

NOTES ON 64 PAGES OBTAINED FROM CIVIL RIGHTS
DIVISION AS NOTED BY TURNER' LETTER OF 4-26-76

1. September 27, 1968, letter from Canale to Pollak notes his office has been doing extensive pre-trial work getting ready for the November 12, 1968, trial. "Prior to this time, we have received a number of investigative reports from the Federal Bureau of Investigation, but there are some reports which we desperately need in preparing for this case which have not yet been tendered to us. In some instances, we have received laboratory reports pertaining to certain physical evidence, but have not received the field reports which would indicate to us who recovered the evidence that was examined in the laboratory, and how and by whom same was transmitted to the laboratory for examination. Of course, we have to keep intact the chain of evidence in presenting this material at the trial." Goes on to request all available investigative reports.

Refers to "Scotland Yard Report" which we do not have.

"Also, since ther last report submitted to this office from filed offices of the Federal Bureau of Investigation dated May 17, we have received no reports since that date, and we would like to have the results of any supplemental investigations."

We do not have the May 17, 1968, field report referred to above, unless this refers to a lab report obtained in our first batch of documents, which seems unlikely.

2. October 4, 1968, letter from Pollak to Canale. "This will confirm the advice which Mr. Owen and I gave to you during our visit on Wednesday, October 2, 1968."

"In response to your letter of September 27, 1968, the Federal Bureau of Investigation was requested to furnish to you copies of 24 additional reports and memoranda dated between May 10, 1968, and August 30, 1968, with respect to the James Earl Ray matter."

We don't have these 24 reports.

3. October 22, 1968, Canale-Owen. Says he has received "three boxes of indices". Refers to trip to Europe by Dwyer, Beasley, and Carlisle.

4. November 4, 1968, memo from Pollak to JEH. Refers to JEH memorandum of November 1, 1968, a copy of which we do not have.

5. December 27, 1968, letter from Pollak to Foreman: "This is in response to your letter of November 23, 1968, to J. Edgar Hoover, requesting the privilege of talking with someone in the Federal Bureau of Investigation concerning any knowledge that the Bureau might have concerning threats to Dr. Martin Luther King during the two years prior to April 3, 1968, and to your subsequent telephone conversation with me confirming your request."

We do not have a copy of Foreman's letter to Hoover.

The Department did know of such threats. See Gelber letter.

6. July 7, 1970, letter Fensterwald-Mitchell asks for copies of each piece of correspondence to and from Ray "which you might have in your files from June 10, 1968, to date."

This request was made because this correspondence "may prove most important re his Petition for Post Conviction Relief". Yet we have obtained two letters from Ray to the Department of Justice (dated January 12, 1970) and the Department of State (dated August 13, 1969), both of which are helpful to Ray's legal case and neither of which were provided by the Department of Justice until this action was taken to court.

7. August 4, 1970, Jerris Leonard to Fensterwald. Refuses to give copies of Ray-Department of Justice correspondence:

"Please be advised that the Department of Justice still has a pending prosecutive interest in this case and, therefore, we are unable to furnish you with any of the material from our files at this time."

8. September 11, 1970, letter from Fensterwald to Jerris Leonard. "Please refer to my letter of August 13th, a copy of which is attached." Attached copy not provided us. My April 21, 1976 inventory does not show it was in the file I examined.

9. O'Connor-Fensterwald, February 26, 1974. "We are working on a number of concerns which you raised, and, of course, because of the ponderous volume of data, it will be some time before we have a very firm basis for further discussion." Suggests talking with Ray.

10. Haynes-Saxbe, September 30, 1974. "In his deposition for this hearing, Mr. Foreman stated that between November 12, 1968 and March 10, 1969, he wrote several letters to then Attorney General of the United States, Ramsey Clark, requesting any evidence in the Ray case that was in Mr. Clark's possession."

"We are requesting your assistance as to whether any such letters from Mr. Foreman to the Attorney General exist. If such letters do exist, will you please provide our office with

certified copies of those letters."

We have been given neither copies of any such Foreman letters, nor have we been provided any response made to the Haynes letter.

11. November 3, 1975, memo from Stephen Horn to Pottinger. Horn, Volney Brown, Tom Bresson, and Tom Wiseman were present at a meeting on October 30, 1975, to discuss FOIA requests for King assassination documents.

States that the FOIA requests are attached. We didn't get copies of either.

"We have, of course, previously taken the position that the disclosure of King materials (the FBI scale model of the scene of the crime) would prejudice Ray's right to a fair trial, should he secure a new one, and this cannot be disclosed. I still strongly advocate this position."

"If my reading of Brown was correct, the FOIA Unit may be viewing this from a slightly different perspective: Brown expressed Shea's desire to avoid being 'blasted' (on the air) by CBS for being 'uncooperative'. While I took the approach that the FOIA Unit should formulate an appropriate legal argument against disclosure and seek court approval of what I believe to be a strong fact situation for non-disclosure, the thrust of Brown's comments was that the case law could support disclosure under these circumstances. However, he did state that he may in the final analysis adopt our position."

"There is some question as to whether some of the requested materials have already been made public, in one form or another, either at the extradition proceeding in England, the "mini-trial" wherein the state prosecutors made a proffer to satisfy the Court that there was a basis for the guilty plea, or the evidentiary hearing in U.S. District Court on Ray's petition for habeas corpus (the denial of which is on appeal to the Sixth Circuit). The FBI is making efforts to determine the answer to this question and is in contact with Tennessee authorities."

"I told Brown that the fact that evidence may have been released in one form may not justify its release in another. In other words, from the perspective of prejudicial pre-trial publicity, I see a big difference between the affidavit of an FBI expert, already made public, and the disclosure of the actual raw data and photographs upon which he formulated his opinion. (Obviously, CBS and Weisberg see the difference too, why else go through the FOIA process to get material already a matter of public record?)" [Emphasis added]