Sdrw

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Dear John,

I have spent the long holiday weekend going over the most recent sections, through Section 69. What your people have done is outrageous. I am not accepting it. Nor am I going to keep going over replaced sections. By a carbon of this I am asking Jim to insist on acceptable assurances that all these dirty tricks are going to stop immediately or that he present the entire question to the judge. If he has to do this I am also asking him to raise the punitive provisions of the Act and to raise the question of the damages I believe I should be entitled to as a consequence of what I regard as deliberate violation of the Act, intent to violate it and the actual hurt to me.

You are leaving me no choice. And if you can't even see to it that I receive copies of your originals that can be read, if you can't supervise simple, competent xeroxing, something I've had done more than adequately by a 14-year-old boy who never touched a machine before, don't you think it is time to turn your badge in?

So you will not have any basis for assuming I'm exaggerating I enclose the copy you gave me of the worksheets for Section 68. It is not atypical. Some later ones were worse. It is merely that when I came to trying to use it I grew angry enough to separate it so you can see for yourself. Now you generate this as an original record. There is no reason why without special effort this should not be legible when I receive it. I doubt there is a reason why you cannot give me a xerox of the original. Yet I can't make some of this out with a magnifying glass and this record is indispensible to what it is now a euphemism to describe as my rights and asking for honest compliance. (I will address this in detail later if not below because I want to try to get this to you in time for you to see to it that this kind of abuse by xerox ends immediately.)

After you have examined this I would appreciate it if you return it to Jim with the next serials. I also ask for the replacing of the worksheets of the last two batches. My reason for wanting it back is so that Jim can, if necessary, give the same one I've shown you to the judge.

While for the most part the recent Serials have not been xeroxed so that some would be eliminated, it has happened, as the sample I've already mailed you shows. Now your people have merely set the machine on over-exposure so the copies are unclear, hard to read and sometimes impossible to read. I have made enough copies and examined enough copies in recent years to be absolutely certain that good clear originals have been overexposed to make them hard to read. When one of these abuses follows immediately on the other it is difficult to avoid the suspicion this is deliberate. If it is not then it is incompetent and contemptuous. And don't tell me the FBI does not know how to operate xerox machines children can operate.

While under the Act why I want any record is the business of no official of any rank I want you to understand fully. All of these and all my other records are to be deposited as a permanent, unofficial archive in a university system. I have already begun this. I am expecting the professor who is in charge this week. He is coming to take some of the older records back with him. I want these records to be as legible as possible for all those who will consult them in the future. For the same reason I want them to be as full as possible. Absent some compelling need they should be, in my view. I also believe that my giving all of my work away, including all the records I obtain under FOIA, is completely in accord with the desires of the Congress when it passed and amended the Act. In turn this requires competent xeroxing and due diligence and good faith in compliance.

There has been neither. I believe that I am far past the point where there is any reasonable question about intent. I believe there is an overwhelming and I believe quite disgraceful record of a intent to withhold improperly as there is of discrimination. I will be adding more to the record I've already given you on this. Not as much as I can because making notes of all is an impossibility. When they were ridiculous or when I was more than usually angered I did make note.

I have tried to be tolerant in the hope that this would improve, what I took to be your promise. The opposite is your and the Bureau's practise. One of the example I will be giving you is the obliteration of the name of the Memphis prosecuter when the Field Office reported what happened in open court. Another is the withholding of the name of a hotel when that also is known. Another in which it is impossible to be fully specific if I am to do anything else at all is the almost total absence of attachments that are specified as being attached.

In truth I have gone to what for me is enormous trouble and expense to avoid the need for going back to the judge. When it was apparent with the first section that there was extensive non-compliance by unjustified withholdings I started xeroxing a separate set so that I could go over them and fill in the blanks for people who will use these records in the future. This is a practical impossibility. But you are perfectly welcome to see for yourself that I did begin this project and do have these extra xeroxes to themselves. I have no other need for them. I do have a scholarly need for the records I obtain from you to be preserved exactly as I obtain them from you. Not for me, for others.

