

75-10996 - CRD records, appeals - Murphy report

Mr. Richard L. Huff, Acting Director
FOIPA Appeals
Department of Justice
Washington, D.U. 20530

10/24/81

Dear Mr. Huff,

You mailed me a copy of your letter of the 14th to my counsel but you delayed mailing him the original, the only copy with the five newly-disclosed pages of records pertaining to the assassination of Dr. King. As soon as he did get them he made copies and sent them to me. They have just reached me. You have again succeeded in making it virtually impossible for me to communicate with my counsel in time for him to do anything before the scheduled status call.

Can it possible be that Reaganomics requires you to be so miserably cheap, with a mere five pages of xeroxing? Can it be that you and Department counsel continue to feel entirely immune in violating the specific instruction of the Court with regard to this matter and practise, a directive with which Department counsel promised to abide?

Five years ago in this case the Department has been able to stall for more than five years the Department agreed to send me a separate copy of everything. I offered to pay the costs, but the Department did not accept my offer. It did send me everything, until Mr. Cole became counsel. He then, unilaterally, ^{violated} ~~violated~~ this agreement. The ^{result} ~~result~~ was more stalling and more delays, more totally unnecessary hardships and costs for my counsel and me, and more interference in our limited ability to make proper and timely responses.

I had my counsel raise this in court when the Department ignored my protests and the judge did direct that I be sent a copy of everything. Only once again it has not happened.

If Department counsel did not inform you, which he should have done, you still have the long practise of your office and the knowledge of the members of your staff who have been involved in this case, as well as your own records. There is no excuse for you, violation of the agreement and the instructions of the court.

You also continue to avoid appeals I have filed, appeals that include the one record from which you provide some of the extensive withholdings that are and always were improper. This record is the so-called Murphy report of the CRD, preparatory to the OPI investigation.

Some years ago the judge asked that Mr. Shea be involved in this litigation. In an effort to facilitate compliance and to do what the judge desired, after meeting with Mr. Shea I provided him with an extensive amount of information, carefully documented appeals. For the most part these remain entirely ignored. Where Mr. Shea did not ignore them, for the most part what he decided was and remains ignored. The amount of work involved in this for me is represented by the two file drawers these appeals fill. Where these appeals pertained to this Murphy report you continue to ignore them, apparently so you can pretend to have done what the judge directed. It is a ~~KLAMX~~ false pretense, however.

I have read every word of these five pages. There is absolutely nothing in what is no longer withheld that in any way or at any time justified any withholding, ~~RESEKEX~~ whether under b1 or 7C or D. This also appears to be largely true of what you continue to withhold, much of which is in the public domain.

Throughout this long litigation, made long by the Department, I have regularly asked that some effort be made to ascertain what is public domain so that improper withholdings be minimized in this important historical case. I have made offers to help that were not accepted. So, you continue to withhold what the FBI itself devoted itself to leaking for many years, to the press, to FBI pawns in the Congress and to private persons. I detailed some of these efforts and some of this nasty disinformation material in my 1971 book, "Frame-Up." That information and that leaking is not unknown and is and for years has been within the public domain, since prior to this litigation. In addition, this material became known by leaking by those to whom the FBI distributed copies. Some, like the Congressional committees, made some of the information public by official action, not mere leaking.

One of the important matters on which your office has not acted is the FBI's absolute refusal to make a proper search to comply with the items of the request that pertain to information provided to other writers. The FBI has a long series of 94 files pertaining to the press and its leaks, including to the Congress. It also has 94 files on individual writers. Yet it has steadfastly refused to search them and you now continue to withhold the kind of information that the FBI has not withheld for many years, including in this instant cause.

The fifth withholding on page 36 is of the name of a newspaper to which the FBI has leaked for years, the Washington Post. The FBI has even disclosed its intercessions with the Post to prevent publication. My 1972 publication includes details pertaining to the Post and the FBI's leakings intended to harm Dr. King.

Why you at this late date would consider that the 7C claim is proper and necessary I cannot begin to imagine. You certainly cannot have made any balancing test on this. And the information is public in any event, so why bother with withholding at all? Except to hassle me and the judge and perpetuate litigation the Department itself forced.

