

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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HAROLD WEISBERG, :
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 Plaintiff, :
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 V. : Civil Action No. 75-1996
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 U. S. DEPARTMENT OF JUSTICE, :
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 DEFENDANT :
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.....

AFFIDAVIT

My name is Harold Weisberg. I reside at 7627 Old Receiver Road (Route 12), Frederick, Maryland. I am the plaintiff in this case.

1. I have read defendant's Memorandum in Opposition, mailed to my counsel January 22, 1980, and the accompanying affidavit of FBI SA Martin Wood, with its exhibits.

2. Both are unfactual, untruthful, deceptive and misleading, hold representations that are outright lies (some of which are and are intended to be personally defamatory of me) and are a continuation of the deliberate misrepresentations that have so drawn out this long case, effectuated noncompliance with the Act, wearied the Court and denied the people, me among them, rights supposedly assured by the Act.

3. Many untruths can be stated in very few words, particularly when uttered by those who have every reason to expect that they will be immune, that their careers can thereby be advanced, or that holding their jobs may require it.

4. Disproving untruths, particularly when those who state them have in the past been immune in similar offenses, when the Court has not expunged them and shows signs of having been influenced by them, requires much greater length. This is what accounts for the length of this affidavit and the large number of attachments.

5. As I have from the first in this long, tiring and expensive case, I not only state that defendant's representations to the Court are unfaithful, I undertake to prove this point by painful point, with proofs from defendant's own

files.

6. The nature of these proofs is such that there is no reasonable doubt about the intent to be untruthful, deceptive and misleading.

7. I have a decade of personal experience in FOIA matters and with defendants in them. My experience includes an extensive study, a study of a magnitude of which I know no equal. Based on my experience, particularly as a requester/plaintiff, I state again that as long as false, misleading and deceptive representations, whether by counsel or under oath, are accepted by courts; and as long as there is immunity for those who make them; FOIA cases will be long and drawn out, the Act will be negated, and plaintiffs will face a Hobson's choice, between accepting a denial of legislated rights and being wasted in point-by-point refutations of all unfaithful representations lest on any one, as within my experience is not uncommon, the defendant prevails. This means an enormous waste for the plaintiff, of all the time, money and effort invested in attempting to obtain public information. It means the denial of his rights.

8. In what follows I address each unfaithful representation, beginning with the Wood affidavit, then in the Memorandum in Opposition, in the order in which each is made. In each case, to the degree time and my capabilities permit, I provide copies of FBI and court records to establish that these misrepresentations were not accidental, that those who made them did know or should have known better, other than is represented to the Court.

9. To encapsulate defendant's misrepresentations and noncompliance, the public information in question is, for the most part, photographs. I was assured in writing by the FBI that I would receive photographic copies of all relevant photographs. Yet in not a single instance, despite the contrary representations of both defendant's Memorandum and the Wood affidavit, did I receive any photograph. These photographs and other records were to have been provided under the Stipulation.

10. In a minority of instances, inadequate and incomplete xeroxes were substituted without my assent being asked. None of the other records in question was provided. The Wood affidavit concludes with acknowledgment of withholding of a map that is included in the records required to have been provided by November 1, 1977, under the Stipulation. Wood now provides a totally useless and unintelligible

xerox reduction of this map. (See his Exhibit H.) The Memorandum concludes with still another violation of the oft-violated Stipulation, still another of the endless refusals to consider appeals under the Stipulation, which required prompt consideration of them.

11. Contrary to the nasty personal indulgences of Department counsel, from the outset I kept the FBI fully informed about violation of the Stipulation and about missing records. My letters ^{were} prompt and detailed. They were totally ignored, by the FBI and by all Department counsel. From the first and constantly thereafter the defendant was aware of violation of the Stipulation and of improper withholdings.

12. In my earlier relevant affidavit, excerpts of which are included in Appendix II, I stated that the affidavit of Douglas Mitchell, attesting to compliance with regard to these items, was unfactual. The Wood affidavit now admits this in providing the above-mentioned Exhibit H.

13. The affidavit of Quinlan J. Shea, Jr., accompanying and based on the Mitchell and other affidavits, likewise is thereby unfactual, as it also is for other reasons specified in my earlier affidavit.

