UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

U. S. DEPARTMENT OF JUSTICE,

Defendant

Civil Action No. 75-1996

MOTION TO COMPEL ANSWERS TO INTERROGATORIES

Comes now the plaintiff and moves the Court for an order requiring the defendant to file answers to interrogatories 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39. Said interrogatories were served on the defendant by mail on January 8, 1976. Purported answers to these interrogatories were served on plaintiff by mail on February 23, 1976. These purported answers do not, however, respond to the interrogatories asked.

Pursuant to Rule 37(a)(4) of the Federal Rules of Civil Procedure, plaintiff further moves the Court to award plaintiff the reasonable expenses, including attorney's fees, incurred in obtaining said order.

A Memorandum of Points and Authorities is attached hereto.

CERTIFICATE OF SERVICE

I hereby certify that I have this 24th day of March, 1976, mailed a copy of the foregoing Motion to Compel Answers to Interrogatories to Assistant United States Attorney John Dugan, Room 3419, United States Courthouse, Washington, D. C. 20001.

James H. Lesar

JAMES H. LESAR

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, Plaintiff, v. U. S. DEPARTMENT OF JUSTICE, Defendant	Civil Action No. 75-1996

MEMORANDUM OF POINTS AND AUTHORITIES

Defendant has filed what purport to be answers to plaintiff's interrogatories. In point of fact defendant has answered only a few of plaintiff's thirty-nine interrogatories, and it is certain that some of those few have not been answered truthfully. The overwhelming majority of the interrogatories have not been answered. Instead, the defendant has resorted to contrived, evasive, and obfuscatory "answers" which in no way respond to the interrogatories asked. These "answers" are sworn to by Special Agent Thomas L. Wiseman, who does not state that the answers are made on personal knowledge, and who in conversations with plaintiff and his attorney has stated that he did not conduct the search for the records sought by plaintiff's information requests.

Attached hereto is an affidavit by plaintiff Harold Weisberg. The first eight pages of this affidavit detail some of plaintiff's experiences in previous Freedom of Information Act lawsuits which

though the government does in fact have the documents sought and is subsequently forced to divulge them.

Pages 14-30 of Weisberg's affidavit explain in some detail the reasons why particular interrogatories were addressed to the defendant and why the "answers" are false, evasive, or simply non-responsive.

The Court of Appeals for the District of Columbia has ruled that plaintiff's are entitled to discovery in Freedom of Information Act cases; it has in fact said that disputes of access to documents should be resolved by the discovery process:

> For the future we think that these matters should be settled through the discovery process as much as possible. The civil rules governing discovery provide ample tools for use in compelling the agency to identify and disclose the documents it has that fall within the class or category requested. National Cable Television Association v. F.C.C., 156 U.S. App. D.C. 91, 479 F. 2d 183, 193 (C.A.D.C. 1973)

It is essential that plaintiff's interrogatories be honestly and fully answered by the defendant. Plaintiff has personal knowledge that some records which he has requested have not been given him even though he knows that the defendant has them. However, he is unable to determine whether all, or even most, of the records covered by his request have been provided him without obtaining honest answers from the defendant as to what tests were performed, what sources records were obtained from, and the like. Unless the interrogatories are answered plaintiff has no effective way of demonstrating that the defendant has, or should have, records covered by his request that have not been given to him.

In [illegible] Freedom of Information lawsuit which plaintiff has

that expenses should be awarded to a party moving to compel answers to interrogatories unless the court finds "that the opposition to the motion was substantially justified or that other circumstances make an award of expenses unjust." Rule 37(a)(4) of the Federal Rules of Civil Procedure. The Advisory Committee Note of 1970 to Rule 37 makes it clear that in requiring award of expenses unless there is a finding that the opposition to the motion was justified, rather than requiring such an award if there is a finding that the conduct underlying the motion was unjustified, the amendment was intended to encourage wider use of expenses to discourage unnecessary recourse to the courts.

If the defendant does oppose this motion to compel, this is an appropriate case in which to award expenses to plaintiff. The facts set forth in plaintiff's affidavit make it quite clear that such a motion in opposition to this motion to compel cannot be justified. Plaintiff's interrogatories are essential to his ability to enforce his right to access to records under the Freedom of Information Act and defendant has arrogantly, contumaciously, and contemptuously refused to answer even some of those interrogatories requiring only a simple "yes" or "no" answer.

Respectfully submitted,

James H. Lesar

JAMES H. LESAR
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, Plaintiff, v. U. S. DEPARTMENT OF JUSTICE, Defendant	Civil Action No. 75-1996

O R D E R

This cause having come on to be heard on motion of the plaintiff for an order compelling the defendant to answer interrogatories 1-6, 8-18, 20-22, 27, 29-39, of the set of interrogatories served on the defendant by mail on Janaury 8, 1976, and the Court having heard the argument of counsel and being fully advised, it is hereby

ORDERED, that the defendant serve within 10 days after service of this order verified answers to said interrogatories.

It is further ORDERED, that the defendant pay plaintiff $_____ as the reasonable expenses incurred in obtaining this order, and pay $_____ in addition to plaintiff for attorney's fees in connection herewith.

Dated: _____

_____
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, Plaintiff, v. U.S. DEPARTMENT OF JUSTICE, Defendant	Civil Action No. 75-1996

AFFIDAVIT OF HAROLD WEISBERG

I, Harold Weisberg, being first duly sworn, depose as follows:

1. I am the plaintiff in the above-entitled case. I live at Route 12, Frederick, Maryland.

2. For the past twelve years I have devoted myself to an intensive study of political assassinations. I am author of six published books on the investigation into President Kennedy's assassination: Whitewash: The Report on the Warren Report; Whitewash II: The FBI-Secret Service Coverup; Phtographic Whitewash: Suppressed Kennedy Assassination Pictures; Whitewash IV: Top Secret JFK Assassination Transcript; Oswald in New Orleans: Case For Conspiracy with the CIA; and Post Mortem: JFK Assassination Coverup Smashed!.

3. I have also written one book on the assassination of Dr.

4. In the 1930's I was an investigator for and editor of the record of a subcommittee of the Senate Education and Labor Committee. After Pearl Harbor I served in the OSS, where my primary responsibilities were as an intelligence analyst. I have also worked with the FBI and several divisions of the Department of Justice in connection with my work for the Senate Education and Labor Committee or through my writing.

5. I have filed seven Freedom of Information lawsuits and made numerous requests for information on the assassinations of President Kennedy and Dr. Martin Luther King, Jr. In each lawsuit which I have filed the government has responded with various degrees of dishonesty and deception, including perjury. I have been told repeatedly by government agencies that the records I sought did not exist and could not be disclosed where, in the end, they did exist, could be disclosed, and were given to me.

6. The most recent example of this is the transcript of the executive session of the Warren Commission held on January 22, 1964, where even the transcript says it was to be destroyed. However, after I requested it under the amended Freedom of Information Act, that transcript was given to me.

7. The first Freedom of Information Act suit I filed, Weisberg v. U. S. Department of Justice and U. S. Department of State, Civil Action No. 718-70, is a good example of the way in which dishonesty permeates the government's responses to my information requests. In that suit I sought the records used in the Bow Street Magistrate's Court in London, England to obtain the extradition of James Earl Ray. I had requested copies of these public

Deputy Attorney General Richard Kleindienst replied that the Department of Justice did not have these records, and even if it did, they would be withheld as "investigatory files compiled for a law enforcement purpose."

8. Even after the State Department wrote that it had in fact retrieved these records, for all the world as though the Department of Justice did not have its own copies, and said specifically that they had been given to Kleindienst and we so wrote him, Kleindienst still maintained the same position.

9. Only when I could be stalled no longer and the case had been filed did Attorney General Mitchell suddenly, months late, pretend to rule on the appeal he had ignored, stating that I would be given the records I sought. I was allowed to inspect a list of the documents I wanted. I got some but not all. There then ensued a series of written assurances that what I had seen did not exist. After I returned to court, the Department of Justice suddenly found other records I had requested. When the Department of Justice did not deliver all the records I had requested by the time Chief Judge Curran had directed, I was awarded summary judgment.

10. One of the documents I requested was a copy of the file cover showing that this file, which contained only public court records, had been improperly classified, with a notation referring to the letter which I had received from the Department of State. After repreated written assurances of its nonexistence, I was finally sent a fabricated copy of the file cover. The file cover had been xeroxed and then cut up to omit what the Department of

tice seven days to complete delivery of the requested materials, Mr. David Anderson filed an affidavit in which he falsely swore that he had given me what he had not. I asked for a photograph attached to affidavits submitted in evidence at the extradition proceedings which stated that this photograph of the scene of the crime represented what witnesses saw at the time the crime was committed. When this photograph was finally delivered to me--only after I won summary judgment--it turned out that it was a staged photograph not taken at the time of the crime. Contrary to what these affidavits asserted, this was not a photograph of the evidence as found and the fact that the evidence was handled, rearranged and physically moved was also hidden. My own subsequent investigation, which located the actual, unstaged photographs, proved this.

12. In Weisberg v. General Services Administration, Civil Action No. 2569-70, the deception and misrepresentation was even more extensive, perhaps because I was pro se. In that suit I asked for pictures of certain of the Warren Commission evidence. I was told they could not be given to me under the terms of a contract which, to the contrary, actually provided that photographs be taken to avoid handling the objects themselves. When the case went to court, however, the government offered to take these pictures for me, and that was done. Before that, however, the Department of Justice produced an affidavit from the Archivist in which he swore that I had not made the request, a prerequisite for my bringing suit. Yet the actual request had been put into the record by both sides and the rejection of it was put there by the government!

1964. The National Archives claimed that the January 27 transcript was exempt from disclosure because it was classified "Top Secret" pursuant to Executive Order 10501, even though Congressman Gerald Ford had published parts of it for profit in 1965 in his book Portrait of the Assassin.

14. The Archives also claimed this transcript was exempt from disclosure because it was part of an investigatory file compiled for law enforcement purposes. The Archives made no attempt to substantiate its claim to the investigatory files exemption and its answers to interrogatories admitted that the transcript had not been seen by any law enforcement official until at least three years after the Warren Commission went out of existence.

