



5. With respect to at least some of this, SA Beckwith should have known he was swearing falsely. This is shown by my Exhibit 1. ~~This Exhibit 1 is~~ pages 19-23 and the related exhibits of the affidavit I provided in response to affidavits including one by SA Beckwith in C.A. 77-0692. That affidavit is dated June 4, 1978, or two months prior to SA Beckwith's instant affidavit. The affidavit from which Exhibit 1 is taken was given to the Civil Division of the Department of Justice. The Civil Division of the Department of Justice therefore had ~~prior~~ knowledge of the falsity of SA Beckwith's instant affidavit prior to filing it. It is to illustrate this as well as to save time that I provide these pages from my prior affidavit. My prior affidavit proved the representations of SA Beckwith to be false before SA Beckwith executed his instant affidavit. There has been no response to my June 4 affidavit.

6. On page 6 SA Beckwith states that "All releasable portions of these documents along with inventory worksheets, which list and describe every document contained in the files have been furnished to plaintiff." (Emphasis added)

7. Alphabetically, the Atlanta Field Office files are first in my filing of the records I received. Atlanta is also the office relating to whose records SA Beckwith filed his affidavit in C.A. 77-0692, in response to which I filed the affidavit from which Exhibit 1 is taken. Attached as Exhibit 2 are the worksheets for the first Volume of these Atlanta records.

8. Although in his affidavit of August 11, 1978, SA Beckwith states that the inventory worksheets "list and describe every document contained in the files," the worksheets show that this is false. For the first Volume only 26 of the numerical 122 Serials are listed. More than 75 percent of the Serials are not listed or mentioned in any way.

9. Exhibit 1 shows that the worksheet entries made with regard to the Atlanta records provided to me in this instant cause are also false. Exhibit 1 also shows that SA Beckwith swore falsely in C.A. 77-0692 with regard to the identical records relating to which I received a crooked count in the worksheets. (They hide the fact that 27 of the 29 pages are withheld.)

10. It likewise is false to attest that I have been provided with "all releasable portions" of all records. What is within the public domain was and remains withheld even after I provided proof of this.



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11. In his customary semantical gilding of lilies, SA Beckwith states (at page 2<sup>1</sup>(4)) that "In order to provide a more complete response to each item appearing on the list, plaintiff's actual letters were reviewed and analyzed."

12. If there was such a review, then a convenient illustration of the falsity of the affirmation is the case of Raul Esquivel. (See also paragraphs 50-51) I select this because it relates to withholding from New Orleans files and because the New Orleans affidavit of SA Clifford H. Anderson is attached to the Beckwith affidavit as Exhibit WW. More than a year ago I sent the FBI photocopies of pages from my own book and from the New Orleans phone directory to prove that the identical information relating to Raul Esquivel and withheld by the FBI was within the public domain. Whether or not my "actual letters were reviewed and analyzed," to this day the FBI has refused to provide this and other withheld public domain information.

13. In Paragraph (2) SA Beckwith represents that a "list" is "included" in my counsel's letter of November 3, 1977. There are other misrepresentations relating to this "list" and its limitations and purposes. Actually, it is a series of brief notes made by a college student to accommodate the Civil Division. The list is merely a selection made by the student, with the agreement of the Civil Division, to provide it with some illustrations relating to noncompliance. It was forwarded with Mr. Lesar's letter.

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14. Long before SA Beckwith executed his August 11 affidavit, I completed a memorandum of more than 200 pages for the Civil Division. There is no reference to this in SA Beckwith's affidavit. The second part of this memorandum is based on my unanswered letters to the FBI.

15. It is misleading to represent, as SA Beckwith does (at Paragraph (4)), that this student's "list constitutes a compilation of issues contained in plaintiff's correspondence with the FBI regarding the Murkin matter." It also is not "regarding the Murkin matter."

16. As of the time of the student's work I had not located most of my letters to the FBI and my notes.

17. To represent that there is direct quotation from my letters, as is accomplished by such headings as "LETTER OF DECEMBER 20, 1976," is to mislead.

SA Beckwith's quotation is from the student's shorthand paraphrasing.

18. The first two items under this heading serve to illustrate SA Beckwith's persisting misrepresentations. Item 1. is a reference to a speech by former Memphis District Attorney General Phil M. Canale. SA Beckwith does not state the essence, that in this speech DA Canale showed Memphis police photographs, those SA Beckwith represents had to be kept confidential. Nor does SA Beckwith inform the Court that among the pictures DA Canale displayed are those not included in the crime-scene pictures ultimately provided to me and the identical medical photographs that remain denied to me. Item 2. states that some of the police pictures are already public records. This came about from public uses to which SA Beckwith does not refer but about which I reminded the FBI. One such public use was by the Department in the extradition of James Earl Ray.

