

To Quin Shea from Harold Weisberg, re previous appeals, King and Kennedy assassination records 5/31/79
Referrals; "previously processed"; files not searched; withholdings from records supposedly processed under 8/77 Stipulation

By happenstance today I came across rough notes I made on first examination of some of the field office records provided in the King case and what is relevant to so-called referrals and "previously processed" in all cases although it is JFK assassination records, the most recent mailing of them of earlier this month. Early today I worked my way down to the notes in one of the accumulated stacks of materials I am trying to clean up. And I just happened to come to a volume of so-called referrals when I was resting after walking and picked up what was next on the pile of reading materials I keep where I sit with my legs elevated after exercise.

The notes are only some of those I made relating to field office records. From the fact that I had them attached to a cardboard backing I am aware now that in 1977 I gave them this backing for reading on the bus on a trip to Washington.

While the covering letter with the "referrals" is dated 5/9 my letter that is a protective appeal to you says I did not receive these records until 5/15/79. My letter says that for identification purpose I sent you a copy of the first page of each set of worksheets for each of the volumes.

Although I had forgotten it in preparing my affidavit of this past Friday for the King case, the field office record processing had begun before the Stipulation that was supposed to cover them. That Stipulation required that copies be provided as processed, not accumulated and given to me in over-large units. It now turns out that records processed in July 1977 were not provided until the last day permitted for full compliance from Memphis files, more than two months later. I made immediate and vigorous protest, as I believe you are aware. The paucity, brevity and sometimes cryptic nature of these notes reflects the consequences of violation of the Stipulation: I had more records than I could handle with proper attention to them.

For example, the Sabitation Strike file, part 3, of 203 pages, I made merely 6 short

notes. I refer to that for Serial 74: it lists 21 different filings in Memphis alone of that record.

In one Sub the identification of which I failed to include, the note says that the second of two Not Recorded Serials is withheld in its entirety under claim to 7D. It is described as "telephone contact records of photo."

In Section 2 what appears to be ^{Serial} 76 also appears to be other than a Memphis copy from the number written on it, 157-109276. Why was I not given the Memphis copy? Notations?

In Section 5, Serial 357, a report on a community organization led by the clergy, COME (Community on the March for Equality), copies are in 25 other Memphis files. Were they checked for notations? (This was three months after the strike was ended and after Dr. King was assassinated.)

In Chicago 44-1114 (perhaps Sub A) there are references to two investigations the results of which have not been provided, Serials 678 and 774. The first is interesting because it is of the contents of Jerry Ray's pockets. (In Sub D, of which only 29 pages were provided, withholdings include pictures of Jerry Ray for which 7 C and D claims were made.) *I was to receive all Jerry Ray records under the stipulation.*

A handwritten note ^{*I added*} ~~inserted~~ says I took up the question of missing records. I recall no missing records being provided ~~and~~ ^{*the*} These are not FBIHQ attachments said to be missing.

Lest you think the large number of unchecked duplicate Memphis filings noted above is exceptional, which it is not, the entire second page of Invaders Serial 21 is of duplicate ~~XXXXXXXX~~ filings.

^{*King and JFIC*}
"Previously processed" is the claim made for most ^{*the*} field office records ~~and~~ I appealed ~~for~~ for a number of reasons, including the lack of reference to where previously processed in an identifiable manner. On the rare occasions on which I could identify supposedly duplicate records there were not exact duplicates and one copy held information not included on the other.

In the "referrals" I have just received many records are now noted as "previously processed." How can that be if they were referred elsewhere?

From prior experience with the providing of any referrals by the FBI and CIA I recognize it as a prelude to a Motion for Summary Judgement. Until then, stonewalling and total non-responsiveness to any inquiry.

I have now read all of these supposed referrals and find myself wondering why they were referred elsewhere. Or why nine agencies, including within the Department, have not responded in 11 months.

"referral" of
I will be addressing some of these separately to you when I can, like the Secret Service information published by the Warren Commission in 1964 and by me from these never-withheld records in 1967.