THE WOOD AFFIDAVIT

14. Wood admits that all the items in question in my Motion for an Order are within the Stipulation. (Paragraph 3) He also admits that all material within the Stipulation was required to be sent to FBIHQ "for processing and release to plaintiff." Ignoring the sworn and undisputed evidence in this case, he then swears falsely, that "Several of the items which were too large or impractical to reproduce were not sent to FBIHQ." These "were listed in an enclosure to a letter from former FBI Director Kelley" to me, dated September 14, 1977. (Wood Exhibit A.)

1) Photographs.

15. Wood's Exhibit A establishes that most of the items in question are and are described as photographs. It is false to attest that it is "impractical to reproduce" photographs. It is false to represent that any of these photographs, which almost without exception are small pictures of people, "were too large or impractical to reproduce."

16. Nowhere in his affidavit does Wood state that I received a single photograph under the Stipulation or in response to Director Kelley's offer. In fact, I did not receive a single photograph.

17. Director Kelley's letter states that "these items have not been copied by the various field offices, and have not been sent to FBI Headquarters." No later letter informed me that these items had been sent to Washington.

18. As exhibits relevant to later Paragraphs reflect, this statement in Director Kelley's letter was not truthful at the time it was made.

19. In some but not all instances, xeroxes of some photographs are in the field office records provided. However, even in the unacceptable form of xeroxes, I have not received all the items required to have been provided under the Stipulation, offered in Director Kelley's letter, and asked for again in my letter of September 17, 1977. (Wood Exhibit B)

20. Wood's intent to deceive and mislead the Court and to continue to deny me the information requested - in perpetuated violation of the Stipulation - is included in his Paragraphs 4, 6, 7, 8 and 9. These Paragraphs represent that I was provided with what I requested when, in fact and to Wood's knowledge, I was not. Not having been provided a single photograph is only one proof of this.

21. Moreover, Wood and Department counsel were on notice of this from my prior affidavits, particularly those in response to defendant's earlier Motion for Partial Summary Judgment. In the earlier Motion, Wood's Exhibits A and B were used as exhibits in the Mitchell affidavit. From the information I provided earlier, the misrepresentation cannot be accidental.

2) Birmingham Records - Still Withheld.

The Birmingham records (Wood's Paragraph 5) are an exception to the photographic nature of the records to have been provided. With regard to these he stated what is false and what he knew in advance would be false because, aside from the information I had provided, it was truthfully represented in his presence by my counsel in court: I have not received what I requested from the Birmingham list. Yet Wood swears that I received them, that they were "included in that release." They were withheld "in that release." This is proven by his Exhibit C, which reflects that all three records were withheld under claim of "b3 (17USC 101)."

23. The intent to deceive and mislead the Court is clear because there are no other Birmingham items involved; because Wood did not state the truth, that they had been withheld under spurious copyright claim; and because he did state that they are "included in that release" when to his knowledge and that of Department counsel they were excluded. Tricky formulations do not avoid misrepresentation.

3) Atlanta.Records - Still Withheld.

24. Of the nonphotographic items, two are Atlanta office records. Wood's obfuscations relating to these items (Paragraph 9) are the longest portion of his affidavit. He concludes by providing other than what one of these items is, "enlarged copies" of a map of Atlanta. It is now beyond question that this was never provided and is another violation of the Stipulation.

25. Wood begins this section with an Orwellian description of total official silence in response to my many communications, including ignored appeals: "Based on our communications with plaintiff" (emphasis added) I was not "advised of the status of the remaining three items ..." A correct and accurate representation, one not intended to deceive or mislead, would be "Based on our communications from plaintiff," followed by the honest admission that all my communications were ignored, although the Stipulation required consideration of them beginning November 1, 1977. However, a truthful representation would constitute still another proof of violation of the Stipulation. Here "status" relating to "the remaining three items" is doublegoodspeak for "they were withheld." Wood provides one, a map, reduced to meaninglessness, achieved with such perfection that I could not make out the names of streets with the use of a 10-power engraver's lens.