19. With regard to item 4. on page 3, SA Beckwith's effort to mislead the Court is not accidental. It relates to "Ray's 'personal records,' missing serials. 7(C) public domain." What SA Beckwith states following this is, I believe, knowingly misleading, irrelevant and immaterial because I provided a waiver from James Earl Ray. There thus was no basis for any withholding attributable to 7(C).

20. Next SA Beckwith has "5. Deletion of Jerry Ray's Name." Of this he says nothing. there is not even a pro forma denial. Nor is there any effort to skirt around this continued withholding with irrelevancies.

21. SA Beckwith does not represent on personal knowledge that "No attempt has been made to withhold" and that "Logical locations for missing attachments have been searched." Perhaps this accounts for his providing the affidavit in place of those FBI SAs with whom Mr. Lesar and I discussed such withholdings. Those SAs refused to search other files I specified.

22. SA Beckwith's representations with regard to the withholding of FBI names adds arrogance to false swearing. First he admits that these names were withheld throughout 85 entire sections, many thousands of pages. He then pontificates that "if plaintiff can show cause why he needs the information ... those pages will be reprocessed."

23. My reading of the Act and of its legislative history is that it is none of the FBI's business why I want any record. SA Beckwith also presents



himself as the requester at this point in pretending to represent for me what I regard as of "substantive nature." While I believe that why I want any information and what if any usefulness I see in it is none of SA Beckwith's business, I have no reluctance in stating that the reasons relate to historical importance, to the FBI's execution of incomplete and inaccurate reports, to its providing of false affidavits and to illegal acts. The latter is a practice with which SA Beckwith reportedly has personal familiarity.

24. With regard to showing cause, if this were necessary, it was done twice on high authority prior to the processing of any MURKIN records. The first was when I presented the Court with a policy statement by FBI Director Kelley stating that the names of agents would not be withheld in historical cases. The second was an Order by this Court. The fact is that when I repeated the sense of this Order to the FBI's FOIA agents, they refused to obey it. Later I learned that AUSA John Dugan sent the Department the transcript of that calendar call and informed it of the Order. Then and throughout most of the processing and in another case quite recently the FBI played the same arbitrary and capricious games in withholding FBI names. Now SA Beckwith protests the cost of undoing what the FBI did in deliberate and knowing violation of this Court's Order and of the Director's policy.

25. In the more recent case the FBI processed about half of its large Dallas file on "The Assassination of President Kennedy" without withholding any FBI names. It then abruptly withheld most of them. It next processed the Dallas "Oswald" file without withholding a single FBI name. All of this inconsistency in withholding was by the same agents and in a period of about one month.

26. SA Beckwith pretends to find justification for withholding a record because he claims "there is no connection with the assassination of Dr. King." Were this the FBI's standard, then most of the records in the MURKIN file would not exist because by far the greatest part of them are not connected with the crime. They are connected with the FBI's investigation.

27. It is the FBI that prevailed upon the Court to permit it to provide me with the MURKIN records, which I did not ask for. This caused a long and continuing delay. It wasted my time by forcing me to read and initially also to pay for records I had not sought.

28. Despite SA Beckwith's withholding of the name involved from the Court, I state that the withheld record is relevant. Related records were provided by the FBI and by the Department.

29. The corpse of a murdered criminal named Dunaway was found in the trunk of a car at the Atlanta airport. The suspect "Galt" abandoned his car in Atlanta. Prior to the identification of James Earl Ray, it was believed that Dunaway was connected with the crime, hence the investigation. Moreover, all of this is within the public domain, as Mr. Lesar and I informed the FBI in early 1976.

30. SA Beckwith has not qualified himself as an expert on the subject matter of the request or the relevant records. He therefore is not qualified to issue such ex cathedra pronouncements as has "no connection with the crime."

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31. Withholdings in his attachments repeat and perpetuate the unjustified withholdings I appealed. (He) continued to withhold the public domain even after the FBI was informed and given proof that the withheld information is within the public domain. In this I believe the intent to mislead the Court is apparent, although with the usual fidelity to Orwell all of this and more are described by SA Beckwith as "maximum disclosure," and <sup>as</sup> only the most "limited exercise of the privacy exemption." As one example, the FBI continues to withhold the names of those Bureau of Prison officials who supervised the installation of 24-hour electronic surveillance of Ray and his counsel even after processing the newspaper stories that provide their names. (His Exhibit J) This is represented as how an historical case is processed in accord with the Attorney General's guidelines, guidelines in which the Attorney General said he would rather be sued for disclosure rather <sup>than</sup> withhold unnecessarily.

