

Mr. John Hartingh
FOIA/PA Unit, FBI
J. Edgar Hoover Bldg.
Washington, D.C. 20535

Rt. 12, Frederick, Md. 21701
9/10/77

Dear John,

When Ralph told Jim that your records indicate we have not sent two checks Jim told me, I asked him to obtain the dates and sums and he told me last night after speaking to you. These are 8/19, \$69.42 and 8/30, \$85.71.

If we owe anything be assured we will pay it. However, the cursory check we made immediately shows we issued our check in the exact amount, \$85.74 on 8/31, the very day we received the letter asking for this sum. Our number is 1005.

We do not have a check for \$69.42 but we have a check that could include this if as I think I recall it was a check that covered the personal files, too.

There was more than the usual confusion here during the earlier period. Only a short time after our last meeting I learned I also have arterial problems and at that time there was a question about angina, too. So we could have made a mistake. I suggest it would help if your people could trace the check we did issue and send me a copy of the letter covering the \$69.42 sum. We did pay for one set of papers twice and your people did return the check in overpayment.

My days now are more broken up than ever. One result is that I have less time for this work. As a consequence some of the problems that have not been addressed are becoming more serious for me. I know you want to avoid all problems we can avoid so I'll remind you of some.

First of all I've had to slow down. No more 20-hour days. I also have to walk much more but can't do it all at once. For a long time I've had to get up and walk around every 20-30 minutes. Since July the routine has been to walk outdoors as much as I can at any one time without overdoing it. This is essential for leg circulation. While in early August a walk of 250 yards sometimes left me woozy, I'm happy that with the medication I'm on I can now do as much as seven miles a day. But it may take 10 interruptions in my work for me to do this. Sometimes as I seek to extend what I have been doing it tires me much. This reduces my efficiency and what else I can do.

I have no one to do my filing and I can't do all of it. So what I've been able to do has always included keeping the records I receive exactly as I receive them. Getting into some of the files now is not easy for me. Right now I'm tired from two miles of walking on two occasions before the start of the usual working day, if Saturday is a working day. So I'm not trying to consult files.

But I am certain there has been no response to most of the letters I've written over a long period of time with specifics of non-compliance. This remains as non-compliance to me. It means added problems for me, extra intrusions into the work I want to do.

Before explaining this my wife is now up and about, has done some further searching in her records and finds that she made a mistake and did not send the \$69.42 check. This was from confusion. It is included in the same letter with which the refund was. She had a copy of the refund check attached to it and thus overlooked it.

Back in June, I think the 7th, we had a long discussion of some of the remaining problems and some of what the FBI promised it would do. I remember my disappointment over the claim that there were no field office indexes to the relevant files and the failure to come up with any of the many missing attachments. It now turns out that there is no doubt that the field office files are indexed and if you want the proof I can provide it from the files in question. And I have received none of the missing attachments. Yet in each case another source of the attachment exists in the records.

The problem alleged by the FBI with regard to such sources as the Mounties was to have been resolved by writing a request to the Mounties with a carbon to me as a sign of good faith. I said that if this was done I would not make a further issue of it. I have received no such carbon and have had no word of any kind on this. So it remains that I have and have paid for hundreds of pages of gibberish and that the FBI persists in withholding

what is public. One extreme form was the withholding of the name of a ranking police official who was holding a press conference. The uncorrected result is much extra work for me and confusion built into these files for the future. The fact is that there never was any legitimate basis for this kind of withholding, withholding the public. This was aggravated by the broken promise to use the indexes of the published books.

This is true of England, Portugal, Mexico and local jurisdictions. It also is true of many aspects other than those relating to police.

At that meeting I was promised that there would be a review of these maskings after the final five volumes of headquarters files, then under review, had been completely processed. I recall discussion of the assignment of personnel and I believe agreement that your people who knew most of the subject would not be as requested in the Memphis and other files not yet processed. Now I'm told in the unsigned letter attached to one of the forms that this will not be done until after all else is. I regard that as stonewalling. It is a broken promise and it is based on my acceptance of these promises that I did engage in the stipulation that I'm sure you recognize is helpful to the FBI and represents some compromise for me. It represents still another intrusion into my ability to write about these records. In fact the FBI is still withholding the names of subpoenaed witnesses and those included in the narration at the guilty-plea hearing - what is public except that withholding it from these records invites error and confusion because there are so many of them.

