

* withheld document(s)
masking

Civil Rights records with James Turner's 7/16/76 letter:

- * 1. 10/15/70 Wm O'Connor memo to Jerris Leonard titled James Earl Ray - Conspiracy - Grand Jury File # 144-72-662 (41-177-147 stricken through) O.M.B. Rubber stamped in. O'C. initialed same day. Copies are indicated to these files: Records, Chrono, Turner, O'Connor, Murphy, Gallagher, Trial File. (What "trial file" with no federal case, 19 months after guilty plea?)

This is one of a series of memos on conferences with Bud Fensterwald. "because they gave use some earlier this in itself represents deliberate withholding from files searched earlier.

It begins with reference to O'Connor's 10/9 conversation, presumably with Leonard, of 10/9. If with Bud that memo is not here.

"Fensterwald said that Ray assured him that that there was a conspiracy involved in the killing of Dr. King and that Ray has told him that he will tell the story from 'the stand.'" Bud thinks Ray may testify before grand jury.

* Bud talks about Ray's other criminal acts being a conspiracy. Where he talks about what had been published O'Connor has a note saying "this is confirmed by our files" and should be included. Check for compliance. Has Bud saying dancing lessons could be "a cover for an informatoon drop?" that "ing was shot from Ray's bedroom. Garbled story on room rental attributed to Bud, as is Ray's knowledge that the rifle purchase was designed to attract attention to Ray.

Here masking described as "DJ attorney's opinion of Bud's info, (b)(5)

Bud says Ray told him he was instructed to be in front of rooming house at a certain time in the Mustang, that he was at gas station when shooting occurred and "the bundle of clothes was left behind by his confederate, according to Ray."

Bud connecting of RFK, MLK assassinations through hypnotist followed by large masking attributed to (b)(5), "opt. atty's" opinions regarding the possible effect of grand jury testimony."

Has Bud taking the initiative with a grand jury, O'Connor indicating it could be Long Beach, Memphis, New Orleans elsewhere "if overt acts of the conspiracy occurred there."

Same as above, grand jury

2. Monica Gallagher to O'Connor 10/22/70 File Nos 144-72-662; 41-157-147 "Telephone Conversation with Mr. Fensterwald," of 10/21, initialed same day as typed. Ray no grand jury interest but Bud persists in it, saying he pressed it on Ray. Bud viewed trial as "near certainty," but not as optimistic "about the ultimate acquittal."

* masking attributed to privacy another person, (b)(7)(C) & (b)(5), atty's opinion.

3. 11/4/70, O'Connor-Leonard NJ 144-72-662, #41-157-147, "Possible James Earl Ray Testimony."

Bud phoned 11/3 from LA: "Ray would never agree to testify...because he felt that "Ray believed unshakably that the only way he could get out of jail would be to put someone else in," so could grand jury question be kept open until he spoke to Ray again?

Bud told him of CIA and belief assassinations are linked, "sure he can link" MLK, RFK. Wanted to set up meeting O'Connor, Matt Byrne and Bud because Byrne has info on man besides Sirhan. End page 1, which is marked 2. (Is there an earlier page?)

* The second page 2 was typed on a shorter piece of paper or was cut off. It is xeroxed with the preceding page showing at the bottom and masked after the fifth line. This part relates to Bud's saying "the three killings are from a common source and that 'things dovetail' in Los Angeles and New Orleans." "masking attributed to DJ attorney's advice and recommendations about grand jury

4. 1/25/71, Gallagher to O'Connor, original, 15 pp, 5-15 masked entirely, including even

distribution copies. Titled King assassination, file only 144-72-662 indicated p. 1. Re their (Gallagher and "Mr. Queen") 4-hour meeting with Ken Smith 1/13. He is investigator, researcher for CIA, meeting at Bud's request.

"Fruitjar" story bottom p. 2, continues 3 where bottom half is masked. None of these

88E

2
details are secret. Masking continues through top half p.4, same (b)(7)(C),(b)(5) reasons given. From the bottom of 4, where it begins, all the rest is masked.

* Why are there sometimes carbons in the O'Connor file, sometimes originals?

5. 6/23/71 Fensterwald-O'Connor enclosing "scrap" attached, heavily masked (b)(7)(C)
Some of this masked information is public, from a trial and conviction of the masked name, Tarrants. Without checking my files I think other masked names are of Barnes and Lynch. However, I'm certain all of this is public. It relates to the Meridan, Miss. attempted bombing and subsequent shootout that I have in Frame-Up. (or was it edited out?)
Can this be part of the Gelber stuff?
Kathy is Kathy Ainsworth.
This seems like a Somerset report.

This story is largely if not entirely public through the Byron Watson and mother effort taken up by Dick Gregory after they went public and then investigated by the Atlanta police

6. 8/26/71 Gallagher to File, Subject, Wayne Chastain, Jr., File 144-72-662, 3 pp. all masked under privacy. Queen in on 8/24 meeting Chastain asked for. He said what he said "mostly" reported to FBI in 1969. Where are relevant FBI files from Memphis F.O., not only from Alley's promise but such specifics as other suspects?
The masking on p. 1 is ridiculous, spurious because it has all been published repeatedly, including by Chastain. Of what can be detected through the masking the first name is Walter "Jack" Youngblood, the second Walter Buford. Youngblood is known to FBI, DJ and CIA, among federal agencies. The inference here is that he was a suspect.
P.2 has reference to arrests other suspects.
Masking on p. 3 even includes the number but at that point no masking is indicated. Here even a nickname is masked. So is Russell X. Thompson, Benavides. In addition to other sources that are public, all of this is in Gerald Frank's book. What is not here and may be part of the masking on p. 1 of 2, where even the paragraph number is masked, is the allegation of Youngblood's CIA and Castro connections.
The larger masking could contain indications of other records under the number 3. there is a "B" but no "A."
If this is the complete memo-and it ends rather abruptly if it is - the first paragraph on the first page refers to the "other information available to us," one would think relevant to this story. Is it anywhere provided? With Chastain's series of articles on this published as some was by Frank, no record in any file of any component?

7. 11/9/72 Fensterwald to O'Connor with two enclosures not provided or explained as missing. Stamps indicate a file other than Civil Rights, but illegible. File Nos. 144-72-666; 144-19-0.

Is it possible, from context, that the entire section masking on p. 1 had to be under privacy? Why not just mask name is that is the only purpose in the masking? The bottom which is the final part of a masked paragraph clearly refers to the Bremer shooting of Wallace and in the context of mere on CIA.

8. 2/20/74, O'Connor to Fottinger, 11/19 conference with Fensterwald, 144-72-662, cc:Murphy, Allen, Gardner, Horn. Masking on 1st 2 of 3 pp.
"His client, Mr. Ray, would make no statement publicly or privately, before a grand jury or otherwise regarding his complicity (sic) or his accomplices (sic) in the shooting of Dr. King." Layer's evaluation of this? And is it why Ray insisted on taking the stand?
"He made available to us a number of "new "leads - - some of which will have to be carefully explored." Some of what "are being check" follow. Not attached. Provided elsewhere?
1. automatic versus stick shift in Mustang. (New 2 yrs after Frame-Up?)
2. masking after Xavier Von Koss.
4. if true, would disclose Ray in contact with a Virginian while in Lisbon. Masked.
5. Silly and factually incorrect.

