

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Harold Weisberg,  
Plaintiff,  
v.  
U. S. Department of Justice,  
Defendants.

Civil Action Number  
75-1996

THIRD AFFIDAVIT OF JOHN N. PHILLIPS

I, John N. Phillips, being duly sworn, depose and say  
as follows:

(1) I am a Special Agent of the Federal Bureau of  
Investigation (FBI), assigned in a supervisory capacity to the  
Freedom of Information-Privacy Acts (FOIPA) Branch, Records  
Management Division, FBI Headquarters (FBIHQ), Washington, D. C.

Due to the nature of my official duties, I am familiar  
with the procedures followed in processing Freedom of Information  
Act (FOIA) requests received at FBIHQ. Although I was not initially  
involved with plaintiff's FOIA request, I am, however, familiar with  
all aspects of this request as it relates to the FBI. The informa-  
tion set forth herein is based upon my review of the records and  
correspondence with plaintiff as it relates to this litigation,  
and upon information provided to me in my official capacity.

(2) In compliance with the order of United States District  
Court Judge June L. Green, I am submitting three separate envelopes  
for In Camera review as follows:

- A. MURKIN Headquarters serials 3374, 3400, 3509, 3763,  
3764 and the first unrecorded serial after serial  
6110.
- B. Laboratory "ticklers" of three documents concerning  
Kidnapping; Interstate Transportation in Aid of  
Racketeering (ITAR), Conspiracy; and Bombing Matters.
- C. MURKIN Headquarters serials 58, 1196, 1470, 1500, 1549,  
2126, 2161, 3400, 3763, 4438, 4692, 4694, 4986, 5708,  
6010, 413, 1427, 3503, 4761, 4919, 5212, 5338, 5487,  
5663, 5719 and 5819.

*Teamsters  
Kurt  
jpm (HARRIS) file*

These materials are contained in three separate packages (labeled Envelopes A, B, and C) with notations that they are to be opened only by United States District Court Judge June L. Green and will be submitted to United States District Judge June L. Green contemporaneously with the filing of this affidavit.

(3) To assist the Court in reviewing this material during In Camera inspection, each item has been assigned an identifying number, which appears circled in the lower left corner of the first page of each document. This identifier is a composite of the envelope letter and the document number. For example, the first document in Envelope A has been assigned number A-1.

(4) Information withheld from plaintiff is highlighted in yellow ink. Where deletions have been made the appropriate exemption is cited to the right of the deleted material. Entire documents or individual pages which have been released or denied in their entirety contain a notation across the bottom of each page explaining the action taken.

(5) For the information of the Court, four of the documents ordered for In Camera inspection as having been denied in their entirety were, in fact, released in full to Mr. Weisberg over four years ago. These documents, along with copies of the disclosure letters providing them to plaintiff are attached hereto as exhibits. Following is a list of the released serials, their assigned document numbers, their exhibit numbers as attached, and the dates of release to plaintiff:

<u>Serial</u>	<u>Document Number</u>	<u>Exhibit Number</u>	<u>Date of Release</u>
3509	A-3	1	7/27/77
3763	A-4	2	10/26/77
	C-9		
3764	A-5	3	7/27/77
5708	C-14	4	6/24/77

(6) In addition to the above, one of the documents ordered for In Camera inspection because no exemptions were cited was previously released to Mr. Weisberg in its entirety over four

was previously released to Mr. Weisberg in its entirety, over four years ago, therefore, no exemptions were claimed. This document, along with a copy of the original inventory sheet is attached

hereto as an exhibit. Following the chart above, information concerning this document is set forth below:

<u>Serial</u>	<u>Document Number</u>	<u>Exhibit Number</u>	<u>Date of Release</u>
4761	C-19	5	6/2/77

(7) Serial 1549, document number C-5 was referred to the Central Intelligence Agency (CIA) on March 17, 1977, for direct response to plaintiff. By letter dated January 26, 1981, a copy of which is attached hereto as Exhibit 6, the CIA released this document to plaintiff with deletions made pursuant to FOIA exemptions (b) (3) and (b) (6). On the copy of this document submitted for In Camera inspection, those portions withheld by the CIA are bracketed in red ink. The exemptions claimed by that agency are listed to the right of the deleted material, also in red ink.

John N. Phillips  
John N. Phillips  
Special Agent  
Federal Bureau of Investigation  
Washington, D. C.