You are well aware of the other offers I have made to assist you in this. They predate your assignment to this case. They include getting young friends to make a card file of all the indexes of all the published books and the index already made of the evidentiary hearing of October 1974. You said that your people were now using the indexes in the books themselves, including mine, and you have no need for this. No need? You have just given me records in which you withhold what I published years ago, the cases of the late Willie Somersett and Kathy Ainsworth. In addition Somersett was the subject of recent articles in Miami Magazine and several Jack Anderson columns; Kathy Ainsworth was the subject of long, definitive and syndicated news stories. This was also the subject of considerable scandal that was embarrassing to the FBI. It obtained from private sources the funds used that lead to these news stories. I am not criticising the Bureau in this. Rather am I quite sympathetic to the problem it faced in attempting to prevent certain intent to murder. In this one of the murderers lost her life. I am criticising the withholding. There is no basis for it. All the names are public. More than these reports contain also is public. They contain nothing not public. So why go to all the trouble and expense to withhold? And how meaningful is the review that does not eliminate this unjustifiable withholding?

This, in turn, raises other questions, not merely of intent. There is a real question of competence. There is also a question of attitude of the analysts. It is more than apparent that they begin with the intent to withhold, not to make available what can be made available. Where to a small degree recently an effort has been made to correct this by writing in what was withheld it has been entirely inadequate and is illegible. But when in the last Section I went over, late last night, they withheld the name of the prosecutor as stated above and the names of elected public officials mentioned only in terms of their holding the offices to which they were elected I think that after all this time there is at the very least something seriously and substantially wrong and that there is the official intent that this happen and that it be perpetuated. I do not accept this.

In turn this leads to what the judge has already said in this case and what the new Attorney General has issued as a policy statement on FOIA. He has said that all that can safely be released is to be released. This also is the clear intent of the Act. After that statement is published in the Washington papers you confront me with all these unjustifiable withheddings? It is stonewalling and it is wrong. The judge spoke to the fact that Ray has been convicted and has long been in jail and to the fact that it was not necessary to with-

hold some of what Jim presented in withheld form. Your people just don't give a damn about the Act or the judge or the Attorney General himself. And I think they are being vindictive.

There are other ways in which I have offered to help. I have said that if I were asked about a name - and the mere mention of a name would disclose nothing - I would state what I know about that name. This was to offer to undertake a responsibility not imposed upon me by the Act. It was also an effort to help you meet your obligations under the Act. Instead you have opted to try to get away with deliberate violation of the Act, with what I think are clearly unjustifiable withholdings at least in most cases.

There are also different standards for historical cases. This has been held to be one.

I think there is a real case for discrimination and vindictiveness. I have requests going back to 1988 not yet complied with. I can think of no case of voluntary compliance except once when Mr. Kleindienst merely threw up his hands and send me originals. It has been more than eight months since I ticked off a list of about two dozen then overdue FOIA and PA requests that had not been complied with. To this moment I have not received a single letter saying that even the search had been begun, leave alone a single record. Yet as I then showed in court, later and duplicating requests had been complied with and when those searches were made my requests had been ignored. I believe it is SA Howard who testified to having searched all the JFK records three times without proving me with a single one of the requested records. As late as yesterday Mark Lane boasted on radio about what he has received from the FBI. Because I have asked for all the records there is no possibility that in filling his request records I had asked for were not found. But I have come to believe that your people actually want his exaggerations and lies because they can be used to build sympathy for the Bureau.

The closest thing to an exception is the long overdue request I made for records I loaned the FBI more than 35 years ago. These related to a plot to overthrow the government. You say the FBI destroyed these records. You have not provided me with the record of that destruction. And I do find it difficult to believe that with all the paper it accumulates and all it goes out of its way to accumulate these are records not worth keeping.