15. The Archives did attempt to substantiate its claim that the transcript was classified according to Executive Order by filing two affidavits, one by the Archivist, the other by the Warren Commission's General Counsel, Mr. J. Lee Rankin. Rankin's affidavit claimed that the Warren Commission had ordered him to classify the January 27th transcript pursuant to Executive Order 10501. I filed a counter-affidavit stating that this was false and attached documentary evidence proving it. Accordingly, Judge Gerhart Gesell ruled that the government had failed to show that the transcript had ever been properly classified. After Judge Gesell made his ruling the Archives "declassified" the transcript and, ignoring the transcript's allegedly exempt status as an "investigatory file", made it public. Once public, an examination of its content showed that there never was any basis for its alleged classification.

16. The government's bad faith and dishonesty in these suits

to the spectrographic and neutron activation analyses performed in connection with the investigation into President Kennedy's assassination. I initially requested the spectrographic analyses in a letter to FBI Driector J. Edgar Hoover dated May 23, 1966. When there was no response, I filed suit for these documents on August 3, 1970. My request in that suit, Weisberg v. Department of Justice, Civil Action No. 2301-70, was for the final reports on the spectrographic testing. At no time during the next four years of expensive and time-consuming litigation was I told that such final reports did not exist. However, Assistant United States Atttorney Robert Werdig did falsely state to Judge Sirica that: "In this instance the Attorney General of the United States has determined that it is not in the national interest to divulge these spectrographic analyses."

17. FBI Special Agent Marion E. Williams also executed an affidavit which falsely stated that I could not be given the spectrographic analyses because this would do "irreparable damage" to the proper functioning of the FBI. I lost this suit when the Court of Appeals held en banc that they were exempt as investigatory files compiled for a law enforcement purpose. In 1974, largely as a result of this decision, Congress amended that exemption.

18. On February 19, 1975, the date the new Act went into effect, I filed suit for the results of the spectrographic and neutron activation analyses performed as part of the Warren Commission's investigation into President Kennedy's assassination. Although FBI Special Agent Robert A. Frazier assured the Warren Commission that the final report on the spectrographic examination would be part of the FBI's "permanent record", in response to my

19. Instead of giving me the reports which I have sought since 1966, the FBI offered to give me documents which I had not requested, the very same "raw data" which FBI Agent Marion E. Williams swore in a 1970 affidavit could not be given to me without doing "irreparable damage" to the proper functioning of the FBI.

20. In my second suit for the Kennedy assassination spectrographic analyses, now pending before the United States Court of Appeals for the District of Columbia, No. 75-2021, I asked the FBI to answer some interrogatories very similar to those filed in this case. However, the FBI refused to answer the interrogatories. Instead, the FBI supplied the court with nonresponsive and perjurious affidavits.

21 Thus, in his May 13, 1975, affidavit, FBI Special Agent John W. Kilty swore that:

> Neutron activation analysis and emission spectroscopy were used to determine the elemental composition of the borders and edges of holes in clothing and metallic smears present on a windshield and a curbstone."

When I pointed out that I had not been given any neutron activation testing of any clothing and noted that this alone contradicted the assurances of FBI Director Clarence Kelley and FBI Agent Kilty that the FBI had fully complied with my request, Agent Kilty simply swore out a new affidavit which stated:

> . . . further examination reveals emission spectroscopy only was used to determine the elemental composition of the borders and edges of holes in clothing and metallic smears present on a windshield and a curbstone. * * * NAA was not used in examining the clothing, windshield, or curbing

proof that neutron activation analysis was conducted on the windshield of the presidential limousine, thus establishing Agent Kilty's perjury beyond any question.

22. For years the government and the news media have deluged the public with propaganda that the FBI's investigation of the assassinations of President Kennedy and Dr. King were the most thorough and massive investigations in the annals of crime. Yet if the FBI's representations are true, the FBI did not perform anything like a thorough and meaningful scientific examination of the basic items of physical evidence. For example, in investigating the assassination of President Kennedy, the FBI made no neutron activation analysis of the live round of ammunition found in the rifle allegedly used to murder him despite the urgings of the Atomic Energy Commission that they do this.

23. In this suit I have addressed certain interrogatories to the Department of Justice. Some of these interrogatories are identical or similar to those I asked in connection with my second suit for the spectrographic analyses performed in connection with the investigation into President Kennedy's assassination. My purpose in asking these interrogatories is to ascertain what documents exist with regard to the subject matter of my request. For all practical purposes, this is the most important tool I have in discovering whether the government is complying with my information request. I do have reason to believe it is not complying.

24. After the calendar call in this case on February 11, 1975, my attorney and I spoke briefly with Assistant United States Attorney John Dugan, who represents the government in this case. When Mr. Dugan protested this Court's order that the defendant

he would file an affidavit in support of a motion to dismiss the case as moot.

25. I have read the "answers" to interrogatories sworn to by FBI Special Agent Thomas L. Wiseman on February 20, 1976. Mr. Wiseman's "answers" are deliberately evasive, obfuscatory, and deceptive. The questions I asked are answered in a manner intended to delay and prevent my access to documents I have requested which the FBI has. In some instances I have personal knowledge of documents which I have requested from the Department of Justice but which have not yet been given to me.

26. Mr. Wiseman does not describe the search which was made for the documents I requested nor state who made that search. He does not state that his answers are based upon all information available from all FBI files pertaining to the assassination of Dr. King, including field office as well as headquarters files. Nor does Mr. Wiseman state that his answers are based on information contained in files belonging to or in the custody or possession of the Department of Justice's Criminal, Civil, and Civil Rights Divisions.

27. On at least two occasions Mr. Wiseman has told my attorney that an unnamed agent assigned to the FBI Laboratory is responsible for processing my request. This means that Mr. Wiseman's answers are based not upon personal knowledge but only upon whatever information this unnamed FBI agent supplied him. This is a convenient method by which the FBI can avoid truthful answers to my interrogatories without enabling me to charge Mr. Wiseman with perjury and is obviously employed for that very reason.

defined by Deputy Attorney General Harold Tyler in his December 1, 1975, letter to my attorney [see Exhibit I] and, therefore, must, as Mr. Tyler directed, make a new information request to FBI Director Clarence Kelley; and 2) I had not written Director Kelley agreeing to pay both the costs of reproduction and the fees for a special search allegedly needed to locate these additional documents.

29. With respect to Mr. Wiseman's two-part dodge, as soon as I received the initial batch of FBI documents given to my attorney on December 3, 1975, I wrote Attorney General Levi and informed him that the FBI had not complied with my request. [See attached Exhibit K]

30. On December 7, 1975, having received from my attorney a copy of Mr. Tyler's December 1, 1975, letter to him, I wrote Mr. Tyler that "you have rephrased my request to make it mean the opposite of what it says and to contrive a phoney basis for all withholding thereafter." [See attached Exhibit L]

31. On December 29, 1975, my attorney wrote Mr. Tyler a letter in which he renewed my initial request and defined what it included before Mr. Tyler rewrote it. [See attached copy of Exhibit G] Copies of this letter were sent to Mr. Wiseman and Director Kelley. Thus, since December the Department of Justice, including the FBI, has been on notice that I did not intend to let them get away with the subterfuge of rewriting my information request so as to suppress the vital information I seek. Yet more than three months have now elapsed without the government having made any attempt to comply with my request, even though it was renewed as

reproduction costs and the fees for the special search allegedly necessary to locate all the documents included in my initial request. In order to judge whether this is a valid reason for not complying with my request or responding to my interrogatories or merely a pretext to deny and delay my access to these documents, several facts must be considered.

33. I am well-known to the Department of Justice for my work on assassinations to both the Department of Justice and the Office of the United States Attorney for my numerous information requests and several lawsuits brought under the Freedom of Information Act. I have a history of keeping non-interest bearing deposit accounts to pay for copies. Although I never get receipts for charges made against these accounts, I have never asked for an accounting from the government. I have always paid promptly whatever the Department of Justice asked of me.

34. On December 3, 1975, nearly nine months after my initial request, the FBI finally provided me with a few of the documents I had requested. No request for any advance payment was made before these documents were provided me. In fact, the Department even waived the search fees for locating these documents. I did pay for the reproduction of the documents and photographs provided me on December 3rd. [See Exhibit M] Later, when Deputy Assistant Attorney General James P. Turner informed my attorney that the Civil Rights Division would not begin processing my second information request until I prepaid 25% of their estimated search fee of $320.00 [see attached Exhibit N], I promptly paid that sum. [See attached Exhibit O]

35. By his December 29, 1975, letter to Mr. Tyler, copies of

had eliminated from my original request. In the months that followed, Mr. Wiseman did not phone or write my attorney and remind him that he could not process my renewed request until he had received written assurance of my willingness to pay the search fees and copying costs. Nor did he inform me of the anticipated costs of such a search as he is required to do by Department of Justice regulation, 28 C.F.R. 16.9(c), (e).

36. Mr. Wiseman apparently did communicate to Mr. Dugan his alleged concern over my not having stated that I would pay these fees to Mr. Dugan. When my attorney and I spoke with Mr. Dugan on February 11th and asked that he use his good offices to arrange for me to view any available materials during my next visit to Washington the following week, Mr. Dugan told us that the FBI claimed I had not agreed to pay these fees. I told Mr. Dugan I would pay the search fees and pointed out that I had paid the deposit on the anticipated Civil Rights Division search fee as soon as a specific sum was demanded of me. My attorney also made these assurances to Mr. Dugan. So, at the time Mr. Wiseman's answers were filed, Dugan personally knew that I had agreed to pay the search fees when told how much to pay.

37. In response to my attorney's February 23, 1976, letter to Mr. Wiseman [see attached Exhibit P], FBI Director Kelley has stated in a March 9, 1976, letter to Mr. Lesar [see attached Exhibit Q] that Mr. Tyler denied me access to materials which were within the scope of my initial request. In Director Kelley's words, these records "simply were not provided so as to avoid substantial fees to [Mr. Weisberg] of material that may be of little

my willingness to pay for any special search allegedly needed, all they had to do was write or phone my attorney. This was not done, even though Mr. Tyler did not decide to deny me access to these records until more than seven months after my request.