Illustrative is the referral to the National Archives of a record that not only was not classified but was published. It is Serial 5784 of 100-10461. It is the typescript of the transcript of the testimony of a witness, D.D. Ryder. Now the FBI knows full well that the Commission's testimony was published in 1964. Yet 11 months ago it "referred" it to the Archives. The Archives has no backlog. It might be worth finding out when it made what response to this "referral" *that was* not provided to me until two weeks ago. (It is not the only published transcript "referred" to the Archives. *SA Hosty's* ~~referral~~ was, too, and is in the same mailing to me.)

(The ~~King~~ referrals to the CIA received no attention until the CIA was about to file for summary judgement *in a related case. My prior affidavits include a chronology of this new one*

While these undated "referral" worksheets include pages ~~with~~ *a third of* with a greater number of "previously processed" referrals, the first page of 100-10461 worksheets, which you have with my 5/15, is ~~undated~~ "previously processed" so-called "referrals."

You provided a Department affidavit covering the ~~worksheets~~ worksheets in C.A.78-0249, again in connection with summary judgement, as I've recently reminded you. So maybe you can let me know how a "previously processed" record gets to be "referred" or vice versa. Or why this had to include the published transcripts of testimony of 15 years ago.

I am aware that your more recent ~~King~~ case affidavit does not address "previously processed," which I appealed in 1977 and has not been acted on. That affidavit was in support of a Motion for Partial Summary Judgement allegedly based on the Stipulation. If

valid, as I believe it was not, the Stipulation also required that copies of the records involved be in my hands by November 1, 1977. But most of the records admitted to exist were withheld as "previously processed."

With these newest examples of what both "referral" and "previously processed" ^{because of} mean and ~~in~~ the FBI's withholding of the citation it was required to have to be able to state any record was previously processed, I believe this is a serious matter, particularly because it is a factor in every FBI FOIA case I have.

I'm sorry I had not worked my way down to these notes before preparing my last week's affidavit. The notes hold more that suggests motive for withholding. They also remind me why the name of the FBI SA who executed the Memphis ~~affidavit~~ ^{SA} attached to the Department's 5/11/79 motion seemed familiar. ^{SA} Burl Johnson did not conduct the Memphis search although he executed the affidavit. However, he had been part of a massive FBI political operation in Memphis, one that continued long after the strike was over and Dr. King was dead. His work included the Invaders. Invaders whose interest was jobs for blacks and other opportunities for them wound up on the FBI's agitator index. (In fact all the recent Congressional testimony is that their interest was in bettering the community. This testimony included the two police spies, (as distinguished from informants, professional policeman), and their Congressman.)

A year after the strike was over and Dr. King was dead FBIHQ, while praising Memphis for its intrusions into the political life of Memphis - SAs in pairs even covered city council meetings - was pressuring it to expand its own informant program and to have less dependance on that of the local police. This pressure continued.

I don't know what right federal police had, or legitimate need, to intrude into the lives of people as they did, reporting the names and federal employment of relatives of those it did not like or extensively covering the strike of a thousand sanitation workers of devoting an enormous effort to a minuscule group like the Invaders, who never even had a formal organization, but I presume the FBI today is less proud of all of this and is not anxious for more to be known, as this much is known as a result of my work. *A law enforcement purpose is prerequisite to any claim to exemption under FOIA.*

I also do not know why the FBI had reassigned SA Burl Johnson execute ^{the only now filed} (last year's affidavit covering the alleged Memphis search instead of one who made the actual searches. Because Memphis filed a deceptive and misleading response to my PA request ~~of it~~ I cannot provide information relating to the affidavit it was required to prepare in 1977.

But I do know that from FBI practise SA Johnson did know of these duplicate filings in Memphis and that there was no compliance from any duplicate files or from the files on individual Invaders ^(largely elongymen) and those active in the strike of men who were supposed to raise families on less than the minimum wage. ^{From his work SA Johnson should also have had from lodge of the group his indices.}

There is another coincidence in time relating to these files. I report it to reflect their importance and the uses I am making of them.

A college professor asked me for suggestions ^{for} a study he ^{is} to make and a report he ^{is} to prepare for a convention of professional historians. I suggested a study of this domestic intelligence operation in Memphis centered around the Sanitation strike. I have informed him of other relevant information he has obtained and this coming week he is borrowing the records I obtained from the FBI on both the strike and the Invaders. His college is copying all of them and I am paying the college to make a duplicate copy for me to lend to others. ^{He will make his copies available to other scholars at that convention.}