When I testified to this long record of non-compliance the FBI was in court with many people, not only the AUSA. So was the Department's legal staff there. And the representative of the FBI's Office of Legal Counsel. Yet in all the months since then not a word, not a single piece of paper toward compliance. Turned around this is what the FBI puts others in jail over, violation of the law. You all may be cloaked with authority but in plain English you are lawless and deliberately lawless.

With this kind of record perhaps any effort to work these things out without needlessly overloading the courts is impossible. But I have tried and in this I am again trying. I don't think any of you want to understand my work or what distinguishes it from those like Mark Lane. I do not pursue whodunits. I do not espouse wild theories. I deal with fact and in the context of the functioning of the basic institutions of our society. In my view when these institutions fail society is jeopardized. If you came from parents who came to this country for the reasons my parents did you might perhaps understand this better. It is the first statement in my first book, in its dedication.

This is an added reason for not accepting that about which I have complained to you. I want the Department, the FBI and you and those under you to comply with the law. If you do not, as you have not, I will present the matter to the judge. If I will regret this extra intrusion into work for which I now lack time I consider I have no choice. I will take whatever time Jim deems necessary and I will present a factual record to the Court. If you and those under you are capable of shame I think I can assure it, as some of the examples should make clear to you if those above and those of the past are not enough.

While in some instances I am aware that those whose training includes an emphasis on secrecy, whether or not it is necessary, may have difficulty with the exact language of the investigatory-file exemption(you never quote it verbatim) I believe that especially in an historical case of this nature and in the light of the statements by the judge and the Attorney General there is neither need nor sanction for those withholdings I'll list. They do not involve secret informants or processes and in virtually no case what was not available from any other source. In a large number of instances the information was made available in earlier Sections and Serials. In no case is there a real privacy issue, and the word you always omit is "unwarranted." You have been trying to rewrite this exemption through me again. Not only will I oppose this on the district court level, as I will, but I urge you to read the appeals court's decision in my No. 75-2021. I believe it states what can be expected of that court. You might also want to ask John Kilty what some of the judges actually said in oral arguments.

In general I believe that in all this time I have not received a single record that was withheld and referred to either the Department or any other agency. After more than eight months I think there has been ample time, particularly because some make no claim to a backlog.

In Section 63, Serial 4675 - this appears to withhold the public and the released, the ease of obtaining papers in Canada. One example is long interviews with Benny Edmondson, released.

4794, the withholdings relating to Raymond Curtis continue. 4826 is not the only released Serial relating to his own efforts to end any question of privacy, one that in reality never existed. He sought the Johnson Publishing Co. and its Ebony magazine out. They brought this to the Bureau's attention. Curtis, by name and with abundant lies, became a major character in George McMillan's book on James Earl Ray, indexed and with you supposedly using that index. Withheld this can be ascribed to the misuse of these records in the OPR report.

In Section 64 your analysts are still withholding his name. In some cases it was then written in. This is but one of many illustrations of the intent, the competence or the analysts or both. And this months after it was disclosed in earlier Serials, not just in public of the extensive promotional efforts, including coast-to-coast TV with regard to McMillan's book. True also in other Serials, many.

It is true of other known and released names in these and following Sections as it was in earlier Sections.

In 4845 the names of the Bureau of Prisons officials masked earlier are not masked. The earlier ones have not been replaced. The names were not written in. But they were public, published, too. If there ever was any propriety in classifying this record secret I believe the requirements of the Executive Order were met in releasing it.

4746 is a 47-page New Orleans report. It deals with Charles Stein and the phone calls. All names in the index are withheld except that of Ray and Dr. King. I do question this and any need for it. (I'll be interested in seeing if after this enormous effort to trace a call from Texas the Bureau even checked the right State.)

In Section 65, Serial 4851 obliterates the number of the advertised temporary post office box the Ray brothers took for fund solicitations. Not only did they give it up nine years ago, that they published the number for raising funds is in the released Serials. Yet someone went to all the trouble to withhold and it was supported on appeal review.

