

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

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

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

8. Although in his affidavit of August 11, 1978, SA Beckwith states that the inventory worksheets "list and describe every document contained in the files," the worksheets show that this is false. For the first Volume only 26 of the numerical (22) Serials are listed. More than 75 percent of the Serials are not listed or mentioned in any way.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Legat offices, the teletype responses and airtels in amplification.

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

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

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

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

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

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

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

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

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

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

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

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

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

'MURKIN.'" (Emphasis added)

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

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

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

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

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


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


HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this 13 day of August 1978 deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 7 1988


NOTARY PUBLIC IN AND FOR
FREDERICK COUNTY, MARYLAND

91. I have copies of many thousands of pages of FBI records that have always been readily available at the National Archives. I have not seen a single one of these records that was made available on the orders of Director Hoover that eliminated the name of a single source or any one that withheld the symbol of an informant. It was not until after the enactment of FOIA, much more after the 1974 amendments became effective, that I began to receive FBI records with these kinds of withholdings.

92. Until after the Act was amended I do not recall the withholding of a single FBI name. Then it became general practice. I also do not know of a single report of any harm befalling any of the many hundreds of FBI agents whose names were not withheld.

93. Another form of source withholding in this instant cause is misrepresented by the Department in affidavits and by counsel. What is sought is the withholding of what can provide independent assessment of the OPR report and the disclosure of evidence that can tend to undermine, if not in fact disprove, the official explanation of the King assassination. This particular source is police reports, from Atlanta, and from Memphis. In neither case is there any Departmental evidence showing that the content of the reports is not public domain. In fact, some of the content of what is withheld together with some of the actual pages of what is withheld was disclosed to me by the FBI in C.A. 75-1996. There is little likelihood that any substantial information in the Memphis police reports is not public knowledge, largely because it was made public by Memphis authorities.

94. From extensive prior experience with FBI avoidance of first-person affidavits and from prior personal experience with SA Horace P. Beckwith in FOIA matters, my attention was immediately attracted to his providing of an affidavit attesting to a search in this instant cause that he did not make. In the past it has been my consistent experience with the FBI that one of its means of withholding what might otherwise not be withheld is by the tactic of having an agent without personal knowledge execute the affidavit attesting to the search. My prior experience in all cases is that careful checking of nonfirst-person affidavits shows they represent what would be false swearing if executed by one of firsthand knowledge.

95. My attention to SA Beckwith's affidavit was further attracted by typical FBI semantics commonly used to provide a cover for secondhand and dubious statements to justify withholding under (b)(7)(D). In SA Beckwith's affidavit one formulation is, "I specifically requested a review of the material furnished the

FBI by the Atlanta, Georgia, Police Department. I was informed that 29 pages were received ... These documents are included in the FBI file on the assassination of Dr. King and are specifically located in Atlanta file number 44-2336, Serial 1215." (Paragraph 2, emphasis added) Mr. Beckwith does not state that he knows what "material" was "furnished" by the Atlanta police department. If he was "informed that 29 pages were received," he does not state that no more than 29 pages were furnished.

97. My attention was further attracted to these formulations because, as SA Beckwith should have known, these records should also be "specifically located" in my own files as a result of C.A. 75-1996 and under stipulations sought by the FBI in that case. These stipulations required that I be provided with copies of all nonexempt FBI Atlanta field office MURKIN records not already provided from FBIHQ files. SA Beckwith provided a nonfirst-person affidavit regarding compliance with these stipulations.

98. Still without claim to first-person knowledge, SA Beckwith states, "I was informed" that "the police department transmitted these documents to the FBI in confidence for investigative assistance during the investigation of Dr. King's assassination." (Paragraph 2)

99. The language of footnote 17 (Memorandum, page 12, citing footnote 21 of the Motion, page 17), together with the avoidance of any description of the content of these 29 pages, led me to make the careful check that was possible in this case. While I do not have most of the records withheld from Mr. Lesar in this instant cause, what SA Beckwith refers to clearly is required to have been provided to me in C.A. 75-1996.

100. My first discovery is that "the" King assassination file in Atlanta is not 44-2336. It is 44-2386. While this might be attributed to human error, SA Beckwith's other misstatements are not easily explained as human error.

101. Serial 1215 is in Volume 9 of the Atlanta FBI records. The FOIA processing worksheets for Serial 1215 and a check of the Serial itself, both provided to me in C.A. 75-1996, do not reflect that this Serial is of the 29 pages, although it is. These worksheets also represent that no part of Serial 1215 was withheld from me.

102. It also is apparent to me from checking my own files that SA Beckwith could have provided a different and a first-person affidavit relating to the Atlanta police department records from his own personal knowledge of FOIA procedures of the

FBI and from his personal involvement in C.A. 75-1996. All field office records provided to me in C.A. 75-1996 were sent to FBIHQ where they were processed. FBIHQ has copies of what it processed for me. The records I cite in the immediately following paragraphs are all records that exist within SA Beckwith's FOIA unit. They are not only as he and the Motion and the Memorandum represent, in the Atlanta Field Office.

103. "Not Recorded" Atlanta Serial of which two copies were sent to FBIHQ is particularly relevant. The copy attached as Exhibit 12 was provided to me under the stipulations in C.A. 75-1996. This August 4, 1976, "Airtel" from the SAC, Atlanta, to FBIHQ reports the providing of copies of all volumes of its MURKIN file only, "namely Atlanta 44-2386," to members of the OPR task force. It enclosed "five copies of an LHM plus one xerox of 29 pages of material" from the Atlanta police. "During this review," the Atlanta SAC reported, "Task Force Member James Walker ... requested a Xerox copy of two serials in this file, namely 44-2386-1214 and 1215, which consisted of 29 pages of material ... relative to people who in the past had threatened the life of MARTIN LUTHER KING. A Xerox copy of this material was furnished to Mr. WALKER." (Other records relevant to the King assassination are not included in MURKIN.)

