Dear Jim, Re Interrobatories, Answer, 75-1996 3/1/76

With too much haste and considerable length I have completed a commentary/affidavit draft to lock horns with Wiseman, the FBI and the USAttorney on what I think are basic issues, and I believe the judge would not have to reach far to find to be perjury. I took them in town and mailed them so there is an outside chance you can have them tomorrow. Surely by Wednesday, your target.

You will find the length and detail greater than you can now use. I took the time because in the future you may need the fact you may not want to use now. Whatever you decide is okay. My belief is that with the pressures you are now under doing a complete job is beyond you. My belief is back to where I was when I did the shorter one, with more generalities: that we should present an immediate hard response with enough detail to establish unresolved questions exist; that there is conscious, deliberate non-compliance; that the amount Wiseman says does not exist that I have established does justifies both a motion to produce and a motion to inventory; and to defeat the current effort at corruption. You can then promise more if needed and you have more than we can use of this "more," even if you do not think of what I did.

Whatever you decide, I would like it to take the form of a polite but extremely tough confrontation on fact. The law is clear and we want to stay away from tricks with it. The fact in this is extraordinarily powerful because they have been so extraordinarily corrupt, dishonest, deceptive, misrepresenters and general all around bastards. The really insane part is Dugan's permitting an "Answer" that involves him, personally, in repeated misrepresentations to the court. If we remember how uptight he was on the 11th and fuel it to the degree possible he may lose himself enough to help us and that always holds out the possibility of other developments now overdue and I think perhaps for which this judge is over-ready. He, personally, gave her an affidavit that is to his knowledge false, besides being false in other ways of which I warned him. Remember my cauthioning him about an affidavit of the kind he described and my promise to prove it would be false swearing? Stuffed with the arrogance of power he has gone too far and has impaled himself. This is better than the situation we had with the other finks like Ryan because he has involved himself personally in a deliberate deception of the judge on the question of assurances of payment, which the affidavit makes material as the FBI itself sees materiality.

How a summary judgement would fit here I can't be sure but I do think that with the motion to inventory it can go. If we do not get her to agree on a motion to produce why not have a reserve from the excess to provide another affidavit to support an effort to depose? We put Gallaher and Frazier and Wiseman under oath and let them stonewall and perjure themselves and we have something. (I have found confirmation of Levy's statement of what Gallagher said about time. The crazy crooks have given me a record of the most essential evidence reaching Washington the next day and I have from 75-226 the kinds of NAA records they did not provide, hundreds of pages generally unknown.)

Except for prejudices we are in a superb position. We can't do anything about the prejudices so let us ponder what is the best we can make of this incredible boost they have given us. I think a short, hard, general (but with enough specifics) affidavit that does not address each "Answer" is the best present approach if accompanied by the under-oath statement of point-by-point refutation. Let us not overload her unless you consider it necessary. But at the same time we cannot underload ourselves. I leave the question of balance entirely to your judgement....I think we can allege that no single answer is truthful and responsive and with 40 that is a record! Meanwhile, don't forget that like Silty, we dealt with the affiant, Wiseman, and he knows what he gave us and can't slip out on ignorance and he knows we pay and Dugan is privy, too. Best,

MM anti-Weisman affidavit, part 2

There are two paragraphs of general statement of Opposition to Interrogatories. Neither states a basis for thos. Tjat of the Government merely cites the affidavit by Agent Wiseman. He not onlys at no poigt qualifies himselfas as competent to execute this affidavit, he does not even qualify himself to respond for the government. In fact, he does not even go so far as to claim competence. His sole claim to qualification, if qualification that be, is that he is a "Special Agent, Federal Bureau of Investigation." That may be a g big deal in the popular mind and in the FBI's estensive self-promotions but it does not state any qualification . From this absence of qualification and what follows Ephem Zimbalist is no less qualified.

(JL: Move for rejection of affidavit as not competent and by one who does not claim competence. That he claims to be acting under Rule 33 does not mean he is competent.) (Or, combine move to reject with motion to compel?)

1. As befits a man who might be Ephem Zimbalist and speak as from Olympus, if he were qualified his statement from the eminence that the "interrogatory is irrelevant to the issue in the FOIA suit" is without proof or the merest whif of it. The fact is that this and all other interrogateries are design to show non-compliance Plaintiff requested all such tests. Noe one was given fully. Plaintiff has no way of knowing what was done, merely what should have been done. In a previous case the FBI phed either incompetence or malfunction as a defense. In this case we seek tom make a record of a) what was done and b) what was not supplied. All eight parts of the interrogatory came from what was supplied and is visibly incomplete and from previous claims made by the government under oath to evidence that has not been supplied. The/tests"of which "scientific of which plaintiff knows are spectrographic, neutron activation and microscopic-comaprison. There may well be others. But these were in themselves not supplied, hence this interreg. The only basis for object, none being stated, that is apparebt, is the FBI claim to the right to rewrite the law, which is exp,icit as can be on such tests, in the legislative history and pre-eminently in the conference report, which says they may not be withheld. They have not been supplied.