9. Masks what I published two years earlier, Paul Maguire. It appears to connect him with Leander Perez & Perez with J.B. Stoner, neither masked.

(In fact, this has the effect of connecting Ray with Feres.)

9. Has Bud saying Ray never robbed a bank but reports an FBI investigation showing Ray had. Not provided. The formulation leaves the number of bank robberies unstated.

The further information Bud promise also is to be pursued.

9. 2/22/74, Stephen Horn to The Files on "ing ass. 144-72-662. This is Horn's memo on the same meeting as above, 8. It is an original, do distribution indicated.

It says the purpose was for Fensterwald to present what he "ascertained or developed ...during the course of his representation of James Earl Ray." All "within the frame-work of a conspiracy theory of the assassination."

* Horn list 22 points in the order in which Bud raised them. This means he had notes not provided.

1. is von Kees, here with less than a line masked for both privacy, when von Kees is named, and (b)(5), which would have to be limited to the evaluation of von Kees as a nut or something like that. That NY wanted the FBI to investigate von Kees is not masked, nor the suggestion of a Sirhan connection. Whose privacy?

2. Bud theorizes the dancing studio was "a contact point."

with these to be check, where are the reports on the results, other suspects?

4. "Ray probably made a trip from Los Angeles to Illinois..." Clear breach his responsibilities to Ray and me.

* 5. The longest entry, entirely masked. For privacy only? Not likely.

7. "The books found in the possession of Ray when arrested could conceivably contain a code." (When the charge is murder one?)

8. My work on window sill. Also true of 9.

10. If the masking here could be for privacy reasons (none are given on this page), the only possible meaning is a Bud effort to connect Ray with the Wallace shooting and a conspiracy, which would make him guilty - and Bud his lawyer.

13. Gas station story.

* 16,17 Masks the name "Raoul" which was published so many multi-millions of times? Gives description of Raoul and his criminal specialties. After connecting Ray.

20. What is masked here I published two years earlier. The first, the name of Charles Stein, was published in syndication by Louis L'Amour. Then the Raquel masking. The factual error is probably Horn's. Like the number being in H.O.

10. 3/20/74 Horn memo to O'Conner, "Review of the James Earl Ray File." So they have a "James Earl Ray file" not provided! OC:Reardon, Chrono, Pottinger, O'Conner, Allen, Murphy, Horn. Stamp dated 4/1/74. DJ144-72-662. It is to address "questions posed by you ~~MEMO~~ subsequent to our meeting with Mr. Fensterwald and to acquaint you with some of the more important facts."

* Here is the first reference to my name: "some of the conspiracy evidence introduced by Fensterwald, Weisberg, et al." They have not provided any info or records on me and this is covered separately by my FOIA/PA request of October, nine months ago.

* Says "in my opinion the Bureau did everything feasible to determine whether anyone else was involved in the assassination." No records provided. On what is opinion based? Under the Canadian Tailored Suit and "conspiracy," which means "other suspects," he supposedly rebuts what I said, as he says I said it, that is, about Ray's going to Birmingham. I'm not taking time to check. How the confirmation that Ray did have a suit tailored and then did leave Canada rebuts what I said about his movements is left to be imagined. However, this again refers to files not provided, either copies of pages of the book or someone's comments on it. Also to a specific letter Ray wrote, not attached. The Camera equipment says Bud and I "raised the question" when I have never met with them. I did in my book, but without the firm conclusions he attributes to me. Again source material not provided. What follows has to be based on something, not provided. A detailed something about Ray's book purchases, on sex and by mail; a special substance for making a see-through mirror; details on the out-of-the-ordinary camera, which was available locally only Ray bought it by mail, unexplained; Ray's Freep ad for fun; several letters and his purchase by mail of cheap handcuffs. This is to theorize he was interested in

4
making porno films of himself only and Horn's thought is actually called rebuttal. Now this interpretation of what Bud allegedly said is not in Horn's memo on what Bud said. It is a variant of what I wrote. Basis for this is absent in the records provided and is relevant to my request. Let's forget, except for our own amusement, what DJ calls "rebuttal" and their expectation that a wanted man is going to advertise himself in a porno film.

The trip to ~~Memphis~~ New Orleans: All the masking here is public and there is no basis for any masking. Whether or not accurate. Or even in some areas reasonable. It also discloses reports on interviews not attached and not published, like Ray's alleged anger when the mother did not go with him. Even the City, New Orleans, is masked separately. They forget to mask "Stein" in the next graf.

The "evidence" that Ray had no intention of going to New Orleans is that he broke appointments to go there! But again references to many records not provided.

p.4, top: again all the masking is public-published frequently. What is particularly interesting is that he never mentions the doctor's name. I remember it, without checking, as Mark Freeman. One of the basis of any of this is attached or provided. Yet they gave me Crowden a copy of that FBI report, also Gerald Frank had one, as I know from Crowden's call to me from Calif. the night he saw Freeman, who was open with him. Some of what was entirely unknown that Crowden did know is that Ray used his real name. If this is a bob-tailed description of the FBI report that was given to others and is covered separately by the request, how could Crowden have known not long after I left the hospital? He told me of Civil Rights contacts he had not included in these records from what you told me. How could the FBI have known whether or not Ray made a call to New Orleans without knowing what pay phone to check? This is all wishful thinking without embarrassment over such seeming conflicts as Ray being braced enough to pain himself porno films of himself and shy enough to have to ask for help in overcooking it.

Interesting that on page 5 they theorize that Ray's duplicate driver's license was automatically forwarded by the Birmingham post office but disclose no FBI investigation that produced the forwarding request required by the Post Office and as of the time of the crime required still to have been kept by the Birmingham post office.

The claim of the masking on 5 is because it "contains (sic) attorney's opinion regarding the gun Ray purchased." The whole thing and other records about in "attorney's opinions". Can this be applied this selectively? How in and of itself is that subject to withholding under (b)(5) - more in a case like this.

Fensterwald is next represented (and this does not duplicate the earlier Horn memo on what Bud is said to have said on all things) as saying Ray was told to make himself conspicuous with the rifle exchange.

After this is the Quinton Davis gun-shop story that is irrelevant and that Frank alone uses. I have not seen this in any other source. The ~~best~~ possibility is that Frank's source was FBI reports, which is covered by my request. The details on p. 6, no matter how over-written, eliminate the possibility this could have been Ray. The FBI, to Horn's knowledge, places Ray elsewhere. However, there is here reference to "the artists conception of Ray" and we have no way of knowing which one where we are told there was more than one. I do not recall one "with a thinner face."

But if this story were true it leaves no basis for Ray's exchanging a .30-06 for a .243. Horn stretches so hard he says on the same page that "the evidence" Ray was at these gun shops if "overwhelming" and then overthinks himself in the middle of the same page by citing the FBI proof that it was also impossible.