38. If the FBI had any genuine concern for my financial condition or the public's right to know, it would waive any special search fees incurred as a result of my request, just as it waived such search fees when it gratuitously merged my information request with a later one filed by CBS News. I note in this connection that Director Kelley's March 9 letter did not deny my attorney's statement that he knows of at least two Freedom of Information lawsuits where well-known millionaires have not been charged a cent by the Department of Justice for searching for records requested by them. I also recall that it was the FBI which put me and my attorneys through four years of costly litigation over records which the FBI now claims never existed. If that claim had been genuinely made any time after I requested those records, the case would have been mooted without the enormous expense which followed. This rather than any pretended concern for my welfare is the real face of the FBI.

39. Director Kelley's March 9 letter also asserts: "we shall begin our search to compile the photographs and records which you have requested." This repeated claim that a special search must be made before I can be given the records I initially requested raises obvious questions. Before I filed these interrogatories the Department of Justice had announced <u>two</u> internal investigations of Dr. King's assassination. A <u>third</u> internal investigation is

investigations under way, is it reasonable to claim that an expensive special search is now needed to locate and compile these records? Can there be any internal investigation which does not include the photographs of the scene of the crime which I have requested? And how could Mr. Tyler determine which materials to make available to me on December 3rd unless all those within the scope of my request had first been located and compiled? How could Mr. Tyler say in his December 1, 1975, letter to Mr. Lesar "I have construed item number 6 so as not to encompass the several hundred photographs in Bureau files of Dr. King's clothes, the inside of the room rented by Mr. Ray, or various items of furniture and personal property" unless the photographs I requested had already been located and compiled?

40. My first interrogatory asks what kinds of tests would normally be conducted to determine whether there is an evidentiary link between certain crucial items of evidence. Mr. Wiseman objects to this interrogatory on the ground that it is "irrelevant" to the issue in this FOIA suit." What is at issue in this suit is whether the FBI can be believed when it asserts that I have been given all the documents which I am entitled to have. FBI publicists have repeatedly proclaimed that the FBI conducted a massive investigation into Dr. King's death, including the question of whether there was a conspiracy. One way of assessing the credibility of any FBI claim that it has given me all the requested documents is to learn what tests are normally made by the FBI to determine these evidentiary questions, since one would assume that in the case of the murder of a political leader of Dr. King's stature the FBI at the very least would conduct those tests which

this question will inevitably embarrass the FBI is not, I think, a proper ground for refusing to answer it.

41. Here I again note that in Weisberg v. Department of Justice, et al., Civil Action No. 75-226, I have sued for similar test results pertaining to the assassination of President Kennedy only to be met with FBI claims that there are no reports or results or even raw data on the most important tests conducted on that evidence. The only excuse for not producing additional documents in that case is the claim that through the most egregious kind of incompetence or malfunction, the FBI did not conduct the basic tests required to determine whether the President of the United States was shot by one assassin or more, or even by whom. In that case I have documentary proof that the FBI is lying when it swears these tests were not conducted.

42. While my suit for the Kennedy assassination tests was pending, three FBI Special Agents attached to the FBI Laboratory, including the Chief of the Firearms Unit of the Physics and Chemistry Section, all "retired" from the FBI. All were only in their fifties. Special Agent John F. Gallagher retired shortly after my attorney provided the AEC (now ERDA) with evidence that he had lied to them about what tests had been conducted on the Kennedy assassination evidence. Agents Robert A. Frazier, Chief of the FBI Laboratory, retired on April 11, 1975, the day after FBI Director Clarence Kelley wrote a letter to my attorney falsely claiming that I had been given all the materials I had requested on the scientific examination of the evidence pertaining to President Kennedy's assassination. That same day FBI Special Agent Marion E. Williams also "retired". In 1970, in connection with my first

if it gave me the "raw data" on these tests which, the day before Williams' "retirement", Director Kelley did give me in lieu of what I had actually requested, the final reports or results of such testings. Agents Gallagher and Frazier are known to have performed some of the scientific examinations on the JFK evidence, and both testified before the Warren Commission. Agent Frazier, formerly Chief of the Firearms Unit of the Physics and Chemistry Section of the FBI Laboratory, is also known to have done some of the scientific testing in the King murder case.

43. My second interrogatory asked which of the tests and examinations normally performed by the FBI were performed on the King assassination evidence. Mr. Wiseman's answer in part states: "Plaintiff has been provided all tests and examinations with respect to the death bullet and Mr. Ray's rifle." This does not respond to my information request or the second interrogatory. The FBI's refusal to answer this simple question is deeply suspicious and suggests that the FBI is well-aware that the information I seek exculpates James Earl Ray and proves the existence of a conspiracy to assassinate Dr. King.

44. The attempt to limit my request for the results of all ballistics tests to the "death bullet" and what the FBI refers to as "Mr. Ray's rifle" originates with a fabrication devised by Mr. Tyler for inclusion in his December 1, 1975, letter to Mr. Lesar. I did not limit my request to the "death bullet" or the rifle placed at the scene of the crime and this has been made abundantly clear in correspondence which my attorney and I had with the defendant more than two months before Mr. Wiseman answered this in-

is false. To this date I have been given no reports and no complete tests or test results. In fact, I haven't even been given decent paraphrases of the results of such tests.

46. My third interrogatory asks the defendant to list the tests or examinations performed on the King assassination evidence and state the date each such test or examination was performed on each item of evidence. Mr. Wiseman does not contend that this question is irrelevant to this suit but does repeat the same non-response he made to interrogatory No. 2. This interrogatory addresses whether or not the defendant has complied with my information request. If the FBI conducted tests which have not been given to me, I am entitled to have them. Without an honest listing by the FBI of all tests conducted, I have no way of determining whether or not I have been given copies of all the documents I am entitled to receive.

47. My third interrogatory also asks the date of each of the tests or examinations performed. This information will help me determine whether I am being given authentic copies of the documents I have requested. The FBI has a history of using paraphrases or summaries as a means of disguising or falsifying information. Thus, in connection with its investigation into the assassination of President Kennedy, the FBI Headquarters rewrote field reports so that the edited versions stated exactly the opposite of what was contained in the field reports. The falsified summaries were then provided the Warren Commission but the original reports were not. The documents which I have so far obtained on the assassination of Dr. King already require explanation. For

the August, 1968 Reader's Digest that the rifle had already been test-fired a scant twelve hours after Dr. King was shot.

48. Interrogatory No. 4 recites Mr. Tyler's December 1, 1975, claim that he was releasing the results of all ballistics tests "as performed on either the death bullet or Mr. Ray's rifle" and then asks whether ballistics tests were conducted on any other bullets or rifles or upon any cartridge cases. All this interrogatory requires is a simple "yes" or "no", yet Mr. Wiseman has chosen not to answer this question but to repeat the same non-response he made to interrogatories two and three. The reason for this evasiveness is obvious. A "yes" answer discloses that the FBI has not complied with my request and a "no" answer establishes that the FBI did not make the minimum investigation of Dr. King's murder.

49. The materials which I have already obtained show that the FBI used some twenty-two rifles of different make and calibre. I have not yet been given any reports or results on these rifles.

50. My fifth interrogatory asks for a list of all items tested ballistically, the date of any such tests, and the name(s) of any person(s) conducting them. The defendant's answer is: "Object to furnishing identity of person or persons conducting the test or examination as this would be exempt from mandatory disclosure as it would constitute an unwarranted invasion of personal privacy pursuant to Title 5, United States Code, Section 552(b)(7)(c)." Although this objection applies only to the last part of interrogatory No. 5, Mr. Wiseman fails to answer the parts of the interrogatory which ask for a list of all items tested ballist-

made to state what items were tested, then it can withhold reports and results on items I cannot of my own knowledge show were tested. If the FBI does not have to state the date of such tests or name the persons who conducted them, then the FBI can substitute fabricated documents at will. In addition, the identity of the persons conducting these tests is essential since I may need to take their depositions for the purpose of discovering whether I have been provided genuine documents and all the documents I am entitled to have.

52. The FBI's claimed "right of privacy" for government employees engaged in nonsecret work is spuriously invoked. Exemption (b)(7) is restricted entirely to the content of investigatory records compiled for law enforcement purposes and part (c) of that exemption relates only to the subjects of such investigatory reports. In addition, the FBI has in the past provided me with hundreds of pages which contain the names of FBI agents, including those who conducted scientific tests. In fact, as recently as Weisberg v. Department of Justice, et al., Civil Action No. 75-225, my suit for the JFK assassination spectrographic and neutron activation analyses, I have been given FBI reports with the names of such agents. In that case the FBI did mask some of the content of what was given me but did not mask the names of the FBI agents.

53. By refusing to identify the agents who conducted these tests, the FBI intends to prevent me from taking depositions of such agents. Thus, the FBI's real reason for withholding the identity of those who actually worked on the tests and examinations is to make it impossible for me to confront them with an unwelcome choice between proving deliberate suppression of nonexempt records

and asks that the defendant state the date each of these photographs was first taken, the date each was developed, and by whom each was taken. Mr. Wiseman refused to answer this interrogatory because it would "necessitate additional search time." In addition, he objected to identifying the photographer on grounds it would constitute an unwarranted invasion of personal privacy.

55. Before explaining how my sixth interrogatory addresses the government's compliance and my concern that all documents or photographs provided me be genuine, it is desirable that I give some background information on the importance of the ballistics evidence I seek.

56. Within two or three minutes after Dr. King was shot, a Remington 760 Gamemaster rifle was found in the doorway to Canipe's Amusement Center on South Main Street. Evidence available to me, and I believe also to the FBI, indicates this rifle, which contained James Earl Ray's fingerprints in rather odd locations such as the scope, was placed there some five to ten minutes before Dr. King was shot. In any event, a crucial evidentiary question is whether the rifle left on South Main Street actually fired the bullet which killed Dr. King.

57. James Earl Ray was arrested in London on June 8, 1968. In support of its demand that Ray be extradited to stand trial for the murder of Dr. King, the Department of Justice submitted more than 200 pages of affidavits and other documents to the Bow Street Magistrate's Court in London. Ray's attorney, Mr. Percy Foreman, apparently never obtained these vital extradition documents. The British government returned the official copies of these documents

of Justice denied having them; later they abandoned this lie but continued to maintain that these official court records were exempt from disclosure as "investigatory files compiled for a law enforcement purpose."

56. In 1970 I finally obtained a copy of these extradition documents under a Freedom of Information Act lawsuit, Weisberg v. Department of Justice, Civil Action No. 718-70. Among the extradition documents was an affidavit by FBI ballistics expert Robert A. Frazier. In that affidavit, executed on June 10, 1968, Agent Frazier swore that "due to distortion caused by mutilation and insufficient marks of value" he could not determine whether the bullet removed from Dr. King had been fired from the rifle found on South Main Street.

