

Mr. Quinlan J. Shea, Director
Office of FOIA/PA Appeals
Department of Justice
Washington, D.C. 20530

6/27/79

Dear Mr. Shea,

This appeal relates to both King and Kennedy cases and I believe to my PA request and appeals.

In today's mail I have the enclosed letter from Mr. Flanders of the FBI FOIA Branch. While the immediate purpose of this appeal comes from his concluding paragraph, I appeal it all.

The concluding paragraph states that the FBI will not begin its search, in this King case, which is more than a decade old and has been in court since 1975, or in the JFK case, which is several years old, until the obviously personal waiver I provided from Matt Herron is notarized.

I first asked for Matt Herron records in discussion with the FBI's representatives in C.A. 75-1996 toward the end of 1976 or shortly thereafter. On 5/4 of this year, after the FBI had disclosed a search slip relating to Herron from the N.O. JFK records, I wrote Mr. Bresson. I had written you that I did not regard this as a new request. I also provided the original of Mr. Herron's unnotarized waiver ~~with~~ ^{with} what I sent Mr. Bresson. I reminded him of the withholdings relating to Mr. Herron in C.A. 75-1996. I wrote you about this and provided other information on 5/15/79. On May 14 Mr. Bresson wrote me, caption "Re: Matthew John Herron" and assigning a new request number ^{81,586} ~~81,586~~. "A search of the indices to our records will be made in an effort to determine if we have the information you seek." (Emphasis added) He also stated "our determination to comply with your request."

To wait all this time to go against its own word is a pretty bad record for the FBI, despite my prior experiences with it of this character. It represents a new effort to stonewall, to waste my time, to run up its own FOIA costs and statistics. Moreover, from the information I have provided, Mr. Herron is very much of a public figure.

This change by the FBI coincides with what I regard as a series of unserious legal moves in C.A. 75-1996, all designed to waste more of what remains of my life and most not even factually correct.

Were none of this true the FBI has and had the option of removing any information it regarded as transgressing against Mr. Herron's rights of privacy.

The immediate problem this presents to the FBI, one that also requires it to stall, is that compliance would establish its withholding by tricky filing, ^{by} filing what is relevant to the cases in court outside the files to which it has arbitrarily and capriciously limited its searches.

The search slip I provided is from the N.O. JFK records provided under C.A. 789
Q420, so there is no question of relevance in that case. What was withheld is the records produced as a result of that search.

Moreover, ^{Mr. Herron} lives on a boat. If he is at sea I cannot after this long delay expect a letter to reach him until he returns to the Marina at which he parks his boat. As I previously informed the FBI and/or you he is under charges in Canada coming from his protest of the seal slaughter. If he is in Canada I have no way of reaching him now.

And if this and his involvements in the King and Kennedy cases do not make him a public figure, would you hold that his being the navigator of the ship Greenpeace and navigating it into nuclear test areas or in protest of the slaughter of whales does not?

I will send him a copy of this and Mr. Flanders' letter by mail and I hope he will provide a notarized statement. Pending hearing from him I believe it is not too much to ask that the searching and processing of records begin promptly, that it not be limited to FBIHQ but include all field offices where the FBI has reason to believe there may be records (which includes the Legat in ^{and Memphis} Canada and New Orleans), ~~this being~~ ^{Brth are} a historical case, ~~and that~~ If you disagree with my statement that he is a public figure ^{Task that} any withholdings be in strict conformity with the AG's policy statement of 5/5/77 and historical case standards.

For your information, as Mr. Herron's letterhead ^{reports} ~~states~~ he still is associated with the Black Star photo service. He was in Memphis at the time of the King assassination, on assignment for News week. Because of his prior coverage of and participation in civil rights efforts he was trusted by the black community. When the FBI had no interest he ~~was~~ ^{He also played} provided me with information he obtained ~~and playing~~ tapes of interviews to me by phone, ~~when~~ I re-recorded them. This is set forth in my book on the King assassination, which the FBI and CRD have read. His early information, as on the transfer of the black firemen and on Redditt as being a spy, has stacked and was later the subject of FBI investigation and only recently was gone into by the House assassins committee. That the FBI Memphis office does not have this filed under MURKIN merely proves all over again the total falsity of its representations relating to MURKIN and its use of filing ^{special of} what it can retrieve to avoid retrieving what is ~~within~~ requests and ^{wants to} it avoids retrieving. I regard the Flanders letter as merely its most recent adventure in deliberate non-compliance. I add the opinion that if it had not been for ^{Mr Herron} ~~him~~ and me none of the foregoing and related matters would be known today. Naturally the FBI does not want this out or any record of its early knowledge of these matters out.

Sincerely,
Hawthorne