2 graf's masked as attorney's "opinions regarding Ray's gun purchase."

References to Brewer and Reeves follow. In neither case does Hearn say neither identified.

8. Here they say that the FBI is the source on the arrest of the masked name, Youngblood. They do say arrest. The man was arrested as a suspect, whether or not someone later exculpated him.

Bottom p. 8 quotes "the witnesses around and below King" as agreeing that the shot, from statements not attached or provided, "came from the area of the back of 422 1/2 South Main Street, though one [not identified] says it came from the bushes..." Horn here discloses detailed knowledge of the terrain and elevations. He then offers what here is not withheld under (7)(C), an opinion, "almost impossible to pinpoint the bushes or the window as the exact spot" from the motel.

P. 9: "Weisberg's theory [There has to here been no reference to the fact of my having published a book or its sources] that the fact that King was bent over the balcony accounts for the path of the bullet in his body is not in accord with the evidence." What poison to have kicking around in countless official files!

It is not my "theory." It is in fact what I quote directly from the court transcript, the testimony of the medical examiner. I also publish in facsimile some of the autopsy protocol, including body charts. If King were not bent over the shot had to have come from the moon. Or a satellite. With the alleged source of the shot only 4' above the victim, has anyone else another explanation of how King was hit in the right mandible by a bullet a fragment of which came to rest under his left scapula? (There here is no mention of the wounds, better for misinforming superiors, there also having been on not immediately visible to those at the scene.)

Next at this late date Stephens is taken for real and presented that way. Although Horn admits Stephens' "accounts...vary" and although Stephens almost immediately said Ray is not the man he claims to have seen, Horn says "He gives a fair description which fits Ray." With "his back to Stephens yet." Jowers having been earlier quoted, what he said about Stephens' extreme drunkenness, even for Stephens, is not mentioned.

No sources are given or attached. The extremity of the falsification appears to be continuous. In what follows, and here used only in part: the three in Canipe's "all said...left the scene in a white Mustang." None said this and Canipe told me he neither saw any car nor ever told anyone he had. Las Payne was with me. Mid-April this year, so it does not depend on your recollection from 1971.

Fascinating the last sentence on p.9 about Harold Carter: "Later he told Percy Foreman that he couldn't swear to it," that is, standing "right next to the assassin." How do they know what anyone told Foreman when Foreman used none of this in court?

Bottom 10, top 11 withheld under (b)(5) as "opinions and advice." Is not that the purpose of the entire long memo (14pp.)? Can this be applied selectively? (As also with me?)

11, bottom: "There was no indication that these cartridges had been loaded." False. The marks are on the military rounds. The FBI reports show this.

12, Hustand broadcast: "...there is no mention of this incident in our files, Frank gives a good explanation..." What kind of file do they have? This was one of the early and lingering sensations, widely published and broadcast. Frank's "good explanation" of a crime of which the police allegedly had proof resulted in neither charge nor trial and is denied by the "teenaged" against whom there also was no FCC action.

"Both Fensterwald and Weisberg have strongly urged that there were two Mustangs. They offer as support the fact that Ray originally purchased a Mustang with an automatic transmission," etc. Top 13 "Both Fensterwald and Weisberg are mistaken," followed by uncredited quotation of apparently FBI reports on the filling-station attendants.

"Two Mustangs" did not originate with either one of us. It was in the early and continuing news accounts. His, while it is only part of what I wrote, in my writing is not given as my own work but is attributed to cited public sources. However, the really significant part of this and what has to be in the FBI reports not mentioned- what my own interrogations of FBI witnesses confirmed and I believe has been substantiated in the evidentiary hearing- is that there was a second white car, it was Ray's and it never was where the FBI said. The errors in the news accounts come from the lying in the official accounts. The car reported where the official accounts have Ray's, despite the suppressed official records saying the opposite, was not a Mustang, as the official accounts had it and the press got from them. Consistent with this is Horn's lie about Canipe's identification. Or, what a classic example of the deception from below of all higher officials. Or the contriving of a record these higher officials want. Again, no mention of my book and no quotation, only in-

accurate paraphrases that are deliberately misrepresentative on fact and on attribution to what I as a person said whereas all to this point is twisted from the never-mentioned book. (Except that Bud gave them a copy of it.)

The Atlanta map. The deception here is not innocent. The files is not "silent" on the fingerprints on the (six map. There were, I think, four. They cite Frank instead of the FBI reports because the FBI reports do not have Ray's prints on any map except a meaningless one. As I remember my source, several years before Frank's book, it was the papers. However, referring to my book, which Horn clearly has read, would also have directed those above Horn to the serious problems I pinpointed and Frank did not. How, for one example in Horn's own words, can a regular commercial gas-company map of a city be in sufficient detail to permit the encircling of "King's home/church and office?"

There is here no Horn innocence, nor on the part of anyone who had any knowledge of the case and read what he writes without questions. Indeed, how could these places be "the locations at the center of each circle?"

Von Koss. No mention. "Apparently the Bureau never came up with his name." It didn't read "Look?" and it ain't mentioned in the Freedman FBI report?

P. 14, the 6th under miscellaneous points is entirely masked under a privacy claim. No clue to what it is. The explanation does not say that masking would have resulted in a violation of the privacy of an individual. I'm inclined to doubt the legitimacy by now. I've not to here seen a single legitimate case.

Under (7) there is finally a mention that "Weisberg's book mentions." I doubt very much that "Weisberg again assumes this man was a co-conspirator." I quoted only published sources on this man's finding of an envelope addressed to Ray "that Ray left in a phone booth." However, the accuracy of the incident is here confirmed. (In no case, despite his language, does Horn attribute factual error to me.)

(8) He fails to mention this as coming from my work but he agrees "It was impossible to identify any marks on the window sill as made by the murder weapon." This is, in fact, an enormous understatement of what the FBI reports say.

Attached as an unnumbered page is a chart of the area. While it has defects and some is not included in this xerox, there is no doubt that it refers to ~~two locations~~, if again untruthfully and deceptively, it locates both cards ~~exactly~~ as I do in Frame-Up.

11. 11/28/76 memo from Fettinger to Thirburgh) East AG Criminal) is masked except the subject, which hides even what that subject is: "King/FBI investigation." This clearly is a reference to what is hidden to this point, this was another, the third known, internal investigation of the FBI's conduct re King, not just the assassination. Even the page number does not appear. It is impossible to know whether there was only a single page or an entire book. The masking is so complete it ~~will~~ excludes even the file designations. It is NOT the Civil Division's file copy, which would be a carbon with other designations not on the original.

In the explanation of the masking the subject is again indefinite and misleading, "the King/FBI investigation." (Fettinger's then was months old, yet this is the first reference to it.) The description would appear to be impossible: "Entire deleted documents consists of a discussion of investigatory procedures relating to the King/FBI investigation; contents deleted pursuant to section (b)(7)(E)."