26. The first of these three Atlanta office items is a computer printout of the passenger list of a Delta Air Lines flight from Atlanta on which a passenger ticketed for Chicago left the plane at Memphis and did not return to it. Relating to this, at a time when I was forced to pay for all the records, I did not state that I did not want any of it. Rather did I limit myself, not knowing how many feet of computer printout I would have to pay for. While I said I did not want all of it, I did make clear my interest in all records relating to that passenger, whose identification should appear on that printout. Wood, who neither has nor

claims personal knowledge, states that "The FBI interpreted this to mean that plaintiff did not want the computer printout itself but wanted the results of any investigation stemming from the names and addresses in the printout." Wood does not state that I was ever asked if this was a correct "interpretation," and I was not asked. Then, with great and unnecessary indirection, without personal knowledge, and limited further only to conjecture, Wood states that "Investigative material regarding any leads generated by the names on this printout would have been included in the investigative files which were processed and released to plaintiff." (Emphasis added) There is no basis for his assumption. It is based on known fallacies, that all relevant records are filed under MURKIN and that this missing passenger lived in the territory of one of the eight field offices listed in the Stipulation. If the passenger who wasted part of his ticket came from New York or Philadelphia or any other city not within the territory of these eight field offices, there is no reason to presume that whatever Wood may mean by "investigative material" regarding any leads would have been provided.

27. With regard to the second of these Atlanta records ("maps - newspapers" and "several items of evidence"), Wood tries to suggest that, rather than being in Atlanta, to be inventoried there in 1977, they had been sent to the FBI Lab in 1968 and were not returned. Rather than undertaking to explain how Atlanta could inventory records it had not had for nine years, Wood repeats a secondhand explanation already challenged without response, the Mitchell affidavit attached to defendant's earlier Motion for Partial Summary Judgment. Mitchell concluded that those records were at FBIHQ and not in Atlanta. No search is reported. There was no response to my communications. It is merely assumed that Atlanta did not have what it inventoried. This is neither reasonable nor likely.

28. Normal FBI practice is to make and file copies. There is no statement from Atlanta representing that it does not have these records, copies or originals.

29. Wood does not attach any copies of "our communications with plaintiff" relating to Atlanta office records nor does he state which of the multiple sets of them he allegedly consulted or from which he copied his Exhibit A, the Kelley letter with attachment. While this Wood copy of the Kelley letter

appears to be identical with the copy provided to me under discovery, the copy of the attachment is not identical. On the discovery copy (Exhibit 1), opposite the Atlanta listings, is what Wood withheld from the Court in the copy he provided: the word "denied" appears twice. While it is not certain that "denied" is intended to refer to all items, which is a possible interpretation, there is a line drawn from one "denied" to the Delta computer item and there are check marks opposite the maps and newspapers and enlarged maps items.

30. Similarly, checks appear opposite the three Birmingham items referred to above.

31. Neither of these copies bears any Central Records serial number. Neither reflects in any way having been obtained from Central Records.

32. These notations and marks, referred to in Paragraph 29 above, are of importance. They reflect the need for searches of the files of the various FBI components. They also suggest the FBI's real reasons for refusing such searches - they can prove dishonesty and withholdings.

4) The Kelley List versus the Underlying Records.

33. Both copies of the Kelley letter bear the notation "Return to Gehle - 6982." The initials of the person who dictated the letter are "krg." Keith Gehle was involved in the processing of the records in this case. While Wood neither has nor claims personal knowledge, Gehle, clearly, does have personal knowledge. However, the affidavit is by Wood, not Gehle. This is safer when the affidavit is misleading, deceptive, intended to be both, and is falsely sworn.

34. That the false swearing is deliberate is disclosed by a further, if necessarily hasty, check of the discovery copies of those records allegedly consulted by Wood.

35. The September 14, 1977, Kelley letter to me contains deliberate lies. Those same deliberate lies are now repeated under oath to this Court, as I specify below.

36. As provided, these discovery copies are in neither chronological nor reverse chronological order. I therefore refer to them in the order in which I received them, from the top down.

37. Exhibit 2 states that those records listed as withheld in the attachment to the Kelley letter were sent to FBIHQ by Los Angeles under date of

September 29, 1977. In neither this nor any other case was I informed. Los Angeles heard from FBIHQ on August 10, 1977, about this matter.

38. Exhibit 3 states that Chicago forwarded the withheld photographs on September 28, 1977.

39. Exhibit 4 states that New Orleans did likewise under date of September 25, 1977.

40. Exhibit 5, also from Chicago, refers to having heard from FBIHQ on August 10 and 12. Exhibit 3 refers to an August 31 airtel and a phone call from FBIHQ of September 28.