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32. While at no point addressing what is encompassed by "2. 'Four requests, dated, back to 1969. Withholding information from 4/15/75 request,'" SA Beckwith represents falsely that "all records pertaining to the assassination of Dr. King ... as well as records pertaining to" the Ray family were provided. At no point does SA Beckwith state that he has personal knowledge enabling him to attest as he has. In his reference to the Ray family, SA Beckwith is careful to omit the "all" from his description of the records provided. In fact, the FBI has restricted itself to the subterfuge of its own contriving, the MURKIN files.

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It has not provided records from its files on the members of ~~Ray~~'s family.

33. "The entire FBI Headquarters Murkin file," SA Beckwith states (at page 6), consists "of 91 Sections and four Sections of public source information." SA Beckwith makes no reference to any Subsections. These do exist in field office MURKIN files. Perhaps FBIHQ is an exception, but throughout this long case I recall no FBI representation that there are no Subs in FBIHQ files.

34. SA Beckwith next makes general reference to the indices of the Memphis Field Office but again only in the context of this artificiality, "the Murkin investigation." In this I believe there is intent to deceive and mislead this Court.

35. In the Mohn Kennedy assassination the Dallas Field Office, which occupied a position and exercised a responsibility similar to that of the Memphis Field Office in the King assassination, has an entirely separate series of indices for that case. It has secret files not reflected in FBIHQ records until a need arose. It has special files on the authors of books. The subject index alone is of forty linear feet of cards - all kept a tight secret and not reported in the Warren Commission investigation.

36. In the processing of the MURKIN records, the FBI agents slipped up and let me have a lengthy Chicago teletype itemizing the most extensive files related to Dr. King. I asked the agents about this and asked them for similar inventories from other field offices. I was lied to. I was told no sub inventories had been provided by any other field office.

37. Omitted from the highly touted release of heavily expurgated FBIHQ records relating to the assassination of President Kennedy were records I have since obtained from the files of the Dallas Field Office. (Exhibit 3A and 3B) These records include what I should have been provided from FBIHQ MURKIN records and did not receive. FBIHQ sent directives to each and every one of its 59 field offices and to all its Legal Attache offices, asking for an inventory of all records relating to the King and Kennedy assassinations. This was in connection with the creating of the House Select Committee on Assassinations. Except for the accident of the single teletype slipping through, there was and still is total withholding of all these records. These records should include and from the Dallas illustration do include the directives to the field and

Legat offices, the teletype responses and airtels in amplification.

38. If by any remote possibility the agents processing the King records were unaware of this major FBI file-search operation and inventory preparation, they became aware once I told them and requested the withheld inventories. Not only did the FBI lie then - even now, after all of this, SA Beckwith swears that I have been given "All records pertaining to the assassination of Dr. King" while he seeks to hide from this Court the existence of these inventories and other relevant records. When as of this moment the directives on making these inventories and the copies of the inventories remain withheld, it is to swear falsely to swear that "every document contained in the files" has "been furnished to plaintiff."


39. The Dallas inventory discloses that the field offices are the memory holes for FBIHQ. FBIHQ directed Dallas to let it know of all clandestine tapes and transcripts thereof and other similar records, all of which remain totally withheld from me in this instant cause and are stated not to be in FBIHQ files.

40. Relevant to this is SA Beckwith's outeness in selecting the shorthand of the student for a caption without disclosing to the Court that the student was referring to an FBI file description, "Records of Harold Weisberg relating to overthrow of Government" and "Records of contents of Harold Weisberg's garbage." (Page 7) Of these SA Beckwith states no more than what is a deliberate evasion and a conscious misrepresentation, "they are not pertinent to the Murkin investigation and are not within the scope of the litigation."



41. At no point in any of my requests did I use the designation "MURKIN." There are items of my request which include surveillances - of me, of Mr. Lesar and of others. There is no possibility of doubt that there were such surveillances. Some records are available and some are indicated in other records about which the field offices made false responses to the request. From an agency other than the FBI I have records of the collection and search of my garbage. I discussed ~~with~~ with the FBI FOIA agents. They have stonewalled since, as SA Beckwith now stonewalls in referring me to the appeals office a year after my appeal and more than a year after I provided the FBI with disproof of the fabrications relating to my wife and me. I believe that if the processing agents had not believed these fabrications and had not believed they would embarrass me, those records also would have been withheld. From the time of my providing of this proof until now the FBI is in total noncompliance and is totally nonresponsive with regard to that ~~PM~~ request of 1975. I have provided it with details relating to existing and withheld files and where they are or should be.

42. The request items seeking information on the surveillances are not frivolous or whimsical. They are based on certain knowledge obtained by both Mr. Lesar and me. These items cannot be complied with from MURKIN files, as SA Beckwith knows. His non sequitur has as its purpose perpetuating the withholdings and a deliberate effort to deceive and mislead this court.