Subscribed and sworn to before me this 27th day of January, 1981.

Notary Public

My Commission expires 1/27/82.

The Attorney General

JUNE

May 18, 1968

Director, FBI

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. McGowan
- 1 - Mr. Long

**ASSASSINATION OF MARTIN LUTHER KING, JR.**

James Earl Ray has been identified as the subject in the case involving the murder of Martin Luther King, Jr.

Extensive investigation has been conducted, and no information has been developed indicating his present whereabouts. In order to possibly assist in locating and apprehending the subject, it would be of extreme value to know if the subject has made any contact, either personal or by telephone, with his sister, Carol Pepper, as well as his brother, John Larry Ray.

In view of the above, it is requested that you authorize installation of a technical surveillance at the residence of Carol Pepper and at the Grapevine Tavern, owned by Carol Pepper and operated by John Larry Ray. It is also requested that you authorize installation of microphone surveillance on the residence of Carol Pepper, John Larry Ray, as well as the Grapevine Tavern.

These installations could assist in the early apprehension of the subject, which could possibly be instrumental in reducing the stresses and tension placed on our national security subsequent to the death of Martin Luther King, Jr.

REL:ser

(7) *handwritten initials*

NOTE: See memorandum A. Rosen to Mr. DeLoach dated 5-9-68 captioned **MURKIN** RE:erg-EX-115

*44-1987-13509*

MAY 17 1968

SENT FROM D. O.  
 TIME 5:21 PM  
 DATE 5-18-68

*5-11-68  
LX  
Rom 906 119  
MNR*

*ch*

*Red*

*Rob*

*le*

Mr. Tolson \_\_\_\_\_  
 Mr. DeLoach \_\_\_\_\_  
 Mr. Mohr \_\_\_\_\_  
 Mr. Bishop \_\_\_\_\_  
 Mr. Casper \_\_\_\_\_  
 Mr. Callahan \_\_\_\_\_  
 Mr. Conrad \_\_\_\_\_  
 Mr. Felt \_\_\_\_\_  
 Mr. Gale \_\_\_\_\_  
 Mr. Rosen \_\_\_\_\_  
 Mr. Sullivan \_\_\_\_\_  
 Mr. Tavel \_\_\_\_\_  
 Mr. Trotter \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Mr. Holmes \_\_\_\_\_  
 Miss Gandy \_\_\_\_\_

6 MAY 24 1968

EXHIBIT 1

(A-3)

UNITED STATES DEPARTMENT OF JUSTICE  
 FEDERAL BUREAU OF INVESTIGATION  
 RECORDS DISCLOSURE COVER SHEET  
 FOI/PA BRANCH  
 RECORDS MANAGEMENT DIVISION

July 27, 1977



Mr. Harold Weisberg  
 Route 12 - *Old River Road*  
 Frederick, Maryland 21701

Subject of Request: **Assassination of Dr. Martin Luther King, Jr.**  
 1 - Mr. Long  
 Attn: Mr. Groover  
 1 - Mr. Mintz  
 Attn: Mr. Matthews  
 CIPU

Dear Requester:

Enclosed are copies of documents from our files. Excisions have been made from these documents and/or entire documents withheld in order to protect materials which are exempted from disclosure by the following subsections of Title 5, United States Code, Section 552 and Section 552a. The exemption number(s) indicated by a mark appearing in the block to the left of the subsection cited constitutes the authority for withholding the deleted material. (See below and reverse side of this sheet for an explanation of these exemptions.)

Section 552

Section 552a

- |   |   |                                  |
|---|---|----------------------------------|
| <input checked="" type="checkbox"/> (b) (1) | <input type="checkbox"/> (b) (7) (A)            | <input type="checkbox"/> (d) (5) |
| <input type="checkbox"/> (b) (2)            | <input type="checkbox"/> (b) (7) (B)            | <input type="checkbox"/> (j) (2) |
| <input checked="" type="checkbox"/> (b) (3) | <input checked="" type="checkbox"/> (b) (7) (C) | <input type="checkbox"/> (k) (1) |
| <input type="checkbox"/> (b) (4)            | <input checked="" type="checkbox"/> (b) (7) (D) | <input type="checkbox"/> (k) (2) |
| <input checked="" type="checkbox"/> (b) (5) | <input type="checkbox"/> (b) (7) (E)            | <input type="checkbox"/> (k) (3) |
| <input checked="" type="checkbox"/> (b) (6) | <input checked="" type="checkbox"/> (b) (7) (F) | <input type="checkbox"/> (k) (4) |
|   | <input type="checkbox"/> (b) (8)                | <input type="checkbox"/> (k) (5) |
|   | <input type="checkbox"/> (b) (9)                | <input type="checkbox"/> (k) (6) |
|   |   | <input type="checkbox"/> (k) (7) |

The decision to withhold exempt portions of our records is the responsibility of Clarence M. Kelley, Director of the FBI.

