To Quin Shea from Harold Weisberg, King assassination records appeals; Privacy Act records appeals 6/12/79 -A

In the course of going over records and establishing them in files suitable for transfer to the university archive a folder of King assassination records reflecting that they are in response to appeals and were provided 10/26/77 surfaced. My notes indicate there may have been a covering letter that is not with these records. My notes also indicate that I received with these records an incomplete group of xeroxes of pictures and that there were no attached explanations. This probably includes the meaning that no worksheets were provided and thus no claims to any exemptions. None is indicated opposite any of the obliterations.

Rereading these records provides no reasonable explanation for their initial withholding or the long delay in providing them. The few that involve other agencies are of a nature that was never referred to other agencies, within my experience, prior to the amending of the Act in 1974, which had quite the opposite intent, of facilitating and speeding the providing of information.

There are withholdings by obliteration that in the past I would have appealed, not because the withheld information holds any special interest for me but because this has been determined to be an historical case and because obligations have been imposed upon my by my special knowledge, obligations I interpret as meaning I should do all I can to assure the honesty and completeness of the available historical record.

However, it is now apparent that the appealing of such improper withholdings is a futility and a waste of time. The FBI has been virtually non- responsive and with so few exceptions they can be ignored; obdurate and persisting in the identical offenses. When appeal has been no more than a waste of time because there has been no real action and the original unjustified and unjustifiable withholdings have been perpetuated so long after appeal I do not burden either of us with specifications and appeals of these withholdings by obliteration. There are not many in any event in this batch and if the FBI gets its kicks this way, let it.

I do raise questions about and appeal denials with regard to the following records included among those described above.

The FBI has provided a copy of the AAG, Criminal, letter to the AG of 6/17/68. No copy has been provided by the Department from either of the indicated files. This copy is 44-38861-4700. It reflects that F. Lee Bailey, the one lawyer to whom James Earl Ray made a direct request for representation, phoned Fred Vinson Jr to report this and say "that he intended to tell Ray that 'Because of his (Bailey's) close relationship with Dr. King, he would consider handling the matter only if Ray's defense was that he did not commit the crime'"

Thereafter Ray did deny guilt in open court in England and Bailey did refuse to "handle the matter" He attributed this to the press to ~~with the explanation of~~ his former relationship with Dr. King.

However, what lacks any explanation in any public record I recall or any records I recall from this instant lawsuit, is why Bailey declined to take Ray's defense when Ray had publicly met Bailey's precondition, "that he did not commit the crime."

This Bailey decision represents an early turning point in the case. It has considerable historical significance. Also, I do not believe that Bailey would have made the kind of deal with Huie that Arthur Hanes did or that like Hanes and later Percy Foreman, would not have had a thorough and professional investigation made.

Because this was the kind of sensational case for which Bailey had shown a liking, the kind of case by which a lawyer gets much free advertising, Bailey's failure to take the case ~~because~~ despite Ray's meeting of his pre-condition does seem to be unusual. On the basis of the existing record there was no point in his call to Vinson. He could and would merely have declined. Period.

I have reasons for believing that there are other relevant records and that it is possible the withheld copies of this record may contain natations of interest and substantial value.

Also, this coincides in time with a prosecution of Bailey along with a notorious client, as I recall named Turner.

This is a MURKIN record, the Department's shibboleth. I therefore appeal the

failure to meet historical case standards and requirements and the failure to make a good-faith search of other relevant files of the Department and the FBI, including at HQ and in field offices, for all relevant records, including but not limited to files on Bailey himself.

I am not asking for files on Bailey per se. I am asking for all records relevant to this matter.

Another Vinson to AG memo of 7/11/68, FBI file identification illegible, was also provided at the same late date. It bears no classification but with the paranoia I have come to understand dominated all is marked "EYES ONLY", for all the world as though arranging for the Air Force to fly Ray and FBI agents to the United States is information with which nobody in the Department outside the AG could be trusted.

My interest is not limited to why this record was originally withheld. It includes the fact that other copies and any notes or attachments or relevant records remain withheld. If such a record cannot be searched out in the Criminal Division or Attorney General's of other divisionsal files, like those of CRD, there would be substantial questions of the good faith of the searches.

Serial 5839 relates to me and appears to be the point of origin of the FBI's malicious fabrications relating to me and Stoner. allegedly conspiring to besmirch it.

I see no reason for this to have been withheld or delayed. It should have been provided years earlier in response to my PA request. It should have been provided along with the FBI's really venomous fabrication. But it wasn't.