57. I am James Earl Ray's investigator. In preparing for the evidentiary hearing held on Ray's habeas corpus petition in October, 1974, I examined the bullet removed from Dr. King. As a result of that examination, I arranged for a ballistics expert, Prof. Herbert Leon MacDonell, to examine the murder bullet under a microscope. In testifying at Ray's evidentiary hearing, Prof. MacDonell contradicted Agent Frazier's affidavit:

> I feel there is sufficient detail there that with a good comparison microscope and several test-firings that an identification ought to be possible. I have seen several fineline striations in grooves No. 1 and 5, and the mutilation to the projectile is negligible from the standpoint of firearms identification. It's mushroomed, but it is not distorted. You have six lands and grooves to work with, not just one fragment. I believe and identification is possible, or could be made. [Evidentiary hearing transcript, p. 412]

on November 12, 1968. When Ray fired his attorney, Arthur Hanes, on November 10th, the prosecution was within two days of having to put on its case. All ballistics evidence would obviously have been delivered to the prosecution before then.

59. Yet the FBI has provided me with no comparison photographs of the murder bullet. I have been given only three distorted color photographs of that bullet. The internal evidence of these photographs indicates: 1) they were not taken at the time of the original photographs and for laboratory purposes; and, 2) they were designed for TV use.

60. The manufacturer's catalogues containe photographs of the remmant remaining after impact more suitable for comparison with a test firing than these. Ballistics identifications are made by unique markings from the firing. Those markings are obscured by the manner in which the three photographs given me were taken. This may be seen even by comparing xeroxes of the three photographs given me with a xerox of one of the photographs of the same bullet taken by the ballistics expert who testified on behalf of James Earl Ray. [See Exhibits R, S, and T, xerox copies of the color photographs given me by the FBI, and Exhibit U, a xerox of one of the photographs taken by Prof. Herbert L. MacDonell]

61. It is apparent, therefore, that the photographs given me were not taken for scientific purposes. In addition, these photographs are so staged as to seem to give credibility to the affidavit of FBI Agent Robert Frazier stating that the murder bullet is so distorted that it cannot be identified by ballistics analysis. As stated above, the uncontradicted testimony adduced at Ray's evidentiary hearing is that it <u>is</u> possible to identify

of the murder bullet. Mr. Wiseman asserts that they are. This response is palpably false. These photographs are utterly incompetent for ballistics purposes. This is established by the testimony of ex-FBI Agent Robert Frazier before the Warren Commission, which explains the purposes of such photographs. The three photographs supplied were taken to hide rather than reveal any identifying marks in the grooves. Nor do the photographs show each of the grooves which must be examined.

63. Interrogatory No. 8 asks whether these three color photographs were taken for CBS or as part of the FBI's ballistics investigation. The defendant objects that this interrogatory is irrelevant. Yet this interrogatory clearly addresses both the defendant's compliance and its credibility. If these photographs were taken for CBS, then I have not been given what I requested and in light of the answer to the previous interrogatory, the FBI is in effect claiming that it took no photographs of the murder bullet for ballistics purposes, which is patently absurd.

64. Interrogatories 9-11 seek to ascertain what photographs were made of any bullets or bullet fragments in connection with the investigation of Dr. King's murder. Defendant's response to these interrogatories is deliberately obstructionist. Regardless of whether any such photographs have or will be provided to me, I am entitled to have these interrogatories answered so I can have some means of determining whether the defendant has fully complied with my request. As of this date, I have not been supplied any of the items which come within the purview of these three interrogatories. The defendant has supplied me with incomplete records of

test-fired from "Mr. Ray's rifle" it would, however, run the risk of making it possible for non-FBI experts to prove that the fatal bullet was not fired from that rifle. This, of course, provides the FBI with a motive for not supplying such photographs and for refusing to answer these interrogatories. It is consistent with that motive that the FBI has provided such photographs only with respect to the non-lethal shell casing and breech face and has not supplied me with any such photographs of the murder bullet. The FBI's refusal to answer interrogatory No. 11, which requires only a "yes" or "no" answer, makes the FBI's motive particularly suspect.

65. Interrogatory No. 12 lists six items of evidence in the murder of Dr. King and asks whether each element or trace element present in each item was identified and measured by means of spectrographic or neutron activation analysis. The answer to this interrogatory, which is not responsive to the question asked, states that I have received the results of the FBI's neutron activation and spectrographic analysis and asserts that the interrogatory is beyond the scope of my initial information request. Coming from anyone with FBI training and experience, this response is knowingly and deliberately false. I have not "received the results of the FBI's neutron activation and spectrographic analysis(sic)" of any of the six items of evidence listed in this interrogatory.

66. Interrogatory No. 12 asks very simply: "Was each element or trace element present in each of the following items of evidence?" Trace elements are the ones which are most important in identifying a particular evidentiary specimen. The mere list-

tests.

67. The materials which I have been given list nine elements present in the core only of the murder bullet. One element found in the murder bullet is found in only one of the other bullets with which it is compared. Only one element, lead, is listed as present on any of the clothing. There is no listing of elements found in the copper-alloy jacket or outside encasement of the original bullet.

68. Interrogatory No. 12 addresses the defendant's compliance. It is impossible for traces of lead only to have been deposited by a bullet core on the clothing, from which numerous samples were removed for testing. Yet that is all that is shown by the materials which I have been given.

69. Nothing which I have so far been provided can justifiably be called the "results" of the spectrographic and neutron activation tests. Moreover, when compared with the spectrographic and neutron activation materials relating to President Kennedy's assassination which I have obtained, it is apparent that large quantities of records pertaining to Dr. King's assassination have been withheld.

70. Any statement of the "results" of these tests requires a listing, evaluation, and comparison of all the identified elements. In the one listing given me there is no indication of the percentage of each element present, even though this is the means by which positive or negative identification is stated.

71. Interrogatory No. 13 asks whether or not the FBI followed normal practice in making a full and complete tabulation of all

leave no doubt that the tests were performed. Yet the FBI continues to withhold what it knows is called for in my request.

72. Interrogatories No. 14 and No. 15 are directed at establishing whether the FBI should and does have records which state the conclusions or results pertaining to the various evidentiary specimens tested by means of spectrographic or neutron activation analysis. The documents given me prove that certain tests were performed, but in no case have I been provided the results or stated conclusions which are the very purpose of such tests.

73. Interrogatory No. 16 asks how quickly the FBI Laboratory normally conducts spectrographic and neutron activation analysis on evidentiary specimens and how quickly it was done in the case of Dr. King's murder. This question arises because there is a considerable time lapse between the time these tests are known to have been performed and the dates on the documents so far provided me. Thus there is reason to believe that records of an earlier date continue to be withheld.

74. Interrogatory No. 17 asks how many photographs were made of the bathroom windowsill. Mr. Wiseman avoids answering this by stating: "Plaintiff has received all photographs which were made of the bathroom windowsill." This is untrue. I have seen other pictures of the windowsill elsewhere. Those so far provided me offer no means of identification nor proof of source, nor do they include any microscopic comparison with the muzzle of the rifle.

75. Moreover, the supposed purpose of the examination of the windowsill was to link a dent in it with the rifle. The photographs that were provided show <u>two</u> similar dents and no comaprisons relating to the second dent. Added importance is imparted to

to the bathroom windowsill. The prosecution represented this to the court during James Earl Ray's March 10, 1969, guilty plea proceeding. Later, in a Janaury 15, 1971, slide lecture to the Tennessee Bar Association, the District Attorney General of Shelby County, Mr. Phil M. Canale, told his audience:

> This windowsill was removed and sent to the FBI Laboratories in Washington along with the, all the other evidence and along with the rifle which was recovered down on Main Street. The FBI Laboratory personnel would have testified in a trial that this identation mark on this windowsill had the same machine markings as the underpart of the barrel of the rifle and would have testified that those machine marks on the windowsill were caused by the recoil of the rifle barrel when the shot was fired.

The documents which I have so far obtained from the FBI disprove these assertions and even state that there are no traces of powder detectable on the windowsill which would indicate that a rifle was fired from that window.

76. Interrogatory No. 20 asks whether any photographs of the bathroom windowsill or the alleged murder rifle were taken with the aid of a comparison microscope. Defendant does not answer the question. This refusal to answer this interrogatory stands in contrast to the unequivocal answers given to the two previous interrogatories. If the FBI Laboratory knows its business, such photographs should have been made. The above-quoted statement by the Shelby County prosecutor to the Tennessee Bar Association would also indicate whether such photographs were taken. I have not been provided such photographs, nor has the defendant stated that they were not made. They are included in my original request.

77. Interrogatory No. 22 asks whether any study or examina-

it does not prove, that the alleged murder rifle could not have caused either of the dents in the windowsill. It does prove that there was no firing as alleged. One assumes that the FBI does its job and made tests to determine whether the dents could have been caused by common tools or other objects, but no documents reflecting this have been provided. The honest and responsive answers to this interrogatory are "yes" or "no". The defendant gives neither.

78. The answers to interrogatories No. 23 and No. 29 state that "there were no other suspects in the case in addition to James Earl Ray" and "all photographs or sketches of any suspects in the assassination were released to plaintiff". The first statement, made in answer to interrogatory No. 23, is contradicted by the fact that the FBI filed a conspiracy charge with the U. S. Commissioner in Birmingham, Alabama. The answer to interrogatory is untrue. I personally delivered to the FBI a sketch and a picture of another suspect but these were not among the sketches and photographs provided me. In addition, I have also viewed other sketches and photographs of other suspects which have not been given me.

79. Interrogatory No. 27 asks if the FBI performed any scientific tests or examinations on any cigarette butts, ashes or other cigarette remains. A "yes" or "no" answer is called for. Instead, Mr. Wiseman replies that the Deputy Attorney General had advised my attorney that the Department of Justice never received any butts, ashes, or other cigarette remains "from the 'white mustang abandoned in Atlanta.'" This answer is deliberately non-responsive. The interrogatory is not limited to cigarette remains found in the white Mustang.

81. My interest in the reports on these cigarette remains is not frivolous. James Earl Ray is a non-smoker. The cigarette remains point to another suspect, notwithstanding the FBI's denial that any such existed.