104. The Letterhead Memorandum attached to this "Airtel" reflects only a limited Task Force inquiry in Atlanta. It does not reflect a serious effort by the Task Force to meet the obligations seemingly imposed upon it by the Attorney General. This can provide motive for some of the withholdings in this instant cause. Atlanta was one of the areas of most active investigation in the King assassination because of the presence of James Earl Ray in that city and because he abandoned an automobile there. Atlanta also is the city in which Dr. King lived and where his office and church were located.

105. The 29 pages are of two Serials, not the single Serial represented by SA Beckwith.

106. The worksheets are a list of the records provided together with all claims to any exemptions. The relevant worksheet page is attached as Exhibit 13. It shows that each of these Serials, as provided to me, is of but a single page and that each of the Serials was provided to me without any withholding. The obliterated entry under "Exemptions used" after Serial 1215 may indicate that at one point a claim to exemption had been made. This is borne out by markings I see on Serial 1215. These markings indicate that prior to review all the names, together with all the

information following them, were obliterated. Serial 1215, as provided to me rather than as described by SA Beckwith, is attached as Exhibit 14. Serial 1214 as provided to me and as described in the worksheet is attached as Exhibit 15. Serial 1212 (attached as Exhibit 16) establishes the origin of Serial 1215 and provides identification of the person who signed it. (The worksheets do not account for Serial 1213. It was not provided to me.)

107. Whatever explains the factual inaccuracy in SA Beckwith's affidavit it is beyond question that:

29 pages of Atlanta police records are involved; the OPR had copies of these records as well as of any notes Mr. Walker may have made; after searches in both Atlanta and FBIHQ, although several sets of duplicate copies of these 29 pages are in the FBI's files at both places, not 29 but 2 pages only were provided to me; and the FBI, despite the stipulations and its assurances to the court in C.A. 75-1996, withheld 27 of these 29 pages and then provided a worksheet falsely representing that between them Serials 1214 and 1215 total only two pages rather than 29.

108. These facts raise substantial questions of FBI honesty and of FBI intentions relating to compliance and noncompliance.

109. Serials 1214 and 1215 as provided to me are information furnished by the Atlanta police. Serial 1212 establishes the identification of the police sergeant who signed Serial 1215. This is precisely the information represented in the Memorandum and the attached affidavits as requiring withholding from Mr. Lesar, yet it was not withheld from me. Mr. Metcalfe's representations (at page 14) are:

"... release of this information would seriously inhibit the FBI's relationship with its confidential sources and with other law enforcement personnel."
(Emphasis in original)

"Accordingly, defendant respectfully urges that the Court should allow defendant to preserve the confidentiality of these local law enforcement records." (Emphasis added)

110. If Mr. Metcalfe was led into these representations to this Court by his trust in what he was told by the FBI, they nonetheless are representations the falsity of which was known to the FBI when it misled Mr. Metcalfe, if it misled him.

111. The plain and simple truth is that this is not the only case in which the FBI has provided me with information from local police. It knows better than its representations on this matter. The Department also knows better because the Department was involved in the release of other such records from other local police. These other local police records relate to the King assassination, to the assassination of President Kennedy and to ancillary investigations in both cases. The FBI reading room, the National Archives and the Library of Congress all make publicly available records provided by local police.

112. Specifically with regard to Serial 1215 and generally with regard to

similar records of local police, the "confidentiality" alleged by the Department does not exist. SA Beckwith's representation (at page 2), "provided in confidence with the clear understanding that the FBI would insure their confidentiality," is not a truthful representation. Both quotations represent what within my FOIA experience is a new effort to withhold what under the 1974 amendments to the Act should not be withheld. This is not to state that there never is any such confidentiality. It is to state that in this particular instance and many others like it there is not and there never was the confidentiality represented to this Court.

113. Mr. Metcalfe and SA Beckwith both were involved in my C.A. 75-1996, together with a number of other FBI agents and Civil Division lawyers. In C.A. 75-1996 I was provided with hundreds of pages of local police reports. I was also provided with many pages of records from other local authorities, like prisons, departments of corrections and sheriffs. The FBI's stipulations in C.A. 75-1996 provided for giving me hundreds of pages of Memphis Police Department records.

114. Examination of Serial 1215 as provided to me also bears heavily on the fidelity of representations made to this Court in this instant cause on privacy. All those whose names are provided are alleged to have threatened Dr. King. This is also true of many other pages of FBI records provided to me.

115. The May 10, 1978, affidavit of James F. Walker makes no reference to these Atlanta Police Department records. Exhibit 12 identifies Mr. Walker as the member of the OPR staff who obtained copies of those records from the FBI Atlanta Field Office.

116. Although my suit for King assassination records was filed before the OPR reinvestigation was established and prior to the August 4, 1976, "airtel" by the Atlanta SAC (Exhibit 12), neither the Walker affidavit nor the "airtel" forwarding these 29 pages to FBIHQ alleges any restrictions on them or any confidentiality attaching to them.

117. Mr. Walker does repeat the self-serving statements of the affidavit of Mr. Stanton with regard to the Memphis police department records.

118. Mr. Walker's representation of the OPR's mission (in Paragraph 1) is "... review of Department of Justice and Federal Bureau of Investigation files relative to Dr. King." A "review" of "files relative to Dr. King" is not the announced purpose of the OPR's review. This phrasing omits half of the OPR's task and understates the other half to avoid the inherent and explicit criticisms of the

FBI

Date: 8/4/76

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Precedence)

TO: DIRECTOR, FBI (100-106670)

FROM: SAC, ATLANTA (44-4685) (RUC)

SUBJECT: MARTIN LUTHER KING, JR.
CR

Re Atlanta nitel to FBIHQ and Birmingham, 8/3/76.