At this late date, long after publication of a book based on files disclosed by the FBI, you continue to withhold from me what was disclosed to this other writer whose book on what the FBI did to Dr. King is not uncongenial to the present FBI in that it represents that those responsible for these abuses are of the past and in other shortcomings, including not using some of what I made available after it was disclosed to me in this instant cause. One such matter is still withheld by you. It is on page 36 that the seemingly proper claim is made to 7D to withhold the name of the FBI's informer. While it is always possible that there were more than one, the identification of the SCIS-headquarters informer, the informer who also flew to Memphis with Dr. King, has been known for years. He is identified as Harrison in the book referred to above, David Garrow's "The FBI and Martin Luther King, Jr."

Other informers identified to him despite my appeals from the withholdings from

me are Memphis informers Dr. Vasco Smith and his wife, Maxine. Their file numbers, disclosed to Garrow and withheld from me, are 170-49 and 170-53. Still another Memphis informer identified to Garrow but not to me is filed as 170-46. He is Jesse H. Turner. (In Atlanta James Harrison was Informer AT 1387-S.)

How you can now be pretending to comply with the judge's instructions, as you do in your covering letter, while you continue to withhold from me and make phoney exemption claims for what you long ago disclosed to Garrow, whose book was out long before your letter and had extensive media attention even before publication, I do not understand. I remind you also that the FBI disclosed to Garrow in more detail what it had earlier disclosed to Edward J. Epstein, "Fedore," its top-level Soviet informer at the UN. This includes ^{the} "Fedora" name and other identifiers. There also is the matter of code name "Solo" and the Childs brothers, part of the justification of this incredible FBI campaign against Dr. King, with total withholding from me even after disclosure to and publication by Garrow.

In this case these things are of enormous significance, of great historical importance, and are also essential to a full and complete understanding of that information ^{which} is not withheld. It is clear that the file numbers are vital in evaluating the information attributed to these high-level sources. (Dr. Smith was head of the Memphis NAACP. Harrison worked in SCLC headquarters. Turner also was head of the Memphis NAACP.)

Also continuing to be withheld from me is information pertaining to Jay Richard Kennedy, who married the former wife of Stanley Levison. He was a CIA informer, on domestic matters, quite improper. The CIA provided his information to the FBI. To the best of my recollection, my appeals from inaction on referrals remain ignored. The CIA made partial disclosure to me in separate litigation in which it withheld what is disclosed to and published by Garrow. (His special paranoia, taken seriously, is that Dr. King was Chiccom financed and influenced.)

There is apparent but highly improper/^{political} purpose in disclosing to Garrow what is withheld from me. That purpose is to make it appear to be reasonable that the FBI had ample reason for suspecting that "r. King was under Communist influence. By identifying "Solo" and "Fedora" to Garrow the FBI fed him what makes its spurious claims seem reasonable and, predictably, he and the FBI received extensive public attention to those aspects and them only. You(plural) knew very well that I would not fall for that kind of stuff so it was and still remains withheld from me.

If there ever was a legitimate b1 claim for these tricks it has not been tenable for years. It isn't/after disclosure to Garrow and Epstein. (My earlier appeals pertaining to what was disclosed to Epstein also remain entirely ignored.)

In this you are manipulating FOIA in an Orwellian manner, to control what is known and believed. In return, aside for earlier benefits to the FBI and the Department, Garrow, who made no investigation of the King assassination at all, is using his extensive media attention, including coast-to-coast TV appearances, to endorse, without questioning, the FBI's claimed solution to the King assassination. Garrow suppressed much that is embarrassing to the FBI. What he disclosed on other matters is merely what had already been disclosed, jazzed up with details that are of no consequence to the FBI and elaborate footnoting that also isn't embarrassing but appeals to scholars.

There is the continuing question, was what remains withheld within the public domain? There is ample reason to believe that most if not all was and is.