Beginning with 4853 there are references to memos not provided here, references to Ray's correspondence about counsel when the correspondence also is not here-and it was provided to the FBI. The exemption claimed for these intercepticms is 7(D). I doubt it can be applied but in any event the fact and the method of this are all public, in the court records. Jim and I established the whole machine, complete with the order on how Ray's rights would be violated and who in the DA's office would do the xeroxing. We obtained samples of these counsel interceptions with all counsel and even with the judge. I believe that on this additional basis any such withholding can't be justified and is unnecessary.

4859 and later Serials withhold the name of the late Willie Somersett. My own publication of this matter goes back to 1967. It was more extensive in early 1971. Jack Nelson did extensive writing for the Los Angeles Times syndicate about Kathy Ainsworth, Tarrants, her partner in the crime in which she was killed, and we both published all the other names in these Serials. There is no question about privacy and there is no secret source. That he was an FBI informer I also published, as have others. It was most recently in several issues of Miami Magazine. I'm sure the F.O. sent those.

4874 withholds the names of Ray's guards. They are all in the court records. All the logs were also put into the record in 1974. But I doubt there was either need or motion to withhold. Also in 4902, Section 66, the same withholding. Also 4928.

The unrecorded after 4886 is not the first or the last total withholding of what was supplied by the RCMP, who later , that is in later Serials, agreed for all of this to be available for the expected trial. 7(C)(D) are invoked. I believe there is no need and probably no right to this total withholding of each and every such record.

In several serials at this point 7(C) and (D) are invoked to withhold what it does appear does not meet the requirements of the exemption. Examples 4890,4892, 4898. One of the withholdings is related to internal bickering.

In Section 66 all of Serial 4919 is withheld. No exemption is claimed. What had been written under "Remarks" was erased.

4960, although the worksheets indicate no withholding there is withholding.

4982 is one of the many cases of missing attachments. This one is the final Scotland Yard report on Ray's activities in Britain. One of the apparent reasons is that the systematic violation of Ray's rights, including to privacy of consultation of counsel, began here. Embarrassment is not an exemption. It is precluded in the legislative history. This also occurs later, in Memphis, again with withholding although it is all in the public court record and was reported in the press in 1974.

The cover page of the first record in Section 67, Serial 2 4983, refers to material not included in that report or referred to in it. This is the 21-page Atlanta F.O. report of 7/30/68. One of the items withheld, whether or not it was part of this report, is the letter the post office supplied. I want it for a special reason. I do not believe it is probable that the man who planned to assassinate Dr. King exactly seven days later would have sent a check for his locksmith mail-order course on March 28, 1968.

In this serial there is more of the Curtis business, as there is also in 4987. Where his name is written back in it is sometimes illegible, mostly due to the care exercised in making poor xerox copies. Aside from this the waste of time and money has accumulated into a considerable sum. First you pay people to do wrong and withhold what should not be withheld, then there is the time taken to make copies, then the writing back in-not often enough- and then more copies. Is it not past time for the Bureau to be questioning itself on this in particular? There will be more later.

Everything withheld on the first page of 4987 has been released, I believe many times.

(It may interest you to know that of the three doctors mentioned in 5001 the one who was Ray's in-jail physician just happened to be the brother-in-law of one of the prosecutors. Your agents managed not to tell Washington this.)

In Section 68 there is more of the Somersett/Ainsworth withholding beginning at 5017. There is also withholdings relating to those charged, tried and I think convicted in the then-famous Dalmer killing. How much privacy could this have left? Which prompts the same question, is the privacy exemption really invoked to protect privacy? I think not.

5030 represents the resumption of reporting on the behavior of several men at the William Lem Hotel in Memphis the time of the assassination. When they used phoney I.D. and these reports no state is withholding the phoney I.D. really the protection of privacy, or in any way necessary? This escalating withholding finally includes the name of the hotel.

