

To Quin Shea from Harold Weisberg, appeals:
King assassination records;
JFK assassination records

8/3/78

KING
APPEALS
AS BYERS
REL

While ordinarily I would delay to have time to acquire more information and to be able to provide copies of records to save your staff time the circumstances that lead to my making these appeals now suggest that the FBI is off on a Cointelpro operation against me and is determined to waste as much of the time I have left as it can.

If this is not the intent it is the effect.

As of the information I now have available, which is quite incomplete, the suggestion of news management by the FBI cannot be avoided.

Ordinarily also I would write you separately about these two historical subjects. I have only one life and one work. Interference with and intrusion into any aspect of my work is for me intrusion into all of it. In this case both are intertwined by acts and failures to act by the FBI.

It is an accepted belief and practise that scholars are entitled to first use of their work and what it yields. With regard to the Byers matter, of which you are aware, I filed two appeals, first a verbal one by my lawyer and immediately a written one. At his request and without any quid pro quo or other conditions I assigned this first use to Bob Adams of the St. Louis Post Dispatch. Because of the distance that separates us and the news management that had already been accomplished I asked Mr. Adams to inform you of this and I asked my lawyer to confirm it to you. In return I was led to believe that this first use would be preserved and would be followed by a general release. This appears to have been confirmed to my lawyer yesterday afternoon by FBI SA Horace P. Beckwith.

My lawyer read the released records to me, in part, by phone, after which I immediately conferred with Mr. Adams. There is content in the released records that require the knowledge of a subject-expert if the information is to be reported honestly and fairly and not as part of an official propaganda campaign. This content is of such a nature that the best and most honest and honorable reporters might well be misled in reporting it and thus might mislead the country.

After supper last night Mr. Adams phoned me to inform me that his editors had told him that a story on these Byers records was moving on the New York Times wire as an exclusive to the New York Times.

On the first segment of Good Morning America shortly after 7 a.m. the treatment of the content of these records amounts to official propaganda. It was limited to the representation that James Earl Ray had been paid \$10,000 after the assassination of Dr. King for the assassination of Dr. King.

This is not a fair representation of the content, whether or not the content is truthful or accurate.

ENCLOSURE

It is the inevitable consequence of denial of first use to the serious researcher

and subject expert whether or not this was the FBI's intent.

Whether or not the FBI so intended this also is an obvious manipulation of the upcoming House Assassinations Committee hearings. Mr. Ray reportedly is to be the first witness at those hearings.

In connection with the foregoing I remind you that for a decade the FBI refused to do anything about my FOIA requests for information relating to the King assassination, forced me into lengthy and costly litigation to obtain it and once it could no longer withhold this information ^{from} ~~for~~ me again denied me first use by placing it in its reading room and making it available to all. In this the FBI appears also to have led UPI to believe that UPI was responsible for this major release of formerly secret records. UPI therefore informed the entire world that it exclusively had done the work I in fact did at great personal cost. In itself this was costly and hurtful to me and to my work.

With regard to the records SA Beckwith gave Mr. Tesar for me yesterday I appeal withholdings from them. I also ask for a copy of the identical records from the files of the FBI St. Louis Field Office and for the records that it appears to me must exist relating to the finding and release of the records released. I believe that the records not provided must exist also in FBIHQ and possibly in other field offices.

It is the FBI's explanation of the withholding of these records that are within the content of MURKIN records, all of which I was to receive, that an experienced FBI agent made a simple error and misfiled them. (I was not aware that SAs did their own filing.) The FBI's story, if not cover story, is that when a search was made for records relating to Mr. Byers these released records were located on March 13 of this year and then rushed to FBIHQ attention the liaison with the House committee.

These records are also within the MURKIN records, relating to which in addition to my request there were FBI-initiated stipulations covering the St. Louis field office. However, the St. Louis office appears not to have sent a copy to the attention of the FOIA unit or in any other way sought to comply with the stipulations, of which it was aware. This failure was duplicated by FBIHQ. As a result there was the extensive if not also misleading news stories of which you are aware while I was for months denied this record and any use of it. Inference of news management cannot be ignored in this. The FBI does know its business and enough FBI senior personnel are aware of G.L. 75-1996.

The FBI appears to have undertaken a new unilateral revision of the Act. This is that it has the right to withhold by misfiling and the right to continue to withhold after discovery of the misfiling. If this could be the case there would be no FOIA. I contest and appeal this FBI interpretation and its acts pursuant to this interpretation.

