

abstract

King ass assassination records appeals

Harold Weisberg 4/18/80

Abstracts

Foreign operations, cooperation

Withholding the reasonably segregable

Withholding the public domain, including what the FBI and Department have disclosed

Excuse of (b)(5) to hide what is embarrassing

Bank robberies as part of King assassination investigation

J.C. Hardin appeal

These may not be all of the appropriate captions for what I observed in reading the abstracts I received the week of 4/7, probably on the 8th, because in reading them I observed many illustrations of the FBI's effort to continue to withhold what it withheld improperly in the underlying records, particularly as captioned, so I decided to provide this appeal by subject rather than by Serial.

Once the RCMP identified Ray as Sneyd and established how and when he had left Canada for where the character of the investigation changed, reflecting more foreign police cooperation and FBI operations overseas, and the FBI enlarged its efforts to establish a Ray family conspiracy and Ray's financing by means of bank robberies. (There will be more on both but not nearly all the illustrations that exist in the abstracts I received 4/14, which I have begun to read. There is no need to add to the enclosed except as different kinds of illustrations present themselves.)

What is enclosed does not include all examples pertinent to some of the captions, particularly foreign police cooperation. It does not include all examples of inconsistency in processing and withholding, especially with regard to (7)(C) claims and the withholding and disclosure of police names. The same names are both disclosed and withheld, and the same kinds of names are both withheld and disclosed. This is because as I informed the Court and you in advance of the processing of any of these abstracts, the FBI indicated clearly enough that it would seek to hide the extensive improprieties in the processing of the underlying records. (There are countless cases of its withhold of the public domain, all appealed matters that have not been acted on.)

As you will see, the FBI acknowledged its foreign operations and details of those operations. It acknowledged foreign police and other cooperation, including details,

information provided, the names of those who provided it and their components and actual copies of the information and evidence provided by foreign police. All of this and more like it is quite inconsistent with your affidavit on this subject in a different while being entirely consistent with my affidavit in that cause and, of course, it is quite opposite the FBI's and Department's representations to the Court in this cause. (I) again with emphasis I call your attention to the consequences if not the intent of your affidavit and the fact that whatever its intent it did deceive and mislead the district court and visibly had the same effect on the appeals court. I remind you again that no matter how theoretical you intended your affidavit to be, prior to the time it was executed my ^{appeals} ~~appeals~~ held enough specification and illumination for theory to be entirely irrelevant.)

You also will see that the FBI did not provide what is reasonable segregable and as reasonably segregable was provided by the Department in connection with another matter. (The FBI omits "reasonably" in its printed withholding form where it withholds entirely.)

In this batch of abstracts it withholds what it also discloses in them as well as elsewhere, precisely as in the underlying records.

There are other illustrations of the false ^{claim} ~~claim~~ to (b)(5) to withhold what can be embarrassing.

Because the Court did involve you in this case in an effort to eliminate the kinds of problems I specify herein I asked you, in advance of the processing of a single abstract, to monitor the processing of the abstracts. You have not responded and clearly you have not done it. The consequence ^{is} ~~is~~ that they require reprocessing, which is enormously wasteful and costly all around, or the Act is violated and the right of the people to know is denied. (Obviously when I provide withheld information I do not personally require that information. These are historically important records.) As this and my other appeals show, the processing is not in accord with your reports in this matter or with your testimony. The FBI pays no more attention to the Department's

appeals authority that it pays to the Court, which is it say that it pays no attention at all. (While the names of FBI SAs are not withheld in the abstracts other names the Court ordered not be withheld are withheld, even though they ~~have~~ ^{also} have been disclosed in this matter.)

What I appeal may be appropriate to the conduct of an unfledged banana republic but it is not appropriate to the government of a great and self-respecting nation, as it is not appropriate under an Act intended to permit the people to know what its government does. It is the cheapest kind of juvenile stonewalling and harassment. It is indecent.

While it is a disappointment that Department counsel distinguishes himself by not making a single honest representation about these abstracts, it is not a surprise in part from prior experience and in part because he is an adversary. (His misleading of the Court is protected by the FBI, which pretends that it cannot find copies of some of the missing abstracts when it knows full well that it has processed the carbon copies for me and has not consulted the originals. But if it did it would be acknowledging that its counsel lied to the Court and that its representatives who were present were silent when they heard these lies. The FBI's other representatives are its case agent supervisor and its own legal counsel agent.)

It is more of a disappointment for the appeals machinery not to function or to function as an adversary rather than an impartial authority.

Perhaps a history buff can appreciate that this falls short of being totally bleak because the thrust of my work is that in time of great crisis and thereafter all the institutions of government and all of society's protections failed. The records in ^{add} my FOIA cases ~~will~~ "and continue to fail long afterward."