By the way, one of the names is Walker, as I recall. I recall one only.

With regard to Somersett, who appears in these Serials also, I forgot that after an extraordinary length of time and after I obtained it from the Archives the FBI did sell me a copy of CD 1347 in which he figures. It was withheld for more than five years after I accurately published what was withheld in 1971.

Section 69: In Serial 5105 your people actually obliterated the names of Clay Blair, whose book appeared in 1968, and of the man who ran the bartending school Ray attended. The number of times each has been published is in multi-millions. Ray was a witnessas under subpoena. The bureau made the most extensive public use of what it obtained from him as soon as it obtained it. Yet your people at this late date are taking government time and mine and seeking to withhold this? Can they really be trusted with anything if they are capable of this? Besides which Ray's name was released often in the earlier Sections. And when they do do this who can believe that undoing what they do is certain? I have cited cases in which it was not undone. There are others.

Thus on 5109 they also originally withheld the name of Lonnie Wood. All said above about Ray is true of him. In addition, more is true, the extensive attention look and Wade in his public appearances gave the Woods. Yet after more than a year the withholding of names including those of the Woods and their associates, all public, has not been relieved in the very first records I was given. There remains the claim to 7 (C) and (D) relating to the well-publicized names of the Scotland Yard Chief Inspector and sergeant, both also in the court records. I presume these were also applied to Wood and the FBI agent. When the same British names were withheld in 5110 claim to (C) only was made. There simply cannot be any good faith here. There is no diligence at all. None of this is not widely public.

5114 masks the names of agents already released. They are all in the court records in this case, too.

5116 your people originally masked the name of the Alton Chief of Police on a privacy claim when the mention of him is only in connection with his official position.

5118 withholds names the FBI released last year.

5120, 7(D) only is claimed yet information relating to people in the Klan is withheld. This is to say there is no claim to 7(C), whether or not 7(D) is appropriate to the rest of what is withheld - and whether it need be withheld if appropriate.

5131- At this late date for the newest of analysts the name of the sheriff was originally withheld by them. Now this is Memphis and that sheriff's name was internationally and extensively publicized. Can there ever have been any honest and rational reason for or excuse for withholding it? I'm getting again at the mind set of these people to whom this responsibility has been trusted - not only on this case but the others to which they may be assigned.

5142 refers to what is not attached here and is only partly provided later, interception of communications of Ray's the FBI itself later says are privileged. Copies of what the FBI had are only partly provided later. So for the future your analysts and you can know Jim and I did obtain the actual orders for these violations of Ray's rights. They are public, as evidence in the evidentiary hearings. It is Policy Statement # 11. The xeroxing all was to be done by Administrative D.A. "Dusty" Lloyd Rhodes. In fact some was done by a National Academy graduate E.L.Hutchinson, whose name your analysts also masked. Inspector Billy Smith was in charge. He made some of the interceptions and deliveries to the D.A. His and all other names involved in this are public. He and the Sheriff both testified in 1974. If it is of interest to the Bureau, in one instance the Memphis report errs. It was not John but Jerry Ray who made the approach to the racist lawyer J.B.Stoner when the other racist lawyer Hanes would do nothing about the prejudicial publicity (naturally, he was paid from it) that Ray considered ludicrous. This also should be indication that no withholding of this nature is justified. The interceptions of all the mail and other forms of communication, the use of TV and audio surveillance are all public. It was the result of the recommendations of others whose names were masked, federal experts.

Not those on civil rights, naturally. It is "security" that required the interception of all of Ray's communications with his lawyers and the judges and others. He did not appeal the extradition just so he could conspire with the judge and the counsel to break out of that jail. With two guards at least always inside the cell with him.

5150, Joe Hester's delayed report on the Mexico information, is one in which the analysts withheld every name mentioned, regardless. Regardless of what? That they were all public and in addition in this case had all been released. Where they have been written in they are often incomprehensible. In one area this refers to records that obviously the FBI had and you have not provided. I cite it not because it means that much to me but as bearing on compliance. This is the part about the commercial photographers and in the same area, the pictures Ray is said to have taken. None of this has been provided.

