

To Erin Shea from Harold Weisberg re Orders of the Court in C.A. 75-1996 2/21/80  
[REDACTED] Divisions, etc.

In deposition you testified that Department counsel does not inform you of what happens in this case and that you learn more about it from me. I wish the situation were different and that your own Department did keep you informed because the judge did involve you.

On 2/8 the judge ordered that I be given the abstracts. (transcript, p. 7 and elsewhere) Department counsel tried a number of devices to get this to mean less but each time the judge brought him back to her meaning. On page 6 counsel stated, "We will do what you have told us to do." Despite this he tried to make it seem only that the Department would "provide all of the excised cards" to me. She said, "Hold it. ...The Court has ruled that he shall receive every card having to do with the Martin Luther King assassination. ..." Hearing on this counsel made a response (page 12) that includes "...we will give him every card that is in the MURKIN index."

Toward the end of the session, after Department counsel had tried again to move for summary judgment and my wife counsel had called the court's attention to a few of the remaining unresolved questions the Court directed that the Department submit an affidavit attesting to what files had been searched (41), to which Department counsel replied that they had been submitted, but that didn't hold and when he returned to this (45) he was told that it includes the FBI's Divisions. He cut her off while she was ticking them off so she named only three, although during the session others were named. At the very end, on the next page, she indicated they were to search for all ticklers.

As you are aware, there has been no search of the files of the divisions. The longer a real search is put off the more this case is going to cost the Government.

In the abstracts, can you give me an estimate of how long that will take. Are you going to do what the Court suggested and be in on the processing, monitor the withholdings? If you had been provided with a copy of the proofs I have provided you would know that the AG waived privacy, of which I have informed you. So, with the judge

...the names of public officials performing public functions not  
be withheld, there ought be very few ~~excisions~~ excisions.

However, I believe it is certain that the FBI will create a situation in which  
this will go on forever because, knowing that the AO had waived privacy it nonetheless  
made excessive and unnecessary as well as prohibited privacy claims and will, in  
processing the abstracts, seek to hide what is improperly withheld in the under-  
lying records. I therefore am appealing this in advance because the Department has  
already indicated that this is what it will do.

I believe that all interests will be served by your monitoring the processing  
of these abstracts.

The time estimate provided by Department counsel was more of a threat than an  
estimate. I have addressed it in an affidavit.

Rereading the transcript to cite these passages to you I saw again that your  
lawyer said that I called you and Doug Mitchell liars. He is the liar. I said nothing  
at all like "...accuses Quinlan Shen and his associate, Douglas Mitchell, of having  
lied throughout the course of this case." (C-1) HE refers to my affidavit of 2/2/80.  
I recommend that you read the entire thing. You will find, as I have informed you, that  
the FBI misled Mitchell, who swore to what was not true. In fact the Department was  
compelled to produce the proof of the misstatements under oath. As I recall it this  
is the part of the Mitchell affidavit you referred to in yours. I have addressed this  
in an affidavit I sent to my counsel last night.

There has been, there is and there will continue to be what I would regard as  
some hazard and challenge to personal integrity in basing any affirmation on any  
FBI affidavit I have encountered in any of my litigation.

The question of time reminds me that/the Dallas index is long overdue. Can you  
provide a progress (if that is the word) report?

On the 8th I reminded you of what you said on deposition you would provide. I  
have not received it. Can you let me know when to expect it, please?