2. The statement that "Plaintiff has been provided all tests and examinations with respect to the death bullet and Mr. Ray's rifle" is a) entirely fa lse and b) is not what either the request or the Complaint calls for. This fabrication, originally under the signature of the Deputy Attorney General, stamp dated December 1,1975, was immediately corrected by plaintiff personally and to this day there has been no response. To call this trickery is to dignify it. Plaintiff not only has been given no reports and no complete tests or test results, he hadn't even been given decent paraphrases. He has been given proof of what has not been supplied and of its existence which he is prepared to expand upon if non-compliance persists and this case goes to hearing. Plaintiff did make the specific written request almost a y ear ago. He did not authorize anyone employed by defendant to revise it. The unauthorized revision was noted and rejected two and a half months before this non-response was executed. There has been no request limited to either "death bullet" or "Mr. Ray's rifle." The request was for all tests conducted. The misrepresentation about payment is responded to (above)(in the earlier affidavit). it is a meretricious claim, knowingly so on the part of both Mr. Wiseman and defendant's counsel.

3. The interrogatory, clearly, addresses no more than compliance. The claimed answer is not a response in any way.

4. The interrogatory shows the unauthorized revision of the request and asks a perfectly proper question. The non-response is even more deficient that above because what was provided shows the testing of some 22 rifles of different make and calibre but in no single case was there compliance with the request as it relates to any. That there was the used of these 22 rifles is disclosed in handwritten notes that were not withheld. The purposes of the use of these rifles is not disclosed. With no results or other information provided the purpose of this interrogatory is obvious, to establish deliberate withholding. The notes were not made merely to show that the FBI owns 22 rifles. Nor to show that it can read manufacturers names and calibre markings. Plaintiff believes that this constitutes proof of the withholding of which respondent and defendant are aware, making it a deliberate withholding the nakedness of which is poorly hidden by the non-

response called an "Answer" to interrogatory 2. As used in pretended response to 2 it is false. As used here it is also utterly irrelevant. This interrogatory addresses what it not encompassed by Interrogatory 2. Moreover, there is nothing in this interrogatory to which either "cost of reproduction" or "search fees" is /relevant"to locate and identify same." The question posed is no more than "Were anyballistics tests conducted on any other bullets or rifles or upon any cetrid cartridge cases." The answer is either "yes" or "no." But answering "Yes" would disclose non-compliance" and answering "no" would disclose that the minimum FBI investigation was not made, so defendant and respondent dare not answer either. The fact is that other tests were made and have been withheld and this interrogatory has the sole basis of helping establish non-compliance. The list of rifles used will follow.

5. The claimed immunity "right to privacy" of government employees engaged in non-secret work is particularly indecent considering the violations of plaintiffs rights by the government and the failure of the FBI even to acknowledge his request for those files in its possession. In this case the claimed immunity and right to privacy is to prevent plaintiff from deposing them if it were to become necessary to go further than interrogatories. The plain and simply truth is that countless hundreds of pages have been made available by defendant with these names includes, including as recently as in C.A. 75-226. In that case, where there was masking, these names were not masked. The requests are in both cases identical. Part of the intent might be to hide from this court the untoward haste with which some previously identified testers and examiners took early retirement as recounted above (in the earlier affidavit). Were none of this true, as all of it is, the invocation of (b)(7)(C) could not possible relate less than to the right of privacy, real or otherwise, of federal employees. It is restricted entirely to the content of"Investigatory files compiled for law enforcement purposes, (7), with (C) relating only to the subjects of such investigatory reports, what would "constitute an unwarranted invasion of person privacy" of those mentioned in such reports. Going farthur that the total irrelevance of this prohibion, even if it were relevant the legislative history is explicit, partocularly in the Conference Report, in that being

no such immunity relating to any such tests. Going further still and parenthetically also addressing defendant's intent, during the debate on the enacted amendments, on May 30, 1974 (Congressional Record, p. S #9336, Senator Edward M. Kennedy asked Senator Hart, Does the Senator's amendment in effect override the court decisions in the coyrt of appeals on the Weisberg against United States" and three other cases? "As I understand it ...the impact and effect would be to override these partecularly decisions. Is that not correct?" Senator Hart responded that Senator Kennedy"is correct. That was the purpose of the Congress in 1976, we thiught, when we enacted this." Or, the Congressional intent has always been that there be nun such immunity for any such tests, the sole issue in the cited case being obe of these tests, and the amending could not be of more specific intent. Plaintiff believes and therefore alleges that the grossness and deliberateness of the intent to violate the law and/or again seek to rewrite it by exploiting prejudice against the subject matter with which plaintiff works could not be more flagrant, the deliberatenessness of the misrepresentation of the law more total.

