

attachments w/ copy in P.S.P. file

To: Quin Shea from Harold Weisberg, King assassination records appeals 6/7/80

Abstracts

— Referrals C/K

Withholding what the FBI and Department have already disclosed
Withholding the reasonably segregable

Under date of 6/4/80 Mr. Flanders sent me copies of nine previously withheld abstracts, for the most part limited to an identification of the abstract, with all else withheld. He states not that these abstracts had been referred to the CIA, the misinformation his people provided earlier, but that the documents were. What he now provides could have been disclosed at any time and required no referral. He provides lists of FBI serial numbers and coinciding CIA arbitrary numbers (Not that the FBI and CIA didn't both have real CIA numbers and disclose some of them.) and states that this enables me to match the abstracts with the "appropriate CIA document as furnished to" me by the CIA in C.A. 77-1997. This would be a pretty neat trick since all these documents were not furnished to me by the CIA - or FBI.

In this typical cover-the-Bureaucracy paper what Mr. Flanders does not say is that only a few weeks ago these same nine abstracts were withheld as referred to the CIA in 1977 and that only a few days ago I filed a Motion for Partial Summary Judgment for the FBI's records withheld on the ground of referral to the CIA.

Of a tenth withheld FBI abstract and underlying record Mr. Flanders says that the abstract is withheld because that record "is currently being reviewed for release by" the CIA. In an April CIA affidavit in C.A. 75-1996 the CIA then attested that it was reviewing those three pages of a biographical statement - and now it is June under the supposedly 10-day law. Once the review begins there is no materiality in any backlog. The CIA's withholding is stonewalling, as is the FBI's continued refusal to provide any version of the abstract, no matter how excused, once it and the CIA both disclose that the record is a biographical statement. That is no longer subject to withholding, if it ever was, as I do not believe. (It is Serial 1549. It was not accounted for by the CIA at all in the so-called Document Disposition Index. Both the CIA and the FBI had it because

the FBI referred it to the CIA in 1977.)

That the FBI identifies it ~~now~~ now is no big deal because based on information I provided his my counsel included a list of those ten withheld records and when the FBI called on the CIA for help it identified the other nine. Identification of the tenth thus was automatic, but it was withheld by the FBI until 6/4/80.

In C.A. 77-1997 there was partial CIA compliance, but in no case with any FBI record. In no case was any FBI record referred to or in any way identified. None of the information added by the FBI has yet been provided. This means that there remains total FBI non-compliance because all of those FBI records remain withheld, even those disclosed by the CIA. Information is always added by the FBI and that information is of significance to me and to others. On this added basis, what may be provided in terms of a CIA copy does not comply with my request of the FBI.

In his belated providing of excised copies of the abstracts ^{Mr.} Flanders proves that there is and always was reasonably segregable information and that it did not have to be referred to the CIA. Moreover, the CIA was identified by the FBI, as in the referral slips, so the identification of the CIA, the identification of the MURKIN caption, the dates, the file and serial numbers, at the least were always non-exempt information.

Neither the Act nor FBI practice require that copies be provided by any other agency. With a self-serving letter to my counsel, of which he provided a copy to the judge, Department counsel provided an unexcised copy of an FBI record of which an excised copy only was provided under discovery - and then was withheld for months, until there was no time to use it in the depositions. What was excised disclosed the FBI's proper procedure, of consulting with another agency and then response to me by the FBI. An obvious purpose served by this improper withholding is the attempted covering up of the FBI's disproof of its present claim that only the other agency, in this case the ~~the~~ CIA, can comply.

With regard to the abstracts as now provided, what remains withheld and what is in the underlying records, there remains improper withholding.

Whether or not the present (b)(1), (3) and (6) claims made to withhold what is obliterated on Abstract 860, and I believe these claims are contrived and not justified, what is disclosed was always reasonably segregable. It is, "SUEI HAD AMAZING RESEMBLANCE TO 'PHOTOGRAPHS' OF ALLEGED ASSASSIN OF DR. MARTIN LUTHER KING, JR." Obviously this and similar information always was reasonably segregable in the underlying record, which, along with the others, the FBI still withholds.

