

To Jim Lesar

From Harold Weisberg

Subject, Beckwith affidavit in Civil Action 75-1996, dated August 11, 1978

In this I pick up where I left off in my affidavit of August 13, 1978.

After completing that affidavit, I read farther in Beckwith's. This additional reading, together with what I saw on first examination, has led me to several conclusions.

One is that the Department has set out upon a deliberate campaign to waste time, inflate FOIA costs, stonewall and harass me and the courts.

Coinciding with this there is a campaign in the Congress reflected in leaks and stories given to the press to have FOIA amended to relieve what is described as its burdensomeness and its intrusion into law-enforcement activities. Therefore, any waste in this case, which has been characterized by the most enormous wastes in time and money, inflates the statistics the FBI keeps so carefully to present an entirely artificial representation of what FOIA means to the FBI.

Of course, complying with FOIA requests does take time, does cost some money. However, in my experience, which extends over many years and is quite extensive, most FOIA costs are deliberately created in order to fabricate and impress with false statistics.

In many ways the Beckwith affidavit typifies this. One of the obvious ways is by the affidavit being executed by Beckwith rather than by those of first-person knowledge. These include John Hartingh, who was the supervisor for most of the processing of the Murkin records, or Ralph Harp, who did most of the processing.

(Note the shifting of supervisors on this one case. It began with Tom Wiseman, then shifted to Donald Smith, then to Tom Lenehan, then to John

Hartingh, and now apparently to Horace Beckwith, all on one case. What this means is that each supervisor can, if caught in overt lies, defend himself by claiming he did not have first-person knowledge. The absence of first-person knowledge does not explain all of the false statements. It can, in some cases, explain some of these false statements. But because in most cases it is not possible to reach into the mind of another and state what is or is not there, each of these special agents, if called to accounting by a judge, can represent that what was involved was the work of another.

The rest of the Beckwith affidavit is entirely consistent with that which I address in my affidavit of August 13, 1978.

The point at which I left off is the point at which I begin, on his page 8, the Item numbered 4:

4. "Continuing obliteration of the names of special agents when they are not secret."

The names of Special Agents were removed under (b)(7)(C) to protect them from possible harassment and to prevent public exposure which would affect their ability to perform their responsibilities as law enforcement officers. Beginning in section 86 of the FBI Headquarters Murkin file and continuing throughout the processing of the field office files, the names of FBI Special Agents were left in the text of the documents, upon reconsideration due to the historical interest in this matter. To locate and reprocess those pages in which Special Agents' names had previously been removed would be exceedingly time consuming without the benefit of adding any information of a substantive nature to the release. However, if plaintiff can show cause as to why he needs this information and can state the specific serials involved, those pages will be reprocessed.

Hiding behind conjectures and presumptions does not save this from being this an overtly false representation. Perhaps the most significant falsity is the fact that prior to the beginning of processing of the Murkin records the Court issued a verbal order to the FBI not to withhold names of FBI agents. Prior to the issuance of that order I had presented evidence including a letter by Director Kelley in which he stated that in historical cases the names of special agents might not be withheld.

Prior to the beginning of the processing of the Murkin records and

after the issuance of the verbal order, I took this up with the FBI. I was told by Supervisor Tom Wiseman that they would not comply with the judge's order. In fact, the FBI then did not comply with the judge's order. From then until now they have refused to replace the records to be replaced. (Contrary to this, Special Agent Beckwith asks that I now provide a list of the serials.)

I also took this up with the FBI FOIA processing crew, including Supervisor Hartingh, Special Agent Harp and several others, including at least two representatives of the FBI Office of Legal Counsel. The first was Parle Blake, and the second was Charles Matthews. Both refused to comply with the order. In the case of Matthews, he had still a different concoction, that FBI agents sometimes go underground and disclosing their names would prevent their working underground.

FBI practice, while characterized by inconsistency, also is contradictory to Special Agent Beckwith's representations.

Not a single FBI agent name is withheld from any of the records and there are thousands of them given to the Warren Commission and printed by it in 26 volumes where they are in facsimile or readily available for copying at the Archives. The fact that these names were not withheld was a government decision. Involved were the White House, the Department of Justice and J. Edgar Hoover himself. The decision to make the names available was on this level and since then it has been the practice, continuing until the 1974 amendments to the Act.

The withholding of Special Agents' names and other such devices are among those used to frustrate the amendments to the Act, within my experience.

With the extensive publication of the names of special agents, there is no basis for the conjecture which is not limited to SA Beckwith alone, that if the names are known, the agents will be subject to harassment. Here again Department practice is to the contrary.

I have not heard of a single instance of any one of the agents whose

names are published by the Warren Commission being subjected to harassment. Not a single affidavit that has been filed in any one of my cases nor a single affidavit in any case of which I know has cited a single instance of the harassment of an FBI agent.

Quite the contrary. When researchers interested in the John Kennedy assassination have phoned the FBI to discuss elements of evidence and their work with special agents, the FBI has even told retired special agents and these retired special agents have voluntarily phoned researchers and engaged in long discussions with them.

The inconsistency with regard to the withholding of FBI names continues into the present in other of my cases. For example, the suit for the Dallas Field Office files in the John Kennedy assassination investigation.

The first of the Dallas files processed with the worksheets bearing a June 1978 date is that on the assassination. The records provided are approximately 5,000 pages.

For about the first half of these records, not a single FBI name was obliterated. Then, beginning about halfway through the processing, virtually all FBI names were obliterated. The same claim is made to avoid harassment. However, in the course of processing these records, the FBI provided me with several complete lists of all of the agents assigned to the Dallas Field Office - not merely those who worked on the John Kennedy assassination investigation. It provided me with their home addresses. It provided me with their home telephone numbers. It did this in a number of different forms. It even told me what shifts they worked and whether or not they had watched the Presidential motorcade.

It provided me with the signatures of a large number of these agents. It even provided me with the names of the agents and the shifts on which they worked on the physical surveillance of Marina Oswald (she was also subjected to what the FBI calls microphone and technical surveillance. This is to say that

the phones she used were tapped and her accommodations were bugged. The bugging extended to the Willard Hotel in Washington when she was a witness before the Warren Commission.)

It was after the FBI provided me with all of these details relating to every special agent assigned to the Dallas Field Office and each and every one of its residencies that it began what I regard as a campaign of harassment - of me and of the courts - to withhold their names willy-nilly on the spurious claim that not to withhold their names would subject them to harassment.

After shifting to the obliteration of the names in the John Kennedy assassination file, the FBI processed the file it called "Lee Harvey Oswald." In the Lee Harvey Oswald file, also of about 5,000 pages, it did not eliminate the name of a single FBI employee until the very end and then it obliterated two. Both are quite relevant. The first, for example, is the name of the clerk who was in charge of the inventory of the records.

When Special Agent Beckwith says, "Beginning in section 86 of the FBI Headquarters Murkin file" the FBI discontinued withholding names, what he really says is that, having withheld names from all but a few of the pages, they then stopped withholding the names from the remaining pages. When he says the change was "due to the historical interest in this matter," he is ignoring the order of the Court, he is ignoring the time at which the Attorney General ruled that the King assassination is of historical interest, and he is entirely misrepresenting the time I asked for what he calls a reconsideration, early in 1976, not the end of 1977.

It is true that to "locate and reprocess those pages ... would be exceedingly time consuming ..." It is also true that the FBI deliberately created this situation knowing, as I had told it from the very beginning, that its withholdings would cause me to ask for a reprocessing of the entire file. (The names of agents are far from the only unjustified withholdings that permeate the

processing of all of these records.)

It is not true, as in the same sentence SA Beckwith alleges, that the providing of the names of agents is "without the benefit of adding any information of a substantive nature to the release."

First of all, it is my belief that it is none of SA Beckwith's business nor that of any other official what I regard as of a "substantive nature." I am the one seeking the information, not they. The official FBI view is that anything that does not incriminate James Earl Ray as the loan assassin of Dr. King is not "substantive" unless it involves members of his family. It is the FBI's view as expressed to me that pictures of the scene of the crime are not "substantive" and that as a matter of practice the FBI does not crime scene pictures. (Unless the FBI has represented falsely in this case, it in fact has not obtained a single print of a single picture taken by any of the Memphis photographers, including those for the Associated Press and United Press International.) I regard these photographs as substantive and in fact federal district court in Memphis, Tennessee, in 1974 regarded them as substantive enough to take my copies and put them in the court's record.

The Special Agent in Charge of the St. Louis Field Office at the time of the King assassination has since achieved a certain degree of notoriety for his illegal acts. His name is J. Wallace LaPrade and his most recent attention-getting activity was to castigate the Attorney General of the United States. Mr. LaPrade had represented that the FBI's black-bag jobs and other such activities were all aimed against terrorists. However, the available records include indications of and proof of transgression against the rights of James Earl Ray's family. They include a directive from FBI Headquarters that amounts to a breaking and entering of the home of James Earl Ray's sister, Mrs. Carol Pepper, and directives to conduct microphone and bugging operations. (Separate from this, a request was made of the Attorney General who did not sign the request.) Now it happens that

Mr. LaPrade was one of those who were active in the bugging and tapping of Dr. King for political reasons. These are only some of the reasons why a name like that of J. Wallace LaPrade is of "substantive" nature. The same is true in Memphis where, at the beginning of the processing of the records, the name of the supervisor in charge in Memphis was obliterated. This despite the fact that the FBI had had newspaper stories publicizing him published locally. I have a copy of one that is two columns long. His name is Joe C. Hester.

The same is true with respect to the Memphis political files where the names of the agents were withheld until I told the FBI what they were. But there never was any reason to withhold these names because these men were known publicly, and especially to the reporters in Memphis, as those in charge of the FBI's political really meaning domestic intelligence activities in Memphis. There is substantive knowledge involved in the names of those conducting the political inquiries in Memphis. For example, if it was not one of these agents as compared with whether or not it was one of these agents.

In evaluating the FBI reports, to a subject expert the name of the agent filing the report is essential information. Some are known to have filed false affidavits. Others are known to have eliminated much of what witnesses told them. An example of this goes back to the very first withholding in this case of a Birmingham record, the initial FBI inquiry at the place where James Earl Ray bought the so-called fatal rifle. Initially, all the names were withheld despite the fact that each and every one of the names was of a person who had been subpoenaed to be a witness at the trial and each and every one of the names was narrated during the guilty-plea hearing by the prosecution. But what the FBI agents eliminated from the signed statements taken from these witnesses is that fact that, without exception, each one stated that James Earl Ray was entirely unfamiliar with rifles.

Knowing whether a special agent was active in these historic cases,

was local or was not local, is in itself important information in evaluating their reports.

I believe it is arrogant for SA Beckwith to state that "if plaintiff can show cause as to why he needs this information and can state the specific serials involved, those pages will be reprocessed." I believe that under the Act it is not the business of any official why any requester wants any information. I believe that under the Act the information is or is not releasable and that why a requester asks for it is not a prerequisite.

In addition to this, to demand that I review 20,000 pages now and cite each number from which any FBI name was withheld is an abusive demand, particularly when prior to the processing of any one of these records I had made that request and the judge had issued an order.

Next at his No. 5 SA Beckwith addresses the student's notes on "Serial 4306 - The Judge Casey paragraph on page 2." Of this he states that only part is given "in confidence." He does not state who Judge Casey was or the importance of the information withheld. I believe it is not withheld "for the protection of the relationship" but for the protection of the FBI. Without knowing the specific content of what is withheld, of course, one cannot make a definitive statement. But Judge Casey is the judge who sentenced James Earl Ray on the robbery charge for which he was serving time in the Missouri State Penitentiary when he escaped in April 1967. Judge Casey was reversed. What then happened is typical of James Earl Ray. If he had delayed his escape for a single day, he would have known that prior to his escape Judge Casey had been reversed.

There are many inferences that James Earl Ray, because of his strange personality, was aided in his escape by officials. I have no reason to believe these are true. However, even how he escaped has not been firmly established and one story within the FBI's records is that he was given civilian garb and allowed to walk out of the jail with visitors.

If by any chance it is true that some of what Judge Casey told the FBI was in confidence, SA Beckwith's explanation does not encompass all of it. His words are "the information was withheld because portions were given by Judge Casey in confidence ..." (emphasis added)

Examination of the record in question attached as Exhibit C to the Beckwith affidavit discloses that SA Beckwith evades both the memorandum he pretends to address and its purposes and the specific eliminations from the record in question, Exhibit C. All of the excisions cannot possibly be explained as in the interest of Judge Casey's privacy.

At no point does SA Beckwith explain the purposes of the student's memorandum. It was merely to give the Civil Division illustrations. It was not to be inclusive. It could not be inclusive. It merely cited illustrations for the Civil Division to check. Now on this same page that SA Beckwith refers to there is an excision with regard to one Edgar Eugene Bradley in the sentence that reads, "... and is presently employed as (omission)"

Few Americans have their employment as well publicized as Edgar Eugene Bradley who worked for the ultrarightwing extremist preacher, the Reverend Carl McIntyre and sold time for him on the west coast. This was on coast-to-coast TV, all over newspapers, and attention was drawn to it in many other ways beginning when Bradley was subpoenaed as a witness as Jim Garrison.

The reference to Judge Casey is in the fourth paragraph and the first four excisions, which may be two excisions, clearly from context have nothing to do with Judge Casey's privacy, nor does the excision in the final or fifth paragraph.

Here and elsewhere, instead of going back to the original record and seeing whether in fact there was a proper disclosure, SA Beckwith stonewalls and misrepresents.

With regard to his Item numbered 6 on page 9, "Reference to memoranda,

which was not included," SA Beckwith does nothing except misquote. He does not address substance. The student's memorandum was in the plural, "references."

The FBI has simply refused to try and obtain copies of the memoranda that are not attached to I'm sure more than several hundred records because it would require departing from the Murkin files and for no other reason. Where copies were sent to General Crimes or to the General Investigative Division or to the Deputy Attorney General or to other divisions, there is no proof in the record and there has never been any statement to me indicating that the FBI ever made any effort to obtain any of these missing records. Where I made specific request that specific files be searched, in every case I was refused. And, of course, I was lied to. I was told, for example, that there were no such things as the Director's own files. Now we know that there are.

This is, in a sense, the subject of Item 7, "Records relating to Ray's arrest," etc. In response, SA Beckwith says falsely, "Plaintiff has received inventories of all records contained in the Murkin and related files."

Again we have the deliberate deception that all that is involved in this case is what the FBI designates as Murkin files.

It is false to state that I have received any "inventories." I have received processing worksheets. These are not inventories. I have already proven that inventories exist and the existence was hidden in this case by the FBI. I obtained the proof in a Dallas JFK case. And as I have already proven, even the worksheets are not complete.

In any event, the attachments are listed in the worksheets. Only the record to which the missing attachment was attached is listed, and SA Beckwith knows this.

Here again, there is nothing firsthand or represented as firsthand in SA Beckwith's affidavit.

With regard to his Item 8 on page 9, if there ever was any doubt in

SA Beckwith's mind, in more than a year he never asked a question about this entry, "Promises by FBI and letter signed by Kelley for material from Memphis field office." His response is that on four days in 1977 more than 11,000 pages from the Memphis Field Office files were provided. This does not relate to the reference he makes which clearly are to earlier letters signed by Director Kelley. One, for example, said that I would be given everything that could possibly be of interest to me. This turned out to be false. Another is that an investigation had been made and I was given the results of no such investigation. I discussed each of these items and others like it with the FBI processing agents which probably explains why not they but SA Beckwith executed this affidavit. But note here again that SA Beckwith limits himself to "material on the Murkin investigation" which is not all the material on the King assassination.

On page 10, Item 9, SA Beckwith says with regard to Cointelpro files that they "have been processed for disclosure separately and apart from the Murkin files." What he does not say is that they are within my request and as of this time have not been provided.

Where the student's memorandum quotes my letters to the FBI as saying that some informers had been exposed, rather than addressing this and complying in the records, SA Beckwith says, "With respect to the withholding of the names of informers, each instance is considered individually, based on the contents of the communication." This, of course, limits compliance to any single document and the ignorance of any processing FBI agent. SA Beckwith then says what is proven by the record to be false, "Upon receiving adequate documentation" the "deletions in dispute will be reassessed." Well, on several occasions, I have provided the FBI with its own documentation and I have yet to get a single record reprocessed or any proof, in fact, that there was any reassessment.