Another consequence of this FBI news management by FOIA misinterpretation is the fact that the millions of people reached by this morning's ABC telecast were not told that the Byers records include a serious disputing of anything he might say because he is a "very treacherous ~~xxx~~ guy" and other such evaluations.

If by any chance the FBI misfiled in 1974, the 1978 discovery of the 1974 record should have been followed by correct filing, which in turn required MURKIN filing and providing of copies to me. It now appears that even after the record was located, read, understood and forwarded it still was not filed in MURKIN. On the basis that it is and should have been filed under MURKIN in 1974 and thus provided to me I appeal all the withholdings from it and reprocessing under the proper standards for historical cases. In this I do not request disclosure of the identity of the informer. I do appeal part of the apparent withholding of informer filing. By this I mean that I do not appeal the withholding of the special file designation subordinate to the initial file designation by which a copy was routed to informer files. I am asking that the fact of this filing now be reflected by not obliterating the first numbers of informer filing. I believe these first number for criminal informants are 137, for political 134. They are not secret and are not properly withheld.

The leak and misuse of these records, now for the second time, in my belief puts them in a special different category and requires the disclosure to me of what under other circumstances might be withheld. This is all the content not urgently required to be withheld relating to all the other information, whether or not it has or can have any MURKIN relationship. My Byers himself has been thrust into a different position. In addition to the leak the FBI arranged for him to be a secret witness before the House assassins committee, as he was at least on May 8 of this year, to my personal observation. I believe misuse eliminates the proper application of b2 claim and that the standards for 7(C) and (D) should be those of the Attorney General's 5/5/77 statement.

Misuse also requires special kinds of response to me relating to the content alleging that a short stocky man who walked with a limp paid Ray \$10,000. No such records have been provided. This content both in 1974 and 1978 required the most diligent FBI investigation. ABC states there was none. I am asking for a special file search of all possibly relevant files and a first-person affidavit from those who make such searches. A press statement, whether or not truthful, does not meet the affirmative obligation imposed upon the FBI by the Act.

If there is any investigation of this alleged oversight, I ~~also~~ also request all records of any such investigation.

It is my belief that this entire matter of the Byers records should be looked into by the Department, not the FBI. If this happens I also request all relevant records.

With regard to JFK assassination records that remain withheld from me, I had several inquiries yesterday. These were from a Texas reporter and from three independent researchers who came here. Because of these withholdings I was not able to provide the assistance that ordinarily I would have provided.

Also involved is the release to one A.J. Weberman, who styles himself a "Yippie," of photographs taken from a Minox camera possibly possessed by Lee Harvey Oswald or Michael Paine. (It is possible that these photographs had already been removed from the camera and processed earlier.)

Mr. McCreight wrote Mr. Weberman a covering letter I believe you should obtain and read and thereafter apply as FBI standards for the JFK and King records. As read to me by phone Mr. McCreight stated that because of the special historical importance of the JFK records the FBI was practising no withholding at all.

X [I was led to believe that as the FBI released any JFK records copies would be provided to me. In not a single instance has this happened. I have not received copies of any such records. Specifically I have not received copies of these photographs and any relevant records.

On the subject of photographs, it has been a long time since I offered to go to FBIHQ and review the files of JFK assassination photographs and see if I could limit my request for copies of them. The FBI has not even acknowledged my letter and this added effort to accomodate it.

Related to this is the unexpected providing of copies of photographs of President Kennedy's clothing by the FBI. The photographs provided are limited to those I specified I did not want. I repeated my request for the clothing photographs I did and do want. A long time has passed and my letter has not been acknowledged.

Because of my special circumstances and a record that leads to the belief it is not possible to accomodate the FBI or obtain any voluntary compliance from it I now request prints of all JFK assassination photographs. By this I mean to include not only those that are at FBIHQ and in the reading room. I mean to include all of those squirreled away in field offices, including Dallas and New Orleans but not limited to them. On still photographs I will accept ~~5x7~~ 5x7 prints where they are clear and sufficiently comprehensible. Otherwise I ask for 8x10s. With regard to movie film my request is for positive prints except where stills were made, in which event I include copies of all such stills. The FBI has left me no real choice. I express the hope that with regard to other FOIA matters it will not continue to eliminate my options.

1/11/78