There is no blank insanity as here alleged. It is conditioned on many things, beginning with what is central, was Fettinger "compiling" this for "law enforcement purposes." He was not. He was determining whether to recommend to the AG that there be an investigation of the FBI's King conduct. But even this is further limited by the then limited exemption, "but only to the extent that the production of such records would," with (E) then requiring the impossible in this case, "disclose investigative techniques and procedures."

Moreover, is it not on the face of it impossible for the lawyers of the Civil Rights Division to have either the capability or the function required by this exemption?

(Whether or not relevant this follows Adams' testimony before the Church committee by eight days. Adams disclosed FBI improprieties re: King, by the FBI. He is Deputy Associate Director.)

(What another coincidence: this is the day we filed the complaint in this case)

12 12/1/75 "SPECIAL" from Pottinger to Jim Turner, Bob Murphy, Bill Gardner, Frank Allen and Steve Horn, from the marking this coming from Horn's file only (ask for copies from all, with no notations, if any, masked), on the subject "Martin Luther King, Jr." While it may not be certain, it does appear that a page not provided is bent over, in the upper left-hand corner. This is the only record to date with anything like this stapled on- SPECIAL notice, in very large letters. Note the subject does not include even a suggestion of any investigation. It is King. Period.

Note these coincidences:

The day we filed the Complaint, 11/28, was a Friday.

The date on this memo is 12/1.

It happens that 11/28 was a Friday and 12/1 is the first working day thereafter.

And this the only single record in all my cases and all those provided without suit important enough in any way to have this special "SPECIAL" label attached?

Here is the explanation of the masking, which is 100% except for the above:

"Entire deleted documents contains (sic) investigatory procedures relating to the King assassination; document deleted pursuant to section (b)(7)(E)."

This happens to be the only such memo from Pottinger to his staff. The number of addressees just happen to be exactly that reported by the Times as working on the FBI's misconduct, not "investigatory procedures."

The masking eliminates even the file number - and this is a carbon, and the carbons do bear other information that cannot be encompassed by this exemption, even if valid. No other files from which we could request relevant records, or seek discovery.

No routing, which again directs to relevant records and discovery

No purpose of the "SPECIAL."

That it "contains" whatever somebody means by "investigatory procedures, and I think it can not, still does not meet the requirement of the exemption. In no case when this exemption was invoked is there a statement required for the exemption to be applicable. Only beginning with law enforcement purpose, as with "SUBJECT: Martin Luther King, Jr." is impossible more than seven and a half years after his death. Prior to that there must be the "compiling" for this purpose. After this there is the cited limitation of exemption, "but only to the extent that the production of such records would (E)disclose investigative techniques and procedures," clearly impossible in the sense intended, disclosing secrets. From the subject alone this is impossible, as it is from everything else. I'd recommend a motion to produce for in camera inspection and demand a charge of fraud if the judge finds we have been defrauded.

In this one and the one before it the applicability of the exemption is clearly impossible because the exemption relates to unknown methods and procedures, not those that are commonplace and well known. If these really do relate to King, this all followed Adams' public confession and as of the time of withholding we are more than a half-year past that, with none of the bugging, tapping, etc., even mail opening now secret. Moreover, they do have an "Inves. files" (see p. 15) and show no copy to it up to this point and including these records in particular. Also #16

13. 12/18/75 Pottinger to AG (carbon, dated 12/17/75) Re: Martin Luther King Assassination, because of Philip W. Buchan's forwarding a request for a re-investigation from Dick Gregory and Ralph Abernathy with two names "allegedly in possession of evidence of a conspiracy." Neither Buchan's letter nor the Gregory-Abernathy request are attached. CC'd to Records, Chrono, Pottinger, Turner, DAG, Murphy, Gardner, Horn. We have no copies from most of these. This adds the DAG's office to those of which compliance negative. Masking after opening graf claimed privacy is ridiculous. Gregory and Abernathy made it all public, as it had been long before they became interested. It is not probably that the two "individuals" and not the convicted criminals Watson and Andrews. There is the masking of one name in the final graf. The spaces fit "Watson" perfectly. Moreover, both went public on their own, Watson with a campaign launched by his mother, who sought to use

this story as a means of springing him from jail, "Cliff" Andrews on and with CBS TV, which was working on a "King" Special aired shortly after this memo. There was no privacy to protect and everyone in Justice knowing anyone about these stories has to know it. How non-secret the story had been is proven in the masked parts of #4, the memo on the meeting with Ken Smith, 1/25/71. Moreover, as the memo says, there was also an Atlanta police investigation the results of which were made public, again leaving no privacy; and the Atlanta police asked "the Department to investigate further" but in the words of the memo "supplied no sound reasons for doing so." In the absence of a prior Departmental investigation, no indication of which exists in these records, there was enough in the Atlanta report, which I have, to justify resolving those doubts, even if it concluded as I had about 1971 that there was no connection with the King assassination. Extensive other criminality is reported credibly by one involved and after telling the original story convicted, Watson.

They forget to mask Andrews' name, p.2, line 5: "We are familiar with C.H. Andrews' conspiracy allegations" via the story he told Livingston, here entirely inaccurately represented as "he and two other individuals had killed Dr. King..."

Pettinger gives this explanation of how the Department learned: "Livingston advised District Attorney General Hugh Stanton of Memphis and he in turn advised the FBI."

* This is clearly within the Complaint and has not been supplied by the Department or the FBI and was in the Memphis Field Office when it was searched. It is another "suspect" and it is a record of one in the files prior to the swearing in this case that there were no other suspects. Suspects means only those considered suspect in any way by any one, not only convicted criminals.

* The next graf reports that two unnamed "attorneys of this Division interviewed Andrews in Calgary, Alberta," where he was in jail. Interesting question, I think, is why they did not ask the FBI to do it. The report of this interview not supplied, if covered.

* footnote says they received information from Bud on this. They find it relevant by supplying other Bud records, including Smith, but they do not provide any record on this.

Masking follows, deletion explanation in margin, (b)(5), attorney's opinion. This memo prior to this already includes "attorney's opinion and has a footnote on it. If the opinion is that a convicted con man is a con man how is that exempt? Or a recommendation to do nothing more, how is that exempt? Even if it has to do with Gregory and Abernathy, how is that exempt?

So we have a memo to the Attorney General reporting on a White House request that is not attached or even really described and entirely omits the major part of the Gregory-Abernathy request by emitting any reference to the public Watson allegations. ~~XXXXXXXXXX~~

15. 2/10/75 (carbon, dated 2/9/75, Horn to Murphy, "Information Concerning Drug Dealing by James Earl Ray in Missouri State Penitentiary." The entire two pages except for this are masked. This includes where copies are filed, the file number other than DJ 144-72-662, if any, et c. the claim is to privacy, "unwarranted," of course. Now the entire memo cannot be withheld on this ground. The most that can be claimed is the right to mask. There is nothing new in the allegation and there has been extensive reporting of the allegation, with public and published sources ranging from fellow inmates, one of whom is a reporter who wrote a first-person story to the warden and other prison officials. The allegations were published widely in other ways, including books that received extensive attention, including on TV. The claim "not reasonably segregable" appears to be invalid, particularly when they decline to state it is Ray's privacy they seek to protect. If it were not another exemption would be of possible applicability, not this. If it is, there is no Ray privacy to protect on this score. Moreover, prior to this masking there was new and extensive attention in Time magazine's treatment of the unpublished McMillan book due later this year.