If you believe your name may also have been recorded by the FBI incident to the investigation of other persons or some organization, please advise us of the details describing the specific incident or occurrence and time frame. Thereafter, further effort will be made to locate, retrieve and process any such records.

Your request for information concerning yourself has been considered in light of the provisions of both the Freedom of Information Act (FOIA) (Title 5, United States Code, Section 552) and the Privacy Act of 1974 (Title 5, United States Code, Section 552a). It has been determined by the Attorney General that requests by individuals seeking information about themselves are governed by the Privacy Act. In addition, as a matter of administrative discretion, any documents which were found to be exempt from disclosure under the Privacy Act were also processed under the provisions of the FOIA. Through these procedures, you have received the greatest degree of access authorized by both laws.

You have thirty days from receipt of this letter to appeal to the Deputy Attorney General from any denial contained herein. Appeals should be directed in writing to the Deputy Attorney General (Attention: Office of Privacy and Information Appeals), Washington, D. C. 20530. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal."

See additional information on continuation page.

*James M. Powers*  
 James M. Powers, Chief  
 Freedom of Information-Privacy Acts Branch  
 Records Management Division

Enclosures (7)

PH  
 rph:vlj (10)

MAIL ROOM

TELETYPE UNIT

See NOTE page 3

*Return to RPH, RPH, RPH  
 Jim GSE*

SEE PAGE 2

Mr. Harold Weisberg

This release is comprised of documents from Sections 86 through 91 of the Headquarters' Murkin file; bulky enclosure 5586 which consists of Exhibits Section material; lab reports pertaining to ballistics, spectrography and the examination of cigarette butts; serials 3509 and 3764 which were previously denied but are now being released pursuant to the department appeal review; and one black and white photograph showing an aerial view of the Lorraine Motel and the surrounding area.

Included in this material are duplicated copies of various photographs. Please advise us of the specific photographs which you desire photographic copies of and these will be provided to you.

Pursuant to a decision made by the Department of Justice, you are to be afforded a 40 percent reduction of fees for all documents which are released in response to your December 23, 1975, Freedom of Information Act request for Murkin material. This fee reduction applies to any charges for material to be released in the future and also to any charges assessed against you for Murkin material which has previously been furnished. Our records indicate that we have collected a total amount of \$1,984.80 in fees for payment of Murkin material which has been released to you. Application of the 40 percent fee reduction standard to that amount determines that we now owe you a refund of \$793.92. A request has been submitted to our Finance and Personnel Division for a check in that amount to be made payable to Harold Weisberg. The check should be soon forthcoming and will be immediately forwarded to you. Hereafter, all charges assessed against you for Murkin material will be at the rate of \$.06 per page.

Documents currently being released consist of 1,639 pages. Additionally, 612 pages of documents pertaining to latent fingerprint examinations were provided to you on June 30, 1977. Pursuant to the \$.06 per page duplication fee as established by the Department of Justice, the amount due for this material is \$135.06.

Mr. Harold Weisberg

Also, one 8 x 10 black and white photograph is being released at the cost of \$1.80, which again reflects the 40 percent reduction standard. Please remit a check in the amount of \$136.86, made payable to the Federal Bureau of Investigation in payment of all those fees currently due for Murkin material which has been released to you.

Thank you for your patience and cooperation in this matter.

- 1 - James H. Lesar, Esq.  
1231 Fourth Street, S.W.  
Washington, D. C. 20004
  
- 1 - Mr. John Dugan  
United States Attorney's Office  
United States Courthouse  
3rd and Constitution, N.W.  
Washington, D. C. 20001
  
- 1 - The Deputy Attorney General  
Attention: Mr. Doug Mitchell

NOTE: This release was comprised of 1,639 pages from Sections 86 - 91 and serials 3509, 3769, 5920 and 5586. Mr. Weisberg is being notified of payment due of \$136.86. This amount includes charges for this 1,639 pages, 612 pages which were released on 6/30/77, and a charge of \$1.80 for an 8 x 10 black and white photograph which is being provided. This concludes the processing of Murkin files at Headquarters. We are continuing to process other Headquarters files which are responsive to Mr. Weisberg's December 23, 1975, FOIA request.