82. Interrogatories No. 30-34 are all directed at determining what photographs of the scene of the crime or what photographs or sketches of suspects were obtained by the FBI from obvious sources. The answers to these interrogatories are non-responsive and do not deny that the FBI has photographs and sketches which I have not been given. I know that it does have some not yet given me.

83. Interrogatories No. 35-39 relate to a request which I made seven years ago for access to information given to other writers. [See Exhibit V] Two of these writers credit the FBI in their books. One writer reportedly has shown a doctor copies of FBI reports on what that doctor told the FBI. Another writer has obtained copies of the bank records of Mrs. Carol Pepper, James Earl Ray's sister. Still another writer could not possibly have not had the FBI as a source for his early writing on the Ray case.

84. It is no secret in Washington that Mr. Cartha deLoach and Mr. Lou Nichols served this function for the FBI until their retirements. Yet Mr. Wiseman pretends the contrary and answers these interrogatories in the negative, saying that his answers are "based on an examination of the documents in question." What documents in question? This is a totally meaningless response to these interrogatories. What is required is not an examination of unspecified documents but an inquiry into the conduct of the FBI in this case.

DISTRICT OF COLUMBIA

Before me this 23rd day of March, 1976, deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires April 14, 1979.

Barbara B. Kelly

NOTARY PUBLIC IN AND FOR
THE DISTRICT OF COLUMBIA

EXHIBIT G

JAMES H. LESAR
ATTORNEY AT LAW
1231 FOURTH STREET, S. W.
WASHINGTON, D. C. 20024

TELEPHONE (202) 484-6023

December 29, 1975

Mr. Harold Tyler, Jr.
Deputy Attorney General
U. S. Department of Justice
Washington, D. C. 20530

Dear Mr. Tyler:

Your letter of December 1, 1975, is apparently intended to give the appearance of good faith compliance with Mr. Harold Weisberg's April 15, 1975, request for the disclosure of certain records pertaining to the assassination of Dr. Martin Luther King, Jr. Unfortunately, this is achieved by rephrasing Mr. Weisberg's request so as to exclude most of the records sought.

For example, Mr. Weisberg's April 15 request specified that he wants the results of any ballistics tests performed in connection with the investigation into Dr. King's assassination. Yet you restated his request in a manner which excludes all ballistics tests except those performed on the bullet removed from Dr. King and the rifle placed at the scene of the crime. However, as his request clearly states, Mr. Weisberg wants all ballistics tests and reports, not just those performed on the murder bullet and the rifle placed at the scene.

In response to Mr. Weisberg's request for the ballistics evidence, you provided him with three distorted color photographs of the bullet removed from Dr. King. Mr. Weisberg wants all photographs taken for ballistics purposes, including all photographs taken with the aid of a comparison microscope and all blowups of any photograph.

With respect to Mr. Weisberg's request for all photographs taken at the scene of the crime, Mr. Weisberg defines this term broadly to include all of the buildings and areas in the immediate vicinity of the crime site. It would include, for example, photographs taken of or at the Lorraine Motel, Canipe's Amusement Center, the parking lot, the fire station, the rooming house at 418 1/2 to 422 1/2 S. Main Street, and any areas in between or adjacent thereto. It also includes photographs of the interior of any of these buildings and of any objects found in them.

When I spoke with Mr. Volney Brown two or three months ago, he said that the Department would have no objection to a procedure which would allow Mr. Weisberg to examine these photographs first, then

select which ones, if any, he wishes to have copied for him. This, of course, will save everybody time and money.

I would appreciate it if this examination of the King assassination materials could be arranged for the earliest possible mutually convenient date. Mr. Weisberg is suffering from a serious case of phlebitis and no longer travels to Washington as frequently as he did in the past. This is why I phoned Mr. Wiseman on December 22nd to ask if he could arrange for Mr. Weisberg to view the photographs of the scene of the crime and the excluded ballistics materials on the afternoon of December 23rd when Mr. Weisberg was coming to D.C. for a medical appointment. Mr. Wiseman informed me, however, that the FBI agent responsible for assembling the King assassination documents had told him that it would not possible to reassemble them in time for Mr. Weisberg's visit the following afternoon. Hopefully, Mr. Weisberg's examination of these materials can be arranged to coincide with his next trip to D.C.

With respect to the ballistics materials sought by Mr. Weisberg, he has asked me to inform you that as of this date he has still not received the results of the ballistics comparisons which the FBI did perform. He further states that, notwithstanding Mr. Shea's letter of December 23, 1975, what has been provided him of the spectrographic and neutron activation analyses is incomplete and does not meet the normal standards for such tests.

You state that the photographs and sketches of suspects in the assassination of Dr. King portray only James Earl Ray "as there never were any other suspects in the case." If you are not already aware of it, I think you should be informed that on April 17, 1968, FBI Special Agent Joseph H. Gamble filed a conspiracy complaint with the U.S. Commissioner in Birmingham, Alabama. If, as you say, there never were any other suspects in the case, doesn't this constitute abuse of process?

I should also inform you that Mr. Weisberg and I have seen a sketch of at least one other suspect in the murder of Dr. King. In view of this, I suggest that you have the FBI make a further check of its files to see if it cannot find additional photographs and sketches of suspects in the assassination of Dr. King.

In reply to Mr. Weisberg's request for "all information, documents, or reports made available to any author or writer," you state that no information, documents, or reports made available to any author or writer "can be identified as such in our records." Assuming this to be true, it still dodges the issue by the use of semantics. As I indicated to Mr. Volney Brown when we spoke about this a couple of months ago, I think it is relatively simple for you

to ascertain what materials are included within this request if you will just make a few inquiries of the appropriate authors, writers, and FBI officials.

The alternative, of course, is to proceed to take despositions and testimony from these officials and writers and let the district court determine the matter. I think this is unnecessary, since the fact that FBI materials were made available to writers and authors is incontestible. I note, for example, that in his book The Strange Case of James Earl Ray, Clay Blair, Jr. thanks the FBI for its assistance. In addition, Mr. Weisberg informs me that some of the writers listed in his information request have copies of such evidence as the autopsy photographs which have been denied James Earl Ray's defense and that they have flashed FBI reports on the King assassination in order to impress people. Moreover, one of the writers mentioned in Mr. Weisberg's request has obtained copies of the bank records of Ray's sister, Carol Pepper.

In closing, let me apologize for the delay in responding to your letter. I work entirely alone. I have no secretary or law clerk to assist me and must of necessity do my own typing and filing. Recently I have been very pressed for time and this accounts for the delay. However, Mr. Weisberg did write both you and Attorney General Levi about these and other matters soon after he received a copy of your letter and I trust you paid him close attention.

Sincerely yours,

Jim Lesar

Jim Lesar

cc: Attorney General Edward H. Levi
FBI Director Clarence Kelley
FBI Special Agent Thomas Wiseman

EXHIBIT I

OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

DEC 1 1975

Mr. James H. Lesar, Esquire
1231 Fourth Street, S.W.
Washington, D.C. 20024

Dear Mr. Lesar:

This is in further response to the pending administrative appeal under the Freedom of Information Act filed by you on behalf of your client, Mr. Harold Weisberg, from the denial by Director Clarence M. Kelley of the Federal Bureau of Investigation of Mr. Weisberg's request for specific records and photographs relating to the assassination of Dr. Martin Luther King, Jr.

After careful consideration of this appeal, I have decided to modify Director Kelley's action in this case and to grant access to every existing written document, photograph and sketch which I consider to be within the scope of Mr. Weisberg's request. Minor excisions have been made from the documents to delete purely internal agency markings and distribution notations, as well as the names of Bureau personnel. In my opinion, the matter so excised is not appropriate for discretionary release.

The results of all "ballistics tests" [item number 1 of Mr. Weisberg's request], as performed on either the death bullet or Mr. Ray's rifle, are included with the materials to be released. "Spectrographic or neutron activation analyses" [item number 2 of the request] were made only on the clothing worn by Dr. King at the time of his death. All eight pages pertaining to such tests will be released. The results of all "scientific tests made on the dent in the windowsill (sic)" [item number 3 of the request] are available for release to your client, including both written reports and photographs of the window sill and rifle barrel. All "photographs or sketches of any suspects in the assassination" [item number 5 of the request] are to be released. These photos and

sketches portray only Mr. Ray, as there never were any other suspects in the case. It may be that the Department has no photographs "taken at the scene of the crime" [item number 6 of the request], in the sense your client uses the phrase. To the limited extent that we have photographic and other materials that depict physical conditions or events, they will be released to Mr. Weisberg. In the event that the non-photographic materials are of no interest to him, they may be returned.

The Department of Justice never received any "butts, ashes or other cigarette remains" from the "white Mustang abandoned in Atlanta," and for that reason did not perform any scientific tests thereon [item number 2 of Mr. Weisberg's request]. A two page schedule of all evidence acquired from the Mustang is included, without charge, in the package to be released. Similarly, as to item number 7 of the request, no "information, documents, or reports made available to any author or writer" can be identified as such in our records. To avoid any misunderstanding, I wish to advise you that no release of any materials relating to the death of Dr. King has been made to any person other than law enforcement or prosecutive authorities, except for the so-called "extradition papers" which were shown in 1970 to Bernard Fensterwald, Jr., Esquire, then the attorney for your client Mr. Weisberg, and which are in the public domain. In 1971 these same papers were made available to another person not named in item number 7, who may or may not be a writer. In any event, if Mr. Weisberg wishes access to the extradition papers, his written request in that respect should be addressed to the attention of the Freedom of Information and Privacy Unit in my Office. Based on the foregoing facts, I have concluded that there are no records within the scope of either item number 4 or item number 7 of Mr. Weisberg's request. There can, of course, be no denial of access where there is no record; there can be no appeal where there has been no denial of access.

In adjudicating this appeal as to item number 1 of Mr. Weisberg's request for "results of any ballistics tests," I have not included as matters for consideration the results of a great number of ballistics tests performed on rifles other than the one owned by Mr. Ray. If Mr. Weisberg wishes access to them, he should make a specific written request to Director Kelley, attention Special Agent Thomas Wiseman, agreeing to pay both the costs of reproduction and the special search fees which

will be necessary to locate and identify the same, as provided by 28 C.F.R. 16.9(b)(6). In addition, in an effort to save your client considerable expense, I have construed item number 6 so as not to encompass the several hundred photographs in Bureau files of Dr. King's clothes, the inside of the room rented by Mr. Ray, or various items of furniture and personal property. If Mr. Weisberg does, in fact, wish copies of these photographs, he should make a further request for them and agree to pay the reproduction and special search costs which will be involved.