It will require what I do not now have time for, word-for-word comparisons of the different versions of this report to determine what is now disclosed that had been withheld, for you have taken a copy of the record that was not previously processed and with regard to the exemptions claimed pretend that you used the copy that was disclosed earlier. But you did not do that.

What is now disclosed on page 3 and may have been withheld initially is the fact that records are kept outside of Central Records. Example, the statement that some files are "presently held in Mr. Deegan's office." Many years after they were current

records, eight years after Dr. King was assassinated, a decade after my first requests, and even after several Congressional investigations. Obviously this kind of information is not within any exemption. The real reason for withholding it is the fact that it confirms what I've told the judge all along, that records are withheld from searchers and can be located and processed. If this had been disclosed earlier it would have been much more difficult to pretend to a complete search without searching the files of those FBI divisions that were involved. Also, you have now worn the judge out.

On page 30 you claim 7C and also represent as unclassified what is withheld following, "King was photographed by the FBI in Los Angeles with an aide." If what follows pertains to this the 7C claim is baseless. If it includes other information, such as the allegation that Dr. King associated with the wife of a dentist, only her name is appropriate for the privacy claim.

Bearing on my allegation that the FBI is the tail that runs the Department is the disclosure on page 34 that FBI Director Hoover directly violated Attorney General Kennedy's orders to destroy this vile material. "Hoover refused to do this and directed that it be retained in a secure location." This is precisely what I have alleged about the continued withholding from me of information that is known to have existed and cannot properly have been destroyed.

While it is not possible to be certain, if what is withheld on page 36, paragraph 2, follows along with what is not withheld, pertaining to the award of the Nobel prize to Dr. King, the FBI's strong efforts against him and the award are disclosed and here are not properly subject to the claim, indicated only as "c" but probably 7C. (Originally this paragraph was classified. That claim is abandoned. It is clear that the claim always was a phoney. Nothing in it is classifiable.)

Substantial questions remain about what continues to be withheld from these five pages. Earlier withholdings, pertaining to the late Stanley Evison, are the subject of appeals that remain entirely ignored. So also are appeals pertaining to other withholdings of what is disclosed to others.

The Attorney General himself has stated that this is an important historical case. The Department has claimed that it makes maximum possible disclosure while in practise it does the opposite. There is an enormous amount of information that is within the public domain. It is clear that public domain information has been withheld throughout this long and costly litigation and remains withheld, ~~XXXXXXXXXX~~ including in this very small percentage of the pages of the Murphy report that you claim to have reprocessed.

Not only must you know what is within the public domain in order to fill your responsibilities - in this case you have two file drawers of appeals which have a very great number of copies of pages of this public domain information that is attached to them. Any examination of this information, attached to those appeals, leaves it without doubt that the appealed withholdings were and because you continue to ignore them are improper. ^{This} ~~THIS~~ serves no purposes other than hassling me, burdening the court and corrupting history.

I haven't conferred with my lawyer about it but I imagine it would be a helluva thing *if* we were to wheel an entire two-drawer file cabinet down to the court of appeals. It would soon be apparent that material facts at the least remain in dispute. How the appeals function has been converted to a machine for withholding also would become apparent.

Sincerely,

Harold Weisberg

P.S? Apologies for the typing. I am required to keep my legs elevated and that is awkward when typing.



U.S. Department of Justice

Office of Legal Policy

Washington, D.C. 20530

OCT 14 1981

Mr. James H. Lesar
2101 L Street, N.W.
Suite 203
Washington, D. C. 20037

Re: AG/77-HD
RLH:JKF:ABM

Dear Mr. Lesar:

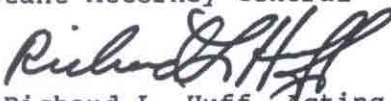
This is in further response to your request on behalf of your client, Harold Weisberg, for records in the Office of the Attorney General and Deputy Attorney General which pertain to the assassination of Dr. Martin Luther King, Jr.