Incidently, it totally confirms what I stated in earlier appeals, that my purposes in going to ISD had to do with an indictment over Neutrality Act violations in connection with Haiti.

In what it reflects of what I said about Stoner subsequent events have proven the accuracy of what I said. (I did not tell ISD Stoner's source, Al Lingo, who was Alabama Highway Patrol chief, he showed Stoner those in copies of records provided by the FBI whose views were not that distant from Lingo's.)

This copy does not include the initials of the one who wrote the memo in Yeagley's name. As I recall the name of the lawyer with whom Criminal Division made the date it asked me to keep is Morris. I have provided the FBI with a memo I wrote afterward. Now

it is apparent that other relevant files should have been searched. MURKIN, for example, does not include Neutrality Act violations. ISD is now part of Criminal, which has been non-responsive and I've written it about this. Stoner is the subject of many files. He was then Ray's defense counsel, from his point of view pro bono because Ray was a pauper.

Stoner's party, meanwhile, as I published in 1971, had hung King in efigy. He and it did not love King. They are known to have made what the FBI considered to be threats against Dr. King.

There should be Criminal records reflecting my call to it relating to its indictments, (as I thought this ~~these~~ would have been handled by Criminal rather than ISD) and its request of me that I go to ISD that afternoon.

Partial disclosure of false, knowingly false records, was misuse of the Act and the case in court for further defamation of me. I want to clear this all up. Historically I also believe it is significant that such efforts were made against me behind the scenes on what I believe to be the occasion of the first information indicating the FBI's Cointelpro operations to the Department ~~and subsequently in C.A.75-1996~~. I remind you that the Department has made partial general disclosure of these records in C.A.75-1996 and that they are available for further misuses in the FBI's reading room.

There are illegible notations on this copy. I request a copy that enables all notations to be read. I also request all other withheld copies, wherever and however filed.

If the filing of a copy in 100-351938 3/ indicates that the FBI has me filed as an "internal security" matter, all records reflecting the basis for this determination are relevant. None has been provided.

Copies are indicated for other persons. There has been no search of the files of those other persons. I appeal these denials as well as the denials of any added notations or further memoranda.

I don't know why anyone would state that I asekd to be interviewed when I didn't but the inclusion of this makes it material in the sense in which misuse is made. The

actuality is that my wife and I were visiting friends on Woodland Place in Washington, Louis and Diana Hermann. They then cared for the late Mrs. Lily Vogel, a lady of some social prominence in Washington. There was a news item about the indictments for an alleged plan to invade Haiti, I mentioned to Louis that I had interviewed several men engaged in such a scheme, and he suggested that I informed the Department. So when I used his phone to call Criminal all I did was offer them my files, which included the taped interview in which these two, who are also figures in the FBI's Kennedy assassination investigations. My wife and I had other plans for the day. The Hermann's were our first stop. But Criminal called back and asked me to see Morris at 150 at 2 p.m.

The characterization that the alleged information was valueless also becames part of the evil intended by the fabrications. ISD, which expressed considerable interest, even excitement to my wife and me, has never seen the information, or heard the tape. I offered to give it to the local FBI representative but Morris said he preferred to come for it the first subssquent working day, a Monday.

The taped interview was of Gerald Partick Hemming and Lawrence Howard, at Hemming's home in El Monte, Ca., a Los Angeles suburb. You can check the records of indictments since then and determine for yourself whether or not Hemming was indicted by the Department, or whether what I had was "valueless," which is underscored in the FBI copy.

This matter is not new to you. I filed a number of earlier appeals. I discussed this and related matters with your staff in 1977. It is your failure to act in a timely manner that requires this added and wasted time this late in C.A. 75-1996 and this long after my PA request and appeal. This long also after my counsel asked the AG to safeguard my rights under PA (in 1976) by providing all records prior to their release so that a statement could be provided to accompany them on release.

The Not Recorded serial of 7/2/75 relating to the nuttiness of Dick Gregory and his version of the alleged Richard Case Nagell story has nothing to do with the King assassination, from the content of the memo. Yet it is filed in MURKIN. Gregory's irresponsibilities and wild charges relating to the King assassination have had a great influence on subsequent events and have become historically important. There have been

occasional and incomplete disclosures of the many existing records. I believe that compliance, particularly with historical case requirements, means a good-faith search of all relevant files, not those arbitrarily included in MURKIN only. Nor should this be limited to the FBI. Department people also saw him and accepted his irrelevancies from him. He was a major part of what the FBI and Department knew was a major dis-information relating to Byron Watson, a subsequent investigation by the Atlanta [redacted] police and the besmirching of the black Atlanta administration, including the police.

