

7/26/76

Dear Lee,

I've just completed going over the few, in proportion, documents Civil Rights has come up with.

As I remember your story Civil Rights confirmed the Coatsworth/Inverness operation. I'd never know it from the enclosed outside-contact from I enclose.

These damn investigators, the one in particular who told you, his words, "we could and would take any action we saw fit, washed it in a way he could later use to raise out he had not, neither, so there:

"He asked about the Lorraine Hotel and the Holiday Inn matter. I told him that the matter was contained in a memo and was suggested as a means of embarrassing Dr. King."

How's that for confirmation of the FBI Coatsworth/Inverness as a matter of record in the Department's records?

From the enclosing record he did not even discuss this with his boss - and when they were drawing to the end of a "re-investigation," meaning also of two years' work. Can you believe it?

It is clear that this is a cover-up memo from the people who were determined to continue to cover up for the FBI as they in fact had been from the very beginning. Of this I now have proof they read an entirely different way. They have a different dictionary, however.

There is an aspect of this I'd like to ask you about. There is also no indication of surprise. By anyone. Yet I'd imagine that any questions indicating any degree of FBI-Hester responsibility for King being back in Memphis, where he was then killed, would be surprising to those who didn't have any inkling of it.

Was Murphy at all surprised by your question? Did you ask Jensen first? Was he surprised?

Then know about "the Lorraine Hotel and Holiday Inn matter" long before Adams' testimony, believe me. And checked it going then with the FBI.

One reason for asking if there was any surprise is the absence could be an indication of surveillance when the matter was before a court, as distinguished from surveillance in general. If Jensen did not phone anyone and tell of your question, if you spoke to him first, there is no way of explaining what I would assume, surprise that you knew and anxiety that you were going to publish it.

They held enough verities and this meant more. They also, they have meaning Civil Rights, also knew that I had them, too, in court and on the subject. They knew they had not complied. They knew they were not going to if they could avoid it and they were even encouraging the FBI not to comply. (It was more than a year after my request before I received a single piece of paper from Civil Rights and non-compliance remains the policy and the rule, except where we can force a note here and there, each yielding further proof of deliberate non-compliance.) Best,

C.A. 75-1996 Civil Rights via James. P. Turner letter of 4/26/76

CR1-1 Addressee only certified receipt to Dave Lifton

CR1-2 4/15/68 Canale to Clark, thanks DJ for "tremendous effort," encloses his letter to Sheriff Morris, Dir. Police and Fore Melloman of 4/15/68. On Reardon report, pre-trial publicity 144-72-662

CR1-3 5/13/68, Pollak to Canale in response above. 144-72-662. This simple letter drafted 5/3, revised 5/11. Merely polite thanks.

CR1-4 6/13/68 Pollak to Canale, 95-100-473, sending full set extradition papers. Copies to others. Illegible number typed center top

CR1-5 6/14/68, Pollak to Canale, 95-100-473, enclosing "full set of nine affidavits including certifications and attachments" re extradition. Same distribution.

CR1-6 9/27/68, Canale to Pollak, cc Clark, Hoover. 144-72-662. 144-72-662. Sentinances "advises should have omitted gyp from FBI. Hoover addressed at 306 Old Post Office Bldg., which I believe is Washington Field Office.

"there are some [FBI] reports which we desperately need in preparing for this case which have not yet been tendered to us." Relates to specifics of missing "chain of evidence" on lab specimens. Don't who gets, where, when, etc., despite the language of the forwarding of the 25 volumes. Sources from which they need this Chicago, New York City, Canada, London, Mexico, Lisbon.

"we have received no reports since " May 17- what was the FBI doing in this case?"

CR1-7 10/4/68 Pollak to Canale, "confirms the advice which Mr. Owen and I gave to you during our visit" 10/2.

* There should be memo on this. Not supplied. This does not say what "advice" was given.

* Re Canale's 9/27 on physical evidence, FBI to "furnish...copies of 24 additional reports and memoranda dated between May 10, 1968 and August 30, 1968."

* Not supplied and relevant to lab tests as chain possession, etc.

CR1-8 10/22/68 Canale to Owen, rave about "the three boxes of indices... a beautiful piece of work." No file no.

CR1-9 11/4/68, Pollak to Hoover, 144-72-662. Re Hoover's 11/1/68, not attached or provided. Authorizes Hoover to search files to see if any vendors KKK, etc. Imagine Hoover asking an okay on this!

CR1-10 unexplained photocopy pp. 10-11 Framcup (re Ray air travel) with marking across top. The original photocopy was made by pressing the book to the machine. Part of the just jacket shows. No file no.