With 5154 I will leave the interpretation of the exemption claimed to Jim. My own opinion is that there is no applicable exemption and no need. I believe the real reason for this withholding relates to the gross misrepresentations of the OPR report, which played all of this and all of the Curtis fabrications as established truth. This is the origin of the canard of the "businessmen's" alleged offer of $100,000 to off King. I believe this is more reasonable than any claim to the interest in the privacy of the two people who said there was no truth to what the OPR says, the woman who is involved in nothing and the man who turned himself in as a parole violator in his efforts to begin a new life.

5156 is where the analysts withheld the name of the prosecutor and what transpired in open court and was incorporated in that judge's order

5158 and 5160 are Mr. Hoover's memorandum to AAG Pollak and the Birmingham airtel relating to the interview with William Bradford Huie, Ray's self-styled defender. The dates are 9/10 and 9/2/68. Yet there is no prior record? I can't believe it. In fact I don not believe it, as it relates to Washington records alone.

The FBI knew in detail of the Huie/Hanes arrangements over Ray and had copies of some questions Huie had given Ray to answer. (I do not assume that Ray provided this to his capters. Voluntarily and knowingly, that is.) The copies date to the previous month. Huie, the supposed defender and the one who paid Ray's lawyer, expecting to recoup his investment from exclusive literary rights, offered the FBI all he received and would receive from Ray and his lawyer, in return for unpublished pictures of Ray.

If it is to the FBI's credit that it raised questions about whether or not these were privileged records, Mr. Hoover nonetheless preferred to making a deal with Huie that he be served with a search warrant and a grand jury subpoena, by local authorities if the Department did not assent. (Huie was served with a grand jury subpoena by the local prosecution. The transcript, the first if not the only Shelby County grand jury transcript, is in the record of the evidentiary hearing.)

Regardless of any cozy Memphis arrangements, the records I have been provided require that it be believed that when Huie phoned the FBI with such an offer the Birmingham Field Office did not communicate with "Seat of Government" in any way, either to report or to seek guidance from Headquarters. This is a dream situation in a very weak and extremely sensational case. It is an offer of every word Ray wrote. This came to 20,000 words and what could not be picked up by the microphones and cameras. Nobody was tempted enough to ask? And there is no record of any inquiry?

5165 is where you protected the privacy of the William Lem Hotel by blacking out its name. This is the same William Lem Hotel not blocked out going back for months. And it was approved on routine review. Last review, naturally enough, by the same office from which came the OPR report mentioned above. Curtis and all that.

As I have told you, these unjustified withholdings create needless ambiguities. I do not want them to exist without need. If I am not asking that you go back to Square One I do want clear and dependable records from which there has been no unnecessary withholding. While my belief need not prevail it is that those responsible for this ought be required to rectify what they have done without any sanction or need. Without interruption of this already long delayed and inadequate compliance.

I have taken a considerable amount of time to write you in detail and with specifics. I have no single letter in response. You have replaced one single weeks incomplete xeroxes, for which I do thank you You then nullified this slight return to what should be the norm by making the worksheets on which you claim exemptions illegible

From the record I have cited, which is far less than I can specify, it seems to me to be apparent that in trying to be understanding, accomodating and tolerant I am engaging in futilities.

However, it should also be obvious that in terms of the expenditure of my time it would have been less costly for me to present all of this and the more I can include to the Court.

If there really is no other means of dealing with the Bureau or with you then I will seek to use that means. You and the Bureau will be making the choice.

However soon Jim decides. While I was writing this he phoned me about another matter. I then gave him a brief description of these continuous withholdings and the variant on the abuse by xerox. I also told him of my desire if within a short period of time we do not have meaningful promises and some assurance of the keeping of these promises.

Sincerely,

Harold Weisberg