Pla intiff further believes and therefore avers that the real reason for nnk refusing to identify those who actually worked on the tests and examinations, meaning those what have not already taken flight, is to make it impossible for plaintiff to confront them with a choice between proving deliberate withholding or false swearing.

In no prior case going back 12 years to plaintiff's personal knowledge has this claim to immunity been made (and not by those entitled to make the claim) and in no prior case of which plaintiff knows has there been any such withholding.

In all of this the fact that the interrogatory addresses compliance only ought not be forgotten. There is no other purpose intended nr and not other reasonable interrep interpretation possible.

6. The same is true of this and all other interrogatories. In this case the internal evidence of the photographs themselves is that they a) were not taken at the time of the original photographs and for laboratory purposes and b) were designed for TV use. The manufacturers nor- secret catalogues contain photographs of the remnant of

remaining after impact more suitable for comparison with a test firing than these. Identifications are made by unique markings from the firing, these markings being obscured by the manner in which these photographs were taken. Affiant believes and therefore avers that these are non-scientific pictures not taken for laboratory purposes and is prepared to submit sworn statements from recognized experts so attesting. In addition, these pictures are so staged as to seem to give credibility to what without protest from him affiant has described as false swearing by the departed agent, Robert Frazier, who executed an affidavit relating to this remnant. It is sworn and unrefuted testimony in the evidentiary hearing in Ray v Rose that theis this particular remnant can be positively identified as coming from or not coming from a partbicular rifle.. to the exclusion of all others. These pictures are carefully arranged to convey the opppsite and false impression. In any event, they are also staged not to show the areas of the fragment required for identification purposes.

The "Answer" is not a response. The spuriousness of the claim to immunity under (b)(7)(C) is addressed above.

6. "additional time" is involved with pictures delivered in recent months and following filing of this Complaint. The nonresponse to Interrogatory 2 is irreleavnt.

The refusal to identify the photographer is set forth above, fear of exposure of deliberateness in this misrepresentation to the Court.

7. The response is palpably false. These photographs are utterly incompetent for the alleged purpose for which they were taken. The answer is completely refuted by the testimony of the Departed Frazier before the Warren Commission in which the purposes of such photographs is explained. These pictures are taken ti hide rather than reveal the marks in the groves secured in the bullet fragment by the rifling of the barrel. The tests require the most complete possible examination of what is so carefully hidden in these pictures. Moreover, Reparted Frazier swore that he made proper and scientific comparison, impossible if as here sworn these were the only pictures.

8. With the foregoingm the argument asking whether these, the only color puctures the FBI hasprovided affiant in a decade, were taken for color TV use is not "Irrelevant to the issues in this FOIA suit." Photograpahs requested by affaint were not provided.

These were abd they are not lab pictures. It took about three-quarters of a year to get ther and they were not provided ubtil a) after CBS made this similar request and b) they were first given to CBS. However, CBS did not use them, instead using one showed by affiant and not provided by the defendant.

Still again the interrogatory addresses compliance. On this there has been none. relevant.

9. If this "Answer" is false, and plaintiff is confident it is not , then there is false swearing., with little room for doubt. "Answer 2" is limited to "death bullet" nad and "Mr. Ray's rifle." It also says that 100percent has been given affiant. This Interrogatory is limited to "bullets which the FBI test fired." Defendant has provided holographic records of the use of some 22 different rifles. Defendant has provided no "photographs taken of any bullets which the FBI test fired." The question transcends the ijtent of the interrogatory, to address compliance. It is false swearing.

As dieshinguished from bullets, which do kill and are scored uniquely by rifle barrels, defendant supplied incomplete records of this kind of testing and examination of shell casings, including those not possibly relevant to the crime. However, if defendant were to supply me with proper lab pictures of test-fired bullets fired from "Mr. Ray's rifle" defendant would run the risk of making it possible for non-FBI experts to prove that the fatal bullet remnant was not from "Mr. Ray's rifle." This provides motive. The Interrogatory, however, addresses compliance only. non-

These pictures are entirely inadequate on a different basis still: the remnant or fragment is further fragmented, the core having separated from the casing. The pictures are designed to hide this.

