

Dear Jim,

7/12/77

Shaheen's 7/7/77 to you reur FOIA request should help you.

In his graf 3 he appears to be evasive. In graf 2 he appears to take too much upon himself. The earlier ~~mi~~ letters, which I'm not stopping to fetch and read, may establish my opinion here as incorrect.

In his response relating to Item 1 he says that because this part of your request "has received previous consideration" it "is not being reconsidered."

However important he considers himself to be he is not the reviewing authority of the Department of Justice under FOIA.

Insofar as he denies you the public domain, what was also covered by a discovery order of federal district court in Memphis and then supported all the way to the Supreme Court, he is particularly helpful no matter how you address his words. You might want to remember Huie's letter to me on this - anybody and everybody can have all of his records as long as they stay in line and wait for one ahead to return them.

I would find a way of expressing thoughts in tandem:

Huie's records represent a corruption of justice and the workings of the law that has no precedent

Shaheen's so-called OPR report, for all its length, avoided this.

His real reason for withheld the public domain is what the legislative history is specific in saying the Congress was determined to end in enacting 5 U.S.C. 552 - the claim to spurious exemption when the real purpose was to avoid official embarrassment.

In his graf 3 he refers to your requests in the present tense only. Now that he has completed this task there is no need for him to continue to hold records originating with other components. My understanding is that if he knows where records sought are located or where he has placed them a referral from him is required. He is careful not to say that his office never had Frank's records or any records of the aborted attempt to transfer Ray to a federal prison in 1973.

He has now taken two extreme positions on the same issue raised in two different cases. When he had all these records and I requested them in C.A.75-1996 he refused to provide a single record on the ground the records originated elsewhere in the Department. Now he claims the right not to comply because he has divested himself of some records. This amounts to a claim of total immunity under the Act and any and all conditions.

For whatever my opinion is worth, I recommend against getting into anything substantive about the investigation of the King assassination or the Ray case except for the impartiality or lack of it represented by the selections of what is called evidence. As on Ray and race, as though this did not qualify others in the millions as assassins while avoiding all the evidence contrary to what he used while ignoring all the rest.

If you respond to this letter relating to this graf you might ask if he has any records relating to the Items 2 and 3 records, ask for copies of them and ask why he did not refer your request. You might want to do this in two steps if you have time. If not if I am correct in my interpretation you might want to do this in court.

Best,



UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF PROFESSIONAL RESPONSIBILITY  
WASHINGTON, D.C. 20530

JUL 7 1977

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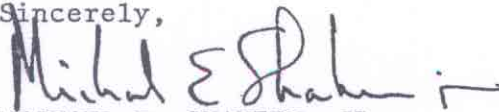
Dear Mr. Lesar:

This is in reference to your Freedom of Information request to the Deputy Attorney General dated June 14, 1977. Your request has been referred to both this Office and the Civil Rights Division for response.

Your Item 1, is a request for the records of author William Bradford Huie pertaining to the assassination of Martin Luther King, Jr. These records are a part of Appendix C to the King report, which appendix you have requested and we have responded to by letters dated June 10 and 24, 1977. This request, therefore, has received previous consideration and is not being reconsidered.

In response to your Items 2 and 3, this Office does not have any of Gerald Frank's records pertaining to the King assassination or any records pertaining to an attempt in 1973 to transfer James Earl Ray to a federal penitentiary.

Sincerely,

  
MICHAEL E. SHAHEEN, JR.  
Counsel

