

*King appeals, Atlanta*

Mr. David G. Flanders, Chief  
FOIAPA Branch  
FBI  
Washington, D.C. 20535

2/27/80

Dear Mr. Flanders,

Your letter of two days ago deals with matters that were required by the Stipulation in C.A. 75-1996 to have been complied with by 11/1/77. It was not mailed to me. It and its attachments were handed to my counsel yesterday, in the courtroom. I thus was not able to examine them and make any reference to them. Examination of your letter and the attachments leaves me with no doubt at all that this was designed to make any reference other than your counsel's usual misrepresentations impossible.

Consistent with this is the fact that although this matter has come up at all recent calendar calls you did nothing at all about it, persisting in the same untruths, until I addressed it in my affidavit of 2/2/80, when I characterized your SA Wood's representations as untruthful. They were under oath. You then did nothing until after the last minute. By then you were well on your way to accomplishing the objective of all these false representations and falsely-sworn affidavits.

Consistent with the foregoing your letter also is untruthful. I specify, from the top.

You state that you provide "exact duplicates of the black and white photographs of the Arrow Street map of Atlanta contained in Atlanta Field Office bulky exhibit 1B4"

It isn't. As Exhibit 8 to my 2/2/80 affidavit reflects, what this Atlanta bulky holds is "enlarged copies of an Atlanta area map." It is represented in that Atlanta record as "too large to run off on the xerox machine." This also is false. I have made a ~~xerox~~ of what you provided and I will be doing what you did not do. I will assemble it.

However, I do not have to assemble the parts to state unequivocally that you have not provided all of that map and that what you have provided is not "enlarged."

Comparing the cover of the fraction of a map with what you misrepresent as the complete map is more than enough to establish the untruthfulness of your representation.

Because a child could look at what you provided and comprehend that it is far from a map of the <sup>"greater "</sup>Atlanta area, far from a complete map <sup>of Atlanta alone</sup>, and because anyone who can read could perceive that what is on the cover is not in what you sent, I believe it is a not unreasonable presumption that your FOIAPA Branch also knew this and deliberately misrepresented to the Court and, as a non-lawyer uses the word, deliberately defrauded me.

Your next paragraph begins, "Upon a closer scrutiny of the bulky exhibit inventory sheets of the Atlanta bulky exhibits, we have determined that the original map was sent to FBI Headquarters...."

Does't the FBI made an adequate check before it makes any kind of a representation under oath to a federal court? I did it before you did, after you provide falsely-sworn assurances, and attached what you provide as attachment/<sup>3</sup> as Exhibit 7 to my affidavit of 2/19/80, which my counsel was not able to file prior to the status call. Before then, through my counsel, I provided the Court with completely accurate representations. (I also have as Exhibit 8 what you do not provide, the typed version of this record, not prepared until a week later, Atlanta 44-2386-1710.)

At FBIHQ, you say, it was photographed in black and white, and two sets of these photographs were sent to Atlanta. You do not say what happened to the negatives from which these <sup>+WO</sup> ~~two~~ enlarged copies were made. FBIHQ should still have ~~them~~ <sup>1/4 x 1 1/4</sup> and should still have been able to print from them. Why didn't you? Your counsel indulged, as he is wont to indulge, in ~~irrelevancies~~ irrelevancies having to do with an enormously inflated cost, but making prints is cheap. The FBI's cost for an 8x10 is only 40¢. He managed not to let the Court know that FBIHQ had a negative or negatives, and on this basis alone had no reason to withhold at any time. Not that it ever had any basis.

You say that two black-and-white copies were sent to Atlanta and that it still has them. Obviously, then there was never any problem in providing one copy. But your sworn representation was that it was not possible.

You indulge in deceptive liberties with word in your third paragraph. You speak of Atlanta not having the original map, which has nothing at all to do with being able to provide a copy. This you describe as re-confirmation, for all the world as though

it could not provide a copy, which it could have at any time and was required to do unless you were going to violate the Stipulation. It gets real cute when you say that "Atlanta also confirmed (sic) that these copies were previously forwarded to Headquarters during the second Administrative Review for release to you under " FOIA. Confirmed? Your agent swore to the opposite and your Branch misled the appeals office into swearing to the opposite.

You conclude this paragraph with, " we are unable to determine what became of the original map." Aside from the fact that in all this you bypass the FBIHQ negative(s) from which it made two enlarged copies for Atlanta, you do not represent any effort to determine what happened to the original map.

Item 2 of my 12/23/75 request is for "All receipts for any items of physical evidence." You made no search to comply with this Item and attested to no search. Are you asking me to believe that the FBI sends things around without receipts, or that it has receipts just to throw them away when it is dealing with evidence in a criminal prosecution, especially one of the magnitude of this one? I have examined too many FBI records to believe that either is possible. However, if you did comply with this Item you could not have made false representations, and you had your own motive for untruthful representation, which I will come to and have addressed in an affidavit and my ~~attorney~~ counsel did state, without contradiction, to the Court.

At this point you leave what you refer to as "the Atlanta map." No wonder, when there were several different ones and you make no reference at all to the others.

On 4/15/68 Atlanta sent a list of what it obtained from the flophouse at which Ray had rented a room, allegedly with the assent of the owner. (Atlanta 44-38861-1409) The second and third items are "a Gulf Oil Company map of Atlanta" and "An Arrow map of greater Atlanta" (sic).