The most recent example of the disclosure of Cointelpro files not given to me achieved wide attention and in a manner that denied attention to some

of the more significant content. These were records that were given to the Center for National Security Studies which limited what it disclosed to an FBI effort to promote another black as a competitor to Dr. King for a leadership role.

On page 10 under the listing of LETTER OF MAY 15, 1977, the first item quotes my complaint that portions of the records were eliminated in xeroxing and had not been provided in response to my complaint. On November 3, 1977, which is a half-year after my letter to the FBI, Mr. Lesar gave the FBI and the Civil Division this student's memorandum and now SA Beckwith says that it was not until the date of August 8, 1978 - three days before he executed this affidavit and clearly so he could state it in this affidavit - that any of these records from which large areas were eliminated in xeroxing was replaced.

Under Item 2 on page 10, SA Beckwith makes a switch. Because I had provided him with proof, he says proof is not enough. This had to do with what I told the processing agents contemporaneously and wrote them about much earlier - the withholding of names that appeared in the public press having to do with prisoners. In this case the name was Billet-Buccelli. I sent the FBI agents a copy of a newspaper story in which he had sought publicity. Later I learned that all of these and other stories were in the FBI's own files processed by the same FOI agents. Now, having allowed all this time to elapse, SA Beckwith claims "it is not possible to make an accurate search of the approximately 49,000 pages of Murkin records ..." This is more than twice the volume of Headquarters files. If it is by any chance possible that Headquarters cannot retrieve from its own files, then all the FBI has to do is look at my original letter, compare it with the records made available to me at that time, and they will immediately know what section the records are in. But here again we have a situation where the FBI stonewalls for a year or two and then claims it cannot do anything. The fact is that I provided proof contemporaneously, and the fact is that the FBI

allowed a long time to pass without telling me that it required serial numbers. Once it told me it required serial numbers, I provided them.

Item 3 again was not replaced until SA Beckwith executed this affidavit.

Item 3 relates to a missing attachment of Mr. Cartha DeLoach. At no point does SA Beckwith say that the files left by Mr. DeLoach, who was one of the top officials of the FBI and who had a public relations function, were searched to see if this attachment existed there or in any of the other files to which a copy was sent. Essentially the same thing is true of the next item, No. 4.

Item 8 appears to be a case where the FBI withheld four pages of a five-page record and did nothing about it until SA Beckwith had to file this affidavit. He provides with it four pages of a teletype and does not even have the good grace to admit that the worksheet withheld the existence of these four pages by listing only a single page and an entirely different record.

This relates to a threat taken sufficiently seriously by the FBI to notify "appropriate sources" including the United Nations.

Item 9 is a similarly unconfessed admission of deliberate withholding by the FBI. The notation says that Serials 4501-4505 "were not provided." I notified the FBI of this in a letter dated May 15, 1977. Not until SA Beckwith had to execute this affidavit, not even when the FBI received the student's memorandum, were these missing records provided.

Part of this is a Rosen to DeLoach memo of June 17, 1968, of which SA Beckwith says, "our records reflect that three separate memoranda correspond with that description." SA Beckwith does not state that the files of Mr. Rosen or the General Investigative Division or that of Associate Director DeLoach or his successor have been searched for any one of these three, all of which are relevant. In effect, he asks me to conduct his search by providing more

information when even his worksheets are inaccurate on this.

Item 10 on page 13 deals with "Unnecessary obliteration of names." It cites as an example one known as the "Fat Man." It gives his name correctly. SA Beckwith's response is that the Royal Canadian Mounted Police promised confidentiality. Whether or not that is true, confidentiality does not exist and in at most a matter of days contemporaneously did not exist. The man was interviewed at length in the press. The withholding of the name in these records is guaranteed to cause confusion and perhaps harm to the innocent in the future through unnecessary conjectures and incorrect presumptions.

This applies as a general statement. One need only examine the popular literature on the political assassinations to find that they are largely of mythologies. One of the best examples is the case of an entire book written by a former Memphis reporter based upon a conjecture which turns out to have been incorrect, even though it was confirmed by eyewitnesses. In that case, to my knowledge, the man incorrectly identified and a lawyer who sees a fat fee are awaiting publication of the book by a publisher with enough money to justify being sued.

What the Beckwith does not address is that without any exception all the other names withheld from this record, his Exhibit E, are in the public domain and almost all began appearing with the Huie articles in Look magazine. The agents who processed these records have to have known this because they also processed the Look magazine articles.

By not addressing any of this, SA Beckwith still withholds all the other names, again leading to the possibility of harm and confusion in the future.

I believe this gets to the real reason why the FBI did not want a consolidated index of all the published books because having the indexes would make it impossible to engage in this kind of harassment by unnecessary withholding. However, with SA Beckwith; that excuse does not exist. He has personal knowledge

whether or not he has a copy of the index, because he was present when we gave copies of the consolidated index to the FBI and to the Civil Division more than a half-year prior to his affidavit. All the FBI has to do is take the obliterated names and check the indices and they will find that all the names are public.

With respect to Item 11, the withholding of the name of a public official (which I provided) and of other names, SA Beckwith is misleading and misrepresenting. All these names are public, including the one on whom the FBI made a name check. If it is true that "to divulge his name" would "would clearly be an unwarranted invasion" of his privacy, then the FBI invaded that privacy because they did disclose his name. Once again, instead of making a check, SA Beckwith stonewalls at this late date. All these names are public. In addition to that, there is no need for them not to be with the single exception of the one on whom the name check was made and the FBI has already divulged it. I think it was Schwartz.

The same situation is true with regard to Item 12, "Jerry Ray's wife." I said and the student said that in earlier serials it was not withheld and withholding it at this point can lead to confusion. With regard to Jerry Ray, confusion can mean harm to women with whom he has associated. (One is currently under FBI and House Committee harassment, a situation which was true of her in 1969. Her name is Rhonda Gibson and there are imputations of her being the wheelwoman for a getaway car when Jerry Ray allegedly robbed a bank.)

Rather than comply, rather than eliminate the danger of harm to an innocent woman or two, SA Beckwith repeats the stock lie, first that they would have to search 49,000 records, which is not true, and second that the FBI cannot retrieve. Once again, all the FBI has to do, if it cannot find the records in the Washington office, is to learn their identification from the indexes to the Chicago files. Chicago is where she lived.

From here on I'll skip most such items because it would make great

length even greater. I will skip all claims they make where I have to give them the serial number when I informed them contemporaneously, and all the many cases where they finally provided records they had withheld under date of August 8, 1978.

In repeating his stock misrepresentations on Items 3 and 4 on page 14, SA Beckwith tells a new lie. He says that I gave them only "limited information" with regard to these two items and thus "it is not possible" to do anything without getting down on his hands and knees and pawing through all alleged 49,000 pages. Now it happens to be false with regard to each of these items. No. 3 is "Aero-Marine obliterated" referring to the names of the people at Aero-Marine. Now I provided the names and the specifics with regard to the Aero-Marine witnesses long before there was any reference to any Murkin file. It was in April or May of 1976 on the occasion of the FBI's hand-delivery of the first such records. I then filled in the gaps to SAs Wiseman and Blake and kidded with them about the elimination of the names so widely publicized (those records still have not been replaced). With regard to the name of Marjorie Feters, perhaps SA Beckwith has chosen not to read the 200-page memorandum I provided to the Civil Division. In that I went into the selective withholding of the name of Marjorie Feters.

I provided the FBI processing agents with information about Marjorie Feters as soon as I detected the inconsistency in withholding, and I explained the possibility of innocent women being hurt from it. It simply is not true that they didn't have sufficient information. If at that time I did not provide the FBI with the serial number, I did provide it with the section number and it did not ask me for the specifics. In fact, all it had to do was telephone the Newark office and it could have learned all it had to know about Marjorie Feters because she was a PCI out of the Newark office.

This makes the final statement of the stock explanation also false,

that if I give the FBI the information they need they "may locate" and then "reevaluate the excisions." I did this more than a year and a half ago.

This reminds me that SA Beckwith makes no reference to my letters. Instead, he restricts himself to the student's shorthand which was intended only to attract the attention of the Civil Division.

This, despite the indefinite and vague statement on page 2 that "In order to provide a more complete response to each item appearing on the list, plaintiff's actual letters were reviewed and analyzed." This response, like all others, does not reflect the benefit of having looked at the original document.

And, of course, there is what SA Beckwith always ignores, the many details I provided the FBI in our many personal meetings. On several occasions we discussed Marjorie Fetters and this withholding.

LETTER OF MAY 21, 1977 (page 15)

Beckwith's Item 1 states with respect to the copies of a sketch and picture I gave to the local resident agent that "By letter dated December 1, 1977, plaintiff was provided four Baltimore Field Office documents and one FBI Headquarters document, which represent all of the material pertaining to photographs and an artist's sketch of alleged suspects in the Murkin matter. No deletions were made from this material."

That no deletions were made is utterly irrelevant. What is relevant is that all the records were not provided. For example, the records that were provided reflect that this material was sent to Memphis; nothing was provided from Memphis indicating whether or not anything was done.

My original pictures and sketch remain in the FBI's possession.

In fact, in what was given to me a half year after I wrote the FBI there is of the truthfulness of what I told the FBI, "might be in Baltimore Field Office." The records of the Baltimore Field Office disclose that the pictures were returned to the Frederick residency, which is exactly what I had suggested

to the FBI.

In November 1977 Lynne Zusman directed the FBI to full compliance on this, including the return of the pictures and the sketch and relevant records. In the in camera session of November 21, Mrs. Zusman opened up by telling the judge this was going to happen. Except for sending a few records from the Baltimore Field Office which by their content are not complete, nothing further has happened. The addition at the end of what SA Beckwith attests to, that no deletions were made, is immaterial and I believe it is intended to be deceptive.

Item 2., "Withholding the names of James Hardin, Paul Bridgeman, Marjorie Fetters." After this, SA Beckwith has the stock repetition, that I had provided too little information and that they would have to paw through 49,000 pages of records and that I am "requested to furnish the specific serial numbers that correspond to these documents so that we may locate them and reevaluate the excisions."

As I have stated, they do not have to make their way through 49,000 pages or 20,000 pages. They have indexes, the existence of which they hide. However, this repetition serves to illustrate how the FBI contrives a situation in which they can later hoke up this kind of evasion. As the student's excerpts show, I had taken up the question of Hardin earlier in writing with the FBI and it then had not asked for any serial numbers. Of course, I had also taken this up verbally prior to writing them and again had not been told that they needed serial numbers. Once they told me they needed serial numbers, I gave them. However, because I wrote the FBI as I received sections, the FBI knew from the dates of my letters what sections I was addressing.

We've discussed the Marjorie Fetters situation several times before I wrote them and I did give them copies of these records.

3. underscores the intent of the FBI to at least stonewall. In response to the complaint that referrals to agencies claiming no FOI/PA backlog had not been received so long after referral, SA Beckwith states that they finally

had gotten around to it and that on June 8, 1978, they told me for the first time that they had sent the CIA documents to the CIA for direct response by the CIA.

Now I had raised this question many times with the FBI and their stock response was once they had referred something to an agency there was nothing they could do about it if the agency did nothing. They refused to even ask the agency to process the records. I have no way of knowing whether all referrals have been acted upon and I am certain that there were withholdings from what was ultimately mailed to me.

I note that SA Beckwith does not even claim compliance with regard to referrals.

With regard to Item 2. above, the student also selected the name of Paul Bridgeman, misspelled as Bridgemen instead of man. This is one of the aliases James Earl Ray used and it is the name of a fellow prisoner. The FBI was inconsistent in withholding the name which led to confusion in the records and can lead to confusion in any future uses. There appears to have been neither the need nor the justification for the withholding and the records from which there are such withholdings have never been replaced.

LETTER OF MAY 26, 1977 (pages 15-19)

1. is "Serials 4692 of 14 pp. 7(C)(D)." 2. is "Serials 4694 of 10 pp. 7(C)(D)." and 3. is "Serial 4664 - Canadian Mounties 7(D) - public domain." With regard to all of these there is the stock response that what is received from another law enforcement agency is withheld "to protect a confidential relationship of another police component" or "to protect the identities of the individual law enforcement officers" with the allegation that "when the FBI receives information from another agency, we can only assume that there was an implied if not expressed assurance of confidentiality ..."

All of these are false representations. The FBI records I have gone over, and they are so many thousands I cannot count, are careful to specify when confidentiality is requested and in no case where a record states this have I asked

that the FBI disclose.

In this particular case the material collected from other police agencies was collected for use in court, which is a public use and for which there cannot be any implied confidentiality.

What appears to be the case is that, having made public everything that tends to be incriminating, the FBI wants to withhold what is of different character.

The FBI regularly represents to courts that it always withholds what is given to it by other police agencies. This is false. During the course of dictating this memorandum, I have come across at least a half dozen instances in which the FBI disclosed to me in records I received quite some time after SA Beckwith filed his affidavit in which copies of the records of the Dallas Police Department were voluntarily given to me by the FBI.

It should be within SA Beckwith's personal knowledge and I believe it is within his personal knowledge that I have received such records from the FBI. He should be aware that under oath I have alleged that he swore falsely with regard to disclosure of the records of other police departments from the Atlanta files. I did provide such an affidavit some time ago in C.A. 77-0692.

With further regard to Dallas Police Department records, there is a very large number of these records the government has made public without any excisions. I obtained two reels of microfilm of them from the Library of Congress, for example, where there is a duplicate deposit.

The processing of the Memphis Field Office files proves SA Beckwith's representations to be false. There is a very large number of records of the Memphis Police Department that were given to me with regard to the political items of the request, a much smaller number with regard to the records relating to the crime itself. However, in both categories I received Memphis Police Department records. I believe that if SA Beckwith is qualified to make this affidavit he should have knowledge of the falsity of the representations he makes.

Now with regard to the foreign police, the records provided make it clear that the real reason the FBI wants to withhold everything it received from the Royal Canadian Mounted Police is to keep the RCMP from getting credit for the work it did. Actually, the FBI tried to discourage public statements in which the RCMP claimed credit for the work it did, which really consisted of tracing Ray through Canada plus identifying him from the fake name he used to obtain a passport. The identification was by the RCMP, not by the FBI.

To underscore this, when the Memphis Field Office asked that the FBI have the Mounties do what ultimately the Mounties did, FBI Headquarters rejected the request of the Memphis Field Office and instead wasted an enormous amount of time working around the clock in the passport records in Washington which could accomplish nothing and which, in fact, did accomplish nothing.

With regard to similar records from Britain, the incredible performance of the House assassins committee with respect to retired Scotland Yard Inspector Eist underscores the great harm that results from the unnecessary withholding of the names of these police officials when their names are all well known publicly.

The statement taken from Inspector Eist by the House assassins committee and used without checking on coast-to-coast TV was a total fabrication except for the possibility that Inspector Eist may have been one of James Earl Ray's warders.

The records I have received from the FBI disclose that Ray actually refused to talk to his warders and suspected them of trying to pry information from him.

What resulted is an enormous and successful propaganda campaign in support of the FBI's "solution" to the crime. Bearing on the falsity of Inspector Eist's representations are FBI Headquarters Murkin Serials 4400, what is either 4667 or 4669 and 4681.

When the British papers reported falsely that AAG Vinson "had interrogated Ray," Ray immediately wrote a letter to the Attorney General stating that he had not been and would talk to nobody (4400, paragraph 1). On the second page

of this first record, the third paragraph states that Ray "has not indicated any willingness to reveal anything, Chief Superintendent Butler has advised" - the FBI needlessly eliminated the name of its Legal Attache, Minnich, that Ray "did not admit anything."

On the second page of the cablegram that is the second record, it is stated that "subject refused to see Scotland Yard officers on June 14 last and said he would also refuse to see FBI if they asked to see him... subject not saying anything significant to warders as he now believes they are trying to extract info for police."

There is repetition of this in the third record which adds "subject has become more uncooperative even with his defense counsel."

