

To Quin Shea from Harold Weisberg re: appeal in C.A. 75-1996, 7/24/78
Dr. King records

The attached copies are from the Hoover O & C files as provided to the Center for National Security Studies and not provided to me despite the age of my request for records of which these are part.

I may have provided copies of some of these earlier in connection with my appeal. I use these here to provide illustrations of what I regard as improper withholdings in part in addition to the withholding of what had already been processed.

Similar records were withheld in Jim Lesar's C.A. 77-0692 on the ground that they are required to have been sequestered in the National Archives under Judge Smith's order. These copies were provided to Morton Halperin long after Judge Smith's order.

I do not have copies of the worksheets. Because the FBI did not indicate the exemptions claimed they are not known to me.

Disclosure of the Hoover note on the Sullivan to Belmont memo of 1/27/64 seems to me to make a mockery of the FBI's claim to have to withhold solely to protect privacy and to comply with Judge Smith's order.

It reads, "I don't share the conjecture. King is a ' tom cat' with obsessive degenerate sexual gone word unclear."

This is one of three documents I have stapled together.

In the first the then ASAC in Milwaukee "requested authority for the installation" of a bug, granted by F.J.Baumgardner. There is a single obliteration ~~is~~ at, in context, does not appear to justify claim to exemption at this point more than 14 years later and with all that has been disclosed. (I am also appealing these and the other withholdings in and of these records.)

There are four obliterations at three points in the second from which I have quoted the Hoover note. The one-time-only symbol numbers to cover the bugging do not appear to me to meet the requirements for withholding and they certainly are not explained by all the FBI explanations for such withholdings of which I know.

Whether or not the authorization by the AG covered such bugging, and I am not aware of any such authorization, the FBI extended it to include "his associates while in Milwaukee."

I believe the spuriousness of the "national security" claim is clear in paragraph 3 as it is in the Hoover note.

According to the ~~first~~^{third} of these attached records the Milwaukee Field Office was correct in its "conjecture" because it states "that the misur was unproductive," What follows further debunks the "national security" claim, "as there were no activities of interest developed." That "the misur was therefore discontinued" means the end of the use of the symbol in 1964.

This and the ~~first~~^{second} record provide the names of eight officials whose records should be searched. The first adds another name.

The two records of October 19, 1965 and January 21, 1966 bear the file number the prior three identify as "June" but these two bear no such designation. These two also appear to belie the claim that FBI records of that period were never classified. These bear the "Secret" classification. They also make it appear that form-letter explanations and representation were regarded as adequate for the Attorney General.

These representations and that of the next record, the 10/27/65 memo to the AG, appear to exaggerate if not to falsify to obtain the AG's permission for the FBI's campaign against Dr. King. Here the representation is that the surveillance at SCLC headquarters "has provided considerable valuable intelligence information concerning communist influence..."

I am not aware of any information of this kind being developed. I am aware of official recognitions that there was not any such information and the representation of the Church committee of the same nature.

I believe this relates to the legitimacy of any claim for exemption for any records obtained in this fashion.

Your letter to Mr. Freedlander of CBS News indicates that the FBI told you it has not yet come to my pertinent request. I recall no number being assigned by the FBI and I do not recall any letter in which I was given either the sequence of this request or the approximate time the FBI expected to reach it. I do recall being told verbally that the request would be processed as soon as their records being transferred to the Archives had been removed. This was about a year ago.

If I have not already appealed this delay I believe I should, and I do, to be able to obtain the kind of information reflected in the preceding paragraph. From my experiences I am not willing to assume a sequential processing of requests, especially when this request was not processed prior to the reassignment of SAs who had been assigned to Project Onslaught and more, after the judge in C.A.75-1996 suggested that some of these be assigned prior to their being returned to their field posts.

Black Bag "Back in Case" Bell, Decker, Tully, with sources FBI report

By Charles R. Babcock
Washington Post Staff Writer

Attorney General Griffin B. Bell rejected a recommendation that a high-ranking FBI official be indicted for perjury last year, and instead personally asked the veteran agent to correct his sworn testimony.

