

Memo on 5/5/76 meeting with Tom Wiseman, FBI FOIAPA unit

5/6/76

After the status call 5/5/76 Jim Lesar and I walked to the J. Edgar Hoover Bldg. Paul Wurtzel was with us. As I assumed, when Jim gave his name on the phone he was told Wiseman was not there. I had asked him in advance to say only that we were coming over, not might we.

Dugan had called Jim about 5 p.m. the night before, telling him that Wiseman has pictures of the scene of the crime and careful to say that they had come from the Memphis F.O. In court Dugan had repeated that we could see but not have copies of some of these pictures. It was easy to figure which they could figure I knew about and I had told Jim what these pictures would be limited to, accurately, in advance.

There were several pictures of suspects, supposedly Ray but not all of him. Jim has a list of those of which I asked copies. Some are sketches. Some had legends on the back, some did not, but they did have file numbers. These are the first records the FBI has shown us that include file numbers. Or, we have no records from their numbered files.

There was a long strip of negatives about 9x9 taken by the Army Engineers from the air. There was no identification with the tube of these negatives, no positive prints (They seemed like positive negatives) and no means of viewing them. After the three of us had spent some time trying to examine them without damaging them I decided against any further viewing because I was afraid of damaging the film.

There were more than a hundred prints of the Louw film about which Wiseman appeared to know nothing and to have misinformation. These pictures had no piece of paper with them. Wiseman gave us an account that is different than Dugan's. Dugan said they had a letter from Time-Life saying we could see but not have copies of the pictures. Wiseman was refusing to let me even see them. I told him this was contrary to Dugan's promise. I asked him for copies of the correspondence and he said there was none, that they had spoken to Time-Life by phone and were getting a letter. He then did let me examine them.

After I went over them I told him this was not a complete set of prints. I specified one, the picture of an armed white man, without a jacket, appearing to be an officer, stooping over the corpse in the corner of the balcony, a holstered weapon clear. (There is possible motive for withholding this picture. The FBI has claimed it had nobody at the scene of the crime.) I also told Wiseman this was not to say there were not more than this one missing, that I was restricting myself, as I had explained in our earlier meeting, to a specific. This is not the only picture missing. There was one showing the rear of that block of Main Street clearly, perhaps more than one.

I told him that we had asked on our first conference with the FBI that what we both said be tape recorded so there would not be dependence on fragile memory, that the FBI had refused this, and that the inevitable result was disagreement on what had been said. (I think he understood this to mean that he had lied about our previous meeting.)

I told him that these were not the only prints Time-Life had given the FBI and my source. I specified strips of contact prints and that they show Louw used 35mm film marked for half-frames. I did not specify that if he had shown us these contact strips and they had not been cut the pictures the FBI was still withholding would be apparent and that even if cut, recording the frame numbers would disclose the withholding.

I asked him for the rest of the pictures of the scene of the crime and he said there are none. I then specified, again saying it was not inclusive but was a single specific, that he had not shown me a single picture provided by the Memphis police. I told him my source was a Memphis police official and that the FBI had been given prints, with the Memphis police retaining the original negatives. He said nothing and made no offers of further checking. Or, there was a \$60 search in the Memphis F.O. that

turned up no more than these "how pictures (on which I gave him the accurate history); a few suspects from Birmingham (and we have not a thing from the Birmingham F.O. nor was there any record showing how these sketches were made); the Army aerial views of much that is not the scene of the crime, including irrelevant road cloverleaves and the river shore; and not a single typed or written record from the Memphis F.O.

On the latter I asked for them because we had been promised this at the status call of 3/26, within 30 days, and had received nothing and heard nothing. He said there were none. He had, as a matter of fact, included this promise as what he called the only "logical" other place to search, in his 4/21/76 affidavit. He here denied all, including his own affidavit. Instead of arguing about his affidavit I told him we had just come from court, we did have this promise, there would be another status call in a week, and if he disputed my word I had the transcript of the 3/26 status call with me. He didn't want it. Before we left I offered it to him again. He said if he needed it he had his own ways of getting it. I told him "Gagan has it. But we got not a single Memphis F.O. record despite the promises and he here refused any. This means there was no search or he just refused it. He said instead he would see us in court or would leave this to the court.

I asked him about other suspects. He said there was no more. I said that again I was giving him but a single specific, that they did have more on other suspects, that this included the Washington F.O., as I had specified 3/23/76 (and omitted by him in his affidavit which misrepresents that meeting), that if necessary I could provide names and dates, including that of the WFO agent. He response from him.

I reminded him without dispute from him, of what I had shown and told him of the masking, that he had agreed that what I showed him about Birmingham was ridiculous, and that the judge had directed a justification of all the masking. He claimed not to know about this and would and did do nothing or promise anything about this masking.

