

To Quin Shea from Harold Weisberg JFK and King assassination appeals 3/3/79

This is pertinent to both cases although it is prompted by what I have just discovered in New Orleans "Oswald" records: an entire file withheld from me.

In this connection I remind you that if my recollection is correct in your testimony in C.A.75-1996 you did not testify to any searches for information I alleged existed and was withheld other than to an alleged inability to locate "missing attachments."

I also remind you that when you have followed leads I have provided you have found records the FBI claimed did not exist. In the case of the Long tickler, King, you were first told that it did not exist and as I recall that it had been destroyed.

There are many such leads that, before the judge involved you in the King case, I provided to both the FBI and Civil Division, both of which totally ignored these leads.

I illustrate with a matter I have filed in Court in an affidavit, to which no response has been made and I recall clearly having taken up with all Departmental and FBI people involved, the nature of the ^{SEARCHING} instructions provided to the field offices by FBI Office of Legal Counsel.

These instructions, by Charles Matthews, did not tell New Orleans, the case I used, or the other field offices, to provide all relevant information. Instead the instructions specified which files were to be searched.

As a result I keep finding records the FBI intended not to provide, either the records themselves obtained from another source, or as just happened, a reference to an entire file not provided, again a New Orleans case.

Actually, much more than this single "Oswald" file.

The FBI has maintained a predetermined and false pretense to disinterest in and detachment from Jom Garrison and his adventures. Then it provided me with records indicating that it merely filed information that was provided but that it had no Garrison file. Now I find that all of this is false, that in addition it did have a Garrison file and that it covered him fully, ranging from insider informer to public appearances.

When I first obtained proof that all field offices had been directed to provide inventories of all records relating to Dr. King and that assassination I gave the FBI, through SA John Hartingh, a copy of that 19-page Chicago teletype from the FBIHQ MURKIN file, very much an issue in C.A.75-1996. SA Hartingh told me this was only a one-shot, that only Chicago had filed such information and there was no significance. Only when I obtained Dallas Field Office JFK records not provided in the ~~██████████~~ FBIHQ general releases did I obtain proof that this was false and could not have been false by accident. I have appealed, asking for all directives ^{and} all inventories in both cases. Your office found one of the earlier ones and did not provide what I believe is required, all copies of all such directives and the responses to them of all field offices in both cases.

If one belonged in MURKIN all did.

While I have come to believe that there is no concern anywhere in the Department about false representations to the courts I would prefer to believe that you personally do not want such things to happen and that the function of your office is contrary to this practise. Therefore I regret that my not being provided with this kind of information, records I believe are within my requests, ~~because it prevented me~~ ^{we} provide you and the Court in C.A.75-1996 with more information bearing on the deliberateness of non-compliance in that case, prior to your testimony.

In the past I have been abused in court by Department counsel's sneering references to my allegedly baseless suspicions about deliberate withholdings and such matters, notwithstanding a long record of proofs. This appears to represent Department policy with regard to an Act intended to establish the peoples' right to know what their Government is doing. When I have said what my experience validates, that if I specify what I have learned any subsequent compliance is limited to what I specify.

I regret that it has come to the point where I now will have to do some of this with your office if only because it has not acted on all such leads that I have provided and until I learn the meaning, if any, of the assigning of new appeals numbers to appeals that are three years old and have not been acted on.

To now my personal experience with you has persuaded me that despite our many differences you intend to obey the Act in good faith in the performance of your duties. However, I have found no evidence that you can require compliance when non-compliance is established and I have wasted too much of my life responding to deliberately false and misleading FBI affidavits. If I give you specific leads of the nature I refer to above I have no reason to expect from the FBI anything more than at most disclosure of what I prove it has withheld. ~~and~~ This would be to ignore Santayana's wisdom, ~~that not~~ ^{that not} learning from the past means reliving it.

On the other hand, in general I am more than willing to help you establish the existence and location of withheld records, as you know I have offered to do on a number of occasions. For months I have been awaiting the establishing of a time for a meeting on this in one case now in court.