11. The prediliction of Mr. Wiseman for his "Answer" interrogatory 2 is permeating as it is irrelevant. The proper answer to "Were any bullets or bullet fragments photographed with the aid of a comparison microscope"is, without"search fees...necessary to locate and identify" either "yes" or "no." The question is limited to compliance. No such photographs were supplied. Departed rather swore to such comparisons being made by him, personally.With respect to the (non-lethal)shell casing and breech face such photographs were provided. With respect to the [redacted] none were.

Here a truthful and non-evasive response could involve Defendant and Departed Frazier in the most serious probelms, which provides motive for evading response.

Were "Answer 2" responsive, as it is not, it would still be irrelevant here.

to anyone with FBI training

12. To anyone with FBI training and experience this response is knowingly and deliberately false. Indulging the practise of semantics it still remains false to swear that "Plaintiff received the results of the FBI's neutron activation and spectrographic analysis [sic]." This is nto true with regard to any of the five items of evidence incouded in the Interrogatory. The question is addressed to non-compliance: "Was each element or trace element present in each of the following items of evidence." Trace elements are those shown by all the scientific literature to be most important in identification by these tests. Presence of elements without measurement and evaluation is not enough for identification and is not the end product or "results" of these tests. However, with nine elements identified in the core only of the fatal remanant, one not element in those bullets with which compared, only one is noted as present on the clothing, lead. (This tabluation does not list even the elements in the copper-alloy jacket, or outside encasement of the original bullet.) It is impossible for traces of lead only to have been deposited on the clothing, from which numerous samples were removed for the tests. The Interrogatory is addressed to non-compliance. Not inly is it overtly false that anything provided in this case to this poitn can be called the "results" of the tests but, compared to what was provided in response to a similar FOIA request in C.A.75-226 large enormaous quantities of records were deliberately withheld. Any statement of "results" requires a listing and evaluation and comparison of all the identified elements. In the one possibly complete listing- which shows a difference when the fatal fragment was compared with other bullets - there is no indication of the percentage of each element present, the means by which positive or negative identification is stated. Nothing at all was supplied in response to some parts of this question, another reason for the Interrogatory. Yet proof the testing was provided.

Nor is there are question of "additional information" or "additional search and reproduction fees." Mr. Wuesman swears to compliance when there was none. The question of any added costs has been addressed already. It is not an existing question but is thrown in here partly from habit, and partly in an effort to shift the burden of proof onto plaintiff and partly to hide non-compliance.

13. The interrogatory, again addressed to non-compliance, correctlt states the "normal practice" including " the making of a full and complete tabulation of the results of"these tests. It then asks, imply if this was done in this case. The reason, quite contrary to the false swearing of the "Answer" to the previous Interrogatory here refered to as an "Answer" to this one, is that nothing of this sort was provided. Not only not a single phese of paper but nothing even indicative of the existence of any one. This "Answer" constitutes further false swearing because the referred-to prior Answer" says Plaintiff "received the results" he has not. Not even after specifying to defendant's counsel who supplied this affidavit that he had not; and that there is proof of the existen ce of withheld and readily-identifiable records; that there is no basis for pretended misunderstanding of the Interrogatory because it was by the same defendant correctly unserstood in C.A.75-226; and when defendant's counsel said he was about to move mootness plaintiff responded to do that under oath might constitute perjury.

The intent to evdae is transparent. The FBI did or did not do what it was supposed to have done and represented to several courts that it had. The information is clearly specified in the requests and Complaint. If the FBI did not do its job it can so state. If it did- and these few records provided leave no doubt that the tests were performed - then it is as of now deliberately withholding what it knows is called for and is evading and swearing flasely to perpetuate the withholding. Embarrassment - here possible because or prior swearing about what the "results" khow and mean- is in the legislative history specifically stated as no basis for withholding.

Plaintiff again notes the early retirement, beginning with the expert on these tests and followed by the ballistics expert, in an apparent effort to make it impossible for Plaintiff to ask for first-person affidavits. It is here relevant.

14,15. Because there was no providing of results asked for these two Interro gatories address non-compliance by asking whether conclusions are stated /showing "whether the various evidentiary specimens are or could be identical" in origin, close to identical "or not possibly identical;" and whether with respect to these tests there were such stated conclusions, none having been provided. There is noting in the agains-cited reference to the "Answer to Interrogatory 12" except more false swearing because nothing of this nature was provided and that Answer swears to everything have been g provided. Discovery is made necessary because proof of the performance of the tests was given whereas in no case was the results or stated conclusions. Not only is this the need and very purpose of the tests but in this case there was a considerable time lapse between the time the tests are known to have been performed and the first date on any of the papers not still withheld. There thus is reason to believe purposes records of an earlier date continue to be withheld. In addition, the purpose in this case was to prepare for a prosecution. The FBI itself filed charges other than those filed by the State for which the FBI acted as investigator and did the lab work. Without a clear and dependable statement of the results of these tests the prosecutors had no way of knowing that they mean and without that there was nothing to connect the accused with the crime. Again, there is no doubt, this is included in the requests and Complaint. What is sought does or does not exist. The Answer is false in saying the results and conclusions were provided.