CR1-11, 12/27/68, by Pollak to Percy Foreman, 41-157-147, 144-72-662, marked "King file."

* Responds to 11/23/68, not attached, to Hoover, wanting info about threats to King two years prior killing, and subsequent phone conversation with Pollak, not attached (outside contact form). Decline to do.

CR1-12 Foreman to Ray of 3/9/69, renews xerox previously marked Ex#6. No explanation for providing it. There has to have been some paper showing relevance. No file #.

CR1-13 8/20/69, Fensterwald to Mitchell on my FOIA case, #98680-4-4. 236380-4-1. Somebody underline ref to files of Criminal Div, added notations with name of lawyer in Civil, this came from Civ.Rts. only. No response, notes, etc. attached.

CR1-14 7/7/70, Fensterwald to Mitchell as Ray's lawyer, 144-72-662. Ask for copies of letters Ray wrote. No attachments but response below. Under stamp of Civ.Rts. Docketing is handwritten number 41-157-147

CR1-15, Leonard response to Fensterwald above, 144-72-662, 8/4/70. Under "OC" in margin numbers not all legible beginning with 712, ending 70, maybe 470. Leonard declined because "justice still has a pending prosecutive interest in this case." Nothing provided on this.

- * CR1-16 8/14/70, Geo. McMillan to Hoover. No file #, no response attached. Wants to obtain info. "the shape and approach of my book are known to Mr. Tom Bishop..."
- * JL- Long ago I told you he had to be one of those with press contacts on this and that if his files were not searched there was not compliance.

CR1-17 9/11/70, Fensterwald to Leonard, 144-72-662,41-157-147, re his 8/17, said to be attached and not here attached. Unless he here in week will get to district court. Illegible note dated 9/27. No reply indicated or attached.

- * CR1-18 9/15/70, G. McMillan-Hoover, no file #, no attachments or responses. But he refers to Hoover's letter to him of 8/19, not supplied here. That reply says McMillan's letter had been forwarded to Leonard. McMillan has not heard. But this short letter proves two deliberate withholdings, by FBI and CivRts on other writers.

- * CR1-19 9/24/70 Fensterwald to O'Connor, 144-72-662,41-157-147. Sends pleadings.

- * CR1-20, 9/28/70, McMillan to Leonard 144-72-662,41-157-147. No response provided.
- * McMillan has Hoover's second response and it refers to Leonard. Not supplied. Wants his material on Ray.

CR1-21 10/19/70 Fensterwald as CIA to Mitchell attaching FOIA Surhan request. 166-128(?) - 1 lined through, 144-72-662 written in. Although sent to Mitchell and docketed by Civ Rts stamps also show Criminal-General Crimes; Administrative Division; Budgets and Accounts Office. No response provided.

CR1-22 11/24/70 Bud-O'Connor, 144-72-662, no response provided here. Re trip to LA. and his beliefs Surhan case, two short sentences re Ray's Memphis petition.

- * CR1-23 1/15/71 Leonard to McMillan, 144-72-662, cos include "Trial file." I recall no original from this and no reference to it except where cos indicated. "y O'Connor. "your several letters to Mr. Hoover which have been referred to this Division." No referral provided. Declines because of "a possible violation of federal law" but volunteers access to extradition file.

CR1-24 3/12/71, Handwritten Bud to O'Connor, 144-72-662. Encloses copies of Strader material he got from me and did not ask my permission to give DJ. He forwards advance copy, as he calls it, of Frame-Up with crack about me as "Great friend of Justice Dept."

CR1-25 2/11/72 (unclear) William D. Hersey to Dear Sirs. No file No. no stamp of any kind. probably provided by Bud from other correspondence but no explanation here. Says that from his book, which Ray had, "he might have used the code for numbers given in the book as a means of concealing numbers for people he might have contact with." He had been to FBI Boston office on this. From Bud. See below

CR1-26 2/11/74, Bud to O'Connor, no file indicated, no stamps or notations but O'Connor's answer is next. Had meeting day before. Encloses two books, mine and I think Frank's from other records; sixth circuit decision; "the Scotland Yard letter and the recent letter" from Hersey. Gives him McMillan's address and phone, presumably because day before O'Connor asked for it but it is in O'Connor's files. Ref to "The CIA(?) man not approached by Bud, Philip Di Tomasso.

