

AFFIDAVIT

1. My name is Harold Weisberg. I reside at Route 12, Frederick, Md.

2. I was defense investigator in the case of Ray v. Rose, through the evidentiary hearing in that cause in federal district court in Memphis, Tennessee, in October 1974.

3. My prior experience includes that of writer, investigative reporter, investigator for the United States Senate, and intelligence analyst during and immediately following World War II.

4. I am the plaintiff in Civil Action 75-1996 in federal district court in Washington, D.C. In this litigation I seek evidence relating to the assassination of Dr. Martin Luther King, Jr., of the various components of the Department of Justice.

5. In that case I also have been the Department's consultant. This was based on the Department's representation to that Court that I could provide it with information it could not obtain from the FBI.

6. In that case I have obtained many FBI records. I have read these records with care.

7. Through James H. Lesar, Esq., John Ray and his sister, Mrs. Carol Pepper, have provided me with copies of FBI records they have obtained. Mr. Lesar is known to me to represent John Ray and Carol Pepper. Mr. Lesar also represents me in C.A. 75-1996.

8. I have independent means of confirming that John Ray did request of the FBI all the FBI's records relating to him. I have been informed by John Ray and Carol Pepper that they had been given copies of FBI records relating to them by the House Select Committee on Assassinations (the Committee). This was confirmed to me by Mr. Lesar.

9. I have read the records provided by both sources to John Ray and to Carol Pepper. Those records do not include records I obtained from the FBI in C.A. 75-1996 relating to both John Ray and Carol Pepper. Their copies also were expurgated as my copies were not.

10. The records I have obtained from the FBI reflect a long FBI campaign of harassment against both John Ray and Carol Pepper. These records are specific in stating that pressure was applied to both to get both to say to the FBI what the FBI wanted them to say. These records are explicit in stating that the FBI sought to apply pressure by having the license for the Grapevine Tavern, which John Ray operated, withdrawn and in seeking a nonfederal criminal investigation of the licensing conducted to the end that there be criminal prosecution of John Ray and Mrs. Pepper.

11. These records also include the FBI Director's request of the Attorney General for permission to break and enter and install microphones for bugging and for permission to tap the phones of both. The records hold indication of intent to tap the phones of many persons believed to know John Ray and Carol Pepper. To this end the FBI collected the phone numbers of these persons and recorded them.

12. These records also include a directive to the St. Louis field office that it examine certain records believed to be in Mrs. Pepper's possession. The FBI St. Louis field office was directed to obtain a grand jury subpoena if a grand jury was sitting and to examine the records in any event if there was not sitting grand jury.

13. Language associated with what is known as "black bag jobs" and breaking and entering to install electronic devices is used in these records, language like seeing to it that there is full security and that the Bureau's interests are fully protected. In translation from FBI semantics this means "don't get caught."

14. The FBI records also reflect physical surveillance of John Ray and his brother Jerry Ray.

15. The FBI's theory for the examination of Mrs. Pepper's imagined records is its suspicion that James Earl Ray somehow got large sums of money out of jail and thus financed himself in a nonconspiratorial manner from the time he escaped from the Missouri penitentiary until he was arrested in England more than a year later.

16. Also reflected in these records is another FBI theory, that James Earl Ray robbed a bank at Alton, Illinois, after his escape and before Dr. King was killed.

17. The explanation given to the Attorney General in seeking permission to conduct the electronic surveillances is that James Earl Ray might phone one of

his relatives after Dr. King was killed. The Attorney General refused permission. The records disclose that the FBI was willing to risk jeopardizing the case if it was caught. The FBI records state its belief that the taxpayers should be willing to pay the damages in a civil action it would lose if it were caught.

18. None of the records I have obtained holds any rational basis for the FBI's suspicions. Virtually all its sources described James Earl Ray as a "loner". The records disclose that he had almost no contact with his family over a period of many years. For all the time he was in the Missouri penitentiary the visits from his brothers were few and mostly far between. There is no record of any visit by Mrs. Pepper. The suspicion that Mrs. Pepper might have relevant financial records is based on a report that James Earl Ray had sent \$15 to her indirectly. In the case of the Alton bank robbery, the records reflect an intensive and unsuccessful FBI effort to connect James Earl Ray with it even though others were charged with that robbery. During its hunt for James Earl Ray the FBI "leaked" a false report that he had in fact robbed that bank and was financing himself by that means. There also was a very large FBI effort to establish that James Earl Ray might be connected with other unsolved robberies. From my examination of a large number of records, this effort was totally unsuccessful.

19. It is as a consequence of all the FBI's many failures in its investigation and search for James Earl Ray that, from these records, it decided to pressure John Ray.

20. I have read many thousands of pages of previously secret FBI records. Based on my prior knowledge and experience and the content of these records, it is my belief that the FBI was first desperate for some claim to success prior to the arrest of James Earl Ray, then worried about the lack of tangible, irrefutable evidence proving he killed Dr. King and was vindictive because John Ray would not tell it what it wanted to hear.

21. My personal experience with the House committee began before Congress established it. This experience was with the top staff members of the Congressman who became chairman. After the committee was established, I had personal experience with both of the committee's chief counsel and with some staff members. As a result of these experiences, I broke off any relations with the committee. It was apparent that the committee began with preconceptions, that these preconceptions

had James Earl Ray as the assassin of Dr. King, and included members of his family as possible co-conspirators. Before the committee investigated - before it was fully organized - it issued a report reflecting its preconception of James Earl Ray's guilt. This committee was so indifferent to tested evidence that I had to force upon it the transcripts of the evidentiary hearing in Ray v. Rose. (It never did accept my index of these transcripts.)

22. I have read the committee's reports and the one available transcript of its executive sessions. I attended one of the committee's two public hearings. I have followed its "leaks" with care. I have read the public statements of the Congressmen who are members. Based on these, my personal experiences with the committee and on my knowledge of the case, there is no doubt in my mind that the committee's theorizing requires John Ray to have been a co-conspirator who provided the money for James Earl Ray by means of alleged and unproven involvements in bank robberies. The FBI records I have examined provide no basis for these theories. I know of no evidence that supports these theories.

HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

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

My commission expires _____

NOTARY PUBLIC IN AND FOR
FREDERICK COUNTY, MARYLAND