41. Exhibit 6, from Birmingham on August 30, while representing that the three still withheld records are "impractical" for copying, described records that are readily copied. Each is smaller than letter-size paper. No reference to copyright is included and no copyright exemption is claimed. Birmingham, too, heard from FBIHQ August 10, 1977.

42. Exhibit 7, from New Orleans on August 29, refers to having heard from FBIHQ on August 10 and 12, 1977. It lists "Those 1-A Exhibits which cannot be xeroxed." What is listed consists only of photographs, which can be and have been xeroxed.

43. It cannot be believed so many field offices invented the same crude lie, that easily xeroxed records could not be xeroxed. It is significant that this widespread lie followed communications from FBIHQ the day the Stipulation was signed and two days earlier.

5) The Atlanta Cover-up.

44. Exhibit 8 is pages 1, 15 and 16 of the 17-page Atlanta airtel of August 25, 1977. It lists each record provided to FBIHQ separately, by volume. Page 15 confirms my apprehension about the cost of xeroxing the entire Delta printout when I was interested in a single passenger only. Rather than stating that the information was not provided because of a copying problem, or what Wood now infers, that the information was provided, it represents that the information was actually withheld under (b)(7)(D) claim. This page also does not state that the second withheld Atlanta item was not xeroxed because it could not be done. "Maps - newspapers" can be xeroxed.

45. In the FBIHQ list attached to the Kelley letter, this item, Serial 1B2, is described as "maps - newspapers," no more. But there is much more, according to the Atlanta list, "... items of physical evidence, including bed linen, cigarette butts, maps, a saw, newspapers, etc and are not being xeroxed." (sic)

46. Several marginal marks are not comprehensible, although one may be a question mark. The words "maps" and "newspapers" are underscored by hand, with arrows leading to the bottom in a way that on other FBI records indicates a continuation. There is no continuation here.

47. It just happens that the Atlanta office did a black bag job on James Earl Ray and some of these items were taken illegally in it. Of the underscored items I am certain. Bearing on the dependability of an FBI affidavit, FBIHQ demanded an affidavit stating that there had been no black bag job. The Special Agent in Charge dutifully provided it. However, he knew better because the agent who did the job, named Burgess as I recall, reported on it to the SAC. I have that record.

48. Contrary to both the Wood and Mitchell explanations of the withholding of 1B4 (page 16), which includes enlarged copies, in the plural, of an Atlanta area map, there is a marginal FBIHQ note reading, "Can't you do it?" (Emphasis in original)

49. On page 15 there are two claims to (7)(D). Both are initialed with the initials of the former FOIA supervisor in this case, John A. Hartingh. (Gehle worked under him.) The writing on page 16 also appears to be Hartingh's. He was the supervisor at the time of the Kelley letter and the Stipulation. It is he who proposed the Stipulation. It appears that he knew the Kelley letter and its attachment were untruthful and disguised the Serial in which the yield of the black bag job is hidden. He also knew, as anyone in the FBI who read this Atlanta airtel knew, that the withheld map existed in duplicate enlargements. Copies could have been provided at any time.

50. This prevaricated matter of Serial 1B2, the contents of which were never described or provided to me, bears heavily on the credence that can be placed in Mitchell's affidavits.

51. The Atlanta map taken in the black bag job is alleged to have four places marked on it, including the home and church of Dr. King. I know of no other reason for the FBI to enlarge a map of Atlanta nor of any other reason to withhold it.

6) Washington Field Office Withholdings.

52. While the information withheld in Exhibit 9, the Washington Field Office airtel of August 24, does not relate to the items listed in Director Kelley's letter, it is relevant to noncompliance with the Stipulation. The tape provided by David and Shirley Gaines and any investigation that followed, or records indicating that there was no investigation, are relevant and are withheld despite my many requests of the FBI and a number of appeals to Mr. Shea. The claim that a tape is "non-documentary evidence and is not forwarded" for that reason is spurious. It is inconsistent with FBI, including Washington Field Office, practice. A large number of Kennedy assassination tapes were sent to FBIHQ. They are filed as "enclosures behind files" or EBFs. This Washington Field Office withholding followed my informing the FBI that I knew all about the Gaines tape matter. (This office also heard from FBIHQ on August 10, 1977.)