- # While masked on more recent records here there is no masking of the name Ralph "Rocky" Richardson, Atlanta's defamatory. Bud indicates "Steve" acquaintance. Horn?
- # "You asked to be reminded to check up on the 'identifying marks' on the missing window sill..." No record provided.

CR1-27 O'Connor response 2/26/74 re "your real cooperation in the meeting which we had on February 20. We are working on a number of concerns which you raised...so no time before we have a basis for further discussion. In any event that you think that your client's interest would include a discussion with you and me of the facts which he may know, I would be very anxious to pursue that discussion."
No file no, no stamps. Attached Ghastain from Computers 2/74, annotated, apparently by Bud.

EM comment: That Bud would want to talk to O'Connor about Ray "talking" at this juncture,

after winning in 6th ct and knowing what Ray thinks is incredible, even for "ud.

3
GR1-38 3/27/74 Bud to O'Connor 144-72-662. Attached McMillan 9/24/73 to John Ray. He also asks for access to the Ray file as his lawyer and says McMillan, "die and Frank has had access. No response included. Handwritten note partly omitted in xeroxing, probably in review xeroxing. However, it discloses that O'Connor had a separate "Ray" file. "Send- inf FDA" possibly with an II after it was "as per" then missing. Says to talk to Bud Fri. 4/5, another note for 4/4/

* GR1-29 9/30/74, Wm J. Haynes to Sarbo, 144-72-662. Asks for copies of any letters Foreman said he wrote seeking evidence. No response provided, probably because of the nature of Foreman's letters or their non-compliance.

GR1-30 Board of Outside Contact 6/13/75, 144-72-663, Horn and "CBS News Representative. Apparently Esther wanted to use the FBI's look-up of the area and they and the FBI agreed "because of the potential adverse publicity to James Earl Ray."

* GR1-32 11/3/75, 144-72-663 (right) on FOIA requests, "Martin Luther King File." On 10/30/75 mtg Hoover bldg to discuss two, with Valney Brown, FOIA Appeals Unit, Tom Bresson and Tom Wiseman. "The subject requests are attached." Not. "Weisberg is acting in the capacity of Lear's 'investigator.'" Jim never said this and their use of quotes indicates information from other sources. Their own files, not provided, show that DJ had recognized me in 72 as Ray's investigator.

Business of scale model withholding in Ray's interest.

"Brown expressed Shea's desire to avoid being 'blasted' (on the air) by CBS for being 'uncooperative.'"

Horn recommended to the FOIA unit that it "formulate an appropriate legal argument against disclosure" based on what he called "a strong fact situation for non-disclosure."

???

Is there--can there be--under the law or some uncodified exemption being applicable? If not is this not saying what has since been the practice: the hell with the law, we want this stuff secret?

He acknowledges, without distinguishing between the requests, that some has already been made available in other forms.

He even argues it would be "prejudicial pre-trial publicity" to let me have the lab work and photos even though Franier's affidavit is public (via 718-70, which he does not say.) His actual words are worth noting: "I see a big difference between the affidavit... and the disclosure of the actual raw data and photographs upon which he formulated his opinion." This says that I asked for "raw data" and indicates the FBI had already decided to switch my request to that again; and that Franier did use "photographs" in reaching his opinion, quite opposite to what Kilty now says.

He further shows their contempt for the law by arguing "The possible legal theories for non-disclosure is not the present issue." I think in the sense of immediate or first.

"What is important is whether the Department decides to contest the disclosure in court, if at all legally justifiable, my emphasis..." This says again the hell with the law.

** He recommends the Divisions views be given to the DAS and VI have drafted a memo for your signature..." Neither provided.

GR1-32 McMillan 11/28/75 to Pottinger, top entirely masked, including letterhead.

* No file No. Attaches press release, not attached, and suggests exchange of views. No response included.

GR1-33 12/1/75 144-72-662, Ray to Lear, cc to AG, whose stamp does not appear on it. Out that of what appears to be Civil Rts. doc, where it reached 12/9. I added clearer copy of Jim's copy. An AP story is att chd, with some notes in the margin stricken through. He says Osborne did some checking, esp. the "Arab" nonsense. There is no attached routing slip, note, etc. (This part of marked, by whom not known.)

GR1-34 1/20/76 "Outside Contact" form of Murphay with Lee Payne. The real purpose of the call is masked in "He asked about the Lorraine Hotel and Holiday Inn matter."

Turner 5/25/76 providing clearer copies two Ray letters

GR2-1-1/20/70 Ray affidavit to State re extradition, Dept position with Clark gone;

* GR2-2, 8/13/69 his affidavit to State on getting copies. No forwarding memo from State, both