He still did not have the picture I ordered 3/23 except for the three new color prints of 464 and negatives, which he did give me. The other pictures presented even less difficulty in copying.

The ridiculousness of their pretenses on scene of the crime pictures is apparent. It is not only the obvious, that they have to have them. It is also that the government went to enormous expense to make these aerial views but didn't get what the news agencies have and didn't take any evidentiary pictures of its own. The date on the how pictures is some time after the crime, so even they, offered by Time-Life not at FBI initiation, did not serve the immediate investigative and evidentiary needs. They claim that neither FBI HQ nor Memphis F.O. have a single picture of the front of the street, including where the package was found; none of any kind of Main Street, not even of the flophouse entrance, Benigo's or the parking spaces; no separate one of the package of evidence; no KFD pix; none from London, Canada or Portugal or Mexico; no copy clipped from any paper; no TV footage; no list of any or of any sources for the future.

What makes this finding of the how pix only more interesting and provocative, if I do not claim a direct connection, is that I had made arrangements in advance, by mail, to see these pix. On that trip Robert Grodon was to have met me at the train. When he did not meet me I went to the hotel, where he later joined me. He told me that he had been at the station to meet me but had stayed behind when he saw that I was being followed. He told me, accurately, what I had done to the moment I took a subway train, even where I had gone to use the phone.

I saw these pictures in Pollard's office in the Time-Life building. If Pollard or another did not thereafter tell the FBI, it is a simple matter, if I had been followed, to deduce where I'd be going in the Time-Life Bldg after game-up was out.

However, where I had not made prior arrangements, I did go to other sources of such pictures on that trip, two that I recall. In neither case was it possible to make this kind of isolation, if I had been followed. (Like the "New York Daily News Bldg.")

The other building to which I went was a place in which there were pictures. They duplicated what I had already obtained. I ordered and paid for prints and enlargements and ~~never~~ never got them. Eventually my check was returned. That was the AP building, where my interests would have been obviously limited to pictures or news copy.

If there is no connection, it is a fact that with these facts I was able to predict with complete accuracy the only real pictures of the scene of the crime I'd be shown as a result of this allegedly thorough search. Rather the source, because while I did not predict it, I was not shown all of Lou's pictures and from the large number of those in no way relevant to the crime it is apparent Life printed all.

When I mentioned WFO to Wiseman, Jim added to this, including a reminder of our previous reference to it to him and this time included the offer of receipts for the shipping of records to it after the guilty plea hearing. Wiseman had no interest in them. He began his non-response with the pretense there was no reason to search there, which led Jim to his statements. Jim told him that we had not, as his affidavit suggests, asked for a search of all field offices, even though the request does include all the records, but that instead, in specifying to Wiseman on 3/23, we had given him those where we had substantial reason to believe relevant records would be found. We did not even do this until it was apparent they were not going to comply and have given us only the tiniest, unavoidable fraction of what I'd asked for. As I recall it Jim repeated Atlanta, Birmingham and Washington in addition to the FBI offer of Memphis. With those offices we have proofs. (I also do of others on suspects.)

I am not sure but I believe Wiseman pretended no knowledge of the judge's directions to justify the marking. This is not the only indication of no communication between him and Dugan on what happened at the hearings or what Dugan had promised. He had earlier told me that he had heard nothing from Dugan. This was 3/23 and had to do with Jim and my conversation with Dugan 2/11, when Dugan had promised to communicate with Wiseman on my offers to pay search fees with a reservation of rights as soon as Wiseman complied with the regulations and told me what check to write; and his promise to use "good offices" so I could see that Tyler's letter promised without making a special trip.

On this when I asked Wiseman when I could expect to get the picture I ordered six weeks ago without making a special trip he had no response but suggested I'd be in town again for the next calendar call. This is to say that again they will not give me these things until too late to be able to make any use of them in court.

Unless Dugan pulled a stage dirty trick in court yesterday, it would seem that the FBI has not given him copies of what they gave us. This seems improbable, but Dugan ~~got~~ got into an act about our not giving him copies of the records Jim referred to at the 3/25 status call. We did not get them until the late afternoon of the 26th and I was not again in Washington until the morning of the 26th, when I called to Jim's attention what he then used. The FBI and Dugan had seen to it that if it were proper and necessary for Jim to give Dugan copies of these in advance we could not. But he appears not to believe that this works ~~too~~ ways because he made presentations about TimeLife's restrictions without even showing the letter to which he referred and then we found out from Wiseman that there was no such letter. And what we got at the 3/23 meeting was delayed not only from the time of our request and from Jim's calls to Wiseman after Tyler's letter but for a month and a half after my 2/11 conversation with Dugan.