15. 2/1/71, carbon, dated 1/26/71, DJ 144-72-662, Leonard to Hoover, "Assassination of Martin Luther King, Jr." Drafted by O'Conner, adds to the other carbon routings and filings "news. File" from which we have yet to receive a single record when clearly they are applicable, relevant and called for.

* Opening reference is two two Hoover memo, 12/22/70 and 1/1/71, enclosures and "other communications in the captioned matter." None of this is supplied. If this memo is called for then those to which it responds also would seem to be.

From the blank pages supplied, asking a total of four pages only, there seems to be no need for the double stapling visible in the upper left-hand corner. This suggests that the referenced records were attached and were withheld without even explanation. The claim to exemption is limited to this one document, with no reference to attachments. Two of the four pages are blank. A third has a single short paragraph remaining, barely over four lines of type. The first has remaining only two short paragraphs, each of less than three lines of typing and on the only other typed material all except a little more than three lines is masked.

For this the claim is "unwarranted invasion of the privacy of an individual" under (b)(7)(C); There is the additional claim that of what was not eliminated originally portions have been deleted which contain information about investigatory procedures; deleted pursuant to section (b)(7)(E)." As noted about, this is neither the language nor the intent of the exemption. If it were the single FBI record would not be exempt.

Common sense establishes that this no claimed exemption can apply to what is masked in the first paragraph after the reference to the still withheld communications from Hoover. It also establishes no basis for withholding at least one of the attachments to the 12/22/70 Hoover memo, "an undated flyer or newsclipping." Whichever it is it is public, published and not subject to any exemption of withholding. With regard to privacy, even the operative word always ignored, "unwarranted" is not necessary here for there is no privacy with regard to the published. And in even the language that is not that of the claimed exemption, a publisher "flyer or newsclipping" is not "information about investigatory procedures."

Neither claimed exemption would seem to be able to apply to the description of what is included in this withheld published material, "refers to an interview between," followed by the masking.

The second numbered paragraph, II, would seem to be masked to hide an impropriety or illegality, not "information about investigatory procedures." Hoover's 1/1/71 letter "contains information concerning a piece of mail addressed to James Earl Ray," followed by masking of the balance of this page and the top of the next one. If this masking denies knowledge of the content, one of the more reasonable suspicions is that this letter addressed to a prisoner all of whose mail, including that from and to his attorneys had been intercepted and copied by his prosecutor by written direction of the sheriff who had been told to ~~conduct~~ intercept and deliver it by the prosecutor, had been improperly intercepted and copied. In addition, Ray had been the recipient of anonymous and "nut" ~~letter~~ letters some of which were prejudicial and baseless. These include from two women whose identities are not secret through their own actions.

With this documents the invalid claim to the private exemption can be taken to apply to all that is withheld. Unlike other cases there is no specific allocation of claim to exemption. The "portions" for which the (b)(7)(E) claim is made are not indicated. In this case it does appear that neither can be applicable.

One possibility is that an intercepted letter is attached and the masking hides this. Part of III is masked. From content neither exemption can apply. It is in reference to an attachment not supplied, Miss Gallagher's memo "reflecting the report of an interview with Mr. Ken Smith, a retired former executive-branch and Senate investigator who is deprecatingly referred to as "a 'researcher' for the Committee to Investigate KKKK Assassinations." From here to the end masking is complete, almost all of this page and all of the next two. The elliptically-described attachment is not otherwise identified. It could be the 1/25/71 memo that is the fourth document in this series, of the 1/15/71 interview with Smith.

It is apparent that when Smith appeared voluntarily to report there is no claim to privacy and none is "warranted." It also is apparent that no serious investigatory secret can be involved. Yet all the rest about this and the attachment are withheld on ~~pg~~ other claim. The 1/25/71 memo has no blanket claim to immunity made for it and there

no claim to the applicability of (b)(7)(E) with regard to the it, either. Instead there is an occasional claim to (b)(5) and (b)(7)(G).

The masking of the last part of Paragraph III as distinguished from the total masking of the remainder of the page is visible in the xeroxing. From the context what was deleted by masking here, the report or comment on it and/or Smith and/or the CIA, can not fall within either claimed exemption.

Because of the carelessness with which these frivolities with the law and abuses and denials of my rights were executed by those accustomed to the protect of great power it is impossible to state with some certainty that the very first attachment of those attached to this Leonard memorandum and here withheld is the Gallagher memo on the meeting with Smith. This is established by the shine-through in the xeroxing. The tissue-paper permitted the date to shine through onto the final page from the next page immediately of those withheld pages attached to the memo. It also established that the attachment was a different copy than that supplied, which was an original. The attachment is a carbon copy. Its upper right-hand corner holds the date "January 25, 1971." A measurement of the page-limit lines visible in the xeroxing, it is the identical distance from the top of the page. Moreover, the shine-through in the upper left-hand corner permits what was not obliterated by the adding of a piece or more opaque paper used in masking the fourth page of the Gallagher memo to be read with clarity. It is also readily determined that this typing was added after the original typing of the attachment was removed from the typewriter, when it was again put in a typewriter. The upper line reads "T. 1/25-26/71." Below it, "K. William O'Connor." Here it should be noted that on the first page of the Leonard memo to Hoover, which is a carbon, in the exact same point there appears "T. 1/26/71," with the addressee under it in exactly the same relationship as it "K. William O'Connor," the addressee of the Gallagher memo.

Under the most adverse interpretation possible it thus seems that of the attached and withheld Gallagher memo it was necessary to supply what is not claimed to be covered by (b)(5).

16. 3/23/71 Leonard memo to Hoover, prepared by MG (Enica Gallagher, this xerox from the copy routed to her file) DJ 144-72-662. This carbon, which is another illustration of the need for the reproduction of duplicate copies to establish compliance or non-compliance, reflect there is an "Inves. file" from which we have not received a single record. The masking is so close to total, all but a single sentence, it is impossible to know whether there were other withheld pages or attachments. The claim is that no portions are segregable and to exemption under (b)(7)(G) and (E), with the same misquotation of (E) that appears in all claims to it in this batch of 32 documents. The underscored title, of two lines, is "Assassination of Martin Luther King, Jr; CIVIL RIGHTS." The only other indication of contents includes what is withheld still: This, the opening sentence, is all that is not masked: "Reference is made to your memorandum dated March 15, 1971, at Atlanta and to previous communications in the captioned matter." It seems unlike that what is routed to the "Inves. file" as most of these records were not and what it responds to are clearly within the request that in this pretense of compliance is specifically said to include the amended complaint, too. While with the totality of the obliteration it is not possible to know the contents, in time this is not long after Ken Smith and Bud gave their Atlanta story to Gallagher and Quinn, as reported in #4. If that is the subject, portions should also be segregable. This also coincides in time with a hearing in Memphis before Judge William Williams on a habeas corpus petition and with the mailing of strange letters to Ray from the Atlanta general area.
17. 2/25/74 O'Connor memo to Frank Allen, an original which eliminate records of duplicate filing and if my recollection is correct, the only record we have obtained from the Allen file. This, obviously, permits the denial of other information on the carbon, not only the identification of the duplicate files. This copy does not even have a DJ file number written on.