UNITED STATES GOVERNMENT  
**Memorandum**

TO : Mr. Mohr

DATE: May 10, 1968

FROM : J. J. Casper

SUBJECT: MURKIN

Tolson	
DeLoach	
Mohr	
Bishop	
Casper	
Callahan	
Conrad	
Felt	
Gale	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

JUNE

*pa*

As shown in attached memorandum of May 9, 1968, from Mr. Rosen to Mr. DeLoach, consideration is given to microphone installations on certain properties of Albert and Carol Pepper. The proposal raises a question concerning the legality of any action taken against the subject of this case on the basis of information obtained from the microphones.

We believe these microphones can be installed and used without prejudicing the case against the subject. In a very recent decision of the United States District Court for the Southern District of New York, a listening device was installed on the premises of one Levine. Later, a subject named Granello, an associate of Levine, came up for trial and claimed that the listening device installed on Levine's premises, which was installed by trespass, was illegal as to him, Granello. It was not contended that any information obtained from the Levine microphone was used as evidence against Granello at trial either directly or as a lead. The court held that since Granello had no interest in the Levine premises, the monitor was not illegal as to him and he could not obtain a new trial or dismissal of the indictment. U.S. v. Granello, 280 F. Supp. 482 (1968).

Applied to instant case, this rule of law could work out in different ways. Assuming that the subject of this case is not on the premises to be surveilled by the means suggested, and has no possessory or other right in those premises, any information disclosed by the surveillance in some way, such as conversation among the Peppers, could be used to learn the whereabouts of the subject for purposes of arrest. The problem becomes somewhat more complicated, however, if the subject of this case made a telephone call to those premises and that telephone call were recorded and used as the basis for his apprehension. He then could claim that the surveillance violated his right of privacy in the telephone communication he made to that place, citing the Katz decision in the Supreme Court.

- Enclosure ~~...~~
- Mr. DeLoach
  - Mr. Conrad
  - Mr. Gale
  - Mr. Rosen
  - Mr. Malley
  - Mr. McGowan
  - Mr. Long

REC 11 44-38861-3763

31 MAY 22 1968

102

"CONTINUED - OVER"

A-4  
C-9

EXHIBIT 2

6 MAY 31 1968

Memorandum J. J. Casper to Mr. Mohr  
RE: MARKIN

The worst that could happen in either of the above circumstances, however, - assuming that we follow the precautionary measures listed below - is that we illegally learn where the subject is located and thus are able to arrest him on that knowledge. The rule that comes into play here, established in the last century by the Supreme Court in Ker v. Illinois, 30 U.S. 347 (1886), is that an illegal arrest is no bar to prosecution. Wong Sun v. U.S., 371 U.S. 471 (1963); U.S. v. Hoffman, 385 F2d 501 (1967); Keegan v. U.S., 385 F2d 260 (1967). A person may be arrested unlawfully and actually kidnapped into the court having jurisdiction of the criminal case, yet the court still retains jurisdiction to try the person for the offense. The court would not allow the prosecution to use as evidence any information obtained through the illegal surveillance but the illegal surveillance would not taint the use of any other evidence obtained either before or after and which was gotten in a legal manner. Nor, to repeat, would the illegality of the arrest alone, resulting from whereabouts disclosed by unlawful surveillance, prevent the court from trying the subject for the offense.

If the action being considered is taken, we strongly suggest three precautionary measures, as follows:

(1) That all recordings be preserved intact. It may be necessary to disclose some of them to the court or even to the defense.

(2) That no use be made of any information obtained against anyone whatsoever or in any way whatsoever except for the single purpose of locating the subject in this case. As we well know by this time, evidence of the offense obtained in this manner is not admissible. It would not be admissible against the subject and it would not be admissible against the Peppers on a charge of harboring.