Under the Act I am not required to do any of the things I've done in an effort to obtain compliance. They are necessary, as a practical matter, only because of official false representation and deliberate non-compliance. What I refer to above comes from odds and ends of records I was not able to examine until early this morning. Not only did the FBI know of these files, not only do its file guides and indices establish their existence and require that they have been produced on compliance- but in this case their existence and location became known to the FBI FOIA Unit. It therefore is responsible, atop all other official responsibilities, for withholding records within the request: ^{Good faith and due diligence, a ~~caption~~ ^{filing caption} I have added recently, are required.}

With regard to the productivity of your office, and I am aware that it is seriously overloaded as I also have become impressed with the good intentions of some of you staff, it produces remarkably little for me and this extends to relatively simple matters, as for example the remaining search and compliance appealed in the Byers matter. ^{his} now, clearly, will be delayed until after the added official propaganda accomplishments of the coming House assassins committee reports.

There has been no word, on the King case, of any searches of any of the FBIHQ offices whose records, outside of Central ^{Records}, should have been searched, yet there is the fact of the Long tickler to establish the need. My efforts with this began with the FBI in 1976, without any report in writing and none I can remember verbally of the searching that was required. I recall what now is established as the clear falsehood by at least SA Hartingh, that there are no such separate files, that all FBI HQ files are in Central files. (FBI legal counsel and a number of others were present, and on more than one occasion.) Thereafter I raised this with you - quite long ago.

When I completed the memorandum on the Civil Division ^{consultancy}, at my cost I provided you with a copy, anticipating that ~~when~~ ^{when} in the past I have proven non-compliance in affidavits, that the Division did not provide you with copies of these proofs. About a year has passed. I recall neither a report from your office disputing or denying the quite specific citations of non-compliance ^{IN THIS MEMO MEMO NOR} the providing of withheld records to accomplish the compliance clearly required by these specifics of withholding, ^{Even then} (limited to the diversion and digression for other non-compliances, MURKIN).

As I go over records, which I do when I am not required to contest false representations to each and every court before which I am, by some official, I keep finding such illustrations. It is not only that if an outsider can do this it is obvious that those with detailed knowledge and training on the inside can do this and more. It has come to the point where I have to wonder about the seriousness of the Department in having an appeals office if either it is without power to compel compliance when ^{non-} compliance is proven or the Department keeps it so understaffed and overworked that the function becomes close to meaningless in large and complicated cases ^{that one} made complicated only by official determination to do so.

It is not encouraging, to take any other recent illustration, to find you testifying to the inapplicability of (b)(2) as used and then to get an entire file in which it is used so extensively that in a large Volume it is used on each and every one of the 100 records and in each of these 100 cases is used to withhold what is within the public domain. (I did not give you all that I have on this because of what I state above about prior experiences with the FBI. If I have to use it in court I will.)

I was quite indignant about the now permanent abuse of me and new and improper official effort to undermine the credibility of my work and my personal integrity and credibility in the FBIHQ general JFK releases. Long before then I sought to be able to use my my rights. In about 1976 or early 1977 I did file memos under PA. Now I find that these records, largely

fabrications and where not carefully angled to be deceptive, ^{one} misleading and defamatory, and available for further defamations ^{and one} beyond recall, (which no official desires in any event.) Yet I appealed the PA denials three years ago. I have renewed this on a number of occasions when I obtained new proofs, none of which ~~led~~ led to any substantial compliance, and what I now find is that when I provide new proof, some of quite improper official misconduct, your office treats this as a new appeal and puts the three-year-old request at the bottom of your great stack of backlog. (So there will be no misunderstanding, that matter was proof of still another improper FBI intrusion into my life through an informer. I ~~am~~ have also recently provided you with proof that the FBI had tried to injure me when I appeared in public, to destroy my reputation, credibility and work.)

~~_____~~ No end ^{is} apparent.

Where in specific cases compliance is simple and I have specified even where to search, even when the Department's word is given to the judge, there then is no compliance. I illustrate with a very simple case, ^{KING example, there is} a picture and a ~~sketch~~ sketch that as a concerned citizen I loaned to the FBI in ~~February~~ April 1968, immediately after the King assassination, ^{man} (I planned no book on it.) When the FBI persisted in non-compliance the Civil Division asked it to comply. It didn't. Then Civil Division counsel volunteered that ~~_____~~ there would be prompt compliance. This was in camera in 1977. The records provided to me ~~_____~~ state exactly where the withheld picture and sketch were sent. I had specified a search there and I then repeated this need. I informed your office. Yet as of today it has not happened, even when those processing the records were forced to read what the FBI knew all along, ~~_____~~ where the material was.