Of the three numbered pages all of the second and the lower part of the first, beginning in mid-sentence, are withheld. The added explanation says that all of what is withheld is under "contains information about investigatory procedures," (b)(7)(E). The same claim for all is made under (b)(5) as "contains the opinion of the attorney." Yet the subject seems to be entirely two books, mine and Frank's. (There is little doubt they did not wait three years to obtain a copy of my book when it was involved in litigation against them.)

Unlike the other records, O'Connor's title for this memo is "James Earl Ray Case."

* O'Connor had a separate Ray file he maintained in his office from which we have not received a single paper.

* The opening sentence refers to the Fensterwald letter of 2/21/74, not attached, perhaps another reason for using the original rather than the copy from the Allen file. It is not likely that DJ and/or FBI waited two years to get a copy of the Frank sycophancy, which concludes otherwise unpublished official material as cited above.

They do not mask the "opinion of the attorney" about these books, finding the one that supports the official account "more objective in his approach." Objectivity is determined here by the absence of any questioning of the official account, thus the opinion need not be masked.

Where masking becomes necessary, as they conceive necessity it without reasonable question cannot involved "investigatory procedures" but is in what can be taken as a slurring comment on the District court of appeals if not also on me. His masking begins in the second paragraph of the first page and in continuous through the second page. (It is clearly covered by my separate request for everything on me now overdue as reported above and may be under the request relating to other writers that goes way back, to prior to the filing of this request. I think 1969.) In what can only be a reference to what in district court was C.A.2304-70 O'Connor says I have an FOIA case "which is bouncing around in the Court of Appeals for the District of Columbia -- you should read it carefully, if you have not done so, and ask ~~anyone~~ anyone else working on this matter to read the case," where the masking begins.

(What this means is that if and when they ever respond on my personal-files request we'll have to ask for a search of the files of everyone working on the "ing-Ray case in Civil Rights alone for any records of any kind. Why all his staff of I think six lawyers alone should read that case I don't know. There is no normal relevance except for what the DJ knew well enough and no record turned over shows, I did the investigation that led to the successful petition to the sixth circuit and the evidentiary hearing in "The James Earl Ray Case.")

There is a possible relevance in this entirely misrepresentative description of that case. The majority of the appeals panel ruled in my favor and ordered a remand in which I would be given a full opportunity to explore the integrity of the FBI's representations. The minority said I should be foreclosed from carrying my investigation further in the JFK case. DJ then asked for a received an en banc rehearing which was tainted by misrepresentations so perverting and corrupting that this particular case is the first of four cited in the Senate as requiring the amending of FOIA.

The record in that case is large. Each of the lawyers merely reading it cost the government much time and money.

However, it was neither "bouncing" nor even before the appeals court, to which it had gone three years earlier. The only reason there was more than one trip to the appeals court had nothing to do with me. It was DJ, which uses "bouncing" as a representation of this. I think it is a slap on that Court for permitting such a thing. It is on me, implying irresponsibility on my part when in the end I have prevailed on it, as recently as July 7 with an exceptionally strong remand.

From this alone I believe that what is withheld is relevant if only as a reflection of the personal involvements as they influence judgement and the judgement itself in this and other withholdings, the issue presently before this Court in 1996.

The sole claim on p. 2 is the customary misquotation of (b)(7)(E).

If as is probably the one paragraph on p. 3 is all that page, it opens with a reference

that pretty certainly destroy the validity of the immunity claim: "After the study of the files has been thoroughly pursued..."

There is no reference to any file in what was not marked. The study of the file is not encompassed by either of the claimed exemptions. Nor is even the existence of the file, which may be relevant in this cause and compliance in it.

What follows without interruption reflects the high probability of still another withholding not covered by either claimed exemptions: "...I would like to meet with you and discuss again with you and Horn the directions which we may take." He set a tentative date for March 15, 1974.

One apparent reason for deceptive claims to immunity can be in the "discuss again...the directions which we may take." This on the subject of "The James Earl Ray Case." (One would prefer to assume not in connection with my book that long before then was off the market!)

What was there for the Department to have any connection with in the Ray case, which was not a federal prosecution and involved no federal charge. True, the FBI has pre-empted the investigation, immediately and without legal authority. But from the time the Department delivered Ray to Memphis authorities in July of 1968, this was not as a matter of law a federal case and the only proper involvement of the Civil Rights Division in any matter under any federal law is as part of a conspiracy to murder, under the Civil Rights Act. Yet this is ruled out by the public and in-court insistence that there had been no conspiracy. Or, no federal jurisdiction. Moreover, on this very point O'Connor deprecates me on page 1, as "absolutely committed to the conspiracy concept," hardly a dispendent (if also not deleted) "opinion of the attorney." So, impropriety or embarrassment are apparent possibilities in actual explanation of the withholding.

The voluminous nature of the ~~undisclosed~~ file all reference to which is marked as a staggering amount of work are the most apparent explanations of his then asking in 18 days is "too soon."

Not attached and not provided is O'Connor's Attached...letter I have sent to Bud Fensterwald."

P. 1 refers to the "attached envelope." Why attach an envelope? OXIA?

18 1/22/76 "Outside Contact" form ^{Murphy} re Epstein, Church Committee. This discloses other withheld records and is otherwise incomplete and not possibly the first such contact in a sense not addressed by what follows. It also cannot be the only contact with Epstein, a former Department employee when Epstein was in charge of the Church committee's King assassination work and this date was so close to the end of the committee's life.

It refers to "our most recent letter" but only one is provided, #19. If that is the most recent then there were others not provided that preceded it. The clear indications are of DJ access to committee information, not in any sense the reverse. They have found this relevant. Nancy Swoey is a new name in case.

19 1/1/76 Pottinger (by Murphy) to F.A.O. Schwarz, Church committee, DJ. 144-72-662, of DJ getting Church information, records. refers to "discussions" before Christmas on which no names provided.

"Our meeting" of 12/4,5" on which no names provided and Pottinger's earlier letter, also not provided

This actually has Pottinger trying to learn from committee the identities of witnesses learned of from files DJ provided committee! Some internal "investigation."

20 1/13/76 "Outside Contact" form re Murphy's contact with Church committee's Joe Dennis. GR wanted Church info on King and "the Fairfax break-in," latter "before the statute of limitations expires." References to earlier and coming letters not provided.