43. The point at which I had to suspend reading of the Beckwith affidavit in order to hope to have my affidavit prepared and executed in time to deliver it on Monday, August 14, is at page 8.  The part on the names used as illustrations of withhold-

ings, James G. Hardin and Blackie Austin. Of this SA Beckwith, still pretending that all information is indexed in FBIHQ Central files or does not exist and cannot be retrieved, says "it is not possible to make an accurate search." SA Beckwith has to know this is false. He has to know that to locate all the records on each person the proper field office indices have to be consulted, not FBIHQ Central Files indices. For James G. Hardin, these field offices begin with Atlanta, where a James G. Hardin was an informer. and must include New Orleans and Los Angeles.

44. When I persisted in seeking information relating to Hardin, the FBI FOIA agents verbally informed me of other records still not provided. These records have to do with the identification of the particular James G. Hardin who was in contact with James Earl Ray. When Ray was an escapee, on the lam and under aliases, a James G. Hardin, twice to the FBI's knowledge, phoned Ray in Los Angeles, twice left phone numbers for Ray to call and then appeared at ~~Mr.~~ Ray's Los Angeles hotel in person - all immediately before Dr. King was killed.

45. This is disclosed in FBI records I have. Resulting field office investigations are withheld. In fact, I have been denied a James G. Hardin photograph after I detected its existence in FBI files and asked for it.

46. The importance of any contact with Ray when he was on the lam and immediately before Dr. King was killed cannot be exaggerated. The importance is greatly magnified if the James G. Hardin who was in touch with Ray is the same James G. Hardin who was an FBI informer for this would associate an FBI informer with the



assassination of Dr. King. SA Beckwith is not truthful in his representation that "it is not possible to make an accurate search."

47. From a skimming of the remaining bulk of the Beckwith affidavit I am confident that what<sup>is</sup> is true of the first few pages is true of all of it and that this is so transparent that I can expose it ad lib, without prior reading or any preparation. It is particularly true of such false representations as the foregoing relating to James C. Hardin, which SA Beckwith applies to others.

48. Exhibit W of the Beckwith affidavit is the September 7, 1977, affidavit of SA Clifford H. Anderson of the New Orleans Field Office. This is not a first-person affidavit. SA Anderson does not attest that he personally made the search. The SA who made the search did not provide any affidavit based on personal knowledge. Despite this disqualification it is still possible to allege that the Anderson affidavit is not truthful. It represents that what was provided under the stipulations in "all records and exhibits pertaining to the assassination of Dr. King and filed under ... 'MURKIN.'" (Emphasis added)

49. In a prior affidavit I show how instructions teletyped by FBI Office of Legal Counsel SA Charles Matthews limited the field office search to the "main" file and to a single Sub. Attached as Exhibits 4A and 4B are this teletype and its airtel in response. New Orleans excluded all but "main" files and some Sub 1A records, as the Anderson affidavit does not state or even reflect. I obtained these records under my PA request of the New Orleans Field Office. If this is compared with the Memphis Field Office records, then there can be as many as 17 added Subs not searched, for I know of 17 additional Memphis Subs, all designated "MURKIN."

50. Moreover, MURKIN files alone do not make compliance possible. An example of continued withholding from New Orleans files is the aforementioned case of Raul Esquivel. Ray had a telephone number that led to Raul Esquivel. Esquivel's home number is included in what is withheld although it is a published number. The FBI investigated the whereabouts of Raul Esquivel when Ray was not in New Orleans. It has provided no reports on any investigation of the whereabouts of Raul Esquivel for the times Ray was in New Orleans, particularly not for the time Ray accidentally gave another his own handwritten notation of an Esquivel phone number.

51. (As I recall the records, civil rights complaints had been lodged against Esquivel, a state trooper.)

52. Attachment B to the Beckwith affidavit is the August 19, 1977, affidavit of Memphis Field Office SA Burl F. Johnson. It does not attest to first-person search and it also is limited, as my information request is not, to "MURKIN." SA Johnson does little more than swear that Memphis files were shipped to Washington. If these facts are not enough to disqualify his affidavit, then I believe that the continued withholding of the aforementioned HQ directives for a complete inventory to be provided as well as copies of these inventories of the main files in the case, those of the Office of Origin, totally disqualify SA Johnson and his affidavit and raise serious questions about still another effort to misrepresent to this Court, to seek to deceive and mislead it and to deny me my rights under the Act.

53. From long prior experience I believe, as I have informed



this Court, that as long as there is no punishment for false, misleading, deceptive and misrepresentative affidavits, they will continue to be used to prolong this case and deny compliance. The FBI continues to be unwilling to permit any careful and thorough examination of its record and performance when Dr. King was killed.

HAROLD WEISBERG

**FREDERICK COUNTY, MARYLAND**

Before me this \_\_\_\_\_ day of August 1978 deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires \_\_\_\_\_

NOTARY PUBLIC IN AND FOR  
FREDERICK COUNTY, MARYLAND