There is another reason for the FBI's desire to withhold these records and it is to hide illegal practices and the denial of Ray's Constitutional rights. Paraphrases that were provided show that the surveillances on him extended even to his conferences with his counsel, that British law was violated and the FBI was given the results "under the table" and as the third record attached shows, the FBI was notified that one of its agents "will be carrying official papers this matter plus certain property of Ray, obtained on extremely confidential basis, for examination by lab and immediate return to me via pouch." "Me" in this case is the legal attache.

With further regard to the Canadian Mounties, I did provide the FBI with the serial numbers referring to the holding of press conferences and it is not necessary for me to provide further documentation. All that is necessary is for the FBI to pay attention to what I did provide.

This underscores the FBI's ignoring totally what is public domain. It pretends that nothing is public domain. Its own clippings files disclose that everything I have alleged is public domain is public domain and the same agents processed those clippings files.

The citation of Serial 4664 in connection with the Mounties the

claim to 7(D) in public domain clearly is a typographical error because there is no withholding from Serial 4664. If the FBI had ever replied to my letter, if the error was mine, it could have been rectified then. There now is no point of it because it is without dispute that the kind of information that I specify is withheld. Nowhere in the Beckwith affidavit is there any claim that the withheld information is not within the public domain. This particular letter was written on May 21, 1977. If the Beckwith affidavit is in response, then it required more than a year to get a response.

4. (Page 17). The same kinds of allegations are made by SA Beckwith together with the absolutely false claim with regard to Serial 4681, that "the deletion was made to protect the name of an official of New Scotland Yard... release of this name would not only constitute an unwarranted invasion of his personal privacy, but could also subject this person to possible harassment and public exposure which would inevitably his ability to perform his responsibilities as a law enforcement officer." (sic)

SA Beckwith found a much clearer copy of Serial 4667 than was provided to me. He attaches it as Exhibit I=1. The content of what remains does not indicate that any confidential source is withheld although that may be the case, but it does indicate interference in Ray's rights to privacy in consulting counsel.

Unless letters written to Ray were withheld from him, there was no reason to withhold the identities of those who wrote to him.

With regard to the withholding on Serial 4681, the Beckwith affidavit does not state that the name or names of these Yard officials are not within the public domain. The fact is that with all the chance it had to obtain favorable publicity from the Ray arrest Scotland Yard was very public with everything except its illegal activities, and the FBI's own clippings files disclose this, as do the FBI's internal records having to do with the FBI's hogging all credit for the Ray arrest.

This gets to the FBI's refusal to use the indexes in its possession or to accept those I offered it. The FBI would not have been able to pretend it did not know what was public domain if it had used the indexes which would have proven what was public domain. All of the Scotland Yard names are within the public domain, all of the Canadian police names are within the public domain, particularly the one referred to of the superintendent or some high official who was holding a press conference. All are in the FBI's own extensive file of newspaper clippings and all are referred to in the various books.

I first took this up with Supervisor Donald Smith when I received the first of the Murkin records. He behaved so badly with me in the presence of another FBI agent that he was immediately replaced by the late Tom Lenehan who was a supervisor. I made the same offer of indexes to Lenehan. He was not impolite about it but never accepted it. I went into this in more detail when John Hartingh became the supervisor and when the FBI became embarrassed, I suppose over my persistence in offering it the consolidated index I was having prepared, Hartingh told me that the FBI agents were actually using the indexes to the published books. I soon found out that this was not true. Later I also found out that the FBI did not even give the reviewing people in Quin Shea's office copies of the books the FBI has so that the reviewing people could consult the indexes to see what was public domain.

When it became apparent that the FBI was withholding what was in the various books, and I believe that at about the time I sent the FBI photocopies of what I published that it was withholding, SA Hartingh told me that it was too much trouble for the FBI agents to use the indexes.

My own belief is that it would have taken a lot less time than the mere physical act of obliterating and having obliteration approved and reviewed. Quite aside from this, of course, is the question of noncompliance which is accomplished by the withholding of the public domain which SA Beckwith continues

in his affidavit and with the records he attaches to it.

5. (page 18) relates to Serial 4673 and the claim to Exemptions 7(C) and (D) for what the FBI does not dispute was in the public domain. The student's shorthand says, "stories and pictures in the papers," relating to the assignment of Bureau of Prisons personnel to prepare what was called the security for Ray in the Shelby County jail in Memphis. Now after I notified the FBI what with due diligence in its processing it would have known because its own newspaper clippings disclose it, that the names of these people were public. Beckwith says that the exemptions were claimed "in order to protect these individuals who furnished information to the FBI as unwarranted invasion of their personal privacy and from possible harassment and public exposure which would affect their ability to perform their duties as law enforcement officers."

In the face of the FBI having been told, as they were told in person aside from in writing, that all of this was public domain, the claim by Beckwith under oath at this point is, I think, more than merely ludicrous.

These Bureau of Prisons personnel were on the regular staff at a federal penitentiary and were known to all the prisoners in that jail, for example, so even if it weren't true that everything withheld was within the public domain, there still was no need to claim either exemption.

Nor is there anything confidential about the information attributed to them as a "confidential" source. The Memphis teletype from which there are these withholdings is a remarkably self-serving document. Where it is specific it is ridiculous if it reflects the need of an outside consultancy by the Memphis County authorities because it says no more than "among the items discussed were the handling of volume of mail that prisoner of prominence would probably receive, restrictions of visitors to prisoner, and other miscellaneous problems of this type."

What then follows is "He stated he had made certain suggestions for

improving security at the Shelby County." (sic)

What this does not say is that these "certain suggestions for improving security" were. It included denying the prisoner access to the sun, the stars, the moon, fresh air by putting steel plates over the windows of an entire cell block and keeping him under constant illumination 24 hours a day. For eight months, Ray never knew whether it was day or night. "Security" was extended to the electronic but all the surveillance was inside the cell and none was outside from which there might be some danger to the prisoner. There were two microphones and a closed-circuit TV camera which could not be turned off. The TV camera ran all the time Ray's counsel was with him and there is no proof that the microphones were ever turned off.

Now the "security" with the mail had to do with intercepting all of Ray's mail to and from counsel, delivering it to the prosecutor for the prosecutor to make copies of it and then either letting Ray have it or letting it go out. About this the judge was lied to. The judge was told that only a glance was taken at the letters to be sure there were no plans for an escape. But the "security" book under policy statement 11 includes details of the interception of all of Ray's defense communications.

These kinds of "security" measures rather than the nonexistent danger to privacy or official functions, if not in fact just a general FBI policy of harassment, account for the withholdings.

6. (page 18) relates to the withholding of the name of a newspaper reporter and one who made a phony claim for a reward being offered by the Memphis newspaper and others. Originally the FBI withheld even the name of the newspaper, then it wrote the name of the paper back in and in what is attached as Exhibit K-1 the original withholding of the typed copy is replaced.

Here again there is absolutely no need for withholding. It is anything but secret that newspaper reporters cooperate with the FBI as do others. There

is no inference of implied confidentiality in the record and there is no basis for what has become the FBI's new method of pretending there is, that "the privacy of a person" is "protected" by the FBI.

In this particular case, to my knowledge, the FBI has turned three "confidential" informers over to the House assassins committee, knowing full well that all would become public then. The invasions of privacy are incredible, especially with respect to black women and blacks in general.

The claim for a reward is hardly a confidential matter. That goes entirely public.

In addition, the FBI has made this claim with regular inconsistency. Sometimes it discloses the names of reporters, sometimes it does not. (Parenthetically, the first page of Serial 4675, Exhibit K-1 to the Beckwith affidavit, confirms what I have said earlier, that all the information obtained by foreign police was given to the prosecutor with the understanding that he would use it in the trial. The first page of this record states that this extends even to documents.)

7., "Masking of Ray's Medical records." With regard to this, Beckwith asks that a serial number be provided.

The sequence alone should give the FBI a clue at the very least to a serial if it needs it. If it needed it, of course, it should have asked for it at the time of the letter. But the point here is that there was a waiver signed by Ray and there was never any basis for withholding anything of this nature relating to Ray.

In passing the previously quoted Legat records from London also have a withholding regarding medical examination by Ray so Beckwith had some knowledge of it. In his Exhibit I-1, Serial 4667, second line on page 2 begins, "He receives (obliterated) visits from medical officer ..." For this withholding the FBI claimed (b)7(C) and (D), the worksheets not making any distinction and the

claim not being written at the appropriate point of the page.

While this is basically a minor withholding and most of the withholdings selected by the student were merely intended to be illustrative to the Civil Division, I believe it reflects an FBI attitude on which it can withhold anything it wants on any kind of a whim and the burden of proof rests upon me when I appeal the withholding. In this case there was a waiver. In other cases the information is public domain. And in every case the Beckwith affidavit seeks to transfer the burden of proof to me.

8. (page 19) again seeks to justify the withholding of the names of special agents, in this case the one who compiled the consolidated Atlanta report. Because I think it is by now clear that the withholding of these names was merely a harassment, an effort to increase the cost of complying with FOIA requests and part of a campaign to lay a basis for seeking amending of the Act, because it is clear that in records I am now receiving practices are still inconsistent, I think there is no point in addressing this except that with regard to the Atlanta record there is reason for SA Beckwith to know better than he represents. This relates to the affidavit he provided in C.A. 77-0692 and the affidavit in response that I provided.

The fact is that in this instant case I was given a crooked count of the number of pages in an FBI Atlanta Field Office record sent to Washington on two different occasions and was to have been provided to me on two different occasions. It is now months after I provided the FBI and the Department with proof of the fact that there was a crooked count and as of today there has been no rectification.

Another reason for withholding the names of Atlanta agents is to hide illegal activities by the FBI. When it came to the attention of Headquarters that the FBI had done a black bag job in Atlanta, Headquarters demanded and received an affidavit from the special agent in charge swearing that there had been no such black bag job. However, the records reflect that one was done by the FBI

undercover at Ray's roominghouse.

LETTER OF MAY 28, 1977 (pages 19-31)

1. refers to what in two whole pages Beckwith never gets around to stating, that a blanket claim to three exemptions was made for 260 pages. It was not possible for me to correlate any claim to exemption to any withholding. My letter was dated May 28, 1977. From then until the time of the Beckwith affidavit, there was no response. However, with regard to SA Gobel, there was a response. I told the FBI that if he processed another record I would not accept it and take the nature of his withholdings to court. The FBI took him off the case. It promised on several occasions to review and reprocess all of the sections processed during the "onslaught" parts of its FOIA operation and then after it processed all the records refused to do it.

The general descriptions of the exemptions which follow at this point have no relationship to any exemption claimed in any of the 260 pages. They are generalities and may or may not be applicable, but there is no way of applying them. There still is no way of applying them.

2. and 3. - these have already been addressed earlier.

4. refers to the withholding of a notation added by Director Hoover on a letter written to an editor. This withholding is an inconsistency and it was intended as an illustration. The FBI sometimes withheld these notations, sometimes did not. Often, when they were inflammatory or highly critical, they were not withheld.

The claim that this is not relevant to the investigation is immaterial because the FBI substituted the entire Murkin file of which this is part.

5. - again refers to withholding of names which are in the public domain.

6. (page 23), Serial 4725 where the student's note had said "Names of public officials performing public functions withheld - 7(C)."

Here the Beckwith "explanation" crosses into the arrogant and the incredible. He alleges that "When an individual is interviewed, his privacy has traditionally been protected by the FBI on the basis that the information was received confidentially." This, of course, is the stock explanation and in this case it is totally false.

Each and every name withheld is actually disclosed in other FBI records.

These people were subpoenaed to be witnesses. Their stories were narrated at the guilty-plea hearing.

All of this was fully described in news stories as Beckwith should have known and as the FBI's own clippings files show. All of it is in, for example, the Huie articles for Look magazine, which are in the FBI files. All or almost all was in the Clay Blair book which was the very first one.

Despite the claim for privacy, the FBI identified the prostitutes by name in other records.

And despite the inclusion of the chief of criminal investigation of the Portuguese International Police, Sr. Jose Manuel Da Cunha Passo, his name is also withheld from FBI records, ostensibly because it will interfere with his functioning as the chief of criminal investigations.

Here again the Beckwith affidavit does not pretend that all of the withheld information is not within the public domain as it is.

Instead of complying, even at this late date, he stonewalls with the sterile, stock explanations that explain nothing and address nothing.

7. - This relates to Serial 4755 which "Obliterated names of all registered at the Rebel Motel where Ray stayed. 7(C) same standard not applied to Black Lorraine Hotel."

If it is true, as SA Beckwith alleges, that all of the names of all

those registered at the Rebel Motel had to be deleted "pursuant to (b)(7)(C) as these individuals had no connection to the case," then how in the world can he explain the disclosure of all of the names of all the other people registered at all the other motels and all of the intensive FBI investigation ordered of the various field offices in which they all lived? His allegation that "these individuals had no connection to the case" is a false one. They were connected with the investigation and, in fact, they were investigated.

Where the student's note says "same standard not applied to Black Lorraine Hotel," Beckwith turns this around and says "Plaintiff is requested to furnish the serial number of the document in which the names of those registered at the Lorraine Hotel were deleted" (emphasis added)

The point, of course, is that where the white motel in Memphis had the names withheld, the black motel in Memphis did not have the names withheld. Now, my file of documents I copied and put into a separate file dealing with the names of those who were registered at the Lorraine is over a half-inch thick. The first of the records I came to is 44-1987-534. It is dated 4/13/68 and the first sentence reads, "Investigation Memphis reveals the following individual was registered into the Lorraine Hotel..." This was to the Richmond Field Office which was ordered to make an investigation of James Love. Serial 535 is the same thing to Atlanta. Serial 535a is the same thing to Louisville. Serial 535b is the same thing to the Washington Field Office (relating to Sterling Tucker). Serial 535c is the same thing to Jackson. Serial 530 is the same thing to New York.

I could go on and on with such illustrations.

From the Memphis file 44-1987-sub D-90 there is a list of all those registered at the Lorraine Hotel; the date is 4/17/68. The record begins, "Walter Lane Bailey, owner Lorraine Hotel/Motel ... advised that a check of his records has reflected the following named persons as having registered into his motel on either April 3 or April 4, 1968, or both dates:" There then follows six pages

of the names of blacks registered at the Lorraine.

I don't know why the FBI actually withheld the names of those registered at the Rebel, but I do know a possible explanation: Ray had a meeting there, he says, with the man he identifies as "Raoul."

This is not the only place where Ray has said he had a meeting with Raoul, but in no case has the FBI given me a record indicating that it undertook to follow these leads to see if it could locate this Raoul. Another case that comes to mind is the Travelodge Motel at Birmingham (normally, those using motels have to provide an automobile registration with an automobile license tag that can be traced).

With regard to Beckwith's regular plaint, "plaintiff is requested to furnish the serial number ..." it is not an easy thing for me to address this without some emotion.

Here is a man who is pretending to be an expert to provide an affidavit in which he supposedly knows what he is talking about. He claims not to be able to find it and the FBI has a special index on this. They gave me copies of the index. This comes from one of the prosecutorial volumes. There is a special index listing under the Lorraine Motel and if the FBI had consulted the records it processed and if Beckwith had consulted the records he attests to, he would never have said this.

Again, this represents the passing of the burden of proof to me and I have gone to the extent I have, taking the time I have, to show how easy it is for the FBI to do it if it didn't want to stonewall.

8. (page 24) is another case of arrogance by Beckwith. This relates to the missing claims to exemption with regard to the tables of contents of a very large serial, 4760, a serial so large it has two tables of content. Beckwith blandly states that "He is again being furnished these documents with the same exemptions (b)(7)(C) and (b)(7)(D). A copy of the tables are attached as Exhibit O."

Exhibit 0 consists of 5 numbered pages of tables of contents with numerous excisions and, despite what Mr. Beckwith states in his affidavit, even now without a single claim to exemption on any one of these pages.

There is not even an allegation in the Beckwith affidavit that the claim to either exemption is justified. There certainly is no justification but just to take the first page where there is "(obliteration) BANK re JOHN RAY" this certainly is within the public domain if it relates to the bank the robbery of which John Ray is supposed to have driven the switch car, he has been convicted on that charge and just been released on parole. If it relates to other allegations of bank robberies in which he participated, that has all been made public domain by the FBI giving the information to the House assassins committee which used it and which used it publicly on the floor of the House.