Enclosed for FBIHQ are five copies of an LHM plus one Xerox copy of 29 pages of material furnished by the Atlanta Police Department to the Atlanta FBI in April, 1968.

As pointed out in referenced Atlanta nitel, on the morning of 8/2/76, five members of the Task Force of the Office of Professional Responsibility (OPR), Department of Justice, arrived in the Atlanta FBI Office to review Atlanta's file on the MURKIN investigation. All the volumes of this file, namely Atlanta 44-2386, were made available to the Task Force members for their review. During this review, Task Force member JAMES WALKER, on 8/3/76, requested a Xerox copy of two serials in this file, namely 44-2386-1214 and 1215, which consisted of 29 pages of material furnished to the Atlanta FBI Office in April, 1968, relative to people who in the past had threatened the life of MARTIN LUTHER KING. A Xerox copy of this material was furnished to Mr. WALKER. Atlanta is enclosing one copy of this material for FBIHQ with this airtel.

In addition, as shown in referenced Atlanta airtel 8/3/76 the Task Force members also interviewed SA O. RICHARD HAMILTON on 8/3/76, as he was the case agent in the MURKIN

- 2 - Bureau (Enc. 6)
 - 2 - Atlanta
- EAS/lru
(4)

ENCLOSURE

ENCLOSURE

Handwritten notes:
JING 8/16/76
HELI 8/16/76
4-1-1-1
5-0-1-1
6-8-1-1

Approved: _____
Special Agent in Charge

NOT RECORDED
Sent 46 AUG 16 1976 M Per _____

84 AUG 19 1976

4251
ORIGINAL FILED IN

AT 44-4685.

case back in 1968. The results of this interview are set forth in the enclosed LHM.

The Task Force made no other requests and they departed the Atlanta FBI Office for Birmingham on the early afternoon of 8/3/76.

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Atlanta, Georgia
August 3, 1976

In Reply, Please Refer to
File No.

ASSASSINATION OF DOCTOR MARTIN
LUTHER KING, JR.

On August 3, 1976, Special Agent O. Richard Hamilton was interviewed in the Atlanta, Georgia, Office of the Federal Bureau of Investigation (FBI) by four attorneys from the U.S. Department of Justice. SA Hamilton was interviewed regarding the above-captioned matter inasmuch as the case had been assigned to him at one time.

The attorneys asked Hamilton at what point in the investigation the case was assigned to him. Hamilton advised he did not recall the date the case was assigned to him; however, it was after James Earl Ray had been identified and apprehended. They inquired of Hamilton as to how he could insure that all appropriate leads were covered and investigated regarding the assassination of King. Hamilton explained to the attorneys that this investigation was handled as a "Special" in Atlanta, that separate indices were maintained containing the names of all pertinent individuals and organizations which came to the attention of the Atlanta Office in connection with that investigation. He explained the use of lead cards which were maintained in duplicate, that a master lead card was retained with a copy attached to a particular serial containing a specific lead and this was assigned to a Special Agent to cover the lead set out in the serial. He advised the coverage of that lead by the agent to whom it was assigned was reflected through a written memorandum or other appropriate communication with reference made therein to the serial containing the lead. Hamilton advised the agent covering the lead then indicated the

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ENCLOSURE

ASSASSINATION OF DOCTOR
MARTIN LUTHER KING, JR.

lead had been covered on his copy of the lead card. Hamilton explained that various agents were responsible for conducting neighborhood investigations, contacting or maintaining liaison with local police, and to conducting other pertinent phases of the investigation. He explained the captioned case was the priority investigation in the Atlanta Office at that time and that almost every agent was assigned to working on some phase of the investigation.

The attorneys inquired as to how the FBI developed information that Ray, then known as Eric Starvo Galt, was residing in a rooming house on 14th Street. Hamilton noted that this investigation occurred more than eight years ago, that he has not since reviewed the file and although he was not exactly sure, according to his best recollection the investigation reflected an individual in the apartment area where Ray parked a Mustang automobile saw Ray park it and get in a taxicab. According to Hamilton's best recollection, the ensuing investigation by the FBI through taxicab companies reflected Ray was taken to the 14th Street address. Hamilton assured them this may not be the way it occurred but these were the facts as he recalled them. One of the attorneys indicated that information is not reflected in the file.

The attorneys asked Hamilton what the FBI did with the Mustang which was used by Ray. Hamilton advised them the FBI in Atlanta turned the Mustang over to Memphis, Tennessee, Police officers, who returned it to Memphis. The attorneys asked whether the Memphis Police drove it back or took it in a van, to which Hamilton replied they drove it to Memphis. The attorneys raised a question that since it was not used in the trial of Ray, why the car was turned over to the Memphis Police. Hamilton replied that Ray was tried by the State of Tennessee, and that they requested the Mustang be released to them in the event it should be used as evidence, and this was done.

The attorneys asked Hamilton if it ever became a problem in his mind or a question to the FBI as to how Ray lived from day to day since he was an escaped prisoner.

ASSASSINATION OF DOCTOR
MARTIN LUTHER KING, JR.

Hamilton advised he did not know how Ray lived or his source of income; however, pointed out that Ray has an extensive arrest and conviction record for robbery, burglary, and other crimes and that many fugitives finance their living through armed robberies and burglaries. One of the attorneys asked if Ray committed numerous robberies, would he not get caught, and then the attorney asked what the solution rate usually is regarding the offense of robbery. Hamilton advised him he understands the Atlanta Police Department has about a 50 percent solution rate on robberies and a lesser percent on burglaries and that this was probably about in line with the solution rate for these crimes in most cities. Hamilton also pointed out that Ray had resided in various other areas of the country while in his escaped status and that he was not personally aware of investigation conducted by other field offices regarding Ray's source of income.

