

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

.....
HAROLD WEISBERG,

Plaintiff,

v.

U. S. DEPARTMENT OF JUSTICE,

Defendant
.....

REC- JAN 11 1996
C. A. No. 75-1996

PLAINTIFF'S FIRST SET OF INTERROGATORIES

Under Rule 33 of the Federal Rules of Civil Procedure, plaintiff addresses the following interrogatories to defendant United States Department of Justice:

1. What are the kinds of scientific tests and examinations, physical, chemical, microscopic or otherwise, which would normally be conducted to determine:

(a) whether or not bullets or bullet fragments have a common origin;

(b) which bullet or bullet fragment struck which person or object or which particular part of a person or object;

(c) whether a specific bullet or remnant thereof can be identified as having been fired from a particular rifle;

(d) whether a specific bullet or remnant thereof can be excluded as having been fired from a particular rifle;

(e) whether a specific bullet or remnant thereof can be

(g) whether a specific bullet or remnant thereof struck an object; and

(h) whether a specific bullet or fragment thereof could not have struck another object.

2. Which of the tests and examinations listed in response to the above interrogatories were performed on the evidence pertaining to the assassination of Dr. Martin Luther King, Jr.?

3. List each item of evidence subjected to any of the tests or examinations enumerated in response to the above interrogatory and state all tests or examinations which were made on each such item of evidence and the date on which each was made.

4. Item No. 1 of Mr. Weisberg's April 15, 1975, Freedom of Information request [Complaint Exhibit A] asks for "The results of any ballistics tests." Mr. Harold Tyler's December 1, 1975, letter to Mr. Lesar announces the release of the results of all ballistics tests "as performed on either the death bullet or Mr. Ray's rifle." Were any ballistics tests conducted on any other bullets or rifles or upon any cartridge cases?

5. Please list all items tested ballistically in connection with the investigation into Dr. King's assassination and state:

(a) the date of any such test; and

(b) the person or persons conducting the test or examination.

6. In connection with Mr. Weisberg's information request, the Department of Justice has furnished him three color photographs of the murder bullet. Please state the date each of these photographs was first taken, the date each was developed, and by whom each photograph was taken.

8. Were these three color photographs taken for CBS or as part of the FBI's ballistics investigation?

9. Were photographs taken of any bullets which the FBI test-fired? If so, please list all such photographs, the date on which each was taken, and by whom they were taken.

10. Were comparisons made with any other bullet or bullet fragment?

11. Were any bullets or bullet fragments photographed with the aid of a comparison microscope? If so, please list all such photographs.

12. In performing spectrographic and neutron activation testing on evidentiary specimens, the commonly accepted practice includes the identification and measurement of each element or trace element present. Was each element or trace element present in each of the following items of evidence identified and measured?

- (a) the jacket of the murder bullet?
- (b) the core of the murder bullet?
- (c) the empty shell and the powder remaining in it?
- (d) Dr. King's jacket?
- (e) Dr. King's shirt?
- (f) Dr. King's tie?

13. In subjecting evidentiary specimens to neutron activation analysis, normal practice includes the making of a full and complete tabulation of all results. Was the tabulation of the results of the neutron activation testing of items of evidence pertaining to the assassination of Dr. King full and complete in accordance with normal standards?

evidentiary specimens are or could be identical, close to identical, or not possibly identical in chemical composition?

15. Were any such stated conclusions made with respect to the items of evidence tested by spectrographic or neutron activation analysis in this case?

16. In a normal murder case, how much time would usually elapse between the time a murder bullet or other evidentiary specimen such as the victim's clothing is received by the FBI Laboratory and the time it is subjected to spectrographic or neutron activation analysis? How much time elapsed in this case?

17. How many photographs were made of the bathroom window-sill?

18. Has Mr. Weisberg been given copies of all photographs of the bathroom windowsill either made by or in the possession of the FBI?

19. Has Mr. Weisberg been given all blowups made of photographs of the dent in the bathroom windowsill?

20. Were any photographs of the bathroom windowsill or the barrel of the alleged murder rifle taken with the aid of a comparison microscope?

21. Was any study or examination made with the aid of a microscope to compare the markings on the rifle barrel with any markings in the dent in the bathroom windowsill?

22. Was any study or examination made to determine whether the dent in the bathroom windowsill fit the imprint made by some common tool or object such as a hammer?

23. Mr. Tyler's December 1, 1975, letter to Mr. Lesar states

case." Was this true on April 17, 1968, when Special Agent Joseph Gamble filed a conspiracy charge with the U. S. Commissioner in Birmingham, Alabama?

24. Were any other arrests made in connection with the assassination of Dr. Martin Luther King, Jr.?

25. Were any arrests made by any authority prior to the arrest of James Earl Ray? On what basis?

26. If there were no other suspects and the rifle was found immediately, why was it necessary to test fire so many other rifles?

27. News accounts refer to cigarettes and ashes found in the Mustang abandoned in Atlanta. Did the FBI perform any scientific tests or examinations on any cigarette butts, ashes or other cigarette remains in connection with its investigation into the assassination of Dr. King?

28. Where were these cigarettes sent for testing? Why?

29. Do the FBI's files on the assassination of Dr. King contain photographs and sketches of suspects which were compiled, obtained or circulated by any state, local, or federal law enforcement agency prior to James Earl Ray's arrest?

30. Did the FBI obtain photographs of the scene of the crime taken by Mr. Ernest Withers?

31. Did the FBI obtain photographs of the scene of the crime taken by or for the St. Louis Sentinel?

32. Did the FBI obtain any photographs of the scene of the crime from AP, UPI, the Memphis Commercial Appeal or the Memphis Press-Scimitar?

34. Did the FBI obtain photographs or sketches of any suspects from any newspaper?

35. In his book The Strange Case of James Earl Ray, Clay Blair, Jr. thanks the FBI for its assistance. What assistance did the FBI extend to Mr. Blair?

36. Did any agent, employee, or representative of the Department of Justice or any division thereof meet with William Bradford Huie, Gerold Frank, George McMillan, or Jeremiah O'Leary about the assassination of Dr. Martin Luther King, Jr.?

37. Did any agent, employee, or representative of the Department of Justice or any division thereof give copies of any records pertaining to the assassination of Dr. King to William Bradford Huie, Gerold Frank, George McMillan, or Jeremiah O'Leary?

38. Were William Bradford Huie, Gerold Frank, George McMillan or Jeremiah O'Leary ever permitted to copy or take notes on or read any records pertaining to the assassination of Dr. King?

39. Did any of the writers mentioned in the preceding interrogatories gain access to FBI records on the assassination of Dr. King indirectly, as through the District Attorney General of Shelby County or the Attorney General of Tennessee or any of their agents or employees?

Please note that under Rule 33 of the Federal Rules of Civil Procedure you are required to serve upon the undersigned, within 30 days after service of this notice, your answers in writing and under oath to the above interrogatories.

CERTIFICATE OF SERVICE

This is to certify that I have this 8th day of January, 1976, mailed a copy of the foregoing Interrogatories to Assistant United States Attorney John Dugan, Room 3419, United States Courthouse, Washington, D. C. 20001.



JAMES HIRAM LESAR