But I note that where the FBI did not like somebody, as with Naomi Regazzi (page 4), the FBI has no concern for her privacy and her name is not obliterated just as her name was not obliterated in the FBI reports in which she is alleged to have gone to bed with John Ray for whom she worked.

Beckwith still withholds what the FBI has already made available. For example, page 2 under "Verification of Employment." Of course, this was already in the public domain by having been published beginning with William Bradford Huie, but here the FBI reports themselves have been made available and there is no excuse for this kind of withholding which SA Beckwith, instead of rectifying, perpetuates.

The same subject is included in 9. Once again Beckwith provides a general statement which may have no relevance at all and certainly has no established relevance to the actual withholding relating to Judge Casey. The student selected some of what I wrote the FBI about this. I note that while she quotes it SA Beckwith does not address it.

This also leaves open the question whether the withheld information is in fact part of the public domain.

This also is true of 10. where I note Beckwith does not attach the pages in question. While the student's note says "Pages I through M, without any exemption" SA Beckwith makes the claim now that b(7)(c) was used but he has not produced a record showing that the record itself contains the claim to b(7)(C), as in fact it did not. Here he is guilty once again of undertaking to mislead the court.

With regard to 11., the same general principles apply, "Page N, withholding was not an informant and not an exclusive source." In the "explanation," Beckwith eliminates the operative word "only" with regard to his allegedly "confidential" source and thus avoids the language of the student's memorandum, "not an exclusive source."

Once again I am certain that the exemption did not apply and there is nothing in the explanation of SA Beckwith to indicate that he even undertook to try and learn it if it did.

12. (page 25) again asks for "adequate documentation from plaintiff concerning information in the public domain" with regard to withholding that was extended even to the "re" before what was withheld.

There is no denial of the accuracy of my representation and if the FBI required more information I note again the long lapse of time - 15 months - in which the FBI never asked for any more information.

This of course underscores the total disregard by the FBI of all my appeals, complaints and information provided.

Here and elsewhere - and I will ignore it in the following claims by Beckwith - there is the language "the fact that the plaintiff can piece together identifying data does not make the identifications in question automatically part of the public domain."

This may be a presumption on Beckwith's part but what I am talking about is within the public domain. It is not simply a question of being able to put it together.

There is a generality that applies to most of these instances. Beckwith does not attach the page in question so I cannot address it specifically without going into more time than I can at this point take. But much of what is within the public domain got there because of the FBI's leaking and because of the information it provided to the prosecution which the prosecution made public at the guilty-plea hearing and by its own leaking.

In 13. (pages 25-26) this is carried farther to include the number of a building. The rest of the student's memo says, "Later pages withholding of the account of the arrest. Already released and public domain." These Beckwith does not address. He merely conjectures that by releasing the address of a building "this information would pinpoint the location and further lead to the identity of the source of information." He says that to this "the (b)(7)(D) exemption is applied" but he does not state that it was applied on the record. The fact is that throughout this entire lengthy record no specific exemption was applied to any specific withholding.

It also is not true that the FBI always withholds the names of prisoners who are sources. Many have been released. I will not address it later when I come to Curtis as Beckwith because again that will take too much time, but Curtis is a prime example. In some cases they withheld his name entirely. In some cases names were withheld by the FBI and restored on review by being written in, often illegibly and confusingly. In other cases they were not even withheld by the FBI.

But the Department has made public use of this information as in the OPR report. The withholding serves to make it more difficult to question the accuracy or the dependability of the OPR report which exonerates the FBI.

Beginning with item 14. (page 26) the student picks up, probably from my letter to the FBI, the question "What exemption?" In each case Beckwith pretends that the exemption is cited and in fact in no case is it cited. The first of these relates to "person who was supposed to see Ray's sister withheld." Certainly Carol

Pepper knew who saw her.

This raises the question of whether it was Oliver Patterson who is now publicly exposed as an FBI informant and who apparently during the time of his service for the House assassins committee - to which he was turned over by the FBI - was still in contact with the FBI according to stories appearing in the St. Louis newspapers. Now if this informer was Oliver Patterson or another who wants his name not made public but is known, then there is no basis for withholding to hide what is not confidential.

(The mere fact that the second informer does not want his name to appear the public in/print does not mean that he is not widely known. He is known, for example, to Mark Lane and to all the reporters to whom Mark Lane spoke. He is known to the House assassins committee and its staff because he was their informer also. He is known to the National States Rights Party people as a consequence of his confession. So for there to be a lack of confidentiality does not require a banner headline across the front page of the Washington Post.)

Because in response to "page TT - Carol Pepper's father's name is withheld" SA Beckwith implies she is illegitimate. I decided to check this serial, which is of 227 pages (released of 260 pages). One thing became obvious in looking at some of these pages and that is that most if not all of the information is within the public domain. The claim that identifying the address of a building would identify the source of an informer is not justified by an examination of the individual withholdings. The withholding of names in all the cases I checked is not justified, including the name of one may be as special as Beckwith implies, Carol Pepper's actual father. The reason for this is not only that all of the Rays know and know who the mother had been living with, but it is because all of these facts had been made available, including the names in other FBI records that had been released, but where the names are withheld inconsistently in this lengthy serial.

This applies to the name of the man with whom John Ray lived; his name is

withheld. I believe that the name is Gawron, who has been dead for some years. Although Beckwith goes into this later under the "Cat Man" I'll address it now and skip it there. That Gawron was known as the "Cat Man", that he was a criminal, that he had been in association with all of the Rays, is public domain and including by the release of the information elsewhere by the FBI.

In addition, of course, these records have been made available to the House assassins committee which has already used them in hearings. In addition, it has supposedly given copies of all of them to the Rays.

If there had been a review of this long serial instead of the clear FBI intent to continue stonewalling, it would have been obvious that what I say, as for example under 16. "Page WW - Names withheld public, no privacy exemption" is true.

Page WW deals with Ray's escape and withholds information that has been made available by the FBI, such as the investigation of the escape which included more than the name of the driver of the truck which is withheld here. There is a fine example on page AAA where the name of the person from whom Jerry Raynes (here called "father") bought a small property in center Missouri. These records are public records.

Under 17. (page 27) Beckwith pretends to address this where the note said "Carol Pepper's father's purchase of his small place. Purchase public and recorded. Within what exemption?" Beckwith pretends that the exemptions had been specified on the record as they are not. He pretends that the privacy exemption was used "to protect the identities of persons interviewed in connection with an FBI investigation, which is at least in part false. The person to whom the check was made out, from whom the property was bought, were not interviewed according to this record.

Rather than Beckwith's "expressed assurance of confidentiality" what the FBI did was to arrange an under-the-table deal with the bank to obtain Carol Pepper's bank records without a court subpoena and this is why they are withholding.

In connection with 18. the withholding of the "names of all the criminals whose convictions are public record" Beckwith states what does not appear on the

on the face of the records, that the privacy exemption was invoked "to protect the identities of persons interviewed in connection with an FBI investigation". He conjectures a long series of horrors to the FBI if these names were not withheld. In all of this he does not address the simple fact that the FBI had already released this information, which the student was talking about with the words "no privacy question." I believe this gets to why the affidavit was executed by Beckwith instead of someone like, say, Harp who had actually processed the records and would know these things.

Where the student's notes say "reference to Owens who was arrested with Ray - withheld" there is another generality from Beckwith that the records "were processed at that time under the experience and guidelines afforded the personnel involved with that project." This addresses nothing except that in Beckwith's opinion the processors may have been trained and experienced. It does not mean that they did not withhold unjustifiably. He then adds another one of his cliches, "The fact that the plaintiff can piece together identifying data does not make the identification in question ... part of the public domain." There are very few things more publicized in the background material on this case than James Earl Ray's criminal past, together with the names of all the people with whom he was involved and all the people with whom he was arrested.

I think it gets pretty extreme with 23., "The hall in which a prisoner was incarcerated in the Missouri pen is withheld." Beckwith's explanation for withholding the letter identification of the hall in this case and not in other cases where the hall was released. It is not that this is an inconsistency or a harassment by the FBI but because identifying the hall in which there were perhaps a thousand men is "pinpointing of the specifics which relate to the source of the information" and the nonexistent "expressed assurance of confidentiality."

With 24., there was a typographical error in what the student stated. It reads, "103 entire pages missing - no exemption." It should say entire page missing with ~~no~~ exemption claimed for it and in fact no exemption was claimed for the

withholding of the page.

Contrary to what is supposed to be the present FBI practice, in his Exhibit P, which is of three pages including this missing page 103, there is no indication of what exemption is claimed for any withholding. There are 37 individual withholdings by obliteration on these three pages. It thus is still impossible for me to know whether the claim is made to either (C) or (D) with regard to any one.

I note that it took 15 months to get this page between the time of my letter and the time of the Beckwith affidavit.

The student's notes with 26. state, "Jump from 166 to 174 - no exemption, no claim to any exemption." The table of contents does disclose that there is a relationship to bank records because "bank records" remains after the excision in the table of contents. I have no special interest in this information. What I do have interest in is the FBI's noncompliance and persisting noncompliance.

These records, as the FBI well knows, were made available by it to the House assassins committee and made available by the House assassins committee prior to the Beckwith affidavit to James Earl Ray's relatives. Therefore, if there was any basis for withholding them earlier, there was not prior to the execution of the Beckwith affidavit because the FBI had made them all public domain.

Certainly Carol Pepper knows all about where she had her bank account and how she moved it around every time there was a premium offered for starting a new account. The reference here is to a "confidential source" but what I said earlier applies. The FBI got access without a subpoena and this is what they are hiding.

Beckwith does not address the omission of pages 166 to 174 without any claim to exemption. This is the fact in the records as they were originally supplied. It is simply false to state "Plaintiff suggests there is no explanation or exemption" for this "non-disclosure."

He phrases his affidavit to make it appear as though the claim to exemption 7(D) had been made. In fact, the FBI even sought to hide the fact that it was

withholding these pages.

The rest of the student's note is totally ignored.

The fact is that this section is among those the FBI had said it would reprocess because it acknowledged that processing during the Onslaught period resulted in unjustifiable eliminations. Now Beckwith pretends to the contrary. This is one of the records processed by SA Goble. <sup>the first sentence of the</sup> As/the student's note for this date specifies, he was removed from FOI work after my complaint about the processing of which 260-page serial is an example. Instead of addressing the deficiencies in his work, Beckwith tries to brazen it out and makes no changes, even after the FBI was regularly informed that it was withholding the public domain.

LETTER OF MAY 31, 1977 (pages 31-48)

By this point in the processing, the FBI had made a science of withholding by xeroxing. I sent it one of a number of worksheets which were incomprehensible. The date given by Beckwith himself is May 31, 1977. The date on which he says they were replaced is August 11, 1978, or it took almost 15 months which only a careful reading of his own affidavit indicates.

However, this does indicate how rapidly I informed the FBI even prior to its telling me it needed serial numbers. Beckwith states that the section involved was released on May 27. I wrote it on May 31. There could not have been any doubt about what I was writing about. This was typical throughout the processing. I got usually two volumes at a time and I was in touch with the FBI immediately and in each case it knew what volume I was talking about.

2. relates to records included within another request, a PA request that I included in my letter to the FBI as an illustration of how long there is noncompliance and how incomplete it is when there is some compliance. I had no knowledge that the student was going to select this. However, I do have knowledge that SA Beckwith's response is neither complete nor honest.

His representations, which are not stated to be of first-person knowledge,

are in contradiction to those provided to me by the Department of Justice.

Because SA Beckwith goes into this and because his credibility is in question, I note that he does not at any point explain where the FBI got the right to destroy my property or why the FBI has not added to the limited compliance I have had under my Privacy Act request once I provided the FBI with proof its files contained falsehoods about me.

His explanation, if that is what it is, is entirely inadequate because if he wanted to go into this, my letter to the FBI specifies which files are withheld by subject and content.

What I believe is dishonest intent is reflected in numbers 5., 6. and 7. which are withholdings relating to Raymond Curtis. First the student selected serials from which his name was not withheld and the reason his name could not be withheld is made clear in Beckwith's own exhibits, R-1 and R-2. Curtis, described by FBI reports as a pathological liar, was trying to commercialize the King assassination ("Curtis stated he was merely trying to sell a story to Ebony for approximately five thousand dollars ...") The point here, which is passed off as impossible of resolution by Beckwith on page 33, is made clear on page 33. In Section 64 there is the withholding of Raymond Curtis's name but as the student says, "Name released in earlier serials." Well, it is actually released in Beckwith's own exhibits. But prior to these exhibits the name also was withheld. Those withholdings persist. I believe it is basically dishonest to take and present exhibits R-1 and R-2 as an example of what is described as "withholding" of Curtis's name when obviously these are serials from which the name is not withheld. The purpose of calling these to the FBI's attention was to show them that everything about Curtis was public on Curtis's own initiative. Yet the FBI had withheld his name which was guaranteed to lead to confusion as others use these records.

8., which relates to Serial 4845 and the previously withheld names of Bureau of Prison officials, again is an effort at deception by Beckwith. He attaches a

copy of the serial as Exhibit S. The student's note says, "Names of Bureau of Prisons officials not masked in this serial, masked in earlier serials." Beckwith pretends that, "In previous serials, there has been direct cooperation between some of the Bureau of Prisons personnel and the FBI. The release of those names in the context of receiving information from and establishing cooperation with the Bureau of Prisons would be detrimental to our relationship with that agency." Here he pretends what I believe is totally false, that there are different people involved. The plain and simple truth is that there was never any time at which these names were not public. And now, when we directed the FBI to the specific serial in which the identical names are not withheld, the FBI still has refused to reprocess the earlier records in which there was what I think now is admitted, improper withholding. However, I believe that the effort by Beckwith in his explanation is to mislead the court, to pretend that other people are involved, not the two who are named. To the best of my knowledge, there were only these two officials involved and to the best of my knowledge it was never secret.

9. which relates to a 47-page report from which all names except those of James Earl Ray and Dr. King were withheld: (pages 33-34) Beckwith's response misrepresents the nature of the withholding and the nature of the contents fairly extensively. The late Louis Lomax had a series of articles syndicated by North American Newspaper Alliance. Charlie Stein was his main source. Everything that the FBI later learned was made public beginning with the Lomax articles except for a few details added by the FBI (see also under 6/19/77 letter, item 1). While the names of those whose phones were checked are withheld in this section, in individual reports they are not withheld, particularly not with regard to blacks.

And, of course, what the FBI accomplishes by such impressive documents as 47 pages of negative results is the withholding from those who would see this consolidated report of the actual number obtained from Charles Stein rather than from the search of telephone booths from Los Angeles to New Orleans. On that there

remains withholding related to Raul Esquivel.

10., where in Section 65, Serial 4851, the FBI had withheld "the number of the advertised temporary post office box the Ray brothers took for fund solicitations," after 15 months Beckwith states, "Upon consideration of plaintiff's grievance concerning the withholding of the post office box number and John L. Ray's Memphis address from page 2 of the teletype, a decision has been reached to release this information." It is attached as Exhibit U.

After this remarkable concession, SA Beckwith states "Exemption (b)(7)(C) is retained to cover the remaining deletions from that page." Well, here again the FBI is withholding what it has already made available in other records, the identity of a boat, the owners and so forth (this related to a cock-and-bull story that had been told to the FBI and about which it did make an extensive investigation).

What remains entirely unexplained is why to begin with the FBI would even think of withholding the number of a post office box that had been advertised as a point to which people could send money contributions to a James Earl Ray defense fund.

11. (pages 34-35) relates to Serial 4853 with the student's note reading "References to memos not provided references to Ray's correspondence about counsel. Correspondence also withheld. Exemption 7(D). Public in court records."

In his gilding of the lily, Beckwith, while not addressing the specifics of item 11, does provide information that he appears to have been deliberately attempting to deceive the court about the possibility of other than the two named Bureau of Prisons officials being involved. At the top of page 4, there is this sentence in the record, a memorandum from Director Hoover to Messrs. Tolson, DeLoach, Rosen and Bishop of July 16, 1968: "I told him that the Prison Bureau has two men down there who are instructing the guards ..." Only two men.