16. There is not even the suggestion of responsiveness in against referring to "Answer To Interrogatory 12" because this Interrogatory asks about this time lag and that "Answer" makes no reference to that. It is again false swearing in saying that this was provided, as Answer 12 does. Plaintiff believe and avers that the tests were commenced immediately by First Reported Agent John F. Gallagher. By way of added explanation the lag in time coincides with the belated identification of Ray's finger-prints, was was provided being dated thereafter. At best this is not responsive and the point again is deliberate non-compliance.

17. The statement"Plaintiff has received all photographs which were made of the ba throom windowsill" is untrue and impossible. The Interrogatory again addresses non-compliance. Other pictures were taken and Plaintiff has seen them eslewhere. Those provided offer no means of identification, nor proof of sources, and do not include the microscopic comparison with the rifle muzzle sworn to by Frazier. Moreover, the supposed purpose of the study of this windowsill was to relate a dent with the rifle. The phorographs that were provided sow two similar dents and no comparisons relating to the second dent. Added im ortance is imparted by the claim of the prosecution that the rifle was resting at that point and the statements in what was provided that the dent, if caused by the rifle, was cased by the side rather than the bottom of the muzzle; that there are no traces of firing detectable; and that there are no traces of paint, wood or aluminum (from the windowscreen) on the muzzle. This evidence of disproof of the charges provides motive for the withholding.

With special regard to"Answer to Interrogatory 20" the request and Complaint and "Answer to Interrogatory 21", do encompass this separate question of pictures taken with a comparison microscope and Frazier did swear to the making of precisely this comparison., these com which are not provided. Mr. Wuseman has qualified himself to ordain what is "outside the scope of this suit," as he here swears. If he wants to swear that the FBI lab does not known the FBI business perhaps his training and experience permit that, but the fact is that in this series of Interrogatories the purposes is addressing non-compliance where there is contradiction of Mr. Wiseman's affidavit by the FBI and under oath and in that which Mr. Wiseman personally delivered December 2, 1975.

With Regard to "Answer To Interrogatory 22", which is no more than a reference to that of No. 20, No. 20 is not responsiveness possible when Interrgaory 20 asks about pictures only and Interrogatory 22 asks "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?" Interrogatory 22 addresses compliance because what has not been withheld strongly indicates if it does not prove that the rifle could

have caused either dent if in fact it does not prove this. It does prove that there was no firing as alleged. The question addresses withholding because one does assume that the FBI does its job and knows how and this information was not provided in response to the request or Complaint. Mr. Wiseman here does not even claim the Interrogatory is not included in both request and complaint so the "Answer" is not responsive, either. The possible honest and responsive answers are either "yes" or "no."

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23. Interrogatory 23 correctly states two contradictory facts in an effort to obtain what is called for an was not supplied:

a)Deputy Attorney General Tyler wrote plaintiff's attorney that "there never were any other suspects on the case," and

b) The FBI files a conspiracy charge in Birmingham, Ala., prior to Mr. Ray(s arrest.

Interrogatory 24 asks if"any other arrests were made in connection with the assassination of" Mr. King. Interrogatory 25 asks if any arrests were made "by any authority prior to the arrest of "mr. Ray.

This information is not sought frivolously nor are the Interrogatories unserious. If the Deputy Attorney General was correctly informed and wrote correctly then there was no basis for the Birmingha, charge made by Defendants. On the other hand, one presumes that Defendants do not make spurious charges in courts of law.

The "Answer to Interrogatory 23" states, without stating Mr. Wiseman's basis or cometence to make th affirmation, that "There were no other suspects." The "Answer to Interrogatory 24 states "Not other arrests were made in connection with the assassination" of Dr. King. That to Interrogatory 25 is ~~was~~ phrased differently, It begins with this limitation, "Base pn information available to me," but does not even indicate what "information" was "available" to Mr. Wiseman, aside from what is mea niggless, "through [sic] the files of the" FBI. It then states falsely that "no other arrests were made/ by any authority."

Other arrests were made and were puhlicy reported. In addition, Plaintiff knows of not fewer than ~~two~~ subsequent arrests ~~of~~ of men connected with Mr. Ray. Plaintiff

has interviewed three of those arrested. Two are brothers of James Earl Ray. When this is combined with Plaintiff's personal knowledge of at least three other suspects and in one case with Plaintiff's personal delivery to the FBI of a sketch and a picture, here not even acknowledge, it is apparent that the response is either not honest or the alleged search of "the files of the Federal Bureau of Investigation, whether or not by Mr. Wiseman, is a very bad joke.