In response to Hamilton's inquiry of them as to what they felt would be Ray's source of income, they replied that it was possible that Ray had been paid by someone to kill King in which case there would be a conspiracy, which would present a problem for the FBI. Hamilton advised them that investigation by the FBI in Atlanta was always alert for evidence of a conspiracy, that no such evidence was developed during the investigation in Atlanta, and that if such evidence had been developed, it would have been thoroughly investigated.

The interview was concluded at that point. The interview lasted from approximately 12:00 noon to approximately 12:20 PM on August 3, 1976.

Volume 9 -

178 pages
Attorney

File No: 44-2386

Re: *Wickham*

b7(c)(D)

Date: 9-12-77
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b) or (3) cited)
			Actual	Released	
1202	4/25/71	Wickham to AT.	1	1	
1203	"	Conroy to AT.	4	4	
1204	"	Wickham " "	1	1	
1207	"	Danko " "	1	1	
1208	"	WATY " "	4	4	
1209	"	Miller " "	1	1	
1210	"	WATY " "	1	1	
1211	"	Michal " "	1	1	
1212	"	WATY " "	1	1	
1214	12/3/67	papers	1	1	
1215	4/18/68	Security G. to Spain	1	1	
1217	4/25	WATY to AT	1	1	

April 18, 1968

MEMO:

RE: MARTIN LUTHER KING JR.

TO: LT. WAYNE SPIVA

FROM: SECURITY SQUAD

LT.

WE HAVE BEEN REQUESTED TO FURNISH YOUR OFFICE WITH THE NAMES OF PERSONS WHO IN THE PAST HAVE THREATENED THE LIFE OF MARTIN LUTHER KING JR. CHECK TO SEE IF ERIC GALT COULD HAVE BEEN ASSOCIATED WITH ANY OF THEM, AND ANY OTHER INFORMATION THAT COULD BE PERTINENT TO THE INVESTIGATION.

- JESSE KILGORE, PERFIELD, N.Y.
- HAROLD J. THOME, TULUCA, CALIF.
- M.L. THOMPSON
- BILL WILLIAMS, NEW ORLEANS
- ADRAIN JAMES HAHNENBERG @RONALD L. STEVENS @ RONALD LEON STEVENS DOB 8-6-46
- L.C. BLAYLOCK, WINONA, MISS.
- STEPHEN LANE
- JOSEPH GAFFNEY
- TOY DEXTER
- JAMES WILLIAM COLE @CATFISH
- MR. CHEW
- CHARLES BRITTIN, COVINA, CALIF.
- FRANCIS X. LAY, WM
- WILLIAM D. MALLON, WM
- WILLIAM HAROLD JAMISON, SAN ANTONIO ST., "SOUTH GATE, CALIF.
- JACK MAYNARD RAY, WM 34 DOB " 3-3-31
- GEORGE MCLAMB M137
- RUTH HARRINGTON CF, 812 QUINTANA PL, WASHINGTON, D.C
- WILLIAM THOMAS JACOBS, SALVATION ARMY, KANSAS CITY
- JIM JOHNSON, NATIONAL KNIGHTS OF KKK
- ALFRED SHAFFER M127, 5'6" Blonde, MAUDE, TEXAS
- DAVID LANDSDEN, RELEASED FROM MENARD, ILL. (PRESUMABLY MENTAL INSTITUTION)

RESP,

R. B. Moore
SGT. R. B. MOORE

44-2336-1215

*Orig to
Sentinella
with cc letter
to Apu-*

[Handwritten initials]

NOVEMBER 13, 1967

DR. MARTIN LUTHER KING JR.

MEMPHIS IN CHICAGO RECEIVED WORD FROM THE LOCAL CHAPTER OF NAACP THAT CITY. THEY RECEIVED A TELEGRAM FROM A JESSE KILGORE, PENFIELD, N.Y. TELEGRAM STATED THAT HE WOULD BE HARMED IF HE DID NOT TONE DOWN THE SPEECHES HE HAS BEEN MAKING. NO IDENTIFICATION, OR ANY INFORMATION AS TO WHO KILGORE IS.

tted:

44-2386-1214

SEARCHED
SERIALIZED
INDEXED

Dunham

Make index card & file.

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, ATLANTA (44-2386)

FROM : SA CHARLES T. HAYNES

SUBJECT: MURKIN

DATE: 4/25/68

Reurmemo 4/24/68, with lead to attempt to develop any information from the Atlanta Police Department regarding the possibility of subject's being involved in any "fracas" with any Negro in the area during his presence in Atlanta.

Det. Sgt. ROBERT B. MOORE, Atlanta Police Department, advised on 4/24/68 that matters involving difficulty between white and Negro individuals are normally called to his attention for informational purposes; however, an arrest report would not necessarily be made on all arrests, therefore, the most satisfactory approach would be to contact the superior officers in charge of each watch as well as a particular officer covering the 14th and Peachtree Street area.

On 4/25/68, Sgt. MOORE advised that he had contacted the logical officers in a position to have knowledge of any arrests involving a white man of the subject's description with a Negro individual anywhere in the Peachtree-14th Street area during the approximate period of 3/24/68 through 4/11/68, and no one recalled any incident which could be considered pertinent to this matter.

