

King assassination records appeals

Harold Weisberg 8/5/80

- Files not searched:

Divisions

Field Offices

"Do Not File" files

SAC's safes

Black bag jobs

Atlanta

St. Louis

Surveillance items of requests

The surveillance items are inclusive, including all forms. The FBI has made no response on these items. You provided a letter reporting what is limited to the ELSUR index. Among the evidence that has not been disputed is the fact that the ELSUR index is not complete even as it pertains to electronic surveillances and that these are not the only forms of surveillance. The so-called Kissinger taps which become known through Watergate are perhaps the best-known of the taps not included in the ELSUR index even though they were made six years after the beginning of that index.

"Do Not File" files were begun in 1942 as a means of having records that would not surface and embarrass the FBI. One of their purposes was to enable witnesses to affirm that the information held in "Do Not File" files was not located in a search of FBI files.

Other delicate records were kept out of the regular files by other means. The 7/19/66 Sullivan to DeLoach, which goes into details about "Do Not File" files and surfaced in the work of the Church committee and is not a personal record was originally hidden in Hoover's so-called personal and confidential files. In 1971 it was shifted to what was called his official and confidential files. It also goes into black bag jobs, which are not only break-ins and illegal but are a form of surveillance. Pertinent records are held in safes and "Do Not File" files. In order to obtain FBIHQ approval for a black bag job the SAC "must completely justify the need for the use of the technique" and "assure that it can safely be/used without any danger of embarrassment to the Bureau."

In his Church committee testimony Charles Brennan, who had been Sullivan's assistant, ~~stated~~ stated that "Do Not File" information "was not recorded in the usual record-keeping functions of the FBI." Instead it "would return to the assistant director and would be

filed in his office..." Similarly, field office records pertaining to such techniques as black bag jobs, were kept outside the regular files. These records were arranged not to surface through use of the index. However, the SAC is required to keep a record of ~~xxx~~ the justification for use of the technique.

Knowing better, the FBI pretends that all pertinent records are in Central Files. Originally in this case it pretended that no pertinent records were in the field offices.

Although the disclosures of the Church committee were prior to the alleged compliance in this case the FBI has not attested to the making of the searches these disclosures indicate are required for compliance.

From the outset of this litigation I have requested searches of the files of the divisions. First the FBI claimed that the divisions have no files. When I proved this to be untrue it fell silent. Then, long ago, you testified that a response was being drafted. If it was ever completed, I do not recall receiving it. Even after I proved with what remained of the Long tickler, which was destroyed after this case was in litigation, that the files of the divisions hold what was not provided from MURKIN files, no further searches were made, not even after I identified other ticklers.

It is not disputed in the case record that there was a black bag job in Atlanta, covered by the designation "undercover operation, " and that one was ordered in St. Louis. In both cases some of the results are known. Some of what was to have been provided to me from Atlanta and has not been provided was taken in that black bag job. Some was used in the Ray prosecution.

Mail interception, which need not be by the FBI, also is a form of surveillance. There was interception of Ray's mail and other communications.

Electronic surveillance need not be by the FBI and in this case there was electronic surveillance that was not performed by the FBI.

Surveillance by informers and third-parties is included in the Items. I have provided proof of such surveillances.

With requests that began in 1969 and litigation that began in 1975, is it not past time for proper HQ and field offices to me made and properly attested to?