Of a different character and illustrative of the kind I've raised separately with you is withholding on Mardin. I recall receiving no single record after taking this up with you although last night Jim did mention the picture. It is not secret and there is and was no basis for withholding but it has been continued for months.

More recently, I think after the stipulations were negotiated, this was done with an dubious informant whose name not only was known but the reports indicate that Mark Lane and a House assassins committee character had both spoken to him. Among others. I'm not checking the files. The name is something like Bunt. I recall specifying the same thing with regard to Willie Somerset, who has been dead for years, and his information, if that word can be used. Remember, I wrote about him years ago.

My view is that there never was any basis for such withholdings, the FBI did this and I ought not be victimized by it. Aside from the larger review, which was to have been completed by now and I take it will not be begun for some time, which would include all these unjustified withholdings, there are these specifics I have raised. Rectifying them presented no real problem at all yet they remain unrectified.

If I had not been willing to trust the FBI and had not in fact depended on it to keep its word or if I had wanted to be vindictive, with ample justification for feeling vindictive, I'd not have considered stipulating. Now I find that the FBI is not keeping its word and it not responding even to specific complaints about this.

I have tried to be open and forthright in all of this. After reading some of the really dirty things the FBI has done to me over the years this did not change. As I have tried to lead you to believe, I want compliance and to be able to do the work I've started, not vengeance or any kind of getting even by forcing the FBI to more work. I do not want more work for the judge or for Jim, either. But I do want compliance and I do want it without unessential delays and I do want it where I have been specific in complaint and where, as in what I'm writing about now, it really does not present any kind of serious problem for the FBI. All I'm asking is that it undo what it never should have done.

I'm not asking ~~to~~ Jim to rush back into court or anything like that. But I believe there is a status call soon and unless I have your word on these things I will not again jeopardize my own situation to be cooperative and reduce the problems ~~and~~ for others made by the FBI. I will have no choice but to ask Jim to report these kinds of matters to the judge. This will include continued stonewalling on the April 15, 1975 part of the request. The last time I was able to get to court the judge did ask about this and Jim did report there had not yet been compliance.

There remain questions about crime-~~scene~~ scene pictures. I have written you about this. There came a time when Jim was told something about pictures being with the Congressional committee but I'm not positive they are the identical pictures. I think I have been particularly patient about this because it is a request that dates to 1969. And if I am in error you have not specified any error.

The Murkin file identifies and describes two different sets of contemporaneous pictures, one by the local police and one by the FBI. The pictures I have received do not match the descriptions in the records. Later I was given xeroxes of a later set taken by the FBI, later in 1968, at the time a trial appeared to be near.

The numbers also do not match, as I recall one set I was provided totaling 45 whereas the serial specified 47. This can be the set provided with a worksheet by Ralph Harp. The first of three items on that undated page is this, with Serial 146 indicated as the first of the items.

I am not confusing this with the aerial photos or with newspix. I believe I am missing one of the two sets, those by the FBI or those of the MFD. Initially, consistent with the FBI's false swearing, and I am saying I believe this was deliberate as I am also saying I would prefer not having to be pointed out before the judge, the judge was told there was only the pictures of the unidentified police department, for all the world as though I had not already told Tom Wiseman and Blake about this and my source. The FBI has yet to correct its misrepresentation to the judge or after more than a year of my raising this in court to comply. Dugan is better at saying nasty and incorrect things about me.

If you provided the MFO's pictures you'll have a record. However, bearing in mind of both the FBI and mine in this case, I call your attention to the MFO's response on this. It fails to mention what I have cited from its own files. When Jim filed this in court relating to the Time, Inc. matter we did not tell all we could about it. I'm not looking to hurt the FBI but I am looking for belated compliance.

I have not specified other newspix but I'm confident that a good-faith search will show that the FBI obtained those of the wire services. This presents a different problem to me. I've been through the wire service files twice, once when I obtained these pictures and paid for them, and once when I sought to replace those Judge McRae ~~was~~ insisted on having in the record of the evidentiary hearing. All I want is clear pictures and I've already spent what for me is much in an effort to replace those in the court record without getting clear copies. The wire services have destroyed their file copies for storage space.

I have not been provided with any lefts-to-rights on the Low/Time, Inc. pictures. I believe the FBI needed and has these. They do not appear in the issues of LIFE in which some were used. To illustrate the kind of problem this makes there is the fact that the MFO's reporting states that McCullough was the first to reach King's fallen body. I am not questioning this but I am wondering if the pictures LIFE used shows McCullough over the corpse. There should not be any question of identifications and McCullough is not the only one. There are Murkin records referring to a "Baby Jesus" without any proper name. As used in that reporting "Baby Jesus" should appear in the Low pictures.