② - Atlanta
CTH:met
(2)

max

44-2386-1212

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
APR 25 1968	
FBI-ATLANTA	



5010-108-01

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

File No: 44-2386-At-20d-1 Re: Murkin: Atanta

Date: 8-77

b7(c)(D)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b) or (3) cited)
			Actual	Released	
181	4-7-68	Bulky exhibit sheet	1	1	
182	4-15	" "	1	1	
183	4-18	" "	1	1	
184	4-17	" "	1	1	
185	4-22	" "	1	1	
186	4-15	" "	1	1	
5	4-6	present of Evans	1	1	
7	4-6	" " Poza	1	1	
11	4-7	Chicago Tel.	4	4	
12	4-7	present of Reynolds	1	1	
13	"	" " Evans	1	1	
24	4-8	" " Mitt	1	1	

15

C. A. 75-1996
EXHIBIT 2

Inventory Worksheet
FD-503 (2-18-77)

File No: 44-2386 vol. 1

Re: Murkin: Atlanta

Date: 9-17

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b) or (3) cited)
			Actual	Released	
NR	4-8	mem SAC HiH	1	1	
34	4-8	mem Roseberry	1	1	7-D
44	4-9	memo Ceasar	2	2	
45	4-7	Savannah Ttl.	1	1	
48	4-9	mem Simpson	1	1	
65	4-10	mem Rose	1	1	
66	4-10	" Roseberry	1	1	
67	4-10	mem SA Check	2	2	7-D
68	"	" " "	1	1	7-D
73	4-8	mem Roseberry	1	1	7-D
77	4-8	mem Hayes	1	1	7-D, 7-C
78	4-10	" Miller	1	1	7-D

Atlanta

File No: 44-2386 vol. I

Re: MURKIN.

Date: 9/17

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b) or (3) cited)
			Actual	Released	
79	4-10	memt Webber	1	1	
82	4-10	tel.	1	1	
95	4-11	memt Simpson	1	1	
97	"	" Roxbury	1	1	7-D
98	"	" Hughes & Brandt	2	2	
118-A	"	Birmingham Tel.	1	1	
121	"	memt SA Fugate	1	1	
122	4-11	" " Henry	1	1	
		--- End of volume ---			

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RR AFD

DE HQ

01060002Z JAN 77

FM DIRECTOR (62-117290)

TO ALL SACS ROUTINE

CLEAR

HOUSE SELECT COMMITTEE ON ASSASSINATIONS

REFERENCE BUREAU TELETYPE NOVEMBER 24, 1976.

REFERENCED BUREAU TELETYPE SET FORTH THE FACT THAT THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS (HSC) HAS BEEN ESTABLISHED BY THE NINETY-FOURTH CONGRESS TO INVESTIGATE THE DEATHS OF JOHN F. KENNEDY AND MARTIN LUTHER KING, JR.

IN CONNECTION WITH THE HSC INVESTIGATION THE UNITED STATES DEPARTMENT OF JUSTICE HAS INSTRUCTED THE BUREAU TO MAKE AVAILABLE FOR REVIEW BY THE HSC STAFF ALL INFORMATION RELATING TO THE JOHN F. KENNEDY ASSASSINATION AND MARTIN LUTHER KING, JR., ASSASSINATION AS WELL AS CLOSELY RELATED CASES. IN ORDER TO PREPARE FOR THE HSC REVIEW, YOU ARE REQUESTED

89-43-9952

JAN 5 1977
FBI - DALLAS

106

PAGE TWO (100-117250) CLEAR

TO PREPARE AN INVENTORY OF ALL MATERIALS AVAILABLE IN YOUR OFFICE REGARDING THE CASES SET FORTH BELOW. IT IS NOTED THAT BUREAU TELETYPE DATED DECEMBER 9, 1974, TITLED "MARTIN LUTHER KING, JR.," BUREAU FILE 100-106670, YOU WERE REQUESTED TO INVENTORY ALL PERTINENT MATERIAL RELATIVE TO THE MARTIN LUTHER KING, JR., ASSASSINATION. IT IS, THEREFORE, NOT NECESSARY FOR FIELD OFFICES AND LEGATS TO REINVENTORY THAT MATERIAL AT THIS TIME. FILES TO BE INCLUDED IN YOUR CURRENT INVENTORY ARE:

(1) THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY
NOVEMBER 22, 1963

OO: DALLAS BUREAU FILE 62-119060

(2) LEE HARVEY OSWALD
IS - R - CUBA

OO: DALLAS BUREAU FILE 100-82555

(3) MARILYN N. OSWALD
IS - R -

SOPIC BUREAU FILE 100-106650

(4) JACK RUBY
LEE HARVEY OSWALD - VICTIM

CIVIL RIGHTS BUREAU FILE 44-20016

PAGE THREE (62-117290) CLEAR

(5) PRESIDENT'S COMMISSION ON THE ASSASSINATION OF
PRESIDENT KENNEDY (WARREN COMMISSION)

BUREAU FILE 62-139496

IN PREPARING FIELD OFFICE INVENTORIES FOR ALL MAIN
FILES RELATING TO ABOVE, THE FOLLOWING SPECIFIC ITEMS MUST
BE INCLUDED: (A) FIELD OFFICE FILE NUMBER, INCLUDING OFFICE
LETTER; (B) TITLE AND CHARACTER OF FILE; (C) VERY BRIEF
DESCRIPTION OF FILE CONTENTS, INCLUDING WHETHER IT CONTAINS
ANY TAPES, ELECTRONIC SURVEILLANCE LOGS AND/OR TRANSCRIPTS,
PHOTOGRAPHS, BULKY EXHIBITS AND ANY OTHER SIMILAR MATERIAL
WHICH IS IN ADDITION TO ROUTINE CORRESPONDENCE. IF ANY OF
THE ABOVE (TAPES, ETC.) IS NOTED, VERY BRIEFLY DESCRIBE.
INCLUDE STATEMENT DESCRIBING ALL SUBFILES RELATING TO THE
MAIN FILE; (D) ACCOUNT FOR SIZE/SCOPE OF FILE AND RELATED
MATTERS. FOR EXAMPLE, INDICATE NUMBERS OF SECTIONS AND
DIVISIONS IN FILE; VOLUME OF LOGS/TRANSCRIPTS AND BULKY
EXHIBITS; ETC.

