

King assassination records appeals Harold Weisberg 2/21/80
Field office MURKIN records not provided - Atlanta
"FOISCAN"

Scope is no longer a question. It never was a question about any of the many MURKIN appeals in which you have not acted. No claim to exemption was made for most of the field office records not provided under the Stipulation. They were merely withheld. This renewal of those old appeals is for copies of the MURKIN records that were withheld.

There were some records that merely were not provided because the FBI claimed it wanted to save me money. Others were withheld on the false claim that they could not be copied. This now appears to have been a cover for what the FBI wanted to withhold but didn't dare phoney up an exemption for. These records, particularly those of Atlanta, are within your affidavit and Doug Mitchell's. They still have not been provided. In the course of hoking up an explanation the FBI thoughtfully provided me with identifications of which I had not made a record because I did not anticipate what happened. Some of these are mentioned in my today's letter to Mr. Flanders, of which I provide a copy as an appeal.

While there are many matters in which I cannot equal the FBI and many in which I do not want to (false swearing, for example), I see no reason ^{not} to follow its practice with attorneys nor say not to use its recently-leaked and more sensational investigations identifications as a model. I therefore use the caption "FOISCAN."

Your office made no independent inquiry pertaining to the Atlanta records even though you provided affidavits. If you had you would have known that the lists to which you attested were phonies. They do not begin to indicate the records in the bulkys, for example. The FBI has these lists and can provide them so you can know what is involved and in some cases have an identifier. (like the dressing and saltines.)
~~However, this is~~ ~~message;~~ this is more important with regard to the maps, many more than are indicated in the letter to me prepared for the Director's signature by the FOIRE Branch.

With regard to Birmingham withholdings there is a copyright claim but no proof of copyright. One of the two give-away catalogues is not copyrighted. Whether a

claim to exemption can be made to a giveaway, a sales catalogue, and I don't think the FBI really cares about copyrights, perhaps the largest category of sources of the records disclosed in this case is published, copyrighted information. It can't make the claim selectively.

The FBI was to have provided photograph^{is} prints. It confirmed this in writing. However, except for the small portion of a single map referred to in my letter to Mr. Flanders, and I just received it yesterday, no photographs have been provided in photographic form. This appeal includes all of them, including those for which a spurious privacy claim was made. Some, like J.C. Martin, are included in old appeals.