Now there is a reference to records in this memorandum and there is no way of knowing whether or not the records have been provided. From the content, they

have not been provided. This Beckwith does not address. With respect to Ray's correspondence with his lawyers, the records provided leave no doubt that all such correspondence was intercepted beginning in London and was provided to the FBI. Some was subsequently made public as the note states in the evidentiary hearing. In this case, although Director Hoover refers to some of the intercepted correspondence, it is not provided. The purpose of referring to Serial 4853 is the fact that it refers to records not provided, not the use to which Beckwith attempts to put it.

12. (page 35), here again there is open deception. The student's note says that this "and later serials withhold the name of the late Willie Somerset. Publications in 1967, 1971. No question of privacy and there is no secret source." This is true. I published it in 1967 and 1971. Somerset had personally identified himself as an FBI informant. Other records released by the FBI are specific in identifying him. Rather than face this, the withholding of an informer whose identification as an informer was public, Beckwith misrepresents to state that withholdings were "to protect an informant symbol number and material that would identify the informant." <sup>With</sup> /all of the information public, widely published, there is no possibility of there not being identification of the informant and no purpose except stonewalling to be served by the initial withholding and the continuing withholding. Beckwith attaches the record referred to, which is only one of many, as Exhibit W with exactly the same withholdings and again without specifying the <sup>claimed</sup> exemption/in the margin.

(In this connection I note that a tape recording provided to the FBI by Miami authorities remains withheld although I made this request a decade ago. The FBI simply has not addressed it. The tape recording was made by Somerset, the person tape recorded is the late J. A. Milteer. In most of the records his name is withheld. In some it is not. The FBI is not consistent. But he is dead and the information has been public since 1967, although it is still withheld.)

There is more that remains withheld relating to this. For example, Judge

Seymour Gelber, who had been a prosecutor earlier, wrote the FBI as soon as Dr. King was assassinated. All of the information provided by Judge Gelber remains withheld without the FBI acknowledging its existence. I have the letter that Judge Gelber wrote.)

13. and 14. relate to the withholding of the names of those who guarded James Earl Ray in Memphis. The Beckwith response, which I believe is arrogant and represents a continuing determination to withhold the public domain, is that "Release of this information would not only constitute an unwarranted invasion of personal privacy, but would also lead to possible harassment and to public exposure..." and the as usual conjectured horrendous effects to law enforcement.

The student's notes state, "All in court records." It would seem to me that when this is told to the FBI, if it has any question about it, it can ask for the proof. The FBI is well aware of the fact that there was an evidentiary hearing, that there was court-ordered discovery, that there were two weeks of hearings with an enormous volume of exhibits all part of the public record. It certainly knows, whether or not Beckwith does, that this information is in the public court records.

Now at this late date, Beckwith offers "Upon receiving adequate documentation from plaintiff that this information is in the public realm, these deletions will be reconsidered."

While I doubt that in an historical case and under the policy statement of the Attorney General there ever was justification for this withholding, after the names are in the public record and after the FBI's own newspaper clipping files reflect this, it seems to me that FBI intention is made very clear by Beckwith's offer to "reconsider," a reconsideration that means only that the FBI might not withhold what has been within the public domain for four years.

15. (page 36) relates to "Withholding of what was supplied by the RCMP. Was to be available for expected trial. 7(C)(D) invoked."

To avoid constant repetition of the withholdings relating to the RCMP, I

here refer to the letter of 9/10/77, Item 3, to which Beckwith also refers on pages 60 and 61. In neither case is he responsive nor is he elsewhere. He alleges an implied confidentiality without any basis because, as I have stated, all of this was to have been public and to a large degree was made public by the Mounties. The information was given to the prosecutor for use in trial.

My concern was over the withholding of what could either tend to be exculpatory or of evidence relating to whether or not Ray had conspiratorial relationships. I had several discussions of this with the FBI and finally offered them a compromise after reading, in the FBI's own records, of how it was trying to keep the Mounties from taking public claim for the work the Mounties themselves did. I told the FBI that if it would write a letter to the Royal Canadian Mounted Police and ask for permission to release the withheld information to me and would give me a copy of that letter, I would abide by whatever the Mounties decided. This is what is stated in Item 3 on page 61 of the Beckwith affidavit, "Resolvment of Mounity issue by sending me a carbon of letter FBI was to write. No carbon - no word."

The fact is that the FBI ultimately did not keep its word.

It appears to me that when the FBI was unwilling to write this letter and had promised to, but even if it had not promised to, all the representations about the need to withhold and implied confidentiality are spurious.

However, I also note no Beckwith allegation that the information was not to have been made public at the expected trial.

16. cites three serials and refers to "internal bickering", saying that this is no basis or justification. In response Beckwith states that no deletions are related to internal bickering and all are related to the protection of "the identity of an individual and the information which he furnished in confidence." In context, this appears to be impossible.

The first withholding on page 2 of his Exhibit Y-1 follows "It is noted Vinson has told us the Air Force will require 24 hours notice to provide a plane." There certainly seems to be no confidential source involved here and no privacy to

protect.

The second withholding is at the bottom of the first page of Y-2. The withholding follows the attribution to AAG Vinson of "the fact Ray feared for his life because he was being transported by the FBI." Well, this could be attributed to the surveillance on Ray by the Scotland Yard. That, as a matter of fact, is already public and there is nothing to protect if this does not relate to the bickering over how he would be transported (I use the description "bickering" because other records provided leave no doubt about it). The third withholding is in Exhibit Y-3, the first sentence of the penultimate paragraph on page 2, which reads, "Minnich (obliteration) understands the flight is on a stand-by basis." There is hardly any confidentiality involved here when the Air Force had a plane waiting at a secret airfield and all of this is made public by the FBI. With regard to Ray's alleged fear, Beckwith states, "In serial 4892, (b)(7)(C) was asserted to withhold personal information regarding a member of James Earl Ray's defense counsel, the release of which would be an unwarranted invasion of this individual's personal privacy."

Well, if this is true, since Ray had only one representation in England, Arthur Hanes not officially representing him until he came back to the United States, Beckwith has already made it public. However, it seems to me that, whether it relates to Hanes who did not represent Ray in Great Britain and was not recognized by the British government as representing Ray in Great Britain or court-appointed counsel, there is no real question of privacy in a lawyer's expressing a client's concern over what might befall him.

Besides, does this meet the standards of an historical case? Does it meet the standards of the Attorney General himself?

17., where the notation reads "Section 66, all of serial 4919 withheld. No exemption claimed. What has been written under 'remarks' is erased." In response, Beckwith provides a copy of one page of these worksheets, the second page. The first page begins with Serial 4901. Beckwith's representation that the worksheet he pro-

vides "shows that nothing was ever written in or erased from this column" is an overt, deliberate and I'll say without any reservation whatsoever, gross lie. The <sup>that</sup> erasures/are quite visible on my copy begin on the first page and the second item under it, which is Serial 4902, on the second page, the page of which Beckwith provides a dishonest copy, the erasures are visible after Serials 4918, 4919 and the second unrecorded serial after 4923 where on the copy provided me the word "State" alone appears and the copy provided by Beckwith, which is an entirely different copy, has "refer State" plus a check mark.

With respect to each of these erasures, some of the wording can still be seen in the copies provided to me.

The copy provided by Beckwith is not in any sense a true copy. It is in different handwriting. It has items that are not on my sheets. If I can get a repair on my copying machine in time to get this to you with the memorandum, I will make copies of these to replace the originals and provide you with what are my originals, but you can get these from the copies I made for you. I am sure that even though yours are copies of the original some of the erasure will still show and there is absolutely no doubt that it will become immediately apparent that what Beckwith has provided the court is a deliberate deception and is entirely different than the worksheets given to me.

My worksheets say that the analyst was Goble and that he was on Team A-4, both entries being on the second page, the page Beckwith supplied, and neither is on the page Beckwith supplied. Goble filled out his worksheets in handwriting; the page Beckwith supplies is neatly done in handlettering.

It also is a lie, and I use this word intending it, to state that after 4919 there was an exemption claimed. The entry as it is on my worksheet says, "4919 BU A/T" with five pages indicated, zero pages indicated as released, and nothing under any exemptions claimed. In Beckwith's copy, 4919 is described as "Airtel fm Dir" with five pages indicated and instead of zero for pages released

a dash. After this, under "Exemptions" and made much heavier than any of the other check marks on the page there is a check mark under "D".

Were this not enough, and it relates also to item 18. on page 38, there remains the question that, especially with no exemption claimed initially, if any of the five pages was reasonably segregable.

Beckwith's explanation, which is most of a page in length, does not claim that nothing in any of the five pages was reasonably segregable.

18. (page 38) reads, "Serial 4960, although worksheets indicate no withholding, there is withholding." Beckwith states, "This serial consists of an FBI Laboratory report consisting of four pages and a teletype from FBI Headquarters to the FBI Memphis Field Office ... There were no deletions in the Lab report. Exemption (b)(7)(C) was asserted in the teletype to protect names, and in one case, personal information of individuals selected by the Shelby County Sheriff's Office to handle James Earl Ray ...."

Beckwith also states, "A copy of serial 4960 and page 4 of the inventory worksheets, on which this serial is listed is attached hereto as Exhibit AA, with a (b)(7)(C) notation marked for this serial which was previously inadvertently omitted."

No copy of page 4 is attached to the copy of Exhibit AA provided to me. However, Beckwith admits the accuracy of the student's notation, "worksheets indicate no withholding," although "there is withholding."

One of Beckwith's alleged concerns has to do with "personal information of individuals selected by" the sheriff to protect James Earl Ray. As previously stated, all these names are public and have been for four years.

(These pages include the note used in the robbery of the bank in London, the exact note given to the House assassins committee which used it in the hearings earlier this month.)

Item 19. (page 38) relates to Serial 4982 with the notation, "Missing attachments. Final Scotland Yard report on Ray's activities in Britain. Violation of Ray's rights. Embarrassment no exemption."

Beckwith refers to what he calls "this imperfect situation" as to FBI investigative files to account for the absence of an attachment. Now this attachment happens to be what Beckwith said they have to break their backs to keep from getting out because otherwise it will ruin their relationship with cooperating police agencies. The first sentence of this record reads, "Enclosed for the Bureau is copy of Scotland Yard report containing all information concerning the activities of subject while in London from 5/7/68 to the date of his apprehension, 6/8/68." Also, the second sentence is "Also contained in the report is summary of investigation conducted by New Scotland Yard in this matter." The concluding sentence of this paragraph concludes, "It may be disseminated to Tennessee authorities for assistance in preparing their case for prosecution." This is precisely what I have been saying all along.

The second paragraph states with regard to a list of cables that the FBI did not lose that "any information contained therein can now be disseminated to Tennessee authorities with the exception of that in London airtel dated 7/16/68. This airtel enclosed items furnished to this office by New Scotland Yard on a confidential basis, and included letters from subject to various individuals in the United States as well as prison warders reports."

This also confirms what I have been saying about the nature of the intrusion into Ray's privacy and the source of information reported in FBI records having to do with Ray's defense preparations and attitudes.

Of course, the "prison warders' reports" become even more important in the light of the representations made by the House assassins committee and a statement given to it by retired inspector Eist.

However, contrary to Beckwith's representations of all the records provided by Scotland Yard, there is only a single one that was not to be released, that of 7/16/68. This record proves the falsity of Beckwith's representation (of course, he did not attach it as an exhibit). With regard to the prison warders' reports, the FBI specifically got permission from the assistant undersecretary of State for

Prison Affairs "for all prison staff reports of pertinence in this matter, and when they are received officially they can in turn be furnished to Tennessee authorities."

Now, if the imperfect condition of FBI files is as SA Beckwith represents, the handwritten notations added to this record, Serial 4982, begin with "5 xerox of New Scotland Yard encls. made". Copies were routed to Mr. Rosen, Mr. Vinson - Crim. Div. of Dept., one copy to Memphis and two "kept in room 2260." It would appear that "this imperfect situation as to FBI investigative files" is not nearly as imperfect as the "situation" with regard to FBI affidavits and the "imperfect situation" of those who execute them.

It is a frightfully time-consuming thing to just make spot checks of Beckwith's dishonesty, but in every case where I have taken the time I have found dishonesty.

I am not going to take this time for item 20. which reads, "Section 67 - Cover page is missing," nor for all of Beckwith's elaborately put on razzmatazz about not knowing what the student's notes talk about. (He began his affidavit by saying that there was a review and analysis of all of my letters. He at no point says that he has gone back to these letters which were reviewed and analyzed to more perfectly understand what the student had in cryptic form.)

This Beckwith explanation concludes with further false statement: "The backup documents from which these summaries were derived are located in the Atlanta Field Office files. All documents contained in the Atlanta Field Office files which were identical to the Murkin investigation and related matters were furnished to plaintiff by letter dated October 19, 1977."

This is false on two obvious counts. The first is that I caught the dishonesty in the accounting of one serial of 29 pages where the worksheets show only one page and the FBI got two different sets of copies of that serial from the Atlanta Field Office.

Beckwith knows about this because I provided an affidavit in contradiction

to his pointing out all these factual errors long before he provided this instant affidavit.

The second falsehood is because there are withholdings from the Atlanta files. It simply is not true to say that "all documents contained in the Atlanta Field Office files ... were furnished to plaintiff."

Earlier I have noted the incompleteness of compliance with respect to J. C. Harden which is an Atlanta case. Harden was an Atlanta informer.

21., Serial 4983, "Material from Atlanta F.O. report of 7/30/68. Missing, letter post office supplied on Locksmith Mail order course, March 28, 1968." Regardless of how Beckwith wants to phrase it, it is a fact that the post office and the Garner rooming house both provided the FBI with copies of Ray's mail that the FBI has not provided. Beckwith deceives the court in representing that "due to the manner in which the FBI Records System is organized, it is not possible to retrieve this document, or to even acknowledge or deny its existence in FBI files." As it relates to FBI Headquarters record system, which is utterly irrelevant, this may perhaps be true, but as it relates to "FBI files" it is false and to SA Beckwith's knowledge it is false. Atlanta did have an index. I can produce records, although it would take some time to dig them out, of copies from Atlanta where the indexing notations are added and where, when the content does not permit it, subject matters are written on by hand. If these records do not exist in the FBI Headquarters, they are readily retrievable from Atlanta and I would love to see Beckwith provide an affidavit in which he says that is not possible.

23., Serial 4987, the notation is "Everything withheld on front page has been released." Beckwith states that if they get "adequate documentation" then "the deletions will be reassessed." This again explains why a Beckwith executes such an affidavit. The student's note is accurate in saying that "everything withheld on front page has been released." Those who processed the FBI files that were released certainly know this and that is the apparent reason why they were not called upon to provide the affidavit.

I simply cannot take the time to consult my records and get all the proofs of all of these things, but I want to note again that at no point has the FBI asked for information that I haven't provided with regard to such withholdings. Another is 24., "Section 63, Serial 5017 - More Somerset/Ainsworth withholding." In the response which is totally evasive in claiming that what is in the Murkin file is not part of the Murkin file which I was supposed to get I note that Beckwith does not question the accuracy of my providing what is withheld.

Now, so far as Beckwith's statement in the fourth line of his explanation, that these "individuals had no connection to the case" I cite beginning with line three of paragraph two of Beckwith's own exhibit, CC, "however, when questioned re assassination of Martin Luther King, Jr., she refused to discuss the matter ...". This crosses over to No. 25., "Withholdings of those people charged, tried, convicted in the Dahmer killings. No privacy exemption applies." With regard to this, after 15 months, Beckwith asks me "to provide the specific serial numbers." (Note he does not ask for the specific information.) Now all of this and enormously more was extensively public, particularly in a series of articles for the Los Angeles Times Syndicate by a reporter since transferred to Washington named Nelson. I had all of it and much more in the earlier version of FRAME-UP from which it was eliminated when the book had to be shortened.

I note also that Beckwith makes no reference to my memo to the Civil Division where I gave a long explanation of this and therefore do not repeat it here except to repeat that everything withheld was within the public domain which is precisely what the notes say.