(3) Be aware that since this search and seizure is unconstitutional as to the Peppers, they have at least a theoretical cause of action for damages against those who installed the devices by trespass. Here again, however, if nothing learned by this surveillance is used against the Peppers in any way, their cause of action is diminished to the lowest possible degree, becoming that for a technical violation only rather than one of substantial harm to them. Moreover, in any such case the government of the United States should surely be willing to pick up the tab for any judgment had against those who installed the microphones.

RECOMMENDATION:

For information.

*Handwritten initials: R, J, M, and others.*

*Handwritten initials: J, M, and others.*

*Handwritten initials: R, M, and others.*

PLEASE SEE ATTACHED

OCT 26 1977

1 - Mr. Long  
Attn: Mr. Groover

REGISTERED  
Subject of Request:

Assassination of  
Dr. Martin Luther King, Jr.

Mr. Harold Welsberg  
Route 12 - Old Receiver Road  
Frederick, Maryland 21701

1 - Mr. Grimsley  
IPU

1 - Mr. Mintz  
Attn: Mr. Mathews

Dear Requester:

Enclosed are copies of documents from our files. Excisions have been made from these documents and/or entire documents withheld in order to protect materials which are exempted from disclosure by the following subsections of Title 5, United States Code, Section 552 and Section 552a. The exemption number(s) indicated by a mark appearing in the block to the left of the subsection cited constitutes the authority for withholding the deleted material. (See below and reverse side of this sheet for an explanation of these exemptions.)

Section 552

Section 552a

- |                                    |  |                                  |
|------------------------------------|--|----------------------------------|
| <input type="checkbox"/> (b) (1)   | <input type="checkbox"/> (b) (7) (A)   | <input type="checkbox"/> (d) (5) |
| X <input type="checkbox"/> (b) (2) | <input type="checkbox"/> (b) (7) (B)   | <input type="checkbox"/> (j) (2) |
| <input type="checkbox"/> (b) (3)   | X <input type="checkbox"/> (b) (7) (C) | <input type="checkbox"/> (k) (1) |
| <input type="checkbox"/> (b) (4)   | X <input type="checkbox"/> (b) (7) (D) | <input type="checkbox"/> (k) (2) |
| <input type="checkbox"/> (b) (5)   | <input type="checkbox"/> (b) (7) (E)   | <input type="checkbox"/> (k) (3) |
| <input type="checkbox"/> (b) (6)   | <input type="checkbox"/> (b) (7) (F)   | <input type="checkbox"/> (k) (4) |
|                                    | <input type="checkbox"/> (b) (8)       | <input type="checkbox"/> (k) (5) |
|                                    | <input type="checkbox"/> (b) (9)       | <input type="checkbox"/> (k) (6) |
|                                    |  | <input type="checkbox"/> (k) (7) |

The decision to withhold exempt portions of our records is the responsibility of Clarence M. Kelley, Director of the FBI.

If you believe your name may also have been recorded by the FBI incident to the investigation of other persons or some organization, please advise us of the details describing specific incident or occurrence and time frame. Thereafter, further effort will be made to locate, retrieve and process any such records.

Your request for information concerning yourself has been considered in light of the provisions of both the Freedom of Information Act (FOIA) (Title 5, United States Code, Section 552) and the Privacy Act of 1974 (Title 5, United States Code, Section 552a). It has been determined by the Attorney General that requests by individuals seeking information about themselves are governed by the Privacy Act. In addition, as a matter of administrative discretion, any documents which were found to be exempt from disclosure under the Privacy Act were also processed under the provisions of the FOIA. Through these procedures, you have received the greatest degree of access authorized by both laws.

You have thirty days from receipt of this letter to appeal to the Deputy Attorney General from any denial contained herein. Appeals should be directed in writing to the Deputy Attorney General (Attention: Office of Privacy and Information Appeals), Washington, D. C. 20530. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal."

X  See additional information on continuation page.

718697

Enclosures (23)  
FTR (10)

*James M. Powers*

James M. Powers, Chief  
Freedom of Information-Privacy Acts Branch  
Records Management Division

MAIL ROOM  TELETYPE UNIT  SEE NOTE PAGE 3

SEE PAGE 2

MAILED 12  
OCT 26 1977

*Return to [Signature]*  
*2m 6-98a*

FOIA

Mr. Harold Weisberg

This release is comprised of documents from the Chicago, St. Louis and Washington Field Office Murkin files. This completes the processing of all Chicago, St. Louis and Washington Field Office files pertinent to your request.