Does this reflect less than hopelessness outside of judicial compulsion? Does it not reflect a totality of determination not to comply even in relatively small and simple matters? Does it not reflect an enormous cost and waste as well as determined non-compliance? And what does it reflect of the efficacy, even the meaning of appeal and the Department's intent with appeal machinery?

I have no case in court that had to go to any court. In ~~very~~ every case I was given no choice. What a cost-what a waste- and what a contrast to all official testimony relating to the Act, including the recent representations to the Congress by the new FBI Director.

You may regard this as self-serving but it isn't and isn't so intended.

The time is never going to come when I can or will accept official misrepresentations, (particularly to a court) with equanimity and I believe sincerely that FOIA bespeaks the basic greatness of this country's contribution to man's freedom and self-government, a belief that is costly to me ~~now~~.

~~_____~~ ^{DO NOT MISREAD ME / ANY} vigorous expression. I still desire to enable you to perform a proper appeals function and I do seek to inform you ~~and~~ ^{me!} explanations that may be redundant to you ~~there~~.

to your staff, ~~_____~~.

Another matter representing another disagreement between us and another ~~matter~~ form of withholding that I have appealed, what I regard as quite serious, was debunked & denuded - in dramatic form at the very early hour I start and when I am always, fortunately, feeling good and in a good state of mind. It influences the strength of the feeling I do not hide from you.

I have claimed that withholding records asked for and substituting the allegation "previously processed" is a form of withholding, that the ~~withholding~~ ^{withholding} of seemingly duplicate records is ~~not~~ ^{with in} not an exemption to the Act, that often the supposed duplicates hold information not on earlier copies. ~~that~~ I've proven this often enough, as you have learned in some limited spot checking. ~~that~~ The real reason is to avoid my providing ^{of non-compliance} proofs ~~as well as~~ ^{specific} the withholding, ~~and that~~ ^{previously processed records} if this were right and proper at the least it requires citation of where "previously processed". In the past I have provided you with illustrations of the record being withheld in the first instance and then ~~withheld~~ ^{withheld from a second file} under the pretense of having been ^{previously} provided, ~~earlier~~. You have held that to provide these cross references to justify a withholding constitutes research for me.

(Perhaps it was not this way, exactly. Perhaps it is that you upheld the FBI's view that this constitutes research.) In any event, the practise and the withholdings continue. ^{FBI 5/14 - m.p.}

Now I have come across an ~~example~~ ^{of "previously processed" what is} I believe makes ~~it~~ ^{arbitrary and capricious withholding}. I have worksheets on which the FBI noted the exact identification of the ^{allegedly} "previously processed" records. This means that whether or not there is additional and still withheld information on the records not provided on claim of "previously processed" ~~at the least~~ there is a citation to where one can look. ~~for the records not provided under the "previously processed" claim to justify the withholding.~~

When I can make copies I will provide you with two consecutive pages, which I consider an adequate example.

Until then I have further news for you: one of the "previously processed" claims on these two worksheet pages is to a file totally withheld from me.

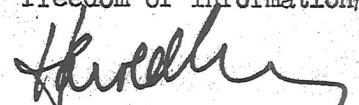
And this is precisely the situation I posited long ago in arguing the inappropriate-ness and greater cost all around of the "previously processed" substitution for the record.

I have not yet checked the individual Serials cited. But I will.

It seems to me that there is more than enough initial checking to inform you that the entire file cited is withheld whereas the worksheets state "previously processed" and the FBI told me this means provided.

My intent is this should be clear from my informing you rather than keeping this to pull as a surprise in court.

Please believe me there is neither joy nor satisfaction in this or in the need to have to go through all of this after an appeal and in a "freedom of information" matter.



It is hours later. I had not expected to write you further about this. You can decide for yourself from what follows whether what I add is significant in terms of ~~app~~ compliance or effectiveness of appeal.

So far today I have found references to three files - not/records, files - that have not been provided. individual

As I was reading these records one seemed familiar. So I checked against the file I'd read earlier and found that there is a duplicate and that the second copy I read has quite significant information added by hand.

It raises questions about the honesty of FBI testimony to the Warren Commission, I think very serious questions in an important area.

Obviously if the "previously processed" claim had been made for the second copy I read I would not have that information.

I have also found under "previously processed" citation to the file - but with all that recorded, not the serial number, which is the only way of locating the record.