Records sought in King and JFK cases - non-destruction of; search records not provided

Whatever is meant by an FBI "Top Serial" - and I would like to know - attached is one from the New Orleans assassination file that is actually a record of the Meeropol case, C.A. 75-1121. The file is 89-69, no Serial indicated and not marked as Not Recorded. (The latter designation I do not recall from any field office files.)

I did not receive a copy of this record or any similar attachement (the William Walter case) from FBIHQ or any other file.

This directive to all offices appears to have been a directive also with regard to JFK assassination records. If N.O. had not so construed it why else would it have been placed in the JFK assassination file?

Yet there appears to have been no need for such a directive because standing FBI regulations preclude destruction of any records in historical cases without express permission.

Moreover, files I received under my Privacy request from the Baltimore Field Office (and to the best of my recollection not from FBIHQ) also are stamped with directives not to destroy because there is pending litigation.

Despite the court order cited it therefore appears to be unusual that special orders were sent not to destroy records and the no-destruction order is couched in terms that do not preclude the memory-holing of records outside a rather limiting description. A suspicious mind could interpret this language as suggesting that records other than those described and yet relevant in the Meeropol case might disappear.

That such records have disappeared in my cases appears to be the reality. Either that or they are knowingly withheld. I have provided many specifics in these cases, both JFK and King, both also historical cases.

This Meeropol directive also ordered search slips and searches to assure the preservation of relevant records.

Without such searches there also cannot be compliance with any information requests. Yet I recall no copies of any such search slips relating to any of my cases or requests from any office of FBIHQ. I am confident no such records were attached to any of the affidavits alleging compliance.

(On the other hand, there were a few Garrison-period search slips in the New Orleans files, as illustrated by my Matt Herron appeal, without any record indicating the use or need for such searches of the results and uses to which the results were put.)

Many records allegedly are missing in the King case. Most dramatic of the allegedly missing JFK records is a spectrographic plate and I believe at least one important specimen. No explanations have been provided, except for a spurious conjecture by Department counsel regarding the missing plate.

(Here I note that this particular missing record is relevant to my other requests, not alone in C.A.75-226.)

My information requests are by subject, not by file numbers. There can be no compliance without searches and compliance is not possible by limitation to a single file, as in the King case, the MURKIN file.

Using the King case as illustration, there are Items relating to other writers. Using William Bradford Huie as an example, I have not been provided with any FBIHQ file or any search slips indicating the nature, extent and results of any such search. On the other hand, I assure you that FBIHQ knows very well where to search for Huie records - the field office in whose territory he resides.

Aside from desire not to comply and to wear the Court and me out there is added motive for non-compliance with regard to Huie and others of these parts of my request. In plain English what the FBI has not provided relates to the violation of James Earl Ray's rights and interference with the independence of the courts. I state this based on copies of records I have that were not provided under C.A. 75-1996.

This relates to Jeremiah O'Leary also. He is included in the request as Huie is. I believe it extends to others, Gerold Frank in particular.

I also am included. My PA request, repeated to all field offices, duplicates this. Yet no records indicating the nature and extent of any searches have been provided. It is well over a year since I provided details and identifications of records not provided. They still have not been provided, no records relating to any searches have been provided and no affidavit attesting to the search or to any failure to locate any records has been provided.

It appears to me that when there was no litigation involving the Walter case, despite which the Serials in a single file are listed and attached, there should have beem such searches and lists or records where litigation is and was involved.

With the cross-over between my King request Item and my PA request this relates to <u>all</u> field offices <u>and</u> FBIHQ - <u>outside</u> the MURKIN files as well as in them.

With the Jim Bishop and Jeremiah O'Leary cross-overs from the King to the JFK cases, as I have informed you with copies, relevant records were and remain withheld in the King case and after quite a few months.

There is similar cross-over between FBIHQ and field office records. I again use myself and an ignored appeal to illustrate. I found an FBIHQ record (and provided a copy) in which Memphis was instructed to make certain unidentified information about me available to unspecified local authorities and to report back to FBIHQ. The attachments were not and have not been provided and the response of the Memphis Office remains withheld. The records of which I know - and I've provided proofs - range from overt fabrications to gross and deliberate distoriations, all intended to be prejudicial. (Again the question of influencing the processes of justide in the Ray case.)

That the FBI does talk to judges, as distinguished from clerks of the court, is illustrated by a King case appeal now more than two years without response from the FBI, the judge in the Ray robbery case, the judge who was reversed. (FYI, if Ray had delayed his MoPen escape by a day he'd have known of the reversal.) That judge was neither any only nor a confidential source.

Despite my having the FBIHQ record ordering Memphis to make what was provided by HQ available to the unnnamed local authorities Memphis claims to have no records on or about me under my PA request. Obviously this is false.

So you will understand I was then Ray's investigator, the lone defense investigator for the coming evidentiary hearing.

The influence on the asststant State Attorney General was obvious. He even made overt threats against me, leading to my ending them by letting him be aware that I had obtained independent local counsel. (When his personal misconduct extended to less tolerant judges his services were dispensed with by the State.) When he was in Washington and had expressed a desire to question me I made arrangements for this and for his having a tape recording of his questioning and my answers only to have him back out. His reason, or at least the one he gave in the presence of two others, is that he had to confer with the FBI about the case. Yet no such records, not even one indicating he was in Washington for that purpose, has been provided.

With the kinds of searches that one presumes are required by good faith and due diligence and more, with the directives and practice reflected in the attached Meeropol record from the New Orleans JFK file, such records should[1] have been located and provided or exemptions claimed for them. Neither has happened. The same conditions require there to have been searches and searching slips. (Filed in 1A1 in the N.O. JFK case relating to Walter) I recall no single record of any such searching, no record of any nature, provided in response to any of my requests or in any case in court.

I believe that unless there was intent not to comply such records of searches must exist and should have been provided. I appeal their denial. (If they are attached to your long overdue affidavit in the King case I of course have no knolwdge of that.)

I also believe that appeal is meaningless, a mere occasional stretching of a rubber stamp, if review on appeal is without benefit of the search records. Obviously, if no search records are provided you have reason to believe that no real search was made.

When I have provided proofs of the existence of other relevant records, as I have, while I am at a loss to understand the extraordinary delays in any responses, particularly with cases in court, I am not at a loss when it comes to perceiving the nature of the appeals machinery. Except with regard to a relativly few replacements of a minuscule number or words withheld from records that were provided nothing has happened.

Even the records you indicated I would be receiving in your C.A. 75-1996 testimony have not reached me.