Also included in this release are documents which have been approved for release by other agencies from which they originated, and serial 3763 and photographs of various individuals which the Department of Justice has directed to be released pursuant to the appeal review.

Documents currently being released consist of 1,932 pages. Pursuant to the 6 cents per page duplication fee as established by the Department of Justice, the amount due for this material is \$115.92. Please remit a check in the amount of \$115.92, made payable to the Federal Bureau of Investigation, in payment of these fees.

The documents included in this release have been reviewed on appeal by Department of Justice Attorney Doug Mitchell.

This release completes the processing of all Headquarters and field office files pertinent to your request. Releases will continue to be made as we receive documents which were forwarded to other agencies for their review. Also, any documents which are declassified by the Departmental Review Committee will likewise be released to you.

In reference to your letter dated October 18, 1977, concerning your Privacy Act request for information contained in the Baltimore, Dallas, New Orleans, and Memphis Field Offices, the following is provided for your assistance. Should you desire a check of our Field Office files, you are advised that a listing of them as separate indices has been published in the Federal Register, Volume 40, Number 167 - Wednesday, August 27, 1975. It would be incumbent upon you to so designate your requests directly to them.

Your patience and cooperation are appreciated.

# Memorandum

JUNE

- Tolson \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Mohr \_\_\_\_\_
- Bishop \_\_\_\_\_
- Casper \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- Felt \_\_\_\_\_
- Gale
- Rosen
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Trotter \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holmes \_\_\_\_\_
- Gandy \_\_\_\_\_

TO : Mr. DeLoach *DR*

DATE: May 9, 1968

FROM : A. Rosen *John*

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. McGowan
- 1 - Mr. Long
- 1 - Mr. Conrad

*man*  
1 - Mr. Gale

SUBJECT: MURKIN

**PURPOSE:** To recommend the installation of a technical surveillance (TESUR) on the telephones of Albert and Carol Pepper, St. Louis, Missouri, and the telephone listed to the Grapevine Tavern in St. Louis, Missouri, owned by Carol Pepper, subject's sister, and operated by John Larry Ray, subject's brother, and the installation of a microphone surveillance at the residences of Carol Pepper, and John Larry Ray, and at the Grapevine Tavern. These installations could assist in the early apprehension of the subject, which could possibly be instrumental in reducing the stresses and tension placed on our national security subsequent to the death of Martin Luther King, Jr.

*Loffy*  
*pa*

**BACKGROUND:** We are presently conducting exhaustive and extensive investigation to determine the present whereabouts of the subject James Earl Ray, who is one of the TEN MOST WANTED FUGITIVES. Although many hundreds of interviews have been conducted and leads run out, we have not been able to locate the subject nor have we located any person who can furnish us any information as to the subject's present whereabouts. It has been determined that Carol Pepper, the sister of the subject, and John Larry Ray, the brother of the subject, are the closest relatives to him. Carol is married to Albert Pepper and they reside at 2025 Belleview, St. Louis, Missouri, telephone number 645-2948. John Larry Ray resides at 1900 A Cherokee, St. Louis, Missouri, no telephone listed. Carol presently owns the Grapevine Tavern, 1982 Arsenal, St. Louis, Missouri, telephone number PR 6-9417. This tavern is operated by John Larry Ray.

John Larry Ray has expressed a cooperative attitude; however, it is felt that he is not giving us complete and accurate information. Carol Pepper refuses to submit to interview and is not cooperative. It is felt that if the subject telephones or personally contacts any of the relatives, it will most likely be Carol Pepper or brother John Larry Ray.

Enclosure *sent 5-13-68*

REC 11 *44-38861-3764*

CONTINUED - OVER

REL *urgency*

EX-102

11 MAY 22 1968

MAY 31 1968

MAIL RM  
*AP*  
**(A-5)**

EXHIBIT 3

Memorandum to Mr. DeLoach  
RE: MURKIN

**RECOMMENDATION:** That a technical surveillance be installed on the telephones of Albert and Carol Pepper and the Grapevine Tavern and a microphone surveillance be installed at the residences of Albert and Carol Pepper and John Larry Ray and at the Grapevine Tavern.

Attached for approval is a memorandum to the Attorney General requesting authority for this coverage.

*egm* *ch* *sk* *f*  
*f* *jm*

*It is doubtful that  
A.G. will approve.  
This could be of  
great assistance.*

*f*

*OK*  
*f*