IT IS FURTHER NOTED THAT IN REFERENCED BUREAU TELETYPE
OF NOVEMBER 24, 1976, YOU WERE REMINDED OF THE FACT THAT
RECORDS POSSIBLY EVIDENTIARY, INTELLIGENCE OR HISTORICAL

PAGE FOUR (62-117593) CLEAR

VALUE SUCH AS THE KENNEDY AND KING ASSASSINATION INVESTIGATIONS ARE EXCLUDED FROM OUR DESTRUCTION OF FILES AND RECORDS PROGRAM AND SHOULD NOT BE DESTROYED.

YOU ARE, THEREFORE, INSTRUCTED TO REPLY BY TELETYPE SETTING FORTH YOUR INVENTORY REGARDING THE ABOVE LISTED JOHN F. KENNEDY ASSASSINATION FILES. IN ADDITION, YOU ARE REQUESTED TO ADVISE WHETHER ANY MATERIAL RELATIVE TO THE MARTIN LUTHER KING, JR. ASSASSINATION (MURKIN) AND THE ABOVE LISTED FILES RELATED TO THE JOHN F. KENNEDY ASSASSINATION MAY HAVE BEEN DESTROYED UNDER THE DESTRUCTION OF FILES AND RECORDS PROGRAM. IF SO, INCLUDE A LISTING OF SAID FILES. THE HANDLING OF THIS MATTER MUST BE UNDERTAKEN IMMEDIATELY AND GIVEN THE HIGHEST PRIORITY. ROUTE YOUR RESULTS ATTENTION GENERAL INVESTIGATIVE DIVISION, CIVIL RIGHTS SECTION, CONGRESSIONAL IDENTITY UNIT. ALL LEGATS ADVISED SEPARATELY.

FBI

Date: 1/7/77

Transmit the following in _____
(Type in plaintext or code)

via TELETYPE _____
(Precedence)

563

FM DALLAS (89-43) (P)

TO DIRECTOR (62-117290) PRIORITY

BT

E F T O

ATTN: GENERAL INVESTIGATIVE DIVISION, CIVIL RIGHTS SECTION,
CONGRESSIONAL INQUIRY UNIT.

HOUSE SELECT COMMITTEE ON ASSASSINATIONS.

RE BUREAU TELETYPE TO ALL SACS, JANUARY 6, 1977.

RESULTS OF FILE INVENTORY, DALLAS DIVISION, AS FOLLOWS:

1. ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY,
DALLAS, TEXAS, NOVEMBER 22, 1963, MISCELLANEOUS - INFORMATION
CONCERNING. OO: DALLAS, BUREAU FILE 62-109060. DALLAS FILE
89-43.

THE DALLAS OFFICE IS OFFICE OF ORIGIN IN CAPTIONED CASE.

THIS FILE CONSISTS OF 122 VOLUMES, INCLUDING NINE VOLUMES
OF NEWSPAPER CLIPPINGS. THE 122 VOLUMES CONTAIN 9930 SERIALS,
WITH MANY INDIVIDUAL SERIALS CONTAINING NUMEROUS PAGES. THE

1 - Dallas
UHS:bjw
(1)

89-43-4458

Special Agent in Charge

Sent 1830Z M Per

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Precedence)

DL 89-43 PAGE TWO

ABOVE VOLUMES ARE APPROXIMATELY 13 LINEAR FEET IN SIZE.
THIS FILE ALSO CONTAINS 301 EXHIBITS WITH MANY INDIVIDUAL
EXHIBITS CONTAINING NUMEROUS PHOTOGRAPHS AND OTHER DOCUMENTS.
THE EXHIBITS ARE APPROXIMATELY TWO LINEAR FEET IN SIZE.

2. LEE HARVEY OSWALD, AKA; INTERNAL SECURITY - RUSSIA -
CUBA. OO: DALLAS. BUREAU FILE 105-82555, DALLAS FILE 100-
10461.

THE DALLAS OFFICE IS OFFICE OF ORIGIN IN CAPTIONED CASE.
THIS FILE CONSISTS OF 105 VOLUMES, INCLUDING SIX VOLUMES
OF TRANSLATIONS, THREE VOLUMES OF INVENTORY WORKSHEETS, AND ONE
VOLUME OF OSWALD WRITINGS. THE 105 VOLUMES CONTAIN 9360
SERIALS, WITH MANY INDIVIDUAL SERIALS CONTAINING NUMEROUS
PAGES. THE ABOVE VOLUMES ARE APPROXIMATELY 13 LINEAR FEET IN
SIZE. THIS FILE ALSO CONTAINS 498 EXHIBITS, MANY INDIVIDUAL
EXHIBITS CONTAINING NUMEROUS PHOTOGRAPHS AND OTHER DOCUMENTS.
THESE EXHIBITS ARE APPROXIMATELY 2½ LINEAR FEET IN SIZE.
IN ADDITION TO THE ABOVE EXHIBITS, ADDITIONAL BULKY EXHIBITS
CONTAINING NUMEROUS PHOTOGRAPHS AND OTHER DOCUMENTS AS WELL AS
COPIES OF WARREN COMMISSION EXHIBITS ARE LOCATED IN A SECURE
METAL CABINET WITH THE TOTAL VOLUME OF THESE EXHIBITS BEING

Approved: _____
Special Agent in Charge

Sent _____

M Per _____

F B I

Date:

Transmit the following in _____

(Type in plaintext or code)

Via _____

(Precedence)

DL 89-43 PAGE THREE

APPROXIMATELY 15 CUBIC FEET.