26. relates to "withholding of reports on the behavior of several men at William Len Hotel in Memphis, time of assassination" and other matters related to them.

Beckwith pretends that Serial 5030, which merely illustrated some of the improper withholdings, is all there is and with some ostentation attaches it as

Exhibit DD. All of this proves that Beckwith paid no attention to what he was told because all of the information withheld on the front page of his Exhibit DD is disclosed in other records, precisely what the note says. I mentioned only one of the names but a total of five names are disclosed for these men in other records and withheld in this record.

To give himself an escape hatch, Beckwith refers only to "this serial", pretending that it is all.

When I checked my own files I discovered an FBI record that proves the falsity of other Beckwith representations, such as that the FBI never provides copies of what it receives from other police. In this case, the FBI's lead on the affair at the William Len Hotel is an exact copy of a report to Homicide from Officer Max in car 35, dated 2:46 p.m. 4/5/68. It comes from Memphis File 44-1987, sub 72. It is a facsimile reproduction of a Memphis Police Department record, exactly what SA Beckwith says they never provide.

Beckwith is responsive to nothing in regard to these withholdings.

Item 27. states what the Beckwith response proves, that the name of Clay Blair whose book appeared in 1968/<sup>and who</sup> was an item of one of my requests had been initially removed. Exhibit EE 15 months after the letter has it restored.

With regard to Serial 5109, item 29., Beckwith begs the point entirely and finally restores the name of Wood while persisting in withholding the name of the FBI agent, even though he says in this affidavit that beginning with Section 86 the FBI decided against it because this is an historical case.

The point that he misses entirely is that these names were all public domain. The people were to have been witnesses, they were all public beginning in Huie's magazine articles, and they were the first name-withholdings that I complained about to the FBI. I'm talking about early 1976. And here they have them still withheld.

The names of the agents that Beckwith still withholds are all public

domain in other records where their names were not withheld.

With regard to item 31., Serial 5110, where once again Beckwith says it is up to me to prove that something is in the public realm rather than up to them to prove that it is not, I dispute this. An affirmative burden is placed upon them and throughout this affidavit Beckwith tries to place it upon me. They have no right to withhold what is within the public domain and they have every reason to know that all of these things are within the public domain. Especially the agents who processed the records that include the newspaper stories and the magazine articles.

What immediately follows is presented as though to appear other than what it really is, an admission that the withholdings were improper and the documents provided replace what was improperly withheld.

With regard to Item 35., Serial 5120, the note was intended to apply to more than this one serial as my letters made clear. It is that "information relating to people in the Klan withheld" when it was already public.

With regard to items 36., 37. and 38., on page 45, where lefthandedly and while pretending that there was no error, Beckwith admits error and improper withholding. He also attempts to confuse the entire matter. There was no reason to withhold the name of the Memphis sheriff which is what was done initially with Serial 5131. There likewise was no need to withhold the information that was withheld from Serial 5142. The effort to confuse deliberately is in the paragraph relating to this serial where Beckwith says, "plaintiff inquires as to the interception of James Earl Ray's correspondence. There is no notation on serial 5142 indicating there were any enclosures to this document when it was filed."

Nor is there anything in either my letter or the student's memo that says there was an attachment. My point was, and I am sure the student just picked out one of many cases to use as an illustration, that we knew that the FBI was getting everything that Ray prepared, including for his lawyers, because it was intercepted by the sheriff. The FBI has already provided some samples of this. My point is that they are still withholding, a matter that Beckwith does not address. It is not

a question of any one attachment to any one serial. It is a question of the overall withholding of what I believe is proof of impropriety, the interception of Ray's communications, including with his lawyers and from his lawyers.

With regard to Serial 5150, where it says that the supervisor's "delayed report on the Mexico information" had "every name withheld" when all these names were public, Beckwith misrepresents my point in calling this to the FBI's attention. It was merely that it was withholding what was within the public domain. The proof of it, in fact, is Beckwith's belated providing of Exhibit MM in which the names that were in the public domain are no longer withheld - after 15 months.

39., "Pictures Ray took and commercial photographers (sic) not provided."

Beckwith says "Plaintiff has been furnished copies of all photographs contained in the Murkin and related files with the exception of the autopsy photographs and the Louw photos belonging to Time, Incorporated." Here he does not refer to the underlying record, my letter. However, his statement is not truthful because there are pictures that remain withheld. I have no particular interest in what I know is withheld; I am addressing Beckwith's honesty. There is one picture that was withheld that is described as of Ray and obscene. Now, the FBI did not offer this to me; it merely gave me the proof that it existed and did not give it to me, although I had provided a waiver from Ray.

But with regard to other photographs, there has not yet been provided any competent first-person affidavit saying that the FBI does not anywhere have any copies of any of the contemporaneous news pictures of the scene of the crime.

No. 40., Serial 5154 - "... Dealing with OPR report and offer to kill King for \$100,000."

Beckwith attaches as Exhibit NN a copy of this particular record. There are other similar records and exemptions are claimed that ordinarily might be applicable to the withholdings. The point I was making is could these things properly be withheld when the OPR report actually says that what was a fake, no offer to have Dr. King

killed actually was an offer, and presumably provided motive for James Earl Ray to kill Dr. King. This is really what the OPR report says.

Of course, there is the subsequent brouhaha over the withholding of the St. Louis office of another such case and when the FBI gave this to the House assassins committee it resulted in extensive national publicity while the record remained withheld from me for some months after the FBI says it was belatedly discovered.

Despite Beckwith's allegations that those interviewed by the FBI logically assume that all is confidential, that anything else will impair the FBI "in the fulfillment of its responsibilities," the record with the House assassins committee and that particular irrelevancy of an offer of \$50,000 to get King killed did have all the names disclosed.

With regard to Item 41., the fact that the FBI had originally "withheld name of prosecutor and what transpired in open court and was incorporated in that judge's order," tacitly Beckwith admits this. Actually, my purpose was to call to the FBI's attention the fact that initially its agents were withholding what there was no reason to withhold and could not be withheld properly.

42., with relates to William Bradford Huie: I asked if there was no earlier record and Beckwith responds without answer, saying "The material which plaintiff seeks is not included in the Murkin and related files." There is no way for Beckwith to respond to this item without stating that he has had a search made of the Birmingham Field Office files and at the appropriate residency agency of the FBI. He does not state this.

In 43. I repeat what we had proven in court, that the FBI had even withheld the name of the William Len Hotel. Now after all this time elapsed, Beckwith admits "Previously in serial 5165, the name of the William Len Hotel and the names of the employees were deleted."

So now he provides a reprocessed copy of Serial 5165.

In this he still withholds the name of the suspect, five different versions of whose name have already been disclosed by the FBI itself.

He then withholds the name of the person in the Homicide Bureau, whereas the FBI has already disclosed a copy of the homicide report that I attach above. The name of the FBI special agent is withheld on page 2, together with the names on the registration card which have already been released, a withholding repeated on page 4, and the names they used in getting their transportation to Houston are also withheld despite the fact that they had earlier been released. What I am saying is that 15 months after I wrote the FBI about it they are still withholding information I told them they had already released.

Beckwith has provided a revised worksheet page, page 5 of Section 69, and with regard to this serial, 5165, the claim is still made for exemption 7(C). Of course, he has the usual catalogue of horrors that will befall the FBI in its law enforcement purpose if these names are not withheld.

While I hate to take the time for this kind of thing, to underscore the deliberateness of what Beckwith is doing here and the ridiculousness of it, I provide what follows: Memphis Serial 44-1987-48 gives the name of the Delta reservation clerk and the names of W. Davis and B. Chidlaw as those under which the tickets were purchased. From the same file, Serial Sub B-79A gives the names under which they were registered, Vincent Walker and Lawrence Rand. 79B gives an alternative spelling for Rand, one case Read and the other Rend. In each case addresses are given for these people although they are withheld in other records. Serial 79I is on the subject of Vincent Walker, a San Francisco investigation. Serial 79H repeats these names as the caption and, in addition, provides addresses. Another record with an illegible serial dated May 23, 1968, repeats the same information and does not withhold either name or address with regard to either person. This is true of Serial 198 also.

I have quoted from perhaps the first third of my William Len file and each every document that I have come to, working from the top, holds what Beckwith still withholds.

To put this another way, he is now withholding what the FBI earlier did not

withhold.

LETTER OF JUNE 2, 1977

Item 1. is "Agent John Hartingh agreed some withholdings should not have been withheld, but still are." In response Beckwith states, "Hartingh was contacted and stated that he cannot remember making the above statement; nor can he recall the context in which such a statement might have been made."

The most obvious defect with this is that John Hartingh is available for an affidavit and he has not provided one. There just is no doubt about the fact that the FBI promised to reprocess these records, especially those of the Operation Onslaught period. There likewise is no doubt that some have already been reprocessed, like the indexes to the prosecutorial volumes.

2. relates to the withholding of the names of prison inmates even though the FBI "interviewed them in full view of other inmates," and now claims that to disclose their names ten years later would subject them to harm.

It may be remotely possible that if other prisoners today found out that ten years ago some prisoners spoke to the FBI the prisoners who spoke to the FBI might be harmed. The FBI in November 1977 asked me to compromise on this, giving me a list of prisoners and asking me to reduce my request. I did, and the FBI has been totally silent since then.

With regard to some of these records, there is no reason for the prisoners to be harmed or for anybody to suspect that harm would befall them from what they told the FBI.

Here again we have the government insisting on the right to eat the cake and still have it. It has selectively released some of the statements of some of these prisoners. They were released during the time of the investigation to members of the press and were used prejudicially against Ray then. They were used in the OPR report and the withholding of the backstopping of the OPR report, of course, denies the possibility of assessing its accuracy or dependability, even its honesty.

There is a way of approaching the problem of the withholding and that is

on a case-by-case basis, but the FBI refuses to do that.

The FBI's recent practice has been inconsistent with Beckwith's representation. The case of John Paul Spica in the record the FBI gave to the House assassins without giving it to me is a case in point. Although this became public, the FBI saw to that, it had no concern for Spica.

Paragraph 3. "Withheld names of people in Aeromarine story. Received international publicity." Beckwith alleges falsely that I provided only "limited information" and thus "it is not possible to conduct an accurate search of the approximately 49,000 pages," etc. This is false. The Aeromarine case happens to be the first one I took up with the FBI and the first one that you raised in court. This was at the time Wiseman handed me the first records. At that time I specified it to Wiseman and Parle Blake of the Office of Legal Counsel and the processing of the Murkin records did not come until after that.

However,<sup>if</sup> the FBI really wanted to do it, all they would have to do would be to make a telephone call to the Birmingham office.

Moreover, almost all of these people were subpoenaed as witnesses for the expected trial and in that connection their names all appeared in the papers. The FBI processed the Huie articles in Look magazine which contains all the names, yet they still withhold them.

The last also is true with regard to a part of Item 4. which says "No basis for withholding. Dealing with Ray not knowing anything about rifles." What this refers to and what it would have been easy for the FBI to find and, of course, what it did not ask me about is the fact that when the FBI went back to take signed statements from the Aeromarine witnesses, all of whom had told the FBI that Ray obviously knew nothing about rifles. The FBI omitted from the signed statements it took the evidence it was giving to the prosecutor to use in court, the fact that all of these experts said that Ray was ignorant about rifles.

The reason is obvious. It shakes the FBI's case that Ray, who knew nothing about rifles, suddenly became an expert marksman and killed Dr. King with one shot.

from a distance and at an angle.

LETTER OF JUNE 18, 1977 (

No. 1. again is the student's shorthand that really is an introduction to what follows. It reads, "Harold angry over poor work by Goble." Beckwith's response is to boast about how well trained all FBI personnel were. This, of course, is in direct contrast with the FBI's admissions about what happened during Operation Onslaught with which this coincided.

No. 2., referring to Serial 5314, which Beckwith attaches as Exhibit QQ, The first thing this discloses is FBI inconsistency because, while the information comes from an informer, the FBI in this case did not obliterate the file designation for a political informant, No. 134, at the lower lefthand corner of the page, together with 852, which is the file for this particular informer. SA Beckwith states that there is no withholding other than the symbol identification of the informer and the name of an FBI agent.

There are withholdings on this record as provided by SA Beckwith which seem to contradict his representation. One, for example, is of almost half of a line and in context cannot be the name of the agent. This is considerably more space than is taken for a symbol identification.

The nature of the Beckwith explanation makes it appear that this person is still an informer of the FBI ("if released would compromise his identity and nullify his future effectiveness as an informant") but nowhere does SA Beckwith state this. This, however, is the only reason given for withholding the symbol identification.

Contrary to the FBI's representations, especially because the information in this record is all inaccurate, there is an importance in knowing the symbol identification which does not disclose the identity of the informer. It makes possible an evaluation of other information provided by the same informer who is identified by a symbol that means nothing outside the FBI.

No. 3., "First 12 pages of Section 72, withheld names of witnesses who were subpoenaed, and whose names are public; name of women (sic) who laid Ray and whose

name is public; names of public officials when their names also have been published, ... Bonebrake received extensive international publicity."

In response Beckwith states that the first 12 pages encompass 5301 through 5306 and he pretends to justify the withholdings which he continues by saying that it is necessary to withhold them. He takes as illustration "the names of a police inspector and a Portuguese clerk ... who were going to be called as witnesses ..." and says they "were protected" by the withholding. This is absolutely nonsensical. Not only was everything they were going to testify to already within the public domain but their names were because they were subpoenaed as witnesses and what they would have said had they testified was narrated at the guilty-plea hearing.

Because the student's shorthand did not seem to be exactly what I had written, I consulted the original records and compared them with those Beckwith attaches as RR. On RR-1 without saying so in his affidavit, Beckwith restores the withholding of the name of SA Schwartz. In Serial 5303, which is Beckwith's RR-3, he restores what was originally withheld in the third line, the code name for an FBI file, KENSALT (I am not sure but I think this referred to the Senate committee then investigating the FBI).

Beckwith does not address the withholding of the name of Clare Keating in his response. I have no prurient interest in her but I do have an interest in other women not being hurt needlessly by unjustified withholdings. Clare Keating filed a lawsuit against William Bradford Huie who really did treat her badly. As a consequence of Huie's treating her badly and of her filing a lawsuit and more recently of the FBI putting all of this information in other records in its reading room, there is no privacy to protect. The only consequence of the withholding with regard to this record is to lead to confusion which in the future may lead to misidentifications of other people.

The student might well have selected Serial 5313 as an example of improper initial withholding by the FBI. This is another record relating to George Bonebrake,

the fingerprint expert. You may remember that his name was withheld ten times from a single newspaper story with the claim to privacy. That was done in Serial 5313 in the initial processing. I noticed this in the notes I made for you when I checked the original records as provided to me against those Beckwith attaches as exhibits.

This section, by the way, was processed by Goble.

LETTER OF JUNE 19, 1977

1. "Higgins has withheld Raul Esquivel, Sr., name which Harold Weisberg published in 1971. 7(C)." Beckwith's response again is the claim to my having supplied only "limited information" and the false claim to the need to search 49,000 pages.

This particular illustration is one I discussed on a number of occasions with the FBI. I believe I gave the FBI a copy of its own record that was involved and I know very well that I sent it copies of proof that what was withheld was within the public domain from my own publication in FRAME-UP and from the New Orleans phone book.

Once again there is the pretense that the FBI has no means of acquiring information from its own files, a pretense that on the face of it is false.

2. accurately quotes the fact that I had complained about "bad xeroxing." Beckwith states that after 15 months "by letter dated August 8, 1978," the improperly xeroxed sections were replaced.

LETTER OF JUNE 18, 1977

1. reads "Efforts to get personal records for two years." I do not know why the student selected this to include. I am sure that I used it in a sense not integral in C.A. 75-1996. However, Beckwith does respond to it and his response is false. He says that "Plaintiff's request for his personal records has been completed" and follows this with a statement that the review process has been completed. Both parts are false. The initial compliance did not provide all the

records the FBI knows exist. The simplest example is cited above. The FBI has yet to return either the Silver Shirt records it got from me years ago or the photograph and sketch that Lynne Zusman promised the judge would be given to me. The fact is that the review process is not completed and the fact is that long before this Beckwith affidavit I gave the FBI specifics/in writing that without doubt exist because they are court records that ~~the FBI~~ still withholds.