Moreover, with respect to one of the "suspects" there was an official FBI statement which did not deny he was a suspect. It said only that release had not been authorized.

Still another arrest, known to the FBI, was that of a "material witnesss" who was used by Defendant in its extradition of Mr. Ray. This most certainly was "in connection with the assassination" of Dr. King/ and unless false swearing or deception or an incompetence of Mr. Wuseman's affirmation that "No other arrests were made in connections with the assassination" of Dr. King.

26. This interrogatory asks "If there were not other suspects and the rifle was found immediately, why was it necessary to test fire so many other rifles?" The "Answer" is "Object,. Interrogatory is not it irrelevant to any issue raised in this lawsuit and therefore, not a proper interrogatory."

Plaintiff believes and therefore avers that the most basic issue in any FOIA suit is of compliance. At this stage in this lawsuit, particularly when Defendant's counsel has claims mootness and says he is going to move to dismiss, the question of compliance predominates. Establishing compliance or non-compliance is the purpose of this limited effort at discovery.

The request and the Complaint ask for all such tests. Despite the unilateral and unauthorized effort by Defendant to rewrite the request and complaint they are specific. Moreover, Defendant so interpreted them through Mr. Wuseman, who personally provided the proof of the use of these 22 other rifles. No results or any other information of any kind was supplied on these testing of these 22 rifles the testing of which Mr. Wiseman himself found to be relevant because he supplied that record.

The FBI did, immediately, have the alleged murder weapin and the cause-of-death identifiable
/remnant of bullet. The request and complaint are for all tests, which includes those on this particular rifle and all others. If with this reifle and the claims made there would appear to be no apparent reason for the testing of 22 others, particularly with the official account being that this rifle to the exclusion of all others having been the weapon that fired the fatal shot, the plain fact is that the request and complaint are proper, they ask for all tests, this means those of these 22 rifles, and not a single record of any tests on them has been prohibed. It is relevant to this suit by Mr. Wiseman's own election in providing Plaintiff the first knowledge he had of these 22 rifles, the use and testing of which has been a total secret until conveyance of this single sheet or handwritten notes in no way identified by Mr. Wiseman or the one who did the writing.

This sheet is undated. This gets to the question of the time lag referred to above, whether those 22 rifles were tested before or after Mr. Ray's fingerprints were belatedly identified. This sheet establishes the use and testing of these rifles others than what defendants describes as "Mr. Ray's rifle:"

Savage Models 99,100,1100, 219,1106;
Stevens Models 325,325A, 325B,325C;
Remington Models 600,721,722,725,740,760;
Weatherby Magnum 300.

The different calibres used, despite the official certainty that "Mr. Ray's rifle" was a .30-06 are .300,.30-30, .308 and with a veriety of kinds of ammunition with each.

However, other records supplied show the FB's redeipt of the evidence from Memphis April 5, 1968, which means any time beginning only 6 hours after the crime. The sworn testimony of then Special Agent in Charge of the Memphis office, Robert G. Jensen, is that the FBI's entrey into was authorized by FBI headquarters Washington (also known as "SOG" or "Seat of Government") in a matter of minutes.

If the reason for the testing thereafter of all these other rifles is not clear that all records relevant thereto are properly included on the request and complaint and despite Mr. Wiseman's sworn statement are relevant to this lawsuit.

27. This interrogatory asks for "any scientific tests or examinations on any cigarette butts, ashes or other cigarette remains" (emphasis added). Mr. Wiseman is deliberately non-responsive to referring to only those from the "white Mustang abandoned in Atlanta."

What is described in the Interrogatory was tested by the FBI, which packaged them in an FBI container, identified them with an FBI lab number without a single attached FBI report. These remains, in the custody of the Clerk of the Shelby County Crimonal Court, have been made visible to plaintiff, CBS and others by the clerk of that court.

Compounding the question of compliance, the purpose of the Interrogatory, is Mr. Wiseman's own uncorrected derelection. He supplied only pages 1 and 3 of a list of the evidence, again not dated until after identification on Mr. Ray's fingerprints. "Re: HUSKIN" (presumably for Muder of King) FBI Headquarters on April 19, 1968, sent FBI memphis this list. The first page is headed "Items FROM 1966 FORD MUSTANG." The second page is missing. It included FBI lab specimens identified as Q 118 through Q142." Although page 3 ends "(continued on next page)" Mr. Wiseman did not provide any subsequent pages.