As a result of the review of Document CVRTS #3 (refer to former Director Shea's letter to you dated February 3, 1981, in which fifty-three documents were released) under current Executive Order 12065 as requested by Judge Green of the United States District Court for the District of Columbia on September 8, 1981, certain portions of that memorandum have been declassified and are appropriate for release to your client. Five pages on which this information appears are enclosed. Certain declassified information in paragraph one on page 34 and paragraph one on page 36 is being withheld from your client pursuant to 5 U.S.C. 552(b)(7)(C) and (7)(D). These provisions pertain to information contained in investigatory records, the release of which would constitute an unwarranted invasion of personal privacy and reveal the identity of a confidential source. This information is not appropriate for discretionary release.

Although I am aware that you already have filed suit concerning this matter, I am required by law and Department regulation to advise you that judicial review of my action on this appeal is available to your client in the United States District Court for the judicial district in which he resides or has his principal place of business, or in the District of Columbia, which is also where the records sought are located.

Sincerely,

Jonathan C. Rose
Assistant Attorney General

By: 
Richard L. Huff, Acting Director
Office of Privacy and Information Appeals

Enclosures

cc: Harold Weisberg

~~TOP SECRET~~

pistol". However they had found evidence of the Bureau's campaign against Dr. King and, through public testimony, have already publicized that fact. On Monday, March 22, I read the draft of the Committee's report dealing with this matter. (u)

It was obvious that existing staff and other workload did not permit us to read all of the FBI's files that relate to Dr. King, so it was determined to concentrate in three areas. You satisfied yourself that the FBI's written reports of microphone surveillances (misurs) and telephone surveillances (tesurs) were accurate by listening to selected tapes.

[REDACTED]

(S)

Jim

Turner read that file in order to determine whether there was a legitimate basis for the FBI's security investigation of Dr. King. Mr. Turner also read about the first half dozen sections of the security investigation of Dr. King. I read those sections of the security investigation from where Mr. Turner left off through February 1965, and from December 1967 through June 1968. I also read the first ten sections, as well as several others randomly selected, of the assassination investigation. In addition, I have read some of the Department's files and several other Bureau documents relating to Dr. King, including all which were held in either Mr. Hoover's Official and Confidential files or those presently held in Mr. Deegan's office. As already mentioned, I also read the draft report of the Church Committee. (See attached Report Exhibit for an outline of that report). No interviews were conducted by us. (JSS)u

~~TOP SECRET~~

~~SECRET~~

with the notation, "not now". King was photographed by the FBI in Los Angeles with an aide [REDACTED] b7C

[REDACTED] (U)

A proposal was made to try and stop Springfield (Mass.) College and Yale University from awarding honorary degrees to King. King's tax returns were analyzed. New York was told to be alert to friction between two black leaders that might be exploited to neutralize King. A proposal was made to Sullivan that all of King's writing be reviewed to identify Marxist or Communist influence on him [REDACTED]

[REDACTED] (S)

In April 1964, DeLoach briefed Senator Saltonstall (Mass.) and Springfield College President Glenn Olds (now President of Kent State University) about King in an unsuccessful effort to prevent the awarding of an honorary degree. Also in April Joseph Alsop published the article concerning King, communist connections, and Hoover's January testimony concerning communist influence on racial matters. King responded by criticizing the Bureau's concern with communism and not with racial problems. (U)

[REDACTED] (S)

~~SECRET~~

~~TOP SECRET~~

[REDACTED]

(c)

b7c

King was overheard talking with [REDACTED] in August and the Bureau memo of Baumgardner to Sullivan contains comments such as, "...immorality and prevarication..., ...'Hitlerite tactic'.... [REDACTED]

b7c

[REDACTED] Authority was given by headquarters for a tesur at a New York City apartment where King would be staying. He had tesurs placed on him at the Democratic Convention in Atlantic City in August. Misurs were authorized but not installed because of time problems. Electronic surveillance of the Convention was widespread and the results were reported to the White House. (S)u

Attorney General Kennedy resigned in September and he gave Courtney Evans the material about King's hotel activities provided him on two earlier occasions by the FBI. Kennedy did not want the material in Department of Justice files and he recommended that the FBI destroy it. Hoover refused to do so and directed that it be retained in a secure location. (u)

[REDACTED]

(S)
(S)