The proof that the review has not been completed as Beckwith states is the fact that it has not even been acted upon. If it had, then he would have been able to attach a letter signed by Quin Shea.

LETTER OF JUNE 20, 1977

Item 1. is "Not using indexes." There not only is no denial of this by Beckwith but he doesn't even address it. I have addressed this earlier. The FBI was refusing to use the indexes to the books, which was a ready means of determining what was public and what was not. The FBI has field office indexes which it pretends it does not have and which it has not used in the processing of these records. That also is a source of what is in the public domain. What Beckwith refers to here happened long after June 20, 1977. It was in November that "plaintiff provided an alphabetical list of individuals whose names had been published in connection with the assassination of Dr. King."

At no point and in no way does Beckwith deny that the FBI withheld and is still withholding what is within the public domain.

2. "Serial 5390 - Withholding of names Giesebrecht and Appel; D. A. Garrison. 7(C)(D), b(2) - public for years."

Here again one of the things I was trying to point out to the FBI was that it was withholding what is within the public domain from Jim Garrison to the National Enquirer.

With regard to what is still withheld, Beckwith states that it is information "received from another police agency and not generally known." He does not say that

it was not released in other FBI records as I believe it was. There is no question about the fact that this was a con job from the very beginning and that is within the public domain.

With regard to 3., Serial 5387, "Withholding of McFerrin, Redditt, Richmond, Bill Sartor and black firemen names. All public. Also Memphis reporters, produce company L.L. and L.; driver of gold Cadillac and the trucker of strawberries." The Beckwith response is ridiculous. It includes "to either acknowledge or deny the existence of the above-listed subjects in this serial might betray the privacy of those individuals ... Plaintiff has done considerable research and is a recognized expert in this matter. Because in some instances plaintiff feels he knows the information which has been deleted from FBI documents, this does not automatically place that information in the public realm." Well, I can short-circuit this very rapidly. Placing all this information in the FBI reading room does place it in the public realm and every bit of it is there. It is all included in other records that have been released to me. Some of it is used in the OPR report, Redditt, Richmond and the black firemen, in particular. They are an important part of the OPR report. Some of it the FBI released to the House assassins committee and without a single word of comment I have repeatedly used in affidavits especially relating to its disclosures about its informer, Morris Davis, in Birmingham.

At the end of his "explanation," Beckwith seeks to rewrite the law with the claim "Excisions are made based on the context of each document and the context in which the information appears." This is to say that the FBI has a perfect right to withhold from one document what it has made available in others.

No. 4. is "No copy of Serial 5331." Of course, I informed the FBI of this more than a year ago, on June 20, 1977; therefore, the Beckwithian concept of good faith and due diligence is to provide it for the first time under date of August 11, 1978.

LETTER OF JULY 10, 1977

Because of the amount of time this is taking, I am skipping part of it and I go to item No. 4, "Memphis evidence not mentioned. Memphis evidence confiscated and kept secret." It is not responsive for Beckwith to give secondhand information about what the FBI alleges it did. I discussed this with the FBI agents and I was quite specific in the discussion as I am sure I was in writing. One example is the confiscation of the manifest of cabdriver James McCraw. This was taken by the FBI. The only apparent reason for keeping it secret is because McCraw is one of the witnesses who totally destroys the allegations made by the government that Charles Stephens was an eyewitness, albeit the only eyewitness.

I skip again to items 6. and 7. which are interrelated, having to do with New Orleans investigations not included in the records given to me. One specification here is "certain bars." The Beckwith response is to allude to the fact that records were provided from New Orleans pursuant to a teletype that I have addressed in another affidavit. Here I say briefly that the teletype was a way of instructing New Orleans what not to search rather than what to search, and in fact the search was not complete. I give as an example something of which you have personal knowledge because you were with me when we exercised discovery in the clerk of the court's office in Memphis in 1974. The FBI obtained a map it said was Ray's. There were 10 or 12 locations marked on that map of New Orleans. As you know, I went to each of those locations for you and took photographs. There is no reference to any of these locations or even to the marking of the map in any FBI record given to me. The map also was dusted for fingerprints and I recall no records on that.

Beckwith also attaches as Exhibit WW the affidavit of Clifford Anderson. I addressed that in my prior affidavit which deals with the earlier pages of the Beckwith affidavit.

Another illustration that is pertinent to New Orleans records not provided is the fact that I was provided with a directive by Headquarters to conduct a thorough investigation of Raul Esquivel and I have not been given any such report of any such investigation. This includes what is quoted from the student's memorandum, "specific

locations, persons, phone numbers and numbers of other leads."

Item 8., (page 57) reads "File records; the fact of Bill Huie's giving the FBI what he got from Ray but what he got is not included." There is the stock Beckwith reply, the information provided is inadequate and he would have to search 49,000 pages, etc., etc. All of the response is nonresponsive. As Beckwith well knows, the place to search for records on Huie, if he has to search for records on Huie, is in the Birmingham office and its appropriate residency.

There is an item of my request which relates to other writers, though Huie is one. The specific included by the student is undenied and that is that Bill Huie offered the FBI and gave the FBI everything he got from Ray. The FBI did not disguise the fact that Huie made this offer but it does withhold copies of what it received.

Once again the false emphasis which results in a deception, that the records are in Headquarters files, included in the worksheets and so forth and so on. None of it is applicable.

9., "Atlanta, Birmingham, Chicago, St. Louis, Los Angeles, Washington, and Arizona F.O. investigations not indicated." The Beckwith response is to state that I received 2495 pages from Los Angeles, 2327 from Atlanta, and so forth. It then goes into the stipulations, making the assumption they were complied with when they were not, and does all of this without addressing the basic fact, that investigations were conducted in these field offices with the results of the investigations not provided. I have given a few examples and can give more. One example that comes to mind immediately is the Raul Esquivel one, another relates to J. C. Hardin, and I referred to specific withholdings from Memphis.

Beckwith lumps 10., 11. and 12. together (page 58) and again alleges I provided insufficient information.

It happens I discussed all of these items, the second two being really a single one, with the FBI's FOIA processing agents.

14. (page 59) reads, "fingerprint files hold no reference to a handprint of which much was made after it was photographed on the Memphis flophouse bathroom wall."

Beckwith's response says that by an October 17, 1977, letter I was advised that in a previous release I had been furnished all relevant documents. Where he gets specific he says what is evasive, "Included in that release were all fingerprints found in the rooming house from which Dr. King was shot." His reference is to fingerprints; the student's memorandum refers to the handprint.

A photograph of a very black handprint from the wall of the bathtub, which means from the point from which the FBI claims the shot was fired, received enormous publicity at the time of the crime. I recall no report of any handprint examination from any of the records provided.

15. states that in a single serial, 5914, the names of seven SAs, all known publicly, were withheld. Beckwith's response is not to provide these names but to say that beginning at the end of the processing of the Headquarters files they stopped withholding. Of course, that is not true because they are withholding them in the current releases, the records that are attached to his August 11, 1978, affidavit, and of course this ignores the court's order which preceded the processing of Murkin records.

Once again he claims that to replace what was improperly withheld "would be exceedingly time consuming" to which he adds that there would be no "benefit" because in his opinion the information would not be "of a substantive nature."

Once again Beckwith repeats the demand that I show cause why I need this information. While I regard this as none of the FBI's business and not appropriate in an FBI case, with regard to the Memphis agents I have no reluctance in making a few suggestions.

One is to check on the accuracy and completeness of the reporting relating to the crime. Those records I have gone over often are incomplete in not reporting

what I know the FBI knew.

Another is to know if the agents had a potential conflict of interest. For example, were the agents also those who ran the spies inside the black organizations. The FBI had an enormous domestic intelligence operation in Memphis. In this it collaborated with the police who ran their own spies. The first person to reach the fallen body of Dr. King was a police spy (this gets to the time when Louw took photographs, which are the only ones to show this).

When to this is added the certainty, carefully hidden from all FBI reports I have seen, that these provocateurs caused the violence of March 28, without which Dr. King would not have been there to be killed on April 4, there is an obvious concern over the impartiality and the completeness of the reporting of the FBI agents who were involved in running the spies or in collaboration with the police and their spies

16., which deals with the withholding of named suspects. Beckwith does not deny "that there are inconsistencies in the releasing or withholding of suspects' names." (Remember that SA Wiseman swore that there never had been any other suspect.) Beckwith's explanation of the inconsistency is that "Deletions are made at the time each document is reviewed with consideration given as to the content of the document and the context in which the names appear." This is totally irrelevant. In an historical case the FBI has no right to make arbitrary and capricious withholdings.

17. (here the worksheet covering Serial 5914 is provided 15 months after the letter asking for it.)

#### LETTER OF SEPTEMBER 10, 1977

The first item is the student's shorthand reference to the fact that the FBI processing agents have denied there were field office indexes and refers to my having told the FBI of "proof they did exist; proof from files in question."

Beckwith's generality is the false statement that the index to central records, "known as the General Indices, are arranged alphabetically by subject." He then claims "This arrangement allows for an expeditious search and retrieval of

material pertaining to different subject matter." He then adds, "There have been no special indices prepared for the Murkin files at FBI Headquarters or in the field offices." Following this he refers to the indices to the prosecutorial volumes which are in extent about a third of the Murkin Headquarters file only. (Even here he is not accurate.)

All of this evades the accuracy of what I reported to the FBI, that there are other relevant indices.

Obviously, without them, the FBI would not have had access to its records in so important a case with the records so vast in extent.

In addition, I have provided proof of the existence of such an index, an index system in fact, in Dallas in the JFK case, plus the proof that the FBI not only had kept its secret for years, but inadvertently, in processing the JFK records for me, disclosed proof of the withholding of such material from the Murkin files.

In addition, I have obtained on individual records from the various field offices handwritten indexing notations, in addition to those notations for field office indexing having to do with names. The handwritten notations added have to do with subjects - for field office indexing.

However, aside from his inaccuracy in this case, the general statements about the FBI's index system give the lie to earlier representations made by the FBI in its effort to substitute the Murkin file for the specifics of my request. It then assured the court that it has no subject index and therefore could not retrieve records responsive to the items of my request by subject.

Beckwith's concluding reference to the indices to the prosecutorial volumes is "these abstracts are not keyed to any specific set of files on a serial by serial basis." The intent to deceive here is clear. The indices "are keyed to a specific set of files. That they are not keyed "on a serial by serial basis" is the Beckwith means of avoiding an overt lie. They are keyed on a subject basis and they are keyed on a page basis.

Each of these 29 volumes, each of which has a serial number, is broken down by pages. Each is also identified by a roman numeral and by a page. The indices are by roman numeral and by page rather than serial by serial.

Obviously, it is impossible when one serial may be of 100 or 200 pages to use a "serial by serial basis" in any index. Therefore, the roman numeral and page system was used.

These indices are both by subject and by name.

Item 2. (page 61) refers to missing attachments and states that "in each case another source of the attachment exists in the records." Beckwith's response is to say that I have received inventories of all the records, which is false, and that there is no intent to withhold. He claims "Logical locations for missing attachments were searched, but to no avail." He does not state that the places I asked the FBI to search were searched, and in fact the FBI first denied there were such separate files and then just refused to search the places I did specify.

5. (pages 62-63) refers to the FBI's promise to review volumes from which there were what I claimed to be unjustified withholdings.

The Beckwith response is to say that at a later date stipulations were entered into. He then gives an interpretation of the stipulations which I believe is not justified and withholds the fact that all was dependent upon compliance with the stipulations, plus the fact that I have claimed the stipulations were not complied with.

He thus evades the entire thing.

The FBI did agree to reprocess volumes processed during the Operation Onslaught period and it then refused to do it. First it said it would have to delay it until after processing all the Headquarters files and when that time came it just refused to keep its word.

7. reads, "Withholding of Hardin." The Beckwith response is to encapsulate the FBI's earliest information having to do with Hardin in the Murkin files and then

pretends that it is necessary to eliminate all the incorrect J. C. Hardins. This is not true. He states, "A review of our files revealed that the true identity of James C. Hardin had not been ascertained." That is not the point. The point is that I asked for all of the information relating to any J. C. Hardin who was looked into as a possible contact of James Earl Ray. It ought not be necessary to emphasize the importance of this nor ought it be necessary to emphasize the significance of any FBI withholding relating to it.

8. (pages 63-64) reads, "Informant withheld who spoke to Mark Lane and House Assassination Committee member." Beckwith claims, as usual, that inadequate information was provided. This, of course, is ludicrous because I have provided copies in the form of attachments to an affidavit. I have given the FBI the informant's name and full details. It is Morris Davis. Beckwith pretends to ask for the specific serial number so he can make a search and in fact I have given the FBI the copies of the records.

9. (page 64-65) reads, "Stonewalling on the April 15, 1975, part of the request." Beckwith's response is to invoke the stipulations. I believe this is not at all relevant to the April 15 request.

But the interesting thing is that the FBI here takes an entirely different position with regard to the two requests. With regard to the April 15 request, it claimed that it could not address any of the items of the subsequent request because they were two different requests rather than a single complaint that was amended. They have always maintained the position that the two requests were separate. Here he tries to lump them into one. In any event, he is not responsive.

11.-15. (pages 65-66) refer in different ways to pictures. The items of the student's memorandum accurately refer to the inconsistency in FBI records relating to the number of such photographs. Various FBI records give them as 45, 47 and 48 in number. Where the student pointed out correctly "The pictures received do not match descriptions in the records," Beckwith is nonresponsive in saying "it was found that they were not numbered in a manner that would allow them to be matched to the

description in the cover airtel."

This is not at all relevant. It is not the numbering in which they do not match; it is the content in which they do not match.

With regard to the "lefts to rights on the Louw/Time, Inc., pictures," Beckwith, rather than stating they do not exist, says they were not provided by Louw or Life. This leaves open the question of whether the FBI later obtained identification of any of the people in any of the pictures. It would seem a minimum need for the FBI to have done this with regard to some of the people in the photographs.

16-18 (page 66) refer to political records.

There had been initial confusion with regard to these items of my request. In discussion with the FBI, we reached a verbal agreement that these records could not be disclosed until after those records ordered to be sequestered by Judge Smith were placed in the Archives. The FBI said that the records would have to be processed for this sequestering and those that were not sequestered would be provided to me once those that were sequestered were deposited in the Archives. This just has not happened.

In fact, the FBI is going out of its way not to process these records for me and information to this effect has come back to me in connection with a request made by CBS for three of the records included among these.

Beckwith now states "that processing of the security files would be initiated in the near future." He then admits that "In response to specific written requests under the FOIA, the FBI released certain documents pertaining to Dr. King which were located in the Official and Confidential (O&C) files of former FBI Director, J. Edgar Hoover." And yet he does not say that they have been provided to me and in fact they have not been provided to me. Yet they clearly are within the request he himself describes at this point. He merely says that at sometime in the future "plaintiff will receive copies of the material on Dr. King in the O & C files and

numerous additional material in response to his request for the security investigation of Dr. King."

19. (pages 66-67) refers to "Obliteration in copies of the indexes to the 29 volumes ..." Beckwith's response is that, while there were many deletions in the original processing, "Plaintiff has since been provided a set of the reprocessed indices."

This ignores the fact that when I made a spot check of the reprocessed copies, I found that the reprocessing eliminated some of what had been included in original disclosure.

I have called this to the attention of the FBI by an appeal and there has been no response.

The last item in the Beckwith affidavit, reference to the student's memorandum is "20. 'Memphis police reports that OPR used - Covered by 1969 request. FBI pretends they have no standing.'"

Beckwith does not dispute the fact that the 1969 request does cover this. Instead, he refers to your case, C.A. 77-0692, and quotes what Judge Gesell said after an in camera review.

Beckwith is among those who misled Judge Gesell into believing that all the police reports are always kept secret.

I have attached to this memorandum one of the many provided to me from the Memphis files. There were hundreds of pages provided to me of xerox copies of Memphis Police Department records. It is quite the contrary of the representations with which the Department and the FBI misled Judge Gesell.