Plaintiff's interest it not frivolous. Mr. Ray is a non-smoker. Earlier identifications of clothing recovered in this car establish they could not have been Mr. Rays. The list just cited omits sizes. Defendant has not complied with the request and complaint without even claiming irrelevancy. Instead Mr. Wuseman again sought to reqrite the Interrogatory in order, apparently, to avoid response and/or compliance.

In order to obtain compliance Interrogatory 28 asks where the testin was done. Mr. Wiseman's referral to the earlier non-response is even more non-responsive. Even in terms of his rephrasing of Interrogatory 27 to limit it to wha the Interrogatory does not, remains found in the "white Mustang abandoned in Atlanta," that in no way responds to where the tests were made, a perfectly proper inquiry to be able to establish non-compliance or obtain compliance/ by identifying for defendant where the records can be located.

29. The interrogatory asks if FBI records contain "photogrpahs or sketches" of other suspects. As recounted above, there were other suspects and the FBI issued statements that were widelt published, as were at least two sketches/ and at least one picture. None of these were given to Plaintiff in response to the complaint, with Mr. Wiseman making the delivery. The simple request cannot be responded to by the clearly false pretense that it is for "information[that] pertains to the internal [sic] practis and procedures" or the FBI. Again questions of honesty and/or competence are raised by this "Answer "Answer." However, were this true, ~~the~~ immunity is waived by any use. (American Mail v. Gulick, etc.) Publication of sketches and public statements are ~~xxxx~~ public use and are not "internal."

30. This interrogatory is limited to what was not provided,"photographs of the scene of the crime" and further limited to "taken by Mr. Ernest Withers." Mr. Wuseman quites irrelevancies from the Deputy Attorney General's letter, limited to the offer of access to photographs of entirely different pictures, "of Dr. King's clothing, the inside of the room rented by Mr. Ray..." It thus is not a response, if the unsworn and otherwise innacurate letter is competent in response to Interrogatories. Moreover, as previously recounted, Mr. Wuseman has made plaintiff's examination of those pictures to which he here refers impossible. Moreover, that to which Mr. Wiseman refers, from several official statements, had already been "compiled" as part of several of what were described as "internal investigations." Were the claim to search fees previously guaranteed by plaintiff relevant, as it is not, the fact of prior compilation means there can be none. This is cited as further bearing on intent as addressed to interrogatories in a matter of this nature. The Interrogatory is proper. There is no responsiblness.

31-4. The request and complaint seek photographs of the scene of the crime. There is no claim of irrelevancy. Rather does defendant claim they do not exist in defendant's files. Plaintiff believes and avers this is false. This statement is not based on the knowledge that there have to have been pictures of the scene of the crime in any investigation. It is not based on the reasonable presumption that they were taken

because they were indispensible in any investigation and the FBI conducted this investigation. Nor is it based on their need as prerequisite to the filing of the affidavits used to procure the Ray extradition, as they were necessary. Nor to the knowledge that the local police took such pictures. All of these are proper bases for the Interrogatories. However, it is based on the certain knowledge of dozens of these pictures the FBI has, how they were obtained and from whom and other details the present disclosure of which would enable the FBI to amend its total and ridiculous denial to include only those Defendant can identify and describe.

Following a summary judgement in this dirstict against defendant and in favor of plaintiff in C.A.718-70, defendant delivered a single photograph that was staged and was misrepresented as the finding of the package of evidence a block away from the scene of the crime. This is the one photograph referred to as existing the defendant's files in the unsworn and unappended letter of the Deputy Attorney General stamp dated December 1,1975.

Ludicrous as it is to pretend that in any kind of murder in which the FBI is involved it has no single picture of the scene of the crime, i n this case, only partly because of the magnitude of the crime, it is an even more ridiculous pretense. There were such vital legal and investigatory questions as the position of the body of the victim, pictures for from prosecutors and as evidence as the basis of testimony and for use by and understanding prosecutors, etc.

Anyone can buy photographs from news agencies, which are in the business of selling them. This is true of almost all newspapers, too. Some of these photographs were published. Tp plaintiff's personal knowledge the five media elements cited in these interrogatories did take photographs of the scene of the crimes, as did others known and unknown.

All the Interrogatories are clearly encompassed by the request and compl.int. It is not a response to direct plaintiff to start all over again (Ans. to Ans. Nos. 31,32,33,34.)In all of this Orwellian evasion, there is neither the claim of irrelevancy nor the allegation of non-possession ("which may or may not be in the possession of this Bureau.")

Instead there is an invocation of hagiolatry. In the case the saint if FBI secrecy. It is actually claimed to be a sacred right of the FBI to keep secret not only any pictures of its own but those obtained from those who make a living by selling them! ()"...the source of certain photographs which may or may not be in the possession of the FBI.") This secrecy is claimed to extend to the published pictures, those taken by the five cited and other news elements.