Your client will now be furnished seventy-one pages of material for which the charge is ten cents per page, the two-page schedule of evidence at no charge, fifteen black and white photographs at their reproduction cost of forty cents each and three color photographs at their reproduction cost of three dollars each. Please remit $22.10 to the F.B.I. headquarters office, Washington, D. C. 20537, attention Special Agent Wiseman, specifying whether you wish the materials mailed or held for you to pick up. As a matter of my discretion, I am waiving $80.00 in special search fees which could be charged for non-clerical work in connection with this request and another one for many of the same materials.

Because of the nominal excisions of agency markings and the names of agents, I am required to advise you that if Mr. Weisberg is dissatisfied with my action on this appeal, judicial review thereof is available to him in the United States District Court for the judicial district in which he resides, or in which he has his principal place of business, or in the District of Columbia, which is also where the records he seeks are located.

Very truly yours,

Harold R. Tyler, Jr.
Deputy Attorney General

EXHIBIT J

OFFICE OF THE DIRECTOR

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

June 27, 1975

James H. Lesar, Esq.
1231 Fourth Street, S. W.
Washington, D. C. 20024

Dear Mr. Lesar:

Reference is made to my letter of April 29th regarding your Freedom of Information Act request on behalf of your client, Mr. Harold Weisberg.

Your request for the results of certain Laboratory examinations, photographs, and sketches relating to the assassination of Dr. Martin Luther King, Jr., is denied.

As you are aware, an appeal is presently pending for James Earl Ray in the Federal court system. This appeal is from a denial in the United States District Court for the Western District of Tennessee of a petition on a writ of habeas corpus. The appeal is in the United States Circuit Court of Appeals, Cincinnati, Ohio. Since the information you have requested could be vital to a prosecution of James Earl Ray, the release of this information could harm a Government prosecution and subsection (b)(7)(A) proscribes the release of such information.

In connection with your request numbered 7, search of our central files reveals no information regarding Dr. King's assassination was made available to any author or writer.

You have thirty days from receipt of this letter to appeal to the Attorney General from any denial contained herein. Appeals should be directed in writing to the Attorney General (Attention: Freedom of Information Appeals Unit), Washington, D. C. 20530. The envelope

and the letter should be clearly marked "Freedom of Information Appeal" or Information Appeal." Following the Attorney General's decision, judicial review is available in the district of your residence or principal place of business or in the District of Columbia, where the records are situated.

Sincerely yours,

C M Kelley

Clarence M. Kelley
Director

EXHIBIT K

December 4, 1975

Mr. Edward Levi
Attorney General
Department of Justice
Washington, D. C.

CERTIFIED - RETURN RECEIPT
ADDRESSEE ONLY

Dear Mr. Levi:

On April 18, 1975, I requested certain still withheld FBI evidence in the assassination of Dr. Martin Luther King, Jr. When the Department did not comply with the law, my lawyer, Mr. Jim Lesar, filed an appeal directly with you on May 5 (copy attached). When you then did not comply with the law, he filed C.A. 75-1996 for me. Yesterday, December 3, in response to a letter stamp-dated December 1 and mailed the next day, he picked up what the FBI falsely represents as all this long-suppressed evidence I have long sought. I have now gone over it.

I am also investigator for James Earl Ray.

Examination of the material received confirms the suspicion I had when the Department's Mr. Varney Brown started asking Mr. Lesar, who also represents Mr. Ray, to merge my stonewalled request with a later one by CBS and to get Mr. Ray's permission to include certain personal information about him. Mr. Lesar recently filed an appeal before the sixth circuit court of appeals in Mr. Ray's efforts to obtain a trial.

The apprehensions I felt from long experience over the unnecessary and I believe illegal delay in acting on my proper request and then seeking to merge with it a later one by CBS is more than justified by an examination of what the FBI has supplied. It told Mr. Lesar that it supplied the material to CBS prior to delivering it to me or even letting me know although I had already filed C.A. 75-1996 for it.

What has been supplied is not as certified, all I requested. Rather is it a careful selection from the FBI's files that, if used by CBS, will inevitably be very prejudicial to Mr. Ray's interests and that of justice, especially at this crucial stage in his pursuit of long and deliberately denied legal and constitutional rights. The FBI cannot be other than deliberate in this, for all practical purposes imposing on the lack of understanding by CBS to stage a TV spectacular to Frame Mr. Ray once again or taking advantage of the clear bias CBS has displayed on this general subject to put it in a position of doing exactly the same thing with allegedly official evidence.

What is not still suppressed - and there can be no doubt of the FBI's purposeful continued suppression of evidence embarrassing to it and

Department has this proof, has suppressed it and has since perpetuated the success of this felony by violating my rights under 5 U.S.C. 552 with eight months of stonewalling.

When you announced you had ordered a new look inside the Department at this terrible crime, I wrote you telling you that you had put those divisions responsible for this miscarriage of justice in charge of investigating themselves. What has been given me of what I requested together with what I obtained in the past leaves no doubt that the Department's lawyers knew this and took other illegal acts to perpetuate it. (There is only the alternative that every Department lawyer in any way involved on any level is utterly incompetent.) I obtained some of this proof from the Department when federal district court in Washington awarded me a summary judgment in an earlier Freedom of Information Act case, 718-70. The history of that case proves that the Department confiscated from the willing British Government all official copies of that exculaptory evidence outside the files of the United States Government, classified it illegally, and then lied about it.

Tennessee authorities are also involved in this and are the users of the perjurious testimony known to the Department to have been perjurious.

This amounts to a conspiracy to deny Mr. Ray his civil rights as well as to keep him in jail for the rest of his life when the FBI had and suppressed proof that he did not kill Dr. King. I therefore call upon you to see to it that Mr. Ray is freed and to have an independent investigation - not another whitewashing self-investigation - of what amounts to a conspiracy within your Department to deprive Mr. Ray of his civil rights.

This endless official misconduct has also put the pro bono Ray defense to enormous cost for which there now should be proper and adequate compensation and the restoration of all costs.

Had the Department behaved in accordance with the law once I filed the April request, it would not have been necessary to do all the work represented by Mr. Ray's appeal. What the Department did was deliberately delay my proper request until after Mr. Ray's appeal was filed, then until after CBS made requests for its newest commercialization of these tragedies, and then again until after CBS had in effect paid off the FBI with a coast-to-coast whitewashing of the FBI's behavior in the investigation of the assassination of President Kennedy.

Sincerely,

Harold Weisberg

EXHIBIT L

Rt. 12, Frederick, Md. 21701
12/7/75

Harold R. Tyler, Deputy Attorney General
The Department of Justice
Washington, D.C. 20530

Dear Mr. Tyler,

Mr. Lesar has forwarded your letter stamp dated December one and the enclosures handed to him the next day. I regard these together as deliberate evasion of whichever you now pretend to respond:to my request of April that should have been responded to months ago; my appeal of May to which Mr. Levi never responded; or my C.A. 75-1996, which was filed before delivery of these incomplete and inadequate papers.

I also protest prior giving of these papers to a later requestor, particularly because some of them, with deliberateness, are incomplete and deceptive in a manner designed to justify to the underinformed what can be a TV spectactular to make the Department's deplorable behavior in all aspects of the King assassination look better; and to further damage James Earl Ray's rights. As you know, I am his unpaid investigator.

Meanwhile, I keep getting reports of a Departmental propaganda operation in which those you will again no doubt pretend you cannot identify are giving to selected members of the more powerful media, without FOIA request, selected and again prejudicial information calculated to defend the Department against justified criticism by giving to these elements of the press only that which appears to justify the Department.

This is hardly proper behavior under FOIA or in response to the Attorney General's promise of a self-investigation. I protest the whole thing and allege that from the beginning the Department has deliberately violated the law, to the detriment of my rights, and in so doing has damaged me.

When it is possible Mr. Lesar will probably make a lawyer's response. This one is for the addressing of what you have deliberately withheld from me while pretending compliance and to specify what the Department knows it has that is relevant from what it has given me alone.

The degree to which the Department has done this is ridiculous. It has masked names without need and has masked names that are publicly known.

Consistent with its record before its self-investigation, alleged, began, you have rephrased my request to make it mean the opposite of what it says and to contrive a phoney basis for all withholding thereafter. My Item 1 was for any and all ballistics tests. You have added the absent proviso "as performed on either the death bullet or Mr. Ray's [sic] rifle." To this ~~you~~ you add what separately is false, that you have included all of this.

No results of my comparisons in test firings are included. No comparison-microscopic results, whether in handwritten or other notes or in pictures are ~~included~~ included. But what is included you and Mr. Levi should know because of your self-investigation and the facts of this case is that a large number of other rifles were test fired in this case for all the world as though the FBI, Department and State had not charged that the fatal shot was from one rifle to the exclusion of all others ever made. Why in the world this should have been done and no results included I would hope you and Mr. Levi would like to know as much as I. I make this as a request.

The pictures you sent me are propaganda not laboratory pictures. They are not the kinds of pictures - not in a single case - required for identification efforts. I have examined that fragment of bullet personally and carefully and know the kinds of pictures that with proper investigation and lab work have to have been made. I believe these were made and that if they were not there is an additional basis for an allegation of perjury with regard to them. I believe those pictures should have been sent to me and I ask that this be done promptly. The swearing was by the expert who represented himself as having made the examinations for which not one of the pictures you sent me were suited and to the FBI's certain knowledge were not.

Item 2 is "The results of any spectrographic or neutron activation analyses." This paragraph of your response makes no reference to NAAs. What you did send is woefully and deliberately incomplete and does not in a single case include anything that can be called either the "raw" material, the badge of the past, or the results of spectroscopy. If the Bureau has not troubled to inform you, there must be a comparison of all tabulated elements, with the trace elements most important. In some cases there is a tabulation of these elements, but in one case it includes in the remnant of fatal bullet a chemical element not present in that with which it was compared. I believe there are a number of other tests of this nature that were required to have been made. That they were is not even indicated. Of course I have no results in any form in what you have provided. And I do know from the past what the requirement is and what FBI practise has been. In no single case was any of the required measurements or statistics included or ever referred to. In the case of the King clothing, there is nothing at all except a totally meaningless notation that lead was detected. You may or may not agree with me but I believe I owe it to you and the Attorney General that this and its withholding are in my opinion legally and ethically wrong.