3. MARINA NIKOLAEVNA PORTER, AKA, MARINA OSWALD, IS-R, OO: DALLAS, BUREAU FILE 105-126032, DALLAS FILE 105-1435.

THE DALLAS OFFICE IS OFFICE OF ORIGIN IN THIS CASE. THIS FILE CONSISTS OF ONE VOLUME CONTAINING 182 SERIALS. THIS FILE CONTAINS FOUR EXHIBITS IN THE SUB A SECTION.

4. JACK L. RUBY, AKA; LEE HARVEY OSWALD (DECEASED) - VICTIM. CR. BUREAU FILE 44-24016, DALLAS FILE 44-1639.

THE DALLAS OFFICE CONDUCTED THE PRIMARY, SUBSTANTIVE INVESTIGATION IN CAPTIONED CASE. THIS FILE CONSISTS OF 94 VOLUMES, INCLUDING SEVEN VOLUMES OF NEWSPAPER CLIPPINGS. THESE 94 VOLUMES CONTAIN 6455 SERIALS, WITH MANY INDIVIDUAL SERIALS CONTAINING NUMEROUS PAGES. THE ABOVE VOLUMES ARE APPROXIMATELY 11 LINEAR FEET IN SIZE. THIS FILE ALSO CONTAINS 186 EXHIBITS, WITH MANY INDIVIDUAL EXHIBITS CONTAINING NUMEROUS PHOTOGRAPHS AND OTHER DOCUMENTS. THE EXHIBITS ARE APPROXIMATELY FIVE LINEAR FEET IN SIZE.

5. THE PRESIDENT'S COMMISSION ON THE ASSASSINATION OF

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Precedence)

DL 89-43 PAGE FOUR
PRESIDENT KENNEDY. BUREAU FILE 62-109090. DALLAS FILE
62-3588.

THE DALLAS OFFICE SUBMITTED ROUTINE COMMUNICATIONS.
A REVIEW OF THE 26 VOLUMES CONTAINING THE RESULTS OF HEARINGS
BEFORE THE PRESIDENTS COMMISSION IS SET FORTH IN THIS FILE.
THIS REVIEW WAS CONDUCTED BY SAS OF THE DALLAS OFFICE.

THIS FILE CONSISTS OF TWO VOLUMES CONTAINING 189 SERIALS.
THE ONLY EXHIBITS IN CONNECTION WITH THIS FILE ARE BOOKS
DEALING WITH THE PRESIDENTS COMMISSION AND TWO AFFIDAVITS
FROM SAS OF THE FBI.

[REDACTED]

b2
b7D
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Approved: _____ Sent _____ M Per _____
Special Agent in Charge

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Precedence)

DL 89-43 PAGE FIVE

[REDACTED]

b7E

FOR THE ADDITIONAL INFORMATION OF THE BUREAU, THE DALLAS OFFICE HAS ESTABLISHED A SPECIAL JOHN F. KENNEDY ASSASSINATION FILES INDICES CONSISTING OF APPROXIMATELY 40 LINEAR FEET OF 3" BY 5" INDEX CARDS. THESE INDEX CARDS ARE MAINTAINED SEPARATE FROM THE GENERAL INDICES. ALSO ESTABLISHED WAS A SPECIAL COMMUNICATIONS INDEX IN THE EARLY MONTHS OF THE JFK ASSASSINATION INVESTIGATION CONSISTING OF APPROXIMATELY 2½ LINEAR FEET OF 5" BY 8" INDEX CARDS WHICH ARE ALSO MAINTAINED SEPARATE FROM THE GENERAL INDICES.

NO KNOWN MATERIAL RELATIVE TO THE MARTIN LUTHER KING, JR. ASSASSINATION (MURKIN) AND THE ABOVE LISTED FILES RELATED TO THE JOHN F. KENNEDY ASSASSINATION HAVE BEEN DESTROYED UNDER THE DESTRUCTION OF FILES AND RECORDS PROGRAM.

BT

#

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

HQ037 2221952

PP AT EH LA NO WF CG SL

DE HQ

P 121915Z AUG 77

F.I. DIRECTOR

TO ATLANTA PRIORITY

BIRMINGHAM PRIORITY

LOS ANGELES PRIORITY

NEW ORLEANS PRIORITY

WASHINGTON FIELD PRIORITY

CHICAGO PRIORITY

ST. LOUIS PRIORITY

BT

89-61-101-14 p. 1

(40)

Murkin 157-10673

CLEAR

RE: ROYAL WEISSBERG V. U.S. DEPARTMENT OF JUSTICE (U.S.D.C., D.C.)

CIVIL ACTION NO. 75-1995, FREEDOM OF INFORMATION ACT (FOIA)

MATTER; ENDED: AUGUST 31, 1977.

IN CONNECTION WITH CAPTIONED CIVIL ACTION THIS
BUREAU HAS ENTERED INTO A STIPULATION TO PROCESS
P. SUANT TO THE FOIA CERTAIN DOCUMENTS PERTAINING TO

40 -
1/2

ORA
Widener
8/29

197-1-1

SEARCHED _____	INDEXED _____
SERIALIZED _____	FILED _____
AUG 30 1977	
FBI - NEW ORLEANS	

[Signature]

copy of response to CG 2855

PAGE TWO CLEAR

THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

(MURKIN) CONTAINED IN THE FILES OF YOUR FIELD DIVISIONS.