Such disinformations serve to obfuscate. The record of the Department and the FBI is that on all occasions when these disinformational activities could have been ended by truthful disclosures of non-secret information it was never done. This leads to the belief that obfuscation was not undesired by the Department as well as the FBI. However, they and all relevant records have assumed historical importance, including but not limited to their serving to distract [redacted] and to divert attention away from the actualities of the official investigation, its character and limitations.

So, I am appealing the failure to make full disclosure of all relevant records.

Serial 157-8460-37 is from FBIHQ Invaders file. The worksheets reflect referral to Justice. What appears to be strange and to reflect Invaders filing in other than Invaders files at FBIHQ is the fact that this March 19,1970 record is but Serial 37 when there are so many thousands of pages of Invaders records of earlier date. As this record reflects, the group was virtually non-existent by 1970. The FBI's records date to early

What this record really reflects is that there was a large domestic intelligence operation against those young blacks, allegedly for law enforcement purposes, yet there was no decision on whether there was law violation for three years, until the life of the group was past. Then the decision was that there was no law violation.

This record also reflects the existence of Departmental records that are within my request and have not been searched. In fact the Department has moved for partial summary judgement, including the Invaders, without any Departmental files yet being searched.

Attached to that motion for partial summary judgment is the affidavit of SA Burl F. Johnson, allegedly attesting to compliance. This record reflects, as I believe I may have already informed you, that

SA Johnson was Invaders case agent in Memphis. This is to say that because of his first-person knowledge his affidavit appears to have been less informative than an affidavit in a court of law should be, particularly when the nature of the search and of compliance are questions before that court and when it is claimed that there are no material facts in dispute. (If I did not inform you it is my aff. idavit attached to my Opposition.)

Serial 3763 in FBIHQ MURKIN files is also a "JUNE" record. This reminds me that there has not been any search of the JUNE files, meaning all of them, including with regard to the surveillance Items of the requests and relating to all Rays.

This record was originally withheld under claim to b5. As provided it refers to an attachment not attached. I believe that I have provided the Court and you with copies of what was disclosed because of its admission of intent to violate the Constitution. Even to jeopardize future prosecution and to risk indefensible suits for damages.

At this late date in this litigation I should not have to be appealing all over again such withholdings and such failures to search all relevant files, particularly not after the Department claims the sole remaining issue is the nature of withholdings from records that were provided. (In another formulation the Department has described this as merely the "primary" issue.)

There are separate JUNE files. I have records of and have appealed the removal of records for JUNE filing and their subsequent withholding.

Under the FBI's interpretation of law it could conduct such surveillances without the authority requested of the Attorney General and not make a request until surveillance was what the FBI regarded as productive. There is reason to believe that there were such surveillances in this case. There is no question at all about mail interception and copying because I have some such records. I recall three that were not by the FBI but the results of which were given to the FBI. These are within my request, which is not limited to the FBI because I knew of some of these prior to the formulation of the request.

If, as I believe, I have informed you, I should not have to be repeating it at this late date. There is no doubt about my informing the FBI, as I did, repeatedly but to no avail.

This copy of this record indicates some of those to whom copies were routed. Why the Inspector General should have been included is not apparent to me. Please note that Mr. Long of the tickler is included.

None of the files of any of these officials was searched in compliance and I did ask this, over and over again, beginning not later than early 1977 and I am confident earlier. I am certain I also did this in writing.

With the belated discovery of the Long tickler it is apparent that the FBI's denials of having any records outside Central Files is false. In this connection I have more recently provided you with proof that Divisions have their own files and file clerks. However, I have had no response from you about this. I did appeal failure to search those and other relevant files.

I believe it is inevitable that as my files can be reorganized and refiled more like this will emerge. I repeat that in a case of this kind, in an historical case and one so long before a court of law, particularly when the Department is trying to end that case now (without compliance), failure to act on these appeals is a serious matter because it means that failure to act on appeals can be attributed to the Department's desire not to comply with the Act and with my information requests. I therefore hope to have some word from you relating to all these ignored appeals prior to any further in-court developments.

King appeals, 6/12/79 - B

This is a continuation of the eight pages to which I added the letter "A" because it is based on the other materials referred to in the notes to which I refer in the earlier appeal, the xeroxes of pictures. The file folder in which these xeroxes are is identified as response by the FBI to my appeals relating to pictures, with the FBIHQ MURKIN Serial 3763, and indicated as being mailed on the same day, 10/26/77.

