Route 12 - Old Receiver Road
Frederick, Md. 21701

December 22, 1977

Mr. William Schaffer
Assistant Chief, Civil Division
Department of Justice
Washington D. C. 20530

Dear Bill:

Several days ago I received the three CRD records I presume are the subject of Quinlan Shea's earlier letter releasing them.

As provided to me they give you other and serious problems. Because of your total nonresponsiveness, they also present me with a conflict of interest I cannot ignore. From your nonresponsiveness I have no basis for assuming good intentions and every reason to believe the consultancy situation into which I have been forced is merely another device for noncompliance and for further stalling. However, I believe you should be aware of what I see from having read these CRD records. Because of the actualities of our situation, I write you with less length and detail than is possible, intending only to make you aware.

It is not my responsibility that the Department persists in keeping its people uninformed or that all my prior efforts directed toward informing it have been rebuffed. Because of deliberate stalling in the past, we are now confronted with some 50,000 pages. About so great a mass it is not possible to inform you fully.

The withholdings in these records are ludicrous. This will make the Department look even worse because the records themselves are of dubious honesty. To one not a subject expert, one like you, they may appear to be authentic breast-beating. To me they are as much of a cover-up as CRD dared attempt at that late date.

This will probably seem extreme to you so I illustrate.

One of the purposes of the CRD review was to determine whether or not there was any FBI connection of any kind with the King assassination.

Murphy's long report has but a single sentence on the assassination. It consumes less than a full typed line of space. In it he says only that King was killed. This sentence is the report's sole basis for stating there is no FBI connection of any kind with the King assassination. It then recommends against any reinvestigation. It has no mention at all, for example, of the fact that Hoover authorized a campaign to drive King from the white-owned Rivermont Hotel, the name of which is not even mentioned, to the Lorraine, where he was killed.

This is not the only total suppression of a "connection" from Murphy's report. It also is not the most serious one. There is a vast difference between saying the FBI killed King and saying it had no connection, no matter how indirect, with the assassination. I have gone on such shows as Good Morning America to state that there is no reason to believe the FBI killed King or had him killed. But this is far from the same thing as saying there is no basis for an investigation of the assassination from the FBI's records or in the light of what the Department did not know eight years earlier.

Withholdings in these CRD records include what you will find in virtually all King biographies. These withholdings are based on claims to (b)(1) and (7)(C).

There is no case in which the name of the ostensible cause of the FBI's "investigation" on spurious "national security" grounds is not obliterated. The name is Levison. (Moreover, the FBI has released some of the records on which the Murphy

report is based without such obliterations.) There is no basis for obliterating his name. It is public domain and long has been. This also is to cite but one illustration.

While the (b)(1) excisions are of such length it is impossible to beccertain of their content, an obvious flaw is the total lack of mention of the FBI's penetrations with informers, its own and those of the local police. When it is known, can this be (b)(1) information? Can this be the kind of thing you told us you are satisfied meets the (b)(1) requirements? (Again - a single illustration.)

Whether Murphy kept the information from Pottinger and thus the Attorney General or whether it is withheld under a spurious claim to exemption, it is not secret that the FBI had penetrated King's organizations, nationally and locally, with both "sources" and actual informers. I could, if I had the desire, identify at least one in the Atlanta SCLC headuqarters. The FBI has already released enough about this informer to make identification possible for me by a couple of phone calls.

The Church committee limited itseld to the bugs and taps so these records just given to me are limited to bugs and taps. There were informers. I know the identifications of some.

Some of the excisions are ridiculous. I am not taking time for detail nor am I now going to tell you, as I have in the past, what I may need in court. Take my word for it or not, I am making you aware.

This kind of thing is inevitable when in a case the Attorney General has ruled is historic, a case in which millions of words have been written in many books and countless news and magazine articles, you have people who are without minimal subject knowledge making the decisions.

The FBI did not tell Doug Mitchell that there were books on the subject, nor did it give him its copies. At the same time he could not have read the records that I have been provided without knowing of most of the books. He then, clearly, was incurious about them or their content. As a result he withheld and after my appeals continues to withhold what was published years ago. I mean precisely the same information as was published, not the FBI's pretense of different information, and in these most recent CRD records, too.

