

Dear Dave,

1/7/80

While deposing Shea's former assistant on the King case last month we learned that the FBI has abstracts of all important records, specifically of the FBIHQ MURKIN file, which is of 6277 numbered Serials plus an unknown number of Not Recorded serials, meaning they are duplicates from other files in which they are Recorded. They were not provided so we moved for Partial Summary Judgment on them promptly. The response was inadequate, as usual untruthful, I think a little on the hysterical side, and included the FBI's selection of a sample, which is enclosed.

It all happened so fast that the judge did not have time to read what we filed before it was argued on the 3rd. The DJ then proposed providing a sample of about 100 for in camera inspection. We will oppose any decision based on this but I'm not certain how. Jim phoned this a.m. when I had to be away and said he'd phone back after 5, which I again had to be away. I've not heard from him since 6:30, so I can't explain how we'll oppose.

I did some fast research on the question and found that the abstracts are made in duplicate, one copy filed chronologically and the other serially. The information each holds includes date and number of record, source, destination and a brief synopsis of the content.

The records are bound in volumes by serial number but the serialization is not chronological. Sometimes it is approximately chronological but I've found records numbered more than 10 years out of correct chronological order.

We believe and have and will argue that the abstracts are MURKIN records and thus are required to be provided. This is obvious and is true but the judge is grasping for ways of ending the case, always at our cost.

I believe that one of the evidentiary needs will be proof of the value of the abstracts, which the FBI immediately took to deprecate. I have provided something along this line and am preparing more. However, I believe an affidavit from you, if you agree, attesting to the value of such chronological listings of records and their brief summaries, can be of great help. I mentioned this to Jim several days ago and he agrees. Perhaps it would be good if you and he can discuss this but my purpose is to provide you with the one sample I have so you can make your own evaluation. I believe that even so brief a synopsis is a valuable tool for scholars and that any correct number and date source of all records also is.

Remember, there is no index, which means only that I've not been able to prove the existence of any FBIHQ index and that the DJ has not said there is or there isn't. I believe also that the absence of an index enhances the value and importance of the existing abstracts.

I've spoken to Jerry, who has examined this abstract and agrees that it is of value to scholars. I believe that he also will provide an affidavit but I've not seen him since the beginning of snow several days ago.

I'm spending my time proving that all they tell the Court is untruthful and I think that except for some spellings I've done this. I'm working on another such affidavit and expect to complete the draft in the morning.

Thanks to the snow blower we are not snowed in. It was close. If the snow had been any more slushy than it was I'd not have been able to clear the lane. As it is I spent more time clearing the blower than I did using it to blow snow off the lane. I also spent more time moving the total slush by hand, but the lane is clear and all we have to worry about now, other than fresh snow, is the freezing of the runoff as this melts. I have a blade on the tractor that should eliminate most of the hand de-slushing but the first time I started the tractor after that blade was on a short almost started a fire. Turns out that the cause is the voltage regulation, for which neither the replacement nor any substitute is available locally. We await that part . . . best,