~~TOP SECRET~~

Rights Act had been passed. He said that [REDACTED] wanted to meet with King. King said that the matter could be discussed in a forthcoming meeting in New York and that, "...after the election, it would be a new situation". The White House and Acting Attorney General were advised of this information. (U) b7C

b7D On November 6, 1964, Headquarters sent a memo to Atlanta which indicated that [REDACTED] was an FBI informant. By November 10, the Bureau was concerned with King's upcoming trip to Oslo to receive the Nobel prize. [REDACTED]

(c) [REDACTED] Information about King's communist connections was classified SECRET; information [REDACTED] was classified TOP SECRET. (S)u b7C

b7C On November 12 information was given to the [REDACTED] in the hope that the paper would expose King's possible and prospective [REDACTED] Nothing happened. (U) b7C

The State Department asked for security information about King because of the Oslo trip. On November 13, in a memo to the Deputy Assistant Secretary of State for Security, the Bureau discussed only [REDACTED] He was called a [REDACTED] b7C

[REDACTED] Also on the 13th, the Legat in London was told to advise the U.S. Ambassadors to England and Norway of King's background in an effort to forestall embassy receptions for King. (U)

On November 16, 1964, a memo was prepared which pulled together recent information indicating "further evidences of the influences in high places which Martin Luther King, Jr., and his associates are able to wield." On the 18th, Hoover (U)

On January 25, 1965, Atlanta requested a 90 day extension of the misur on King's house. On the twenty-sixth, Sizoo advised Sullivan he had authorized misurs of King for two days at a hotel in New York because of the potential for developing intelligence information. (U)

Selected memoranda between February 1965 and December 1967 indicated that the Bureau continued its campaign to discredit and neutralize King. In February 1965 Atlanta was reprimanded for not forwarding information about King quickly enough. In February the Bureau proposed to seek Cardinal Spellman's help in preventing the Davenport, Iowa Catholic Inter-racial Council from giving King an award. Hoover said no. But in March, Gov. Volpe of Massachusetts was briefed by the FBI about King's background in an effort to tone down "Martin Luther King Day". (U)

F. Early 1967-1968

The primary concerns of the Bureau relating to Dr. King at this time were his anti-Viet Nam statements and his planned Washington Spring Project which later became the Poor People's Campaign. On December 7, 1967 the Bureau alerted various field offices and told them to develop ghetto informants, if they had none, and to report weekly on plans for the Project. On December 20, 1967 an updated monograph of King was prepared. It contained mainly old information, adding to it. [REDACTED] (U)

[REDACTED] It also referred to King's statements about Viet Nam and the Spring Project. (U)

In December 1967, King was preparing a taped series of lectures for Canadian radio. The Director instructed the Legat in Ottawa to determine who made the arrangements, including financing, for the series. The justification was to find the source of funds to finance a "new program... of massive civil disobedience demonstrations which may result in riots". The Director was referring to the Spring Project in which King had threatened continuing demonstrations until Congress passed a program designed to help blacks. (U)

Dear Jim,

10/26/81

If I'd mailed the enclosed carbon of my letter to Huff before today it would have taken longer because all of the local weekend mail, including mail to Frederick, is sent automatically to Baltimore, where the inefficiency is almost unequalled.

I do not believe it can reach you in time for you to make any use of it at the calendar call. However, I do want it in the case records. It also presents what can be new considerations to the new clerk.

You have done nothing about it, but Cole has yet to do what we got Green to tell him to do, send copies to me. Huff also has abandoned the practice, which is how I begin my letter.

Whatever explains the long delay in the stuff reaching you, it could not have been designed better to enable them to say that they had sent it while preventing my making any use at the scheduled calendar call. This has happened so often that it cannot be discarded as improbable.

It does not do much good for me to prod you into getting Green to get them to send things directly to me if you never even make a peep when they again never do it.

It is the kind of thing you could and so I'd have been raising hell about. There is and there can be no justification.

If it happens one more time I'm going to ignore it and all else.

Sincerely,

Why should I and I have to go through what we did in making the response to Cole's last that I am well aware you entirely ignored without any discussion of it with me.