7) Los Angeles Withholding.

53. Exhibit 10 is a handwritten note that precedes the Los Angeles airtel of August 18. It indicates that Los Angeles was to send all items in ("all of it") and that according to my counsel I would "want at least some of the photos." This is dated five days before the Kelley letter.

54. Exhibit 11 is pages 3 and 4 of this airtel. Check marks appear alongside the names of a number of persons who figure importantly in the FBI's investigation. These are the "items marked in airtel" (in Exhibit 10) that Los Angeles was to send to FBIHQ prior to the time of Kelley's letter to me stating the opposite, the untruth now repeated under oath. With one exception, all these marks are after the names. The one exception, a blacker mark, is before the name of J. C. Hardin. The Los Angeles office proved its explanation of its original withholding, that photographs "are not documents and consequently could not be xeroxed and forwarded to the Bureau," to be false by providing some xeroxes of pictures.

55. Exhibit 12 is the Memphis airtel of July 13. While no item of withheld information from the Memphis office is listed in the Kelley letter, Exhibit 12 bears heavily on the untruthfulness of the FBI's representations and on deliberate noncompliance. It also reflects that the FBI had an inventory it could have included in the large shipment of Memphis records that in itself violated the Stipulation and was more than I could handle physically.

56. On the first page there is indication that Memphis had had other relevant records. The "13 boxes" referred to on page 1 are those "currently available to the Memphis Office." What happened to those not "currently available" or that any had been destroyed is not stated. (I added the marks on this page when I first saw it.)

g) The Department Waived Privacy in This Case.

57. The penultimate paragraph on the last page refers to the case as current. This is contrary to Wood's representations in his nonfirst-person affidavit relating to the Memphis index. It confirms my affidavit relating to that index. An index to an active case is not destroyed.

58. Exhibit 13 is page 3 of a longer FBI Legal Counsel to Department Civil Division memo of May 16, 1978. It pertains to a request by James Earl Ray. Because the bottom of the last page, as provided, appears to be masked and no page number appears anywhere on that page, I cannot be certain that this record is of four pages only. When I first saw this record, I placed the marginal lines opposite the passage that includes what is contrary to the FBI's representations in this case, to which it refers: "The DOJ waived privacy rights against public interest and decided the documents concerning the death of Dr. Martin Luther King, Jr., should be available to the public. The entire release of documents from the file consisting of 44,873 pages is available to the public ..."

59. Although FBI Legal Counsel states that the Department "waived privacy rights" in this instant cause, there was and continues to be withholding of a great amount of information that not only was waived but in addition was in the public domain at the time of withholding. This record indicates other false representations to this Court continuously from the very outset of this case.

60. From the foregoing copies of the FBI's own records, it is apparent

that the FBI's present representations to this Court relating to these records are of knowing untruthfulness.

9) Records Described as Released ARE Still Withheld

61. All the items marked in red by Wood on the attachment to his affidavit were not withheld from FBIHQ by the field offices at the time that letter was written, which is what he states. All were not unsuitable for reproduction, which also is what he states. Not one was not suitable for reproduction. His explanation of the Delta printout withholding and the subsequent investigation is inconsistent with the truth in Exhibit 8. His explanation attributed to Mitchell's sworn-to guess also is inconsistent with the truth in Exhibit 8. Records within the Stipulation, offered to me and then not provided when I asked for them, are marked as "denied."

62. Undaunted by his false affirmation that these records could not be copied, Wood simultaneously swears that all were copied and provided, particularly the photographs. In his Paragraphs 6, 7 and 8 he swears that "The inventory worksheets for these documents reflect that the items specifically requested by Mr. Weisberg ... were included in that release." He apparently expected that neither the Court nor I would examine the worksheets he attached because they reflect extensive withholdings, especially of pictures. Withholding is the opposite of "release." His ostensible kindness in providing the worksheets is explained in his Paragraph 10 as "not only for the Court's assistance in determining that the FBI did respond to plaintiff's letter (sic), but also to assist plaintiff in locating the material in the voluminous amount of records which he has been provided."