This also is true of Abstract 1371. What is now disclosed ^{is,} "Checks for persons appearing to resemble the composite photos were negative," followed by obliteration. ((b)(1) and (b)(3) claimed.)

This also is true of Abstract 2505, which as now disclosed reads, "Reference is made to our memorandum of 4/18/68 which advised that our representative in (obliterated) had passed (obliterated) of an unidentified American who visited the (obliterated) in (obliterated) MHI Inc. are (obliterated)." (Claims are (b)(1) and (3).)

While Serial 3119 was denied in toto by the CIA, which identified this record arbitrarily as # 279, the Department much earlier disclosed the OPR's notes on it, "A panamerican black negotiated for job in Alabama in 1964 with case (b)(7c) and thinks (b)(7c) may be implicated." This information was and is reasonably segregable, yet in this case it remains withheld - even though such similar information is disclosed in other records.

There is no withholding at all in the abstract for Serial 3286. It also discloses what the CIA pretends it must withhold under (b)(1), (3) and similar exemptions, a CIA ^{CSCI} file number, 516/01685-68. The text is, "The following paragraphs summarize information relayed telephonically to the bureau and are forwarded to you for ~~the~~ confirmation and for your files."

In the present total withholding of the abstract for 3515 and the underlying record (b)(1), (3) and (6) are claimed. The Department disclosed the OPR's summary long ago, "Italian Intelligence Services - advised of JER w/ description; - requested to maintain watch."

Because the CIA's alleged explanations and justifications are generalized and conclusory to the point of meaninglessness, in addition to the general deceptiveness that characterizes all of them, I here explain what you will not find in the appropriate excerpts from its Document Disposition Index, which follow below.

The existence of CIA operations in Italy are not secret and have been confirmed officially. There therefore is no basis for withholding that or the identifications of the various Italian intelligence and police agencies which cooperate with the CIA and the FBI. But in this litigation, as you may recall from my prior appeals, the FBI has identified these various agencies in what it disclosed. The FBI also disclosed the same kind of information as is summarized in the GER's notes. Because of both FBI and Department disclosure the present withholdings are improper and are of what both made public.

Serial 3785's abstract is now disclosed without any withholding. This means it always could have been disclosed but was withheld. This also means that at the very least the abstracted information is not subject to withholding in the underlying record, if anything it is subject to proper withholdings. This also means that the FBI stonewalled until I filed my Motion for Partial Summary Judgment. What is now disclosed is non-exempt: "OSGI-316/01774-68. Reference is made to the report concerning the above subject made by telephone to Mr. S.J. Papish at 0930 on 17 April, 1968. A full account of the investigation made in this case is set forth." Subject is MURKIN, Papish was Liaison SA.

The CIA's #224 version of ~~Serial~~ Serial 860 reads, despite the excisions, remarkably like what the FBI itself has disclosed in other records and pertaining to which you have not acted on my appeals. The baggage of the so-called explanation is so voluminous it fails to claim that none of the reasons alleged for the withholding is not within the public domain and I believe all are, including through the FBI.

In general the above comments also apply to Serials 1371 (326), 3785 (251), 1371 (326) and 2505 (327). All the others, despite the quoted language of Mr. Flanders' letter, are entirely withheld. Of the withheld records and abstracts, as shown above, the claims made for 3119 (279) and 3515 (250) are spurious and the explanations are contrived.

These records pertain to other suspects and are otherwise of sufficient interest

for the CIA to have indicated 201 or personality profile files, in this case not obliterated, the normal practice, for the here obvious reasons, to hide that interest, not to keep proper secrets.

Included in the withholdings is the names of CIA employees. Yet the FBI also has disclosed them because in fact they also are not secret.

These kinds of withholdings and Catch-22 operations by reciprocating agencies and the explanations offered are intended to intimidate the judges, especially those regarded as more timid; to negate the Act; to make use of the Act costly if not prohibitive and close to impossible for requesters; to waste requesters; and are part of the campaign against the Act.

Moreover, in this case, C.A. 75-1996, and pertaining to CIA information referred by the FBI, the CIA authorized the FBI to disclose what the CIA itself withheld in C.A. 77-1997.