On this point I want to be explicit. I regard what you have provided as, in context, exculpatory. The Department therefore withheld the exculpatory, not only at the time of investigation, preparation for trial, during appeals and even prior to and during the recent evidentiary hearing but after its own internal doubts if not inquiry at the time of my FOIA request that ended in C.A.718-70. You are new to the Department. I therefore suggest that in all interest this in itself should be the subject of a vigorous investigation made by those with no connections with the situation or any of those many involved.

You say there was such testing "only on the clothing worn by Dr. King at the time of his death." Not only have you not provided this but you have provided proof that the required similar testing on the alleged cause of death and what was connected with it was done. Without this there is no point at all in these scientific tests being made on Dr. King's clothing. Moreover, what has been supplied does not contain any analyses and the material with which the alleged fatal projectile was jacketed is not indicated as showing in the juvenile presentations you did provide. It shows the presence of lead only, lead is not the only component of bullet cores and the jacket was copper alloy.

You have not supplied any basis for the allegation that there is microscopic connection between that exceptionally weatherbeaten piece of windowsill (the wrong half, you and Mr. Levi should know) and the barrel of the rifle. There are entirely unsupported word and what should be and is not included, comparison-microscope pictures. What you have provided includes nothing reasonable people can describe as you do, "written reports" on this corrugated wood.

You have provided all pictures or sketches of all suspects I

proof beyond question is in my possession. Despite the language of your letter, nothing of this nature was supplied to me.

There were cigarette butts in the Mustang when the FBI siezed it in Atlanta. Ray is a non-smoker. The official line is that there was no conspiracy. It is beyond belief that there was no scientific examination of this evidence and a rather long list of other evidence for which I will not now take time omitted from the list of Atlanta evidence you did supply.

I could continue this indefinitely but I cannot. It should be enough to tell you and Mr. Levi that either you are being imposed upon or are in violation of the law. I am asking for prompt and immediate compliance with this request so long overdue.

Where you refer to an alleged need for me to apply again to Mr. Kelley, who never responds on time or fully if at all honestly, I will not do it. What you refer to is encompassed in my initial request. You have created a fiction that - limited anything to what you call Mr. Ray's rifle. I did not.

Unless the Department has made a career of lying there is no problem and no special searching needed to locate this material.

I had hoped that the time would come when the Department would take a more responsible and less overtly dishonest attitude to these requests on these subjects, particularly after all those fine pieties from the Attorney General.

However, if the Department insists on providing proof that it responds falsely and withholds what it provides proof it has, if it is going to continue this wretched stonewalling despote all its public pretenses, my situation precludes my indulgence. I'd much prefer that the matter go where only you will require it to go, before a federal judge.

Sincerely,

Harold Weisberg

EXHIBIT M

JAMES H. LESAR
ATTORNEY AT LAW
1231 FOURTH STREET, S. W.
WASHINGTON, D. C. 20024

TELEPHONE (202) 484-6023

December 29, 1975

Mr. Thomas Wiseman
Information and Privacy Unit
Federal Bureau of Investigation
Washington, D. C. 20537

Dear Mr. Wiseman:

I am enclosing a check for $22.10. This is in payment for the copies of documents and photographs pertaining to the assassination of Dr. King which you made available to Mr. Weisberg on December 3, 1975.

Sincerely yours,

Jim Lesar

Jim Lesar

EXHIBIT N

Assistant Attorney General

Department of Justice
Washington, D.C. 20530

FEB 6 1976

James H. Lesar, Esq.
1231 Fourth Street, S.W.
Washington, D.C. 20024

Dear Mr. Lesar:

This is in response to your letters of December 23, 1975, and December 29, 1975, requesting that Mr. Harold Weisberg be allowed access to certain records concerning the assassination of Dr. Martin Luther King, Jr. Your letter of December 23 described twenty-eight categories of records to which Mr. Weisberg is requesting access under the Freedom of Information Act. The Deputy Attorney General's office referred your letters to this Division as well as to the Federal Bureau of Investigation.

The number of files compiled by this Division which concern the assassination of Dr. King is substantial. In addition, the length and complexity of the request in your letters will complicate the review of those files.

Departmental regulations require that, when we anticipate that search and copying fees will amount to more than $25, and an individual making a Freedom of Information Act request has not indicated a willingness to pay fees of, or above, that amount, we must notify the requester of the amount of the anticipated fee, and receive a deposit, before beginning a search for requested records (28 C.F.R. 16.9 (c), (e)). As required by this regulation, we have determined that the initial search of our files would take approximately one week. In addition, due to the complex nature of the requests contained in your letter, and of the documents in our file, it will probably be necessary to use professional research personnel and attorneys, rather than clerical personnel, to make this search.

The fee for search time spent by such personnel is set, by regulation, at $2.00 per quarter hour in excess of the first quarter hour. A full week's search, therefore, would result in a charge of $320.00. Any copying fees (set

It is impossible to determine, without actually searching the files, whether or not this Division has any documents which would be responsive to any of the requests for documents made in your letters. In addition, it is entirely possible that documents located may be exempt from disclosure under the Freedom of Information Act. However, whether or not our search results in release of documents to you, it is our responsibility to remind you that you and Mr. Weisberg would be responsible for the fee for time spent during the search (See 28 C.F.R. 16.9(a)).

The deposit required by 28 C.F.R. 16.9(e) is 25% of the anticipated fee. Accordingly, if you wish us to process this request, please send a check or money order for $80.00, payable to the Treasury of the United States, to this office.

If you wish to discuss the possibility of reformulating the request in a manner which could supply the records you need at a lower cost, please contact Mr. Walter Barnett or Mr. Mark Gross at 739-2195.

Sincerely,

James P. Turner
Deputy Assistant Attorney General
Civil Rights Division

EXHIBIT O

February 7, 1976

Mr. James P. Turner
Deputy Assistant Attorney General
Civil Rights Division
U. S. Department of Justice
Washington, D. C. 20530

Dear Mr. Turner:

In response to your letter of February 7, 1976, I enclose herein a check for $80.00.

In making this payment Mr. Weisberg does not wàáve his right to recover this or any other search or copying fee which you may require him to pay in order to obtain records pertaining to the assassinatinn of Dr. Martin Luther King, Jr.

Sincerely yours,

Jim Lesar

EXHIBIT P

JAMES H. LESAR
ATTORNEY AT LAW
1231 FOURTH STREET, S. W.
WASHINGTON, D. C. 20024

TELEPHONE (202) 484-6023

February 23, 1976

Mr. Thomas Wiseman
Information and Privacy Unit
Federal Bureau of Investigation
Washington, D. C. 20537

Dear Mr. Wiseman:

On December 22, 1975, I phoned to ask if you could arrange for Mr. Harold Weisberg to view the photographs of the scene of Dr. King's murder and the ballistics materials he had requested the following afternoon, December 23rd, when he was coming to D.C. for a medical appointment. You told me that the FBI agent responsible for assembling the King assassination documents said that it would not be possible to reassemble them in time for Mr. Weisberg to see them on December 23rd. This was the only reason given for his not being able to inspect these records on that date.

Subsequently, on December 29, 1975, I wrote Deputy Attorney General Harold Tyler a letter in which I expressed the hope that Mr. Weisberg's examination of the requested materials could be arranged to coincide with his next trip to D.C. because he suffers from a serious case of phlebitis which makes it inadvisible for him to travel frequently. Copies of this letter were sent to you and FBI Director Clarence Kelley. I received no response.

After the calendar call on February 5, 1976, Mr. Weisberg and I met briefly with Assistant United States Attorney John Dugan and sought to enlist his good offices in arranging for Mr. Weisberg's inspection of your records to coincide with his next trip to D.C.

Today I called to ask that you arrange for Mr. Weisberg to examine these materials when he comes to Washington this Thursday, February 26th. However, you called to my attention a statement in Mr. Tyler's December 1, 1975, letter to me which required that Mr. Weisberg agree to pay the "reproduction and special search costs" if he wanted the photographs which he had in fact requested. You said, correctly, that Mr. Weisberg had not written you agreeing to pay these costs.

Shortly afterwards, Mr. Dugan called. He told me that you would not institute the "search" for these photographs until you received Mr. Weisberg's written agreement to pay the search costs. He also informed me that you could not have the requested materials

I write, first, to assure you that Mr. Weisberg will pay the necessar search and reproduction costs but he does not waive his right to recover them.

I note, however, that when CBS News requested some of the same records sought by Mr. Weisberg, the search fees were waived.

I also advise you that I know of two Freedom of Information lawsuits where well-known millionaires have not been charged a cent by the Department of Justice for searching for the records requested by them. This contrasts glaringly with the treatment accorded my client, who can ill afford such fees, and is an affront to the spirit and meaning of the Freedom of Information Act.

Secondly, I ask you to state your agreement with the assurance Mr. Volney Brown gave me last summer that Mr. Weisberg will be allowed to examine and selected those documents and photographs he wants copied, rather than your foisting upon him, sight unseen, whatever you may determine to be within the purview of his request.

Thirdly, I ask that you select a date on which Mr. Weisberg will be allowed to examine the photographs and records which he has requested. I believe Mr. Weisberg will be able examine these records on any day between March 1 and March 6, or on March 15. I would appreciate it very much if you could advise me at the earliest possible time which date you prefer.

Sincerely yours,

Jim Lesar

Jim Lesar

EXHIBIT Q

OFFICE OF THE DIRECTOR

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

March 9, 1976

James H. Lesar, Esq.
1231 Fourth Street, S. W.
Washington, D. C. 20024

Dear Mr. Lesar:

Your recent letter to Special Agent Thomas L. Wiseman, regarding the Freedom of Information Act (FOIA) request of your client, Mr. Harold Weisberg, for access to certain materials pertaining to the assassination of Dr. Martin Luther King, Jr., was received February 26, 1976.