63. His purpose, as will become clear below, was not to "assist" the Court but to mislead it. Apparently carried away by Department counsel's false representation to the Court, that I was provided with these worksheets in six large volumes, or Wood's or other misrepresentation to Department counsel in this regard, Wood may not have known that his worksheets provided no assistance to me. Worksheets were provided to me along with the related Sections only. As the Department and FBI know, I have preserved the records as provided and have prepared them for university accessioning. I need only go to the file folders that are marked with the field office Section identification. In each I will find the

records provided for each separate section and the related worksheets. A more credible explanation of what Wood attributes to his and the FBI's interest in "assisting" me is the hope that having the copies of the worksheets he attached might deter my making an independent search.

64. If Wood had been sincerely interested in assisting either the Court or me, he would have provided copies of the records he swears were provided. However, he could not do that, despite the pseudo-eloquence of the Memorandum in Opposition, because, as he knew and as Department counsel should have known, all photographs were not provided in any form, not even as xeroxes.

65. This hardly exhausts the evidence of intent to deceive and mislead and the actual misrepresentations and outright untruths now presented to the Court in the defendant's newest of a series of successful efforts to draw this long case out that much longer. Other proofs are in other of the discovery records and in the field office records as provided rather than as misrepresented in this Wood affidavit.

10) What the FBI's "Communications with Plaintiff" Really Shows.

66. If Wood had made as hasty an examination of "our communications with plaintiff" (his Paragraph 9) as I have he would have known, at the very least, that I repeatedly informed the FBI that what he swears was provided had not been.

67. If Department counsel had been less concerned with snide and prejudicial untruths, such as "plaintiff has failed to inspect either the documents or the inventory worksheets and is simply unaware of what he has already received from the FBI," and a little more concerned about the requirement of Rule 11, about which in the not distant past the Attorney General cautioned all Department counsel; a little concerned about the facts and the record in this case, about which I personally cautioned him more than once when he repeatedly misrepresented both; and if it is not expecting too much, a little concerned for simple honesty, common decency and the responsibilities of counsel as an officer of the Court, he also would have known better and, guided by Rule 11, would not have filed this or the other Wood affidavits.

68. Not with these points in mind but because, although they are not

complete, they are more accessible to me and are less flimsy than my tissue carbon copies, I checked the incomplete, one-way copies of "our communications with plaintiff" which were provided by Department counsel under discovery.

69. This incomplete and hasty check shows that I wrote the FBI often and in considerable detail about precisely what the Motion in Opposition and the Wood affidavit address. This detail leaves no possibility of any question about whether I "failed to inspect either the documents or the inventory worksheets."

70. This incomplete check of the FBI's own records discloses that in four different 1977 communications of about 5,000 words, written in a five-day period, I did go into the fact that the field offices did not provide copies of the photographs. The entire file is much more extensive. It is detailed, with careful identification of field office, file, section and serial number, and with repeated references to the processing worksheets.

71. In these communications I covered much of the records and did not limit myself to the items in the Kelley letter. Many of my communications are of considerably greater length than these four. While all four are not clear enough for satisfactory copying, I provide copies of them because they reflect instant complaint about noncompliance and noncompliance with the terms of the Stipulation among other details.

72. On October 24 I wrote Supervisor Hartingh (Exhibit 14) that "Enlargements of Atlanta and Los Angeles maps are referred to but not included. I am interested in this and would like them ..." Only now, in this Wood affidavit, does the FBI, which has been prating "summary Judgment" all the while, acknowledge this withholding. (Wood affidavit, Paragraph 9 and Exhibit H)

73. On October 26, 1977 (Exhibit 15), I informed Hartingh that withholdings "extend to published pictures to selective claims for pictures (Rife is an example) in which some of the same person are withheld and others were released." I also informed him that "Speaking of Jerry Ray, his are among the withheld pictures in 1A."

74. This relates to the Los Angeles records. This and other such references are to xeroxes of photographs, not to photographs, none of which were

provided.

75. At this point I also informed him that "1A75 refers to three pictures and a negative. I was provided with one picture ..."

76. On October 27, 1977 (Exhibit 16), I wrote Hartingh that "There is the same kind of claim to 7(C) I regard as spurious in many cases, including with regard to pictures, such as of Stein and Tomaso." (This relates to New Orleans records withholdings.)

