of the many you avoided in your testimony in C.A. 75-1996, even though I had provided other such proofs to you in the many appeals prior to your testimony.

Going along with this belated promise of some compliance in the Somerset-Milteer matter, which relates to both cases, now that the committee's report is out and beyond recall ^{1/1/58} is beginning to provide some of the information I requested as far back as 1/1/58 in the JFK case. But here again it thus far has limited itself to what it was providing to others, not all of what I then requested or even what is included in that single request relating to photographs. (These requests are in my testimony in C.A. 75-1996 about which the Court asked to be informed by the Department of belated compliance that to now is virtually non-existent.) Some time ago I provided you with a copy of the FBI's promise of compliance to this other and later requester. Having done that only after the report was out it sent me duplicates.

This also addresses what the FBI hid and continues to try to hide, its knowledge of the existence of an Oswald associate or associates. It still withholds some pictures.

I believe that my ability to prove countless such cases of deliberate non-compliance and to provide reasonable motives in each case also accounts for the Department's opposition to my testimony in C.A. 75-1996.

Once again I ask you what good is the right to appeal if it means no more than perpetuating delays and non-compliance and the negating of the Act and the good it can do when appeal makes possible the kind of deception of the country represented by the misuses of this Somerset-Milteer matter and the others like it of which I have already informed you? You have not acted in any one of these many cases.

Your failures to act in the JFK field offices cases is perpetuating the same abuses and creating new problems and costs, even in the processing of the index.

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