

Mr. Allen H. McCreight, Chief
FOIA-PA Branch
FBI
Washington, D.C. 20535

Rt. 12, Frederick, Md. 21701

Dear Mr. McCreight,

Your letter of June 8, 1978 begins with description of enclosed Attachment A, "ten pages" that had previously been classified and was withheld."

With regard to 44-38861-5510 you state that three paragraphs were declassified. With regard to Serial 5513 you state "paragraph 2."

Your new worksheets eliminate the kind of information that is not secret or even subject to classification. One of the changes is in the number of pages in the record and the number of pages released. You now have a single column that takes up more space than both columns did before revision of the worksheets.

This fact and the lack of clarification in what you added makes for at the very least confusion if not for misinterpretation.

For each of these records in this column you have the number/ "1" and nothing else.

Comparing this with the original worksheets leads to more questions.

Actually Serial 5510 is of 6 pages. You earlier released two of these pages to me. In so doing you withheld the first of the six and with it withheld even the Serial Number. The single page you now provide is not one of those you provided initially. Your description of now releasing only "paragraphs 2, 3 and 4" does not appear to be accurate.

Because I was given no record bearing the Serial I made this note for myself as the first note relating to Section 76: "5510 - what is probably this serial is not identified in any way."

The two pages I was provided bear no classification indication of any kind.

This also is true of Serial 5513 - no classification of any kind on the first and only page of mine according to your new list. However, as provided to me originally there were two records under this Serial. And the worksheet does not mention the first or the one of which you now provide a new copy. The worksheets were altered and the identification of the second record only was added.

Your present exemption claims are to (b)(1) and (b)(7)(C) for 5510, (7)(C) for 5513 only. I do not know which of the exemptions you now believe is appropriate to the date of 5510 but because there is no privacy claim possible for Mr. Long, whose initials appear on the memo, I presume you claim (b)(1). Well, this is hardly the first time you have made a (b)(1) claim for public knowledge. I contest the designation of the date you withhold, 1/21/69 as a matter of "national security." By a carbon I am also appealing this and what follows.

In some respects - virtually all - the copy of 5513 originally provided to me is identical with the copy you now provide except that you remove one paragraph less and you also add a "TOP SECRET" stamp. Not only have you classified what was originally unclassified, meaning under E.O. 11652 as of the time you provided the original copy to me, you have classified the entire page at a classification higher than any of its parts.

All of this classification gaff is divided into three parts. Two are marked with the letter "C" and one with the letter "S". (Now that you have declassified the first paragraph of text it is apparent that it was not properly classified to begin with, if it was classified without indication of this on the copy originally provided to me.)

This is the record that was memory-holed on the original worksheets by blacking out.

This record also bears the designation "JUNE" typed on both versions.

There are other relevant records you appear not to have classified. According to the notes I made relating to these other relevant records, your figures with regard to Serial 5510 having attracted my attention as the nonsensical content would not have, there is relevant in files designated Cominfil SCLC IS - C, HQ 100-438794 and NY 100-149194. Serial 5514 refers to NY TEL 1/26, which I do not see in what was provided to me.

The single one of the four missing pages of 5510 that you have now provided states that this person of British accent (about whom you later released more information) "allegedly has a tape of an interview between James Earl Ray and an unknown individual regarding the details of a pay-off of the assassination." This allegedly #three months before the assassination."

As of that time Ray was in Los Angeles. The second record in 5513 is a HQ TT to LA telling it not to investigate. This does not make it appear that HQ took the dubious information seriously enough to justify initial withholding and subsequent classification.

As you are no doubt aware my counsel, Jim Lesar, has just had oral argument before Judge Gesell in C.A.76-0692, which relates to the records of what the Department likes to describe as its "re-investigations" of the FBI's investigation of the King assassination and a few other FBI acts and matters. As you may also by now have heard I provided an affidavit recently in which I allege that the FBI makes sport with affidavits and with the courts.

So I have checked page 353 of the OPR's notes on the FBIHQ MURKIN records. The FBI provided affidavits attesting to the proper classification of the OPR's records in Mr. Lesar's case.

The entire entry for each of 5510 and 5513 is obliterated on Page 353. In each case there is a single claim to exemption, the same workhorse (b)(1). "Affirmed," so to speak, by the enclosed copy.

Your workhorse plowed a crooked furrow with regard to 5513 in claiming (b)(1) for the note whereas the document itself is not classified (b)(1) and in not claiming (7)(C) whereas this claim is made for the document itself.

Your classification/exemptions plowman is also a bit schizo. In reviewing the OPR notes for release to Mr. Lesar you did not withhold the name of this former BBC man whose name is withheld from Serial 5514 and other records as provided to me. It is Malcolm Davis. You withheld his address, too. It was then 142 E. 49 St., NYC.

You did make a privacy claim with regard to this in withholding from me and you have made numerous other privacy claims allegedly to withhold what can hurt or defame people. Perhaps you may therefore appreciate the second enclosed page. The bottom caught my eye as I was turning pages to locate the beginning of the OPR's notes on Section 76: "5536 R.M. Gaines - see 5520; Gaines is an acute alcoholic and has mental illness; interview negative."

The FBI appears to regard Mr. Gaines' rights to privacy as it regards mine. Prithce, did Mr. Gaines write as the FBI does not like?

Because I believe that this is within the services asked of me by the Civil Division I suspend response to your letter dated June 8 at this point to avoid billing the Civil Division for what may not be within what it had the Court direct me to do. Having read the other Attachments I am certain I will be writing you further.

Sincerely,

Harold Weisberg