TO FACILITATE COMPLIANCE WITH THIS STIPULATION, EACH RECIPIENT SHOULD CONDUCT A SEARCH OF YOUR INDICES FOR ALL MAIN FILES IDENTIFIABLE WITH MURKIN. THEREAFTER, ATLANTA, BIRMINGHAM, LOS ANGELES, NEW ORLEANS, AND WASHINGTON FIELD SHOULD FORWARD TO FBIHQ ONE XEROX COPY EACH OF ALL DOCUMENTS, INCLUDING BULKY EXHIBITS AND I-A'S WHICH MEET THE FOLLOWING CRITERIA: (1) ANY DOCUMENT IN THOSE FILES WHICH WAS NOT DIRECTED TO, NOR RECEIVED FROM, FBIHQ OR THE MEMPHIS FIELD DIVISION (FBIHQ FILES HAVE BEEN PROCESSED FOR MEMPHIS FILES ARE CURRENTLY BEING PROCESSED FOR THE R. JESTER); (2) ANY DOCUMENT IN THESE FILES WHICH HAD BEEN SUBMITTED TO, OR RECEIVED FROM, FBIHQ OR MEMPHIS BUT WHICH CONTAINS A SUBSTANTIVE, PERTINENT NOTATION - OTHER THAN AN ADMINISTRATIVE TYPE DIRECTIVE FROM A SUPERVISOR TO AN AGENT - WHICH WOULD NOT APPEAR ON THE FBIHQ OR MEMPHIS COPY. BULKY EXHIBITS OR I-A'S, HOWEVER, WHICH CONTAIN MATERIAL OTHER THAN DOCUMENTS, SUCH AS PHYSICAL EVIDENCE, SHOULD NOT BE COPIED FOR PROCESSING BUT SHOULD BE LISTED SEPARATELY IN YOUR COVER COMMUNICATION.

PAGE THREE CLEAR

CHICAGO AND ST. LOUIS SHOULD FORWARD TO FBIHQ A XEROX COPY EACH OF ONLY THOSE DOCUMENTS, INCLUDING BULKY EXHIBITS AND 1-A'S, IN THE MURKIN FILES WHICH (1) RELATE TO JOHN RAY, JERRY RAY, JAMES EARL RAY, CAROL PEPPER AND ALBERT PEPPER, AND WHICH WERE NOT SUBMITTED TO, NOR RECEIVED FROM, FBIHQ OR MEMPHIS AND (2) WHICH RELATE TO THOSE SAME PERSONS AND HAVE BEEN SUBMITTED TO, OR RECEIVED FROM, FBIHQ OR MEMPHIS BUT CONTAIN SUBSTANTIVE, PERTINENT NOTATIONS AS DESCRIBED ABOVE. FOLLOW THE SAME INSTRUCTIONS FOR BULKY EXHIBITS AND 1-A'S AS DESCRIBED ABOVE.

ALL COPIES SUBMITTED SHOULD BE CLEARLY LEGIBLE, AND SHOULD BE SENT REGISTERED MAIL, MARKED TO THE ATTENTION OF RECORDS MANAGEMENT DIVISION, FREEDOM OF INFORMATION-PRIVACY ACTS BRANCH.

ADDITIONALLY, ONE AGENT IN EACH FIELD DIVISION SHOULD SUBMIT AN AFFIDAVIT WHICH CAN BE FILED IN COURT ATTESTING THAT A SEARCH HAS BEEN MADE IN THE FIELD DIVISION FOR ALL FILES PERTAINING TO MURKIN IN ACCORDANCE WITH INSTRUCTIONS FURNISHED ABOVE AND CITING THOSE FILES LOCATED; (2) THAT ALL THOSE MURKIN FILES HAVE BEEN REVIEWED AND COPIES OF ALL



PAGE FOUR CLEAR

DOCUMENTS CONFORMING TO THE ABOVE CRITERIA HAVE BEEN
FORWARDED TO FBIHQ.

BY SEPARATE COMMUNICATION, EACH RECIPIENT FIELD OFFICE
WILL BE FURNISHED A SAMPLE AFFIDAVIT DETAILING THE FORMAT
DESIRED.

INASMUCH AS PROCESSING OF THESE DOCUMENTS IS TO BE
COMPLETED AT FBIHQ BY NOVEMBER 1, 1977, EACH OFFICE SHOULD
INSURE THAT THE DOCUMENTS, TOGETHER WITH THE AFFIDAVIT, ARE
FORWARDED TO FBIHQ BY AUGUST 31, 1977, OR AS SOON BEFORE
THIS DATE AS POSSIBLE.

ANY QUESTIONS SHOULD BE RESOLVED BY CONTACTING SUPERVISOR
JOHN ALLEN HARTINGH, EXTENSION 5565, OR UNIT CHIEF HORACE P.
BEC WITH, EXTENSION 4836, FOIPA BRANCH, FBIHQ.

FBI

C. A. 75-1446
EXHIBIT 4-B

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION

- TOP SECRET
- SECRET
- CONFIDENTIAL
- E F T O
- CLEAR

Date August 29, 1977

TO: Director, FBI

FROM: SAC, New Orleans (197-1) - C -

HAROLD WEISBERG
v.
UNITED STATES DEPARTMENT OF JUSTICE
(U.S.D.C., D.C.)
Civil Action Number 75-1996

Re Bureau teletype 8/10/77 and Bureau airtel 8/12/77.

Enclosed under separate cover are one Xerox copy each of 713 documents, all from the New Orleans MURKIN file, NO 157-10673.

The enclosed documents represent the results of a serial-by-serial review of the entire New Orleans MURKIN main file and its 1-As. The serials enclosed are only those which (1) were not directed to, or received from, FBIHQ or Memphis, (2) those involving FBIHQ and Memphis with substantive permanent notations, and (3) 1-As which can be Xeroxed.

Those 1-A Exhibits which cannot be Xeroxed are listed as follows:

- 4 - Bureau (1, Package)
- 3 - New Orleans
(1, NO 66-2855)
(1, NO 157-10673)
(1, NO 197-1)

CHA:mwb
(7)

IAW/MRR II 3, file should be:
Destroyed in 6 mos. 10 yrs.
Retained as security matter

[Handwritten Signature]

197-1-4

Searched _____

Serialized _____

Indexed _____

Filed _____

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____