You have not responded to my request for records the FBI released to the Church committee which used them. I explained that I do not want to quote from news accounts of them because this introduces the possibility of error. This came up when you said that compliance with my requests for the political records would be delayed by the examinations of them required by a court order. I agreed to all necessary delay, and in this case none is necessary because of duplicate filings, if I were given those few I want for this writing. I described their content, as I do now. I do not recall whether more than a single record is involved, but it can't be more than a couple. I asked for the Hoover approval of the planting of a story critical of King for staying at a white-owned motel. I believe this was dated 3/28/68. I also asked for the record on there not being a "black messiah" unless he was the FBI's. This is not the sex stuff, which is what is covered by that court order. Besides, some of those files have been provided to others. It was all over the front pages and it has been many months since I asked for this. If there is any problem in providing it you have not told me about it.

Going back to the failure to review the withholdings, what I regard as unnecessary withholdings and the FBI's failure to abide by the Attorney General's policy statement in these matters, I believe that this week this has meant extra work for the FBI. I have had a press inquiry about one of the many threats against King. In many cases those who reported to the FBI went public on their own. (This reminds me of another case in which you have not removed the obliterations. I've forgotten the man's name, but it was a Columbus, Ohio case.) The man about whom I was asked is Otis Humphrey Moore. I believe he was at Ft. Hood when he says he was propositioned in 1965.

Moore spoke to a wire-service reporter who is a friend of a Washington reporter who phoned me. This duplicates the Clifton Laird case, in which the FBI was defamed rather extensively and wrongly. I cited that to the reporter who phoned me and suggested he ask the FBI. With all the obliterations I cannot say whether or not the FBI looked into that particular threat. I also pointed out that investigation of all the earlier threats was neither necessary nor possible in 1968 absent some reason to connect any one with the crime itself.

While you personally appear to have no connection with it I raise another question I'd appreciate your taking up with those who handle these matters.

There was extensive and unjustified - unjustifiable - obliteration in copies of the indexes to the 25 numbered (29 actual) volumes of evidence given to the Memphis prosecution. I obtained these under discovery. Here again the FBI and Dugan indulged in defamations of me in the court record. The fact is that these indexes did exactly as I said they would, enabled me to pinpoint non-compliance.

I was to have been provided with other copies after the compliance from the HQ Murkin files had been completed, the idea being that by then the analysts would know that names did not have to be withheld.

It is my belief that since the AG's statement of May no withholding from those indexes is necessary or justified. This means that replacing them is a simple matter of xeroxing. Ralph Harp should recall reviewing records that state as I do, I was to be given replacement copies. I have not received them and I would appreciate them as soon as the copying is possible.

I have not covered all these questions here. Many others, I am confident, have been raised earlier. I would prefer that I not be required to raise these questions formally or in court. If I am wrong in any of this ~~but~~ please correct me. If any of these things present any real problems for the FBI let us discuss them. But if as I believe they do not and in all cases are problems the FBI created, I think without need, I would like them cleared up now. They have accumulated into significant problems for me.

Jim also spoke to me about some pictures you mentioned to him. I appreciate your taking your time to try to save me money. Thanks for it. However, while money is a problem for me delayed compliance is now more of a problem. So where there are not large numbers of pictures, which means where the costs are not great, I'd much rather have you spending this time supervising compliance and would prefer to pay for such pictures even if I do not need them. This will be true if I do not succeed in obtaining recovery of all costs, ~~as~~ as you know I intend to ask the court.

I suggest that in the long run it may be helpful to the FBI and will save all interested parties, including the judge, much time if technical objections are not raised. I think the four pictures represent one illustration of this. Another is the Memphis police reports that OPR used. My belief is that these are covered by my 1969 requests no matter how much the FBI pretends they have no standing. The judge has already said otherwise, I think more than once. Jim did not raise this point or others I believe possible. Would it not be better to eliminate this for the future now and save all that time and effort?

I take this time once again to eliminate problems, not to make them, and to obtain compliance. Because of his recent illness and dental surgery Jim is now even more overloaded. But by now the time I've wasted in seeking compliance in this way has accumulated into more time for me than raising these questions before the judge. This is one of the reasons I ask for assurances on which I can depend before the next status call. Sincerely, Harold Weisberg