21 12/18/75 Pottinger memo for AG, "Subject: Attached report" that is not attached, in response to the regery-ahernathy telegram also not attached. Or provided. No objection to showing it to interested parties so no claim of exemption. There is to be a response

* also not provided. "Back ^{up} Memoranda...are available" and not provided. See also #24.

22 12/4/75 memo, Levi to Hoover, Re "Martin Luther King, Jr. (Somehow these people never do use the "Brt but perhaps that is practise, as perhaps it is to misfile records, this one ~~not~~ being about King. But then they also write memo that do not say what they are about so that in the future people will have to consult newspapers and other sources to learn. This one, 10 days after the fact, informs Hoover that Levi on 11/24/75 "directed" Pottinger and Thornburgh (Criminal) "to review the files relating to Martin Luther King, Jr., and make a recommendation as to whether the assassination case should be reopened." It is to be "conducted thoroughly but with dispatch" because "I believe it is of the highest Departmental priority."

Well, after five of Pottingers' staff had been on it for about a half year, not a bit too much "dispatch," is there?

What else does the AG say? He is "sure" of Kelley's "cooperation" and he asks Kelley to break his back to help to "assign one person responsible for assisting in this investigation."

Copies are indicate to Thornburgh, from whom we have received nothing since the judge said she ruled in our favor on the Motion to Compel of 7/1/76 or in more than 2 weeks.

CG written in are for Turner, Murphy, Gardner, Allen and Horn, probably xeroxes. There is an especially elliptical reference to no more than "recent testimony," without saying even where. Clearly to Adams' Church committee testimony. And all of this as though it came from a vacuum.

My request was more than seven months without response. My appeal had not been answered for many months. It was not only know that in time I would go to court, but there was an added problem, a much less inclusive request from CBS TV, which had earlier been in touch with me. There was no doubt that the Department had unenviable choices: between complying with the law and giving me what I asked for and risking a judicial reprimand for non-compliance. This was further complicated by a real fear, in the words of ~~MEMORANDUM~~ Stephen Horn's 11/3/75 memo to Pottinger, attributed to Quilan Siam of the Deputy AG's FOIA unit "being 'lasted' (on the air) by CBS for being 'uncooperative.'"

It was even more complicated than that: Civil Rights wanted no disclosure based on a spurious claim that it would hurt Ray in any trial, for all the world as though in a trial all the evidence would not have been mobilized against him. But the Deputy AG's representative said "that the case law could support disclosure under the circumstances." Despite this, "he did state that he may in the final analysis, adopt our position." Who in Justice really gives a damn about law when there are political objective to be sought or achieved?

The complications did not end because some of the sought records "have already been made public, in one form or another," from "the extradition proceeding in England" to "the 'mini-trial' wherein the state prosecutors made a proffer to satisfy the Court that there was a basis for the guilty plea..."

On that occasion, in Horn's own words he argued "that the fact that evidence may have been released in one form may not justify its release in another. ... a big difference between the affidavit of an FBI expert, already made public [~~MEMORANDUM~~ Leah- by a summary judgement I got in 718-70, ~~not~~ voluntarily] and the disclosure of the ~~MEMORANDUM~~ 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?)"

Here I must note that the lawyer, Horn, makes a perjurer of Kilty and completely corroborates what I told Kilty and Wiseman that the photographs I asked for and did not get were essential in corroboration and substantiation of the proffer of evidence. This is about the same as Horn's "upon which he formulated his opinion," he being one of the proffered FBI witnesses. From that proffer the photographs asked for have to have existed, as Horn also here says.

It gets hairier when they did not expect the light of day. "aw and the requirement of

are immaterial to those dedicated to "Civil Rights." The possible legal theories [sic] for non-disclosure is not the present issue." This "present issue" is a political, not a legal determination: "What is important now is whether the Department decides to contest disclosure in court..."

So, immediately before this memo the ABE AG signed it was known that I was about to sue. (There was no time for CBS to get into court before the scheduled airing time.)

The 1974 disclosures in court, which include of perjury, did not trigger a new internal investigation. My pending suit could have been the cause and probably was. There had been an earlier internal "investigation" by the same civil libertarians. That one also coincided with an earlier FOIA action by me. Obviously one should have sufficed if an investigation was the real purpose of the "investigation," inquiry Levi told Kelley about. (That the new one was not for new evidence is established by the fact that the records delivered do not refer to the transcript of the evidentiary hearing and neither Ray's investigator nor counsel have been asked to help. In fact, my offer to Levi remains without response.)

What else does the Department prepare and file utterly meaningless orders by its AG the meaning of which cannot be ascertained in reading them except by those with considerable external and detailed knowledge?

The Levi directives to Pottinger and Thornburgh have not been supplied by either or by anyone else in response. If this is relevant, those directives are more relevant.

23 12/4/75, Nancy Sweeney to Bob Murphy. (no subject, file number or attachments although the first line refers to "this letter" (in handwriting there is "file see (or SSS) 144-72-662")

* It refers to McMillan's phone call of the day before without there being a "contact" report being supplied.

* It says "his letter had just arrived" and is not attached.

Horn wants Murphy to call McMillan and "find out by phone if he has anything worthwhile to say, and if so, that you should meet with him." No relevant records attached.

22 of all the FBI FOIA unit those at the meeting at the FBI, not DJ, to which Horn refers he mentions only two: Drossen, who has handled the case so badly flawed in 75-226 that it has just been remanded; and Wiseman, who was assigned to this case. Another way of looking at this is one FBI expert on me in FOIA and his successor-to-be.

24 (See 21) 12/3/75 Buchen memo to Levi re Gregory and Abernathy ^{mail} ~~memo~~

* The attachment is not attached. Mentioned in first sentence and noted at bottom but withheld and public.

25 11/18/75 (Buchen says 11/17) Horn to Pottinger, DJ 145-72-662, subject "Martin Luther King, Jr." (See also 26) Both clearly relate to a deception in Adams' Church committee testimony, which was not made until two days after Horn wrote this brief memo to Pottinger. Adams testimony of 11/19 is in Vol. 6, printed.

This memo seems to exist in a vacuum but does not. However, what has been supplied in supposed compliance - and this does relate to the Invaders - does not include what this refers to. Invaders and Covertops. I'll be addressing this separately at some point.

This memo consists of two sentences only. The first says that 10 days earlier, "On November 7, 1975, I stopped in Memphis enroute from Savannah to conduct the newspaper search of the past editions of the Press-Scimitar." For what he fails to say. And is ~~Memphis, which is on the Mississippi,~~ Memphis, which is on the Mississippi, "enroute" to Washington from Savannah, which is on the Atlantic? The second sentence is: "I checked the April 1- April 4 editions with negative results."

26 7/18/75 Horn to Pottinger on "Martin Luther King."

The reason for the memo is not indicated except as the "check you requested at our last meeting concerning this matter." Well, it is not "this matter," King. It is indirectly stated in the second paragraph, "reference to King's motel room situation in the Memorial Annual."