Here there are two Atlanta maps, but you refer to one only. There is a third in my Exhibits 7 and 8, referred to above, <sup>It</sup> ~~which~~ was had<sup>n</sup> carried to Washington by SA John B. Reynolds. The reason you do not refer to this third is because it, like the other physical evidence listed in those two records, were taken in a black bag job. FBIHQ directed that an affidavit denying there had been a black bag job be

provided, and the SAC, rather than the SA who did the job, Burgess, executed the misleading and deceptive affidavit. (It also is an exhibit in my 2/19/80 affidavit.) The items taken in this black bag job are not duplicated in the other lists of physical evidence from Atlanta.

Your SA Wood swore in live testimony that when Atlanta provided these items it told FBIHQ that if it did not want them to destroy them, that they were only junk. He represented, as the transcript shows, that he was quoting Atlanta on this. So I thank you for providing a copy of Atlanta Serial 1409, which I overlooked in the haste with which I had to prepare my affidavit. It <sup>records</sup> ~~was~~ <sup>proves the opposite of</sup> what your counsel would have the Court believe, and apparently persuaded the Court to believe, that there is no reason for my not believing what the FBI states. (He also repeatedly protested my allegation that the FBI's affirmations were not truthful). My thanks if for providing additional proof of my accuracy and your untruthfulness ~~under~~ under oath. Serial 1409, which does include authentic junk, like "4) Box of Nabisco saltine crackers; 5) a jar of French's mustard" and a can of Carnation milk and a jar of instant coffee, sugar, French dressing, lima beans and ~~black~~ black pepper, also concludes with proof of the falsity of Wood's testimony: "Upon completion of this examination it is requested that the enclosed items be returned to the Atlanta Division." (There will be no occasion for Wood to swear that Atlanta Division ate the stuff.)

This Exhibit also lists nine other maps you do not account for, including a second one of Los Angeles. Yet Wood swore to three only,

All of this stuff was <sup>sent</sup> ~~sent~~ to the fingerprint section of the Lab. We have heard nothing from the fingerprint section in this litigation. Nor has any FBI record identifying the many other <sup>(lifted from this stuff)</sup> prints, not James Earl Ray's, been provided. (He comes across as super-man, one who handles a dozen maps that <sup>can</sup> hold ~~many~~ <sup>yet</sup> prints and leaves but a single print, none on this one Atlanta map he supposedly held while he marked it up.) In fact, according to Atlanta 1332, which is FBIHQ's teletype of 4/17/68, FBIHQ made no comparisons except with other prints by then picked up in this case. Now just suppose that the mysterious Raoul's were on the mustard jar?

You conclude by confirming what I knew, that Ray's lone print was on the Mexico map, and with what I don't believe, that "we are unable to locate the map itself." You do not say that you tried to locate it, and not trying guarantees inability; and you do not state that you have no copies anywhere.

Again I remind you of the Item that requests all copies of any receipts for all physical evidence. If you had made any search at all you would have known that <sup>Mexico map (an)</sup> this (and the Atlanta map were provided to the prosecution, which included them in its proffer of evidence it would have used at a trial in the guilty plea hearing. This also you were told through your counsel, with your SA Wood present, at an earlier calendar fall. So you were not unaware of the assistance I had provided, if you were of a mind to comply with the Act and my requests, which clearly you were not.

All of <sup>these</sup> ~~these~~ items are within my requests and the Stipulation. There is no question of scope with ~~regard~~ regard to them. I'll waive on the once-edibles, unless photographs of them exist, in which event I'll accept photographs. All the other physical evidence is suitable for copying and I still want and expect copies of them. I will also file a copy of this as an appeal in the event you do not provide these copies voluntarily.

All, I remind you again, despite the <sup>(with which you represent)</sup> ~~deceptiveness~~ of the Atlanta list, my Exhibit # 8, and the even greater deceptiveness of the FOIA letter for Director Kelley's signature, are within the Stipulation, and the Serials are listed.

If you had undertaken to prove that the FBI misrepresents and provides ~~misleading~~ knowingly false affidavits and testimony in <sup>(at</sup> ~~at~~ least) my FOIA cases you could not ~~have~~ have succeeded better.

In this case, however, you procured an objective by these means. Whether or not I can do anything about it only an effort will disclose. However, I am providing a copy of this to my counsel and I am asking him to call it to the attention of the Court you did succeed in misleading.

Meanwhile, how about beginning with a full copy of the Atlanta map? The one you

butchered and then provided copies of the remnant, <sup>as</sup> less than complete ~~that~~ it is, <sup>officially</sup> it nonetheless has more encircled areas on it than was (represented, ~~without~~ without having at least one and I think two that also are officially represented as being on it.

You may believe the official mythologies about me and my work and if you do I don't really care. However, for what follows, I tell you that my major concern is about the functioning and non-functioning of our basic institutions in time of great stress and thereafter. You have provided me with what I regard as a valuable, and I regret to say entirely faithful, self-portrait of the FBI at the time of the crime and thereafter. To make it easier for scholars of the future, maybe I'll start a new file and in the skilled propaganda style of the FBI call it FOISCAM.

Sincerely,

  
Harold Weisberg