In mome than a year there has been no response to my appeal from the childish withholdings from CRD records provided then and sowrn to be all that existed. If Salliann Dougherty worked in a vacuum, this might be understood. But on FOIA matters and especially in historic cases you are not supposed to work in a vacuum. I can and if necessary will show that CRD withheld what was repeatedly on coast-to-coast TV and in many written accounts and still withholds it.

With Murphy and CRD intentions in this case there is an illustration that may help you understand the positoon in which I see the Department. Les Payne, a friend of mine and a Pulitzer reporter on Newsday, carried forward my work on information and leads I provided when illness prevented my doing it myself. In the course of this and for purposes of checking to get what the Department had to say on these specific facts, he phoned CRD and spoke to Murphy. The purpose of his call, which is more than merely relevant in the records about which I write, is not even indicated in Murphy's record of "outside contact."

When you arranged for us to meet with the review and appeals people, it was not for me to inform them but for them to say what they had done. That there never was time for Mitchell to speak is no loss because his work speaks for itself. However, I believe it might have been more productive if he had learned about the shortcomings and limitations of his work. Even is this had been limited to telling him that in what it calls a "reading bibliography" the OPR report lists six books on

the subject without mentioning mine, the only one not in accord with the Department's explanation of the King assassination. (Naturally enough, neither the CRD staff nor the OPR crew sought to interview me or to ask for any information.)

When you first proposed that I be your consultant and limited this to the records provided by the FBI, I told you that it could not lead to compliance with the requests because there was extensive noncompliance other than by the FBI. In this letter I am citing the most recent of the continuing illustrations. To put it another way, despite all I've tried to tell everyone everywhere in the Department, in the most recent records released, the same unjustifiable withholdings continue.

Aside from the biographies and the multitudinous news and magazine articles, thousands of pages of which supposedly were reviewed in this case, there are other sources for Doug Mitchell and Sallianm Dougherty to have consulted. They were acting in an historical case. As examples, there are the FBI's own leaks going back more than a decade, its releases to others that the Shea office has reviewed, and the staff of the OPR report who could have been consulted.

I believe that you should be aware that any determination of good faith and due diligence in this matter may be evaluated against the Department's knowledge, not just mine.

Perhaps also you can see what Jim and I have repeatedly warned the Department and you personally about - it has made a mockery of the entire Shea operation. (Yes, I am aware of his and your Congressional testimony relating to FOIA.)

The more I am toyed with, as I have been throughout this long matter, the more I am abused by such unjustifiable withholdings as I again find in these three most recent records, the less comfortable I am trying to go down the middle and in taking time to try to keep others and the subject in balance. For one example - and there are others - there is an irresponsible Congressional committee and it is hot after the Department and the FBI, whether or not you know about it. On the 22nd I took some time to help counsel for some of its police victims. In context, this means defense of the Department and particularly of the FBI, as in time you will know if you do not now. I will be taking more time to provide this lawyer with more records.

These newest withholdings, in part the subject of public Congressional testimony, including by the FBI, rather than protecting privacy endanger the innocent. By the withholding of the public domain, the Department tells all who may read these records that other names are withheld, not those that are public. The average researcher or reporter is <u>not</u> going to assume official incompetence or worse, is not going to assume, for example, that the Levison name is withheld when it is public. This will inevitably lead to conjectures about the wrong persons.

Your Frankenstein grows daily.

As I continue going over my notes whenever I can, it is becoming absolutely certain that I told you and your people and the judge the truth, that the notes I made relating to compliance were merely illustrative, for Jim, and not intended to be inclusive. That would have been, as I told you, an impossibility with more than 50,000 pages.

With regard to CRD and other divisions and the FBI, I tell you again that there are withholdings all involved know or should know are unjustified. I am not going to do the FOIA work of these other components. I will give you what my notes show relating to the FBI.

I do continue this work whenever I can.

Sincerely,

[redacted]