King's "motel room situation" is of interest of Civil Rights when, according to what it supplied as distinguished from the reality not addressed this was four and a half months prior to the Attorney General's directions for a new look-see? (Yeah, they got nothing else to do except keep looking at "Martin Luther King" in Civil Rights.) Not that it is not after my request by three months.

The only possible meaning from what I know -there is none that can be taken from any record supplied without extensive independent knowledge- is that by July all those involved in the King cover-up had decided on a course in which the blame would be shifted to the Departed Hoover, by the deception Adams used, without which it would also reflect on both the Bureau and the Department. This is what turned me on when I became aware of what Adams really did- turn a mechanical rabbit loose for hounds to chase, especially on the Hill, while he kept the live one in the Department/Bureau hat.

There is only one significance in "King's motel room situation" in Memphis because his practice was without deviation: he stayed at the black-owned Lorraine, what Horn does not say. The one exception is when he was, without exercising his own discretion, taken by the police to the Rivermont on 3/28. That after his elaborate checking Horn does not report this addresses Horn's purposes, not investigatory results. (It is in the record in this case attached to the ~~the~~ 6/30/76 motion.)

That there is unexplained and unjustified masking on the second page is quite visible. Part of the handwritten file number, 144-72-662 from what is not hidden, is covered. There are three diagonal lines each one of more than one line in the xeroxing that are prominent.

There remains one paragraph of a little more than four lines. It says what in turn is deliberately deception, that the Commercial-Appeal of 4/4/68 "did report his presence at the Lorraine." It did not say he was staying there. It did say he was dining when he was served with a court paper, which is hardly what Horn implies with "did report his presence there" in the context of "King's motel room situation."

Adams misled the Church committee and the world with a play that began with non-news except for one item: the FBI's effort to persuade King to kill himself. All else was well-known and well-reported over the years. I believe I published all else in Frame-Up.

He made a thing over what ~~xxxxxxxxxxxxxxxx~~ did not happen: Hoover's authorizing a press campaign against King as a Tom for staying at a white-owned motel.

What this covered is what the amended complaint calls for and is one of the reasons for the amending of the complaint. The police and FBI had penetrated Invaders, the young black militants, with provocateurs. It was part of the Covert program. Civil Rights' own confirmation is withheld in these files but was given to Les Payne and is attached to the 6/30/76 motion in his stories. Here in reality as it was as a general practice the FBI worked together with the local police in such endeavors. What this means is that the Hoover/FBI/Covert operation with the local police is responsible for King's being in Memphis on April 4 to be killed there.

This is, of course, hidden in everything. Even in Murphy's 1/20/76 "RECORD OF OUTSIDE CONTACT" on Les Payne's call. Les' story discloses that he called about this Invaders angle which I turned over to him earlier. Murphy hides this in "he asked about the Lorraine Hotel and Holiday Inn matter."

Copy attached.

What all this means is that Civil Rights, which also failed to do its job at the time, is an active participant in a continuing coverup that is one of the reasons for non-compliance in this case and for regular misrepresentations to the Court.

- 27 Pottinger's 4/12/74 re Director, FBI, prepared by Allen and Horn, appears to have gone through at least two earlier drafts (not supplied) prior to being stamp dated. In the upper left-hand corner of this version there are three dates after "T" for the first, 4/8/74; and after Ref. for "4/10/74 and 4/11/74. Subject, "The Assassination of Dr. Martin Luther King." It begins with what despite all the FBI affidavits in this case we do not have a single record from, "reference" to "Bureau File #44-38861, the investigation of the Assassination [sic] of Dr. Martin Luther King." It emphasized no field investigation is re-

requested or desired." Only for a search of your files." All underscored. It asks three questions, no data on which or response to which is supplied, about Ray's visit to von Kess, which was widely reported and confirmed by von Kess in the public press; Dr. Russell Hadley's work on Ray's nose, of which the same comment is later true (this initially published both based on what Ray wrote him); and "An alleged decision to change Dr. King's Memphis accommodations from the Holiday Inn..." This clearly is covered by the Complaint to which these 32 records are supposedly Civil Rights' full response) there is, however, no affidavit saying this).

In this case a copy was also sent to the U.S. Attorney, in Memphis.

What was happening during these 1974 dates? Well, there was the habeas corpus petition and the evidentiary hearing, in neither of which was there a federal respondent. Only, inherently, all these federal people on trial.

- 28 3/4/75, Horn to Files, "Assassination of Martin Luther King." DJ 144-72-662. "e was phoned by Bud who felt they should speak to William Hersey, author of "How to Cash In On Your Military Power." The reason: "Ray may have been putting the encoding lists included in the book to some use...he (Hersey) could assist us by showing us what to look for (assuming the book was marked or notated in some manner)." They delayed.
- 29 2 10/26-70, O'Connor re Turner on "Fensterwald/ Ray Matter." It opens with reference to what is not attached, "Enclosed is a memorandum from Monica Gallagher regarding the Fensterwald/Ray matter." It is called a coincidence that the AG also sent O'Connor Fensterwald's request for various matters in the Sirhan case." (This is under Civil Rights?) he has suspicions because Bud never mentioned his committee of the Sirhan case. Should he have to Civil Rights? Is it in any way relevant? So, O'Connor does the norm if the improper, "I have asked Monica to check out or information on "The Committee," which is has never been called. Not supplied. "Our information?" The Civil Rights memorandum "ivison has such files? It did a lawyer had to "check out?" Clearly this is a request to the FBI for an inquiry into a lawyer who represented a coronal defendant and absolutely no more to O'Connor or Civil Rights. Very improper.
- 30 1/28/74, O'Connor to Allen, whose name is stricken through and replaced in writing by what appears to be that of John Scott. Scott is mentioned in the single paragraph but not identified. This is an original bearing no file number so there is also no routing to indicate who Scott is. e is not mentioned in documents provided and of later date.
- * "I am returning the James Earl Ray files," plural in memo. We have not been given a single page with this identification or separate file designation. Allen-Scott is to "check out the issues we discussed...possibility of grand jury inquiry of Ray by: a) studying the file..." With no conspiracy considered? They are to defer contact with Bud. No report on checkout or study of files provided. Why else do I t ?
- 31 1/26.76 Murphy "RECORD OF OUTSIDE CONTACT" with George McMillan. McM "wanted to know if we would be interested in looking at photocopies of some check and bank accounts that he has which may or may not help to explain how James Earl Ray got his money after he escaped from Prison. McMillan also wanted to know if 'the material would disappear' if he gave it to us...would we help him by telling him what we found." McM told "interested. Days they'd get back. No record included here. (Check earlier documents. If this is with t him, then the question is why was this not with them?)
- 32 is Ours of Civil Rights to Canale, 10/18/68. I will address it separately. It is long. However, the letter does include what is covered and has not been provided, with a description of various categories having to do with evidence. Also "a key to the volumes indexed" and Ray chronology.
- * The immediate importances of this address the deliberateness of the false representations made in and to the Court by Dagan (having to do with the impossibility of checking Civil Rights files...etc) and under oath by Kilty and Wiseman who, even if they did not know or that they were to check or the records