Based on the assurances you have expressed in the referenced letter, we shall begin our search to compile the photographs and records which you have requested. As the Deputy Attorney General (DAG) pointed out to you in his letter of December 1, 1975, the materials to which you now seek access were determined to be within the scope of your request. They simply were not provided so as to avoid substantial fees to your client of material that may be of little or no interest. At this point I am unable to furnish an estimate of the special search fees which must be incurred prior to an inspection by you and your client. Every effort will be made to accommodate your suggested date of March 15, 1976. Special Agent Wiseman will contact you when the search has been completed to advise you as to the amount of the special search fees which you should tender at the time of inspection.

Your recent letter implied that this Bureau gave CBS preferential treatment by waiving special search fees for the same records you have requested. Your implication is incorrect. I note in this regard you fail to mention the fact that all special expenses incurred by this Bureau in processing your request, to date, were waived. This fact was

James H. Lesar, Esq.

brought directly to your attention in the DAG's letter of December 1, 1975, and in my letter of December 2, 1975, wherein you were advised that the portion of special search fees involved in processing your request, which amounted to $80.00, were being waived. I wish to assure you that CBS has received no preferential treatment over your client.

You may wish to consult Title 28, Code of Federal Regulations, Section 16.9, for fees regarding the release of records pursuant to the FOIA.

Sincerely yours,

Clarence M. Kelley
Director

EXHIBIT R

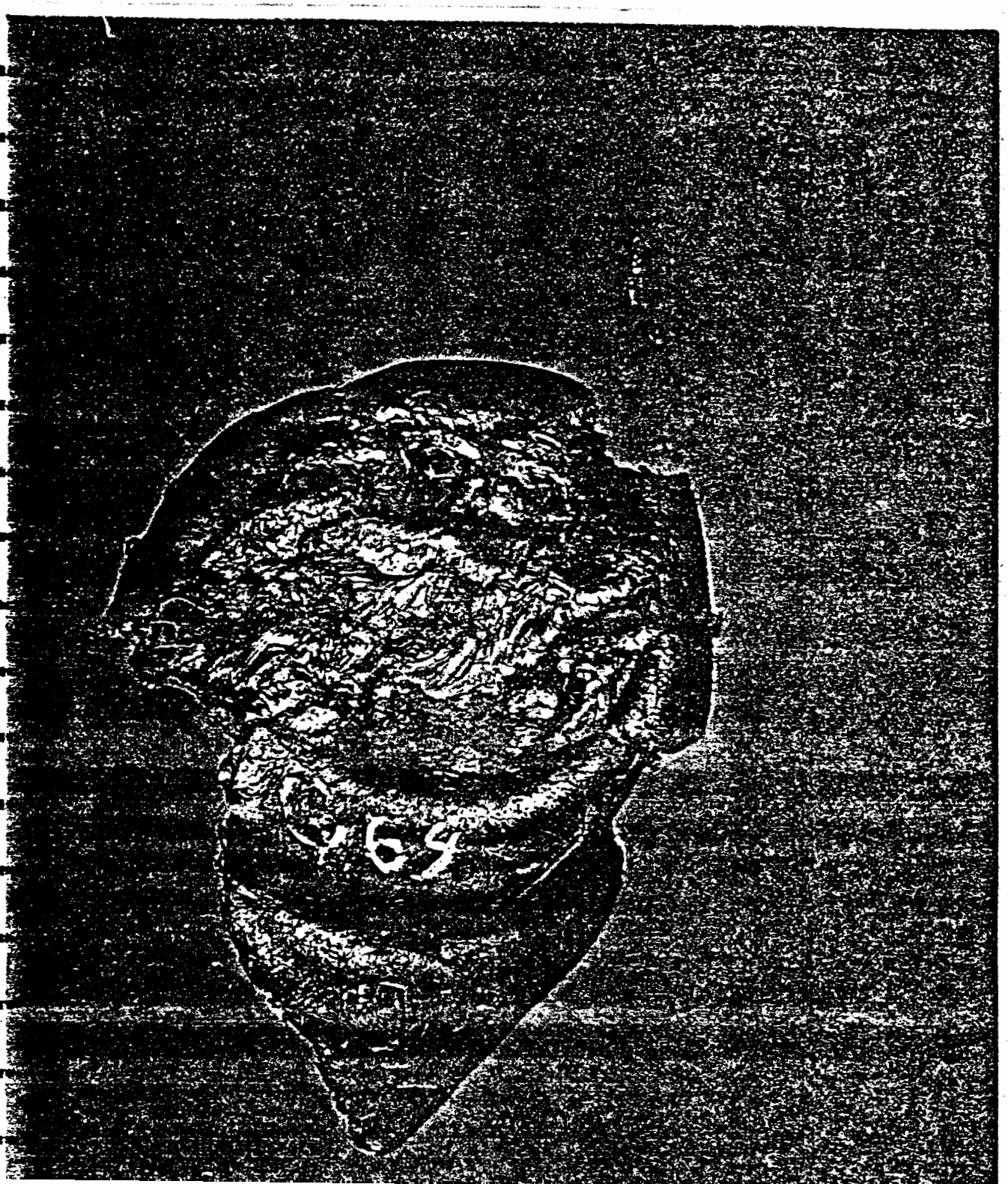

EXHIBIT S

EXHIBIT T

EXHIBIT U

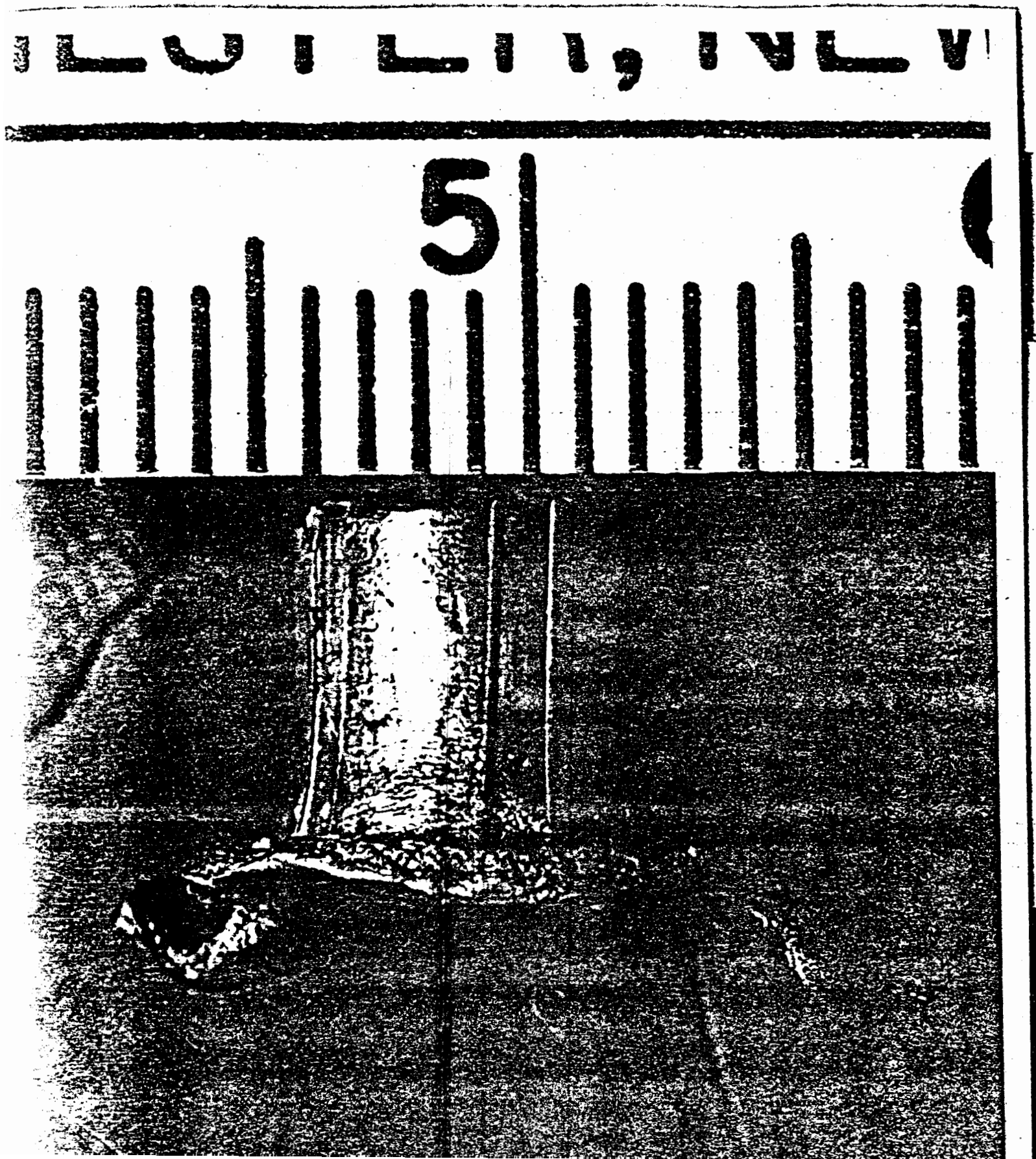

EXHIBIT V

March 24, 1969

Mr. J. Edgar Hoover, Director
Federal Bureau of Investigation
Washington, D.C.

Dear Mr, Hoover,

In his just published book, "The Strange Case of James Earl Ray", Clay Blair, Jr., expresses his gratitude for the information and assistance given him by your bureau.

I have written a book including the Ray case, and I would like to be able to include any information that might be missing.

Therefore, I write to ask for what has been given Mr. Blair and perhaps other writers and any other data you might properly give me.

Now that there has been a court proceeding, I hope some of what might earlier have been considered secret is no longer. I am particularly interested in that evidence that establishes or tends to establish that Ray was the assassin, such things as the ballistics proof. Because there are so many contrary indications, I would also appreciate proof that he harbored racial animosities. And with the existing indications of the involvement of more than one person, for example, evidences that while Ray was in California someone acting for him was in Alabama, I would particularly like to know what persueded your bureau that he was entirely alone. Ray and members of his family say he was not alone, as I interpret their statements.

Your bureau has also released some pictures. I would appreciate copies. Possibly you have pictures you may not properly give me, those taken by photographers at the scene of the crimes. I would like references to those taken as close as possible to the moment of the crime and at its scene.

My purpose in seeking this information is to make my work as complete and accurate as possible. Because what was earlier available persuades that Ray was not alone and probably was not the assassin, I am quite anxious to have all the available proofs that there was no conspiracyand that he was the assassin.

Thank you for any help you may provide.

Sincerely yours,

Harold Weisberg