The appeal to J. Wallace LaPrade, head of the FBI's large New York field office, illustrates the problems Bell has faced in his dual role of overseeing the FBI and the investigation of alleged illegal break-ins by FBI agents during the early 1970s.

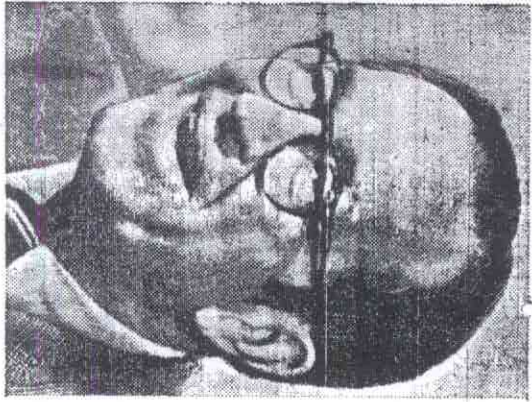
He is expected to announce his decisions on further prosecutions in these so-called "black bag" cases early this week.

The attorney general told LaPrade, according to sources familiar with the meeting, that he didn't want to indict an FBI agent — especially not for perjury — because it would reflect badly on all FBI agents who are called to testify in court cases.

Bell is known to view his brief encounter with LaPrade as a sincere effort to find the truth about who authorized the break-ins and surveillance of radical fugitives.

But his conduct in the episode concerns some Justice Department attorneys because it can be viewed as an example of a double standard of justice, of special treatment for an FBI agent that would not be afforded the average citizen.

Prosecutors sometimes permit wit-



J. Wallace LaPrade, left, was asked by the attorney general to alter his testimony.

Associated Press

nesses to change their grand jury testimony. But it is considered unusual for the Justice Department to initiate such proceedings after a recommendation to prosecute has been made.

It is even more unusual for the attorney general to make such an appeal personally.

LaPrade's potentially perjurious testimony was given to a federal grand jury in New York in January 1977.

A civil rights division task force then heading the investigation recommended to Bell a few months later that LaPrade be charged with perjury as part of a first wave of indictments in the investigation.

Bell chose at the time, however, to obtain the indictment only of John J. Kearney, a field supervisor who worked for LaPrade, in connection with alleged mail-openings and wiretaps.

LaPrade was named as an unnamed co-conspirator.

That April indictment triggered a storm of protest by FBI agents and their supporters and it is generally considered that Bell then began to question the course of the investigation.

About the same time, Bell met privately with another potential defend-

with Benjamin R. Civiletti, head of the criminal division, and other justice attorneys.

Bell joined the meeting for only few minutes to make his personal appeal for LaPrade to tell the truth, according to sources.

It was also in early December that the five-member civil rights division team asked to be taken off the case because of what were said to be differences in strategy.

A new 10-member task force took over and began concentrating on high level officials at FBI headquarters who may have approved the break-in Bell has been considering their recommendations for the past few weeks.

There have been indications, first reported in "The Los Angeles Times" that the task force recommended some kind of prosecutions of former FBI Director L. Patrick Gray III, as well as W. Mark Felt, the former No. 2 man in the bureau, and Edward Miller, who was head of the FBI's domestic security division during the period of the break-ins.

Justice is reported to have proposed that the men plead guilty to minor charges of civil rights violations. LaPrade's case is expected to be handled through a disciplinary procedure perhaps even dismissal.

Bell said in a recent interview that criticism of the Decker meeting was justifiable. "I remember I was sort of started myself when I ended up talking [with him]," he said.

But the attorney general rejected the suggestion that he had to be especially careful of appearances in such a sensitive internal investigation.

"It's only the weak people who lean over backwards against their own people," he said. "I'm not so lacking in confidence as that."

Bell made increasingly critical comments about the civil rights team's investigation in the months after the Kearney indictment. And he began to urge that LaPrade be recalled and given a chance to change his earlier testimony, sources said.

Finally, in early December, LaPrade and his New York attorney, Thomas Bolan, met at the Justice Department