The records provided to me by the FBI - copies of Memphis Police Department records - include both political records and records relating to the investigation of the crime. The attachment relating to the William Len Hotel, for example. Other examples having to do with the investigation of the crime and limiting myself here to both recollection and specifics of the Beckwith affidavit have to do with the

black firemen, with Redditt, with Richmond and with that entire affair of the surveillance on Dr. King at the time of the assassination from the firehouse.

In addition, most of the FBI records relating to the investigation of the crime provided to me from the Murkin files are actually paraphrases of the police records. All of the early teletypes state they are based on police information.

My understanding is that the case before Judge Gesell related to Office of Professional Responsibility records. In this case, the question has to do with records relating to the investigation of the crime. I believe the factual situation is entirely different.

Two of the parts of Judge Gesell's decision that Beckwith quotes relate to an alleged but not established "cooperative" arrangement with local police.

In this case C.A. 75-1996, the FBI has already breached that arrangement if in fact there was one by giving me hundreds of pages of copies of such records.

(This is true of other police department records. It is not limited to Memphis.)

The other part of Judge Gesell's decision states that the nature of the material "would bring it under other FOIA exemptions if processed sheet-by-sheet."

I believe that in this case processing to determine whether or not the exemptions were applicable, there would be an entirely different situation than in your case because in this case there has been disclosure and in this case the request is specifically for the content of those police department records rather than for the OPR's files.

In this case there is no showing there is any such cooperative arrangement. I have in fact quoted an FBI record disclosing that the London police had given of their permission for the disclosure/records with a single exception, yet all of those records remain withheld.

In summary, I believe the Beckwith affidavit, with its attachments, represents a continuing FBI determination to stonewall. In a few cases with a

15-month delay following the receipt of my letters, a few more records are provided. In most cases, it is not responsive.

Of course, Beckwith limited himself to the few selections made for the Civil Division as a guide by the student. He does not respond to the letters themselves which include many more items. And, of course, it is not responsive to the long memorandum I prepared for the Civil Division, a memorandum in the Department's possession long before Beckwith executed his affidavit.

The Beckwith affidavit is not truthful and in some cases is overtly falsely sworn.

In this I regret to say it is entirely consistent with the FBI's record throughout this entire case and in this it represents what has caused the extraordinary duration of this case in which even now the FBI is not in compliance.

The Beckwith affidavit also, I believe, based on my experience with these matters, represents another FBI effort to rewrite the Act by placing the burden of proof upon me. Where I have specified withholdings and denials of information, first the FBI allows months to pass and then it tries to place the burden of proof upon me when I have specified where there is noncompliance. In order to do this, Beckwith is not faithful to fact and pretends the FBI does not have means of obtaining its own records.

He extends this by saying that I have been given the "inventories" when in fact what I have been given is not inventories but worksheets and they are not inclusive.

That there actually are "inventories", real inventories from each and every one of the field offices and offices of legal attaches, remains a secret in this case. I obtained the proof from the Dallas Field Office files. Inadvertently in this case one evidence of the existence of an order from Headquarters to each office for an inventory to be provided was allowed to slip through. It was a Chicago teletype (there should also be a longer and more detailed airtel from Chicago which was not provided). When I took this up with the FBI, John Hartingh merely lied to

me. He said it was, oh, just a one-time thing from Chicago. When I specified which of those records I wanted as listed in that teletype, I never got them.

This Headquarters directive for the providing of inventories of all the outlying offices crosses into other items of the request and shows how the field offices are used as a means of hiding what the FBI does not want to disclose. It is particularly relevant with regard to the items of the request relating to surveillances of various kinds. The directive from FBI Headquarters discloses the fact that each field office can provide inventories which will include the tapes it made, transcripts, and other items of that sort. Response to these items of the request, whether or not honest responses, were made from Headquarters files only. But the Dallas record proves that the actual records are stored in the field offices.

Again based on my experience, I believe that with the effort represented by this Beckwith affidavit and a different attitude, an attitude in which compliance predominated, considerably more compliance could have been provided without the FBI taking any more time or going to any more trouble than the Beckwith affidavit represents.

This, of course, is separate from what I believe is the clear intent of the Beckwith affidavit, not to provide further compliance.

# Memorandum

MR. TOLSON

DATE 6/11/68

TO: C. D. DE LOACH

1-Mr. DeLoach  
1-Mr. Rosen  
1-Mr. Gale  
1-Mr. Conrad  
1-Mr. McGowan

1-Mr. Mohr  
1-Mr. Bishop  
1-Mr. Sullivan  
1-Mr. Trotter  
1-Mr. Long

SUBJECT: MURKIN

Tolson  
DeLoach  
Mohr  
Bishop  
Casper  
Callahan  
Conrad  
Felt  
Gale  
Rosen  
Sullivan  
Tavel  
Trotter  
Tele. Room  
Holmes  
Gandy

Legat, [redacted] called from London at 3:15 p. m. this afternoon. Assistant Attorney General Vinson had a press conference this morning at 10:15 a. m. During the conference he praised police cooperation between the FBI, the RCMP and Scotland Yard. He attempted to straighten out the record claiming that he had not interrogated subject Ray but that he had briefly seen him. The papers had previously reported that Vinson had interrogated Ray. Vinson became flustered when he was questioned by the reporters regarding the movements of Ray in several countries. Being unable to answer the questions, he eventually replied "No comment." In answer to questioning, Vinson stated that two sets of extradition papers were being sent to the British Home Office.

Vinson told [redacted] that he had been discussing this case with the Attorney General. Extradition papers are to be placed on a 7:00 p. m. plane from Washington to London. The AG apparently told Vinson there was a delay in forwarding these papers inasmuch as the FBI had had difficulty in locating a witness by the name of Stephens. (Stephens has not been located as yet, however, this is not delaying the filing of the extradition papers.) Vinson told [redacted] that the Department would possibly call upon the FBI to place the extradition papers on the evening plane. I told [redacted] that we had not received such a request.

EX-105 REC 11 4400

Vinson has booked reservations on a flight to depart London on Thursday, 6/13/68, at 2:00 p. m. Vinson has continued his efforts to inspect security measures at Wandsworth Prison. The British Home Secretary's office has informed U. S. Ambassador Bruce that Vinson will not be allowed this privilege. Ambassador Bruce was flatly told that it would be an insult to the British Government for Vinson to inspect security measures at Wandsworth. Vinson has asked the AG to contact Undersecretary of State Katzenbach so that a request can be made through diplomatic channels. [redacted] doubts that Vinson will be allowed to inspect Wandsworth's security measures despite pressure brought on by the American Government.

Our Paris Legat, [redacted] has completed his investigation in Lisbon, Portugal. Sources in Portugal have sent letters to all banks inquiring if Ray had funds deposited therein or had rented a safe deposit box.

79 JUN 10 1968 CDD:amr

(11)

CONTINUED... OVER

DeLoach to Mr. Tolson  
Re: MURKIN

The results of this check will not be in for several days. Legal [redacted] has no further leads remaining. I told [redacted] to order [redacted] back to Paris so that he could immediately prepare a letterhead memorandum regarding the results of his investigation. This memorandum will first be reviewed by SA Martindale and then will be sent to FBI Headquarters. [redacted] will leave Portugal tomorrow morning, 6/12/68, at 10:45 a. m.

SA Martindale has spent most of his time at Scotland Yard assisting the representatives of our London Office. Investigation thus far by Scotland Yard has shown that subject Ray cannot be placed anywhere in London until the date of May 28, 1968, when he checked into the New Earl's Court Hotel. On June 5, 1968, subject Ray checked into the Pax Hotel and remained there until he checked out to travel to Brussels, Belgium. One source has advised that subject Ray told him he planned to go to Rhodesia.

Subject Ray thus far has not indicated any willingness to reveal anything. Chief Superintendent Butler has advised [redacted] that Ray, en route from the London Airport to Scotland Yard, was advised by Butler that there was reason to believe the subject's name was James Earl Ray. The subject allegedly turned white and did not deny this allegation, however, on the other hand, he did not admit anything.

[redacted] has now put in an official request, through Embassy channels, to interview Ray. The Home Office will make the final decision. Ray must give his permission before such an interview can take place. This request was specifically mentioned to Vinson, who replied, "By all means." *This should not have been done. N*

[redacted] still believes that there will be a minimum of three and a half weeks to a maximum of six weeks before extradition can take place. Even after the order of extradition is given, there will be a 15-day waiting period in which subject can make an appeal if he so desires. In the event he does desire to appeal, there will of course be further delay in extradition.

I specifically asked [redacted] what his recommendations were concerning the men from FBI Headquarters who are currently in London. He stated that he was keeping these men busy and that frankly, he felt it would be cheaper in the long run to let them remain in London rather than returning to Washington and then having to go back upon subject's extradition. [redacted] raised the point that there of course was the possibility that subject Ray at any time might indicate he was perfectly willing to be returned to the United States and that he would sign any papers certifying this fact. If this happens, our representatives must be in a position to move fast. Consequently, [redacted] feels that our representatives should remain in London.

DeLoach to Mr. Tolson  
Re: MURKIN

I agree with [REDACTED] in this recommendation, as does Rosen. We should, however, make a check after the next hearing to be held on June 19, 1968, to see if there still appears to be a maximum of four to six weeks before the subject will be extradited. In this event, consideration might be given to having our Agents return rather than remain in London for an extended period of time.

ACTION:

For record purposes.

✓

~~P~~

11/1/68

VIA TELETYPE  
JUNE 7 1968  
ENCIPHERED

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	<i>R/S</i>
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

TATE 003

URGENT 6-17-68 EXR

TO DIRECTOR

FROM LEGAT LONDON NO. 64

MURKIN.

FOLLOWING RECEIVED IN ABSOLUTE CONFIDENCE AND ANY LEAK WOULD  
IMPAIR BRITISH GOVERNMENT AND JEOPARDIZE LEGAT SOURCE.

[REDACTED] RAY WESTERN UNION JUNE  
EVEN [REDACTED]

RAY WROTE BIRMINGHAM, ALABAMA BAR ASSOCIATION [REDACTED]  
[REDACTED]  
[REDACTED]

RAY RECEIVED LETTER DATED [REDACTED] RETURN ADDRESS [REDACTED]  
[REDACTED] BROOKLYN [REDACTED]  
[REDACTED]

ST-103

RLC 11

SOURCE FURNISHED OTHER INFO IN CONFIDENCE AS FOLLOWS:

PAGE ONE

JUN 25 1968

JUL 1 - 1968

PAGE TWO

SUBJECT RECEIVED ONE FULL MEDICAL EXAM AT BRIXTON AND ONE SINCE ARRIVAL WANDSWORTH PRISON. HE RECEIVES [REDACTED] VISITS FROM MEDICAL OFFICER AND WILL RECEIVE ONE FULL MEDICAL EXAM WEEKLY.

AT NINE: TWO ZERO PM JUNE FIFTEEN LAST ANONYMOUS TELEPHONE CALL MADE TO PRISON BY MALE WITH AMERICAN ACCENT WHO SAID "RAY WILL BE RELEASED ABOUT ELEVEN PM, THIS IS GENUINE CALL." TWO VANS AND SIX CARS OF POLICE IMMEDIATELY DISPATCHED TO PRISON BUT NOTHING UNUSUAL OCCURRED.

WARDERS WHO SPENT TIME IN CELL SATURDAY REPORTED SUBJECT SEEMED UNUSUALLY ELATED ALL DAY BUT APPEARED BACK TO NORMAL SUNDAY.

SUBJECT REFUSED TO SEE TWO SCOTLAND YARD OFFICERS JUNE FOURTEEN LAST AND SAID HE WOULD ALSO REFUSE TO SEE FBI IF THEY ASKED TO SEE HIM. YARD OFFICERS MADE REQUEST TO SEE HIM IN EFFORT TO ASCERTAIN HIS ACTIVITIES IN ENGLAND FROM MAY SEVENTEEN TO JUNE EIGHT.

SUBJECT NOT SAYING ANYTHING SIGNIFICANT TO WARDERS AS HE NOW BELIEVES THEY ARE TRYING TO EXTRACT INFO FOR POLICE.

END PAGE TWO

PAGE THREE

SOURCES ADVISE IF RAY'S BROTHER CAME TO ENGLAND, DUE TO CRIMINAL RECORD, HE MAY NOT BE GIVEN PERMISSION TO LAND BUT IF HE WERE, UNDER PRISON RULES NO ONE WITH RECORD, EVEN RELATIVE, IS PERMITTED ENTRY TO PRISON.

BUREAU REQUESTED TO AIRMAIL IDENT RECORD AND FINGERPRINTS JOHN LARRY RAY AND IF POSSIBLE CLARIFY WHETHER HE IS BROTHER OR HALF BROTHER OF RAY.

RECEIVED: 10:31AM MAL/EXR

MR. TROTTER

VIA TELETYPE  
JUN 24 1968  
ENCIPHERED

DATE 01  
URGENT 6-24-68

TO DIRECTOR

FROM LEGAT LONDON NO 74

MURKIN.)

Mr. Tolson ✓  
Mr. DeLoach ✓  
Mr. Mohr ✓  
Mr. Bishop ✓  
Mr. Casper ✓  
Mr. Callahan ✓  
Mr. Conrad ✓  
Mr. Felt ✓  
Mr. Gale ✓  
Mr. Rosen ✓  
Mr. Sullivan ✓  
Mr. Tavel ✓  
Mr. Trotter ✓  
Tele. Room ✓  
Miss Holmes ✓  
Miss Gandy ✓

*White*  
*H. J. [unclear]*  
*[unclear]*  
*[unclear]*  
*[unclear]*

REMYCAB AND BUCAB JUNE ONE EIGHT LAST.

PAPER AND ADMINISTRATIVE WORK THIS MATTER AND BACKLOG  
OTHER WORK REDUCED CONSIDERABLY WHERE IT CAN BE HANDLED BY  
ASST. LEGAT AND MYSELF.

OTHER FACTOR IS MY OFFICIAL REQUEST TO INTERVIEW RAY.  
BRITISH ATTORNEY GENERAL HAS ALREADY RULED REQUEST WOULD  
NOT BE MADE TO GOVERNOR OF PRISONS AND SUBSEQUENTLY TO RAY  
UNTIL AFTER HE IS ORDERED EXTRADITED.

LONCAB JUNE ONE SEVEN LAST ADVISED RAY REFUSED TO SEE  
TWO SCOTLAND YARD OFFICERS AND SAID HE WOULD REFUSE TO SEE  
FBI IF ASKED.

IN CONFERENCE WITH [REDACTED] AND OTHER YARD OFFICERS  
JUNE TWO TWO LAST, THEY ADVISED SUBJECT HAS BECOME MORE UNCO-  
OPERATIVE EVEN WITH HIS DEFENSE COUNSEL. SI-103

BASED ON FOREGOING I FIRMLY BELIEVE IF REQUEST IS EVER  
PUT TO RAY HE WILL REFUSE TO BE SEEN OR INTERVIEWED BY US.

REC'D 11/1 34 6/ 41681

9 JUL 1 - 1968  
ENCLOSURE

XEROX

1968 JUN

MR. DELOACH FOR THE DIRECTOR

25 JUN 26 1968

SIX

PAGE TWO

RECOMMEND I ISSUE OFFICE GIR, ECONOMY, RETURN DATE OPEN FOR  
[REDACTED] TO RETURN TWA FLIGHT SEVEN ZERO NINE, DEPARTING LONDON  
ONE: THREE ZERO PM ARRIVING DULLES FOUR FOUR FIVE PM JUNE  
TWO FIVE. IF APPROVED HE SHOULD BE MET AND ASSISTED AS HE WILL  
BE CARRYING OFFICIAL PAPERS THIS MATTER PLUS CERTAIN PROPERTY  
OF RAY, OBTAINED ON EXTREMELY CONFIDENTIAL BASIS, FOR EXAMINATION  
BY LAB AND IMMEDIATE RETURN TO ME VIA POUCH. SUCAB.

Labris  
Dunn  
this was  
O.K. R  
6-24-68

Naval Ad 2:20 PM 6-29-68  
RECEIVED: 9:11 AM MSE

CC-MR. ROSEN  
CC: Mr. Conrad  
YESS, GLENNAN