Atop all this, when prior to the execution of this affidavit plaintiff did personally and through guaranteed by plaintiff's counsel assure the payment of any costs once the sums were specified, it is here further claimed and filed by defendant's counsel to whom the assurances were given that in any event it would be necessary to provide these assurances as a precondition. Mr. Wiseman's own practice in this case was to a) deliver the minuscule fraction of what is called for that he did deliver and b) thereafter accept payment.

Were this not already too much, there are those two internal investigations, both announced prior tothe filing of these interrogatories, and another that is public knowledge, dating to 1970. With these such internal investigations is it reasonable to claim an expensive search is now necessary? Can there be any internal investigation that does not include pictues of the scene of the crime?

There is a converse to this. In the past plaintiff has paid search fees. Defendant thereafter made copies of that for which plaintiff sued available to others. Defendant's regulations require the pre-rating of these fees under these circumstances. Defendant has made no refund to plaintiff. Plaintiff's purpose here is to bring him for this court what defendant is up to: frustrating the law, misrepresenting to this court and denying plaintiff's rights under the law. Plaintiff is an aging man without means or subsidy, of no regular incomes and he is ill. When defendant violated defendant's own regulations with regard to search fees , plaintiff did not make an issue of it, despite verbal assurance of refund from Mr. Wiseman's associates in that part of the FBI, because when this was not done voluntarily the cost thereafter, in time and money, would have been burdensome

to defendant and defendant's employees.The contrast between defedant's and plaintiff's record in this regard and this spurious claim now made by Mrs Wiseman, can serve to inform this court about the purposes of these misrepresentations to it.

There is a persisting suggestion that plaintiff here seeks to violate proper secrecy. It is a suggestion that would demean the insane. ("...seeks information conerning the source...";"...concerns the source...""...obtained from other sources..." "...from any other sources, official or unofficial...")

This apparent hysteria about pictures of the scene of the crime, not secret in nature; not immune, not even claimed not to be in defendant's possession, when not one was provided in response to the request and the complaint, and without any claim that they are not included in the request and complaint, and when all "Answers" are not in any way responsive, tend to establish the propriety of and the need for these Interrogatories and to underscore the actual reasons for the widespread and contuning withholding of what is properly and within the law sought in this action. Defendant has what is sought, iswitholding it improperly. and seeks by these sundry irrelevancies and deceptions to continue to withhold what cannot bebunder the law.

35-9. These interrogatories relate to plaintiff's initial request of more than five year ago to which there was neither response not bare acknowledgement, for access to that to which other writers were given assocess. Two of these writers credit the FBI in their books. One reportedly had shown a medical person copies of FBI reports of what he said to the FBI that is protected by patient-doctor immunity. One could not possibly not have had the FBI as a source for his published and early writing. Still another, not included by plaintiff whose ourposes were narrow in these interrohatories, has not only credited the FBI but Cartha deLoach by name. It is no secret in Washington that Mr. deLoach and vefore him Mr. Lou Nichols, serves this function in the FBI. Yet Mr. Wiseman, pretending the contrary andnwithout in any way providing any identification, say here that he negative responses are "based on an examinationmof the documents in questions." Which "documents inquestion?" Surely not those pages of the writers who

published their thanks in their own books. Nor Jim Bishop, what thanked Mr. Deloach in his column of May 14, 1975. (Miami Herald.) The reporter known to have worked for the CIA? The files of Messrs deloach and Nichols? These writings include even the texts of unpublished FBI teletypes.

Without identification of whatever Mr. Wiseman man mean by "the documents in question" and without his assurance that he searched/the records left by those named and their successors, these "Answers" are at best incompetent and at worst an intended deception, it being anything but secret that the FBI has always had personnel to whom these functions have been assigned for years.

When the writings cited quote unpublished FBI records, whether or not these "answers" are frivolous the Interrogatories are not. One of these writers has personally told me of help from the FBI and of his having copies of confidential medical records that defendant also had and used in procuring Mr. Ray's extradition. The interrogatories address compliance with part of the request and complaint the propriety of which is unquestioned.

Plaintiff has taken this time and gone to this effort to inform the court that the interrogatories are proper and limited to non-compliance; to inform the court that it is being imposed upon; to show that he is being denied his rights; and to demonstrate that still another effort by defendants to negate the law that confronts it with embarrassment, with facing disclosure of its own misconduct and violations of this law are afoot. Plaintiff believes he has demonstrated the propriety of and need for these Interrogatories; that they have been responded to, and that they should be, under compulsion if necessary because they prove non-compliance.