

8/1/78

To Quin Shea from Harold Weisberg re King appeals
Patterson, Geppert and other informers
St. Louis Field Office withholdings
Deliberate FBI Violation of Stipulations
Happy Cointelproing with FOIA
Requester and
House Committee

10/30/78

These are the subjects of this memorandum. In part they come from the enclosed copy of an FBI St. Louis record. This is clearly within my requests and within the FBI's own stipulations and as of this moment the FBI continues to withhold it and other related records. As I have already informed you the FBI was violating its own stipulations before they provided a single record under them. In this instance Department counsel only recently gave personal assurances to the Court that the FBI had complied with the stipulations. She accompanied this with some slurs on my counsel, perhaps me also. I'm not checking the transcript.

As I have also told you, there is an inevitable relationship between my PA request and the records still withheld in this case. (As also PA records are withheld and I filed separate requests with each field office.)

As Ray's defense investigator I conducted the habeas corpus investigation. This required me to go to Leavenworth to interview several prisoners there. The Department was aware of this and made the necessary arrangements. When I was asked to appear on a St. Louis TV show with Jerry Ray, whom I knew well, J.B. Stoner, whom I'd never met, former Department employee Lane and Gerald Frank I accepted the invitation because it paid most of my costs in getting to Leavenworth. Whether or not Stoner was then still of Ray's counsel, he had been and there were matters I wanted to discuss with him because of it. The station put us all up in the same hotel. I had private meetings with Stoner and Frank, neither of whom was alone. I also walked from the station back to the hotel with Stoner and his companions. I believe we also walked to the station together. It now turns out that some of Stoner's companions were FBI informers. To put this another way, the FBI was spying on the Ray defense and has withheld all such records of this improper activity. Even when the stipulations called for their production. My source on this is one of the FBI's finks. My concern over these withholdings is magnified when I recall the various FBI fabrications relating to me, particularly with regard to Stoner.

In providing you with proofs of the identification of two of the FBI's informers, those here identified, I asked that you please see to it that belated FBI compliance is not stalled further so it can engage in still further Cointelproing. Of me and of the Court in particular. (I do not believe that Government counsel made up the false statement about complete FBI compliance with the stipulations but I guess it could be said that not for the first time the FBI Cointelproed its own counsel, tolerant

and endlessly trusting counsel.) In order to prevent any new and improper such FBI exploits I ask that you seek immediate and total compliance with regard to these informers, the St. Louis and other relevant field offices and that there be an accompanying first-person affidavit in all cases. I have just sent you proof that the FBI remained in touch with Oliver Patterson, one of the informers, (the one to whom the enclosed FBI record relates.

The House committee Cointelpros easily but I have no desire for such adventures to continue. Its hearings are about to resume. The relevant public hearings are not scheduled to last past the end of November. I therefore believe that I should have these records promptly in order to have them in case of need.

I would appreciate having some assurance of a close date of compliance on this matter or I shall ask Mr. Lesar to file a Motion to Compel, if he considers it proper. By this I mean in time for there to be a full airing at the coming state call, which is only three weeks away.

The attached records also bear on consistent FBI misrepresentations about its practice with its informers. This is perhaps the third or fourth illustration I have provided. Its claim to withholding identification stops at the edge of its ocean of Cointelpro possibilities. The FBI therefore Cointelproed the committee by not withholding Patterson's name from it when it provided records to the committee. This record was provided to my source by the committee.

Of course, this also is a misrepresentation to the Court and one into which Department counsel, all or most, have been enticed by the FBI.

Please note that one file only is indicated on this FBI record. There appears to be the certainty from this that in the St. Louis FO there is an index indication where other copies are filed. Otherwise it would be impossible to retrieve the information for which the FBI used its informants. Of course, this may be on a separate sheet or sheets, also withheld. There has to be more, like the records of forwardings.

Please note also that the stipulations, which were automatically nullified by non-compliance, did not limit information about the Hays to MURKIN records.

You will observe that the SA involved is one of those whose names I provided quite some time ago. I understand he was reassigned to Tampa.

The attached informant's report is not complete. It was made incomplete by this SA in the following manner: Patterson dictated the report to his then wife Leslie. The SA came, read the report and told the Pattersons what to omit. (I am aware that FOIA covers only existing records.) Under the SA's direction then Mrs. Patterson retyped the report, omitting the kind of information the FBI did not want to have. Like Jerry Ray's insistence that his brother did not fire the fatal shot and inconsistencies.

I do not want you to be under any misapprehension about Patterson. I was certain before he came here that he was an informer. I did not dream that he had been an FBI informer and that the FBI had remained in contact with him as late as the end of his informing for the House assassins. With the FBI's record of which this memo is merely the most recent illustration I am not willing to presume it will be truthful. However, I believe all parties are entitled to some ~~some~~ dependable assurances that whether by Patterson or by other means there were no reports of any form relating to me that reached the FBI. If there were I believe they should be provided promptly.

You are aware that I have a relationship with Patterson. I provided a tape from him reflecting this. My conversation today was interrupted by his having callers. I did not get to ask him if he has knowledge of any current reporting. It could have been by other means, as from the committee or separate surveillances which there is reason to believe there were.

You and Jim Lear will have copies in the same mail. If you desire to inform Mr. Ginsberg in the event the mailing to Mr. Lear is delayed, I have no objection.

Unless you desire commendations added to the personnel folders of those in the FBI who are responsible for this, there is no point in informing the FBI.