My notes indicate that there was no accompanying explanation of why these pictures and these only were sent, and only in xerox form when I had requested photographic prints of some, J.C. Hardin and Claude Chester Mc Laren for example.

I made a list of these because none was provided in the mailing. I have now taken the time I should not have had to take to compare this list with that provided in the attachment to the Mitchell affidavit with the Motion for Partial Summary Judgement. There is only one that coincides ~~and~~ but the descriptions in that case do not coincide. That is the last of those provided 10/26/77, here three pictures of Charles, two mug shots and one a photograph of him standing in ~~a doorway~~ front of a house holding what appears to be a book. The Mitchell attachment refers to a color photograph only. The one provided by FBIHQ in the 10/26/77 mailing has the accompanying FD340 withheld, as do many of that mailing. (In the sequence in which I received them all following the ancient photo of Bill Huie are withheld.)

The single xerox of a Mc Laren photo bears the Memphis identification, 44-[redacted] 1987 and is indicated as received from Nathan L. Ferris, Mexico Legat on 4/15/68. The FD-340 has under description "18 photos of CLAUDE CHESTER MC LAREN, JR., Taken ?"

Thus 17 are withheld, despite the relevance of this to the matter of the sketch I gave the FBI and the Department's promises to the judge relating to it and the picture I provided with it.

While I do not recall the FBI making the specific representation that Mc Laren is the subject of the sketch it is my recollection that it indicated this.

From the xerox this is not supported. Perhaps it might be by a photographic picture rather than a xerox of a photograph. While I appeal the withholding of the photographs and relevant records not provided I do not desire to put the FBI to the extra cost of making prints of all

18. I do desire clear photographs full face, profile and as close as possible to the angle of the sketch. The latter may be the photograph a xerox of which was provided because it does approximate that angle. For the others xeroxes will suffice.

In this connection there was a xerox only of a photograph allegedly of Ray and allegedly provided by a woman he knew in Mexico. I desire a photographic copy of it because, despite superficial resemblance to Ray there are, as I recall, distinguishing characteristics that appear not to be identical. It is my recollection that the angle at which that photograph was taken is similar to the one of the xerox copy of the Mc Laren photo.

With regard to the McLaren photos, if there are pictures of him at different ages I would want any of this approximate angle to be photographic rather than xerox.

Along with this I remind you that you have not acted on my earlier appeal(s) of the withholding of relevant Mc Laren records, including but not limited to those of the Mexico Legat.

My notes indicate no correlation of these xeroxes with any of the appeals I had filed. Although almost none appear to have originated in HQ, if any did, this also could not have been provided in response to my appeals from filed office withholdings because as the date reflects, those records had not yet all been provided.

Where I had made specific requests for specific pictures they were not provided, example, J.C. Hardin. Historically these are not complete, example, no picture of Marie Martin, who figures in the Los Angeles and New Orleans parts of the official story.

At the time, it is clear, after making these brief notes I was unable to do more because of the great volume of field office files dumped on me at one time in violation of the Stipulation. To prevent this from happening is one of the reasons, as I had earlier in court, I asked for the provision requiring delivery of the records as processed and not in one great volume.

There should be individual files on some of these people. I've already indicated my interests to the FBI, again Hardin is an example. I appeal the continued refusal to search and comply from these relevant files. And in this regard also I remind you of the historical case determination.

Harold Weisberg

(Ed. 4-26-63)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Director
Federal Bureau of Investigation

DATE: October 15, 1969

FROM : J. Walter Yeagley
Assistant Attorney General
Internal Security Division

SUBJECT: Harold Weisberg

On June 13, 1969 Harold Weisberg, a free-lance writer who resides at Route 8, Frederick, Maryland, requested an interview with a Departmental attorney.

Later the same day he visited this Division and discussed certain Haitian exile revolutionary activities. He again visited this Division on October 8, 1969 and continued his discussion of Haitian exile activities. The information he furnished regarding those activities was of no value.

During the course of the interview on October 8, 1969, Mr. Weisberg advised that he had recently received a telephone call from J. B. Stoner, National Chairman of the National States Rights Party. He said that Stoner told him that two men in his Party formerly served as informants of the FBI. Stoner allegedly said that these two men are prepared to testify in court that the FBI offered them $25,000 to frame James Earl Ray for the assassination of Martin Luther King, Jr. Mr. Weisberg said that the testimony presumably would be furnished in a habeas corpus proceeding.

This information is being forwarded as a matter of possible interest to your Bureau.

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