77. Exhibit 17 is among the many records provided by Department counsel that should have resolved any pretended belief that I did not examine the worksheets. It begins, "Again there are large voids in the worksheets, totally unexplained." The penultimate paragraph reads, "Pictures referred to as attached are withheld without explanation. This extends to all the Rays, to Walter Rife and to others whose pictures have been published." (Again, references are to xeroxes of photographs only, no photographs having been provided.)

78. Civil Division was witting because I informed it repeatedly in November 1977, when it made no claim to the Stipulation being all-inclusive. In a November 17, 1977, memorandum I delivered at a conference the next day (Exhibit 18, pages missing in the discovery copy), I informed it of motive other than alleged copyright for the withholding under copyright claim of the uncopyrighted Birmingham records. Notes I referred to as a "talking paper" for that conference (Exhibit 19) conclude with "I have provided many illustrations of unjustified withholding of pictures under privacy claim ..."

79. These notes also refer (at B) to the falsity of the FBI's claim that there were no indices, and its silence "when I proved from FO (field office) records that the FOs do indeed have indexes." Civil Division then and since was no less silent than the FBI relating to field office indices.

80. I provide the November 10, 1977, memo for the FBI (Exhibit 20) referred to in my memo to the Civil Division (Exhibit 18, above). At the bottom of the fourth of its seven pages I informed Hartingh again that the enlarged Atlanta map had not been provided and the nature of my interest in it. Here I also refer to official records I had examined that had not been provided.

//) Worksheets Disclose Withholding of What Wood Alleges Was Provided.

81. Wood and Department counsel appear to have assumed that neither the Court nor I would check the worksheets he attached to his affidavit. I did, and I compared them with the underlying records. Incredible as it may seem, given the expressions of good heart and intent from Wood and Department counsel, inappropriate rhetoric, intended to belittle the nature of my work and interest, their own worksheets utterly destroy their representations of compliance. The worksheets alone prove the opposite. Wood and Department counsel represent that there was "release" to me, despite the cunning preface of "all releasable material."

82. Ms. Rae Barrett, who has been assisting me on a part-time basis, has checked each of Wood's items, as Wood interpreted my acceptance of the offer with the Kelley letter. Her tabulation is attached as Exhibit 21. (See also Appendix 1)

83. Before explaining Exhibit 21, I repeat that I was to have been provided with photographs, not xeroxes. This is confirmed by Exhibit 22, the FBI's letter covering the first of the field office releases, those of Memphis. Toward the end of the middle paragraph on page 2 the FBI confirmed that "Any photographs located in the course of processing the various field office files will be made available to you subject to the provisions of" FOIA. I also reiterate that as of today I have not received a single photograph.

84. Most of the persons photographed are public persons in this case. All figure in the FBI's investigation enough for the FBI to have obtained photographs of them, up to six each. All these people are identified, together with details about their lives, including criminal records, in what is available to all in the FBI's reading room. The FBI has identified some as prostitutes and the records in the FBI's reading room refer to them as prostitutes. In terms of the investigations of the Los Angeles Office, which Ms. Barrett selected to illustrate, all figure importantly in those investigations. Even if ^{the} Department of Justice had not waived privacy, what is disclosed leaves no privacy to protect.

85. Of the 51 Serials listed by Wood, in 12 instances, or only slightly more than a fifth of the different items of photographs, the FBI provided xeroxes.

In 39 instances, or in a little less than four-fifths of the Serials, not even xeroxes were provided. Of the total number of photographs, not even xeroxes were provided in well over 80 percent of the cases.

86. This is the opposite of what the Department represents.

87. In addition, xeroxes are not only not acceptable and are not what was to be provided - they can and they did lead to misidentifications. One, amply recorded, is Birmingham xeroxes of photographs of a suspect, Dr. Gus Prosch, whose arrest on firearms charges received extensive national public attention. The xeroxes provided are almost exact duplicates of photographs taken of me in New Orleans, even to the background, and particularly with regard to the face.

88. In some instances the FBI claimed not to be able to xerox negatives. This is false. The falsity is proven by the providing of xeroxes of negatives from other field office records. However, negatives are intended for copying, by being printed as photographs, so there was no real problem in providing photographic copies.

89. I illustrate this with Los Angeles Serial 1A48, where the negative is of a photograph of James Earl Ray, taken under his Galt alias.

90. In the Serials listed by Wood, photographs not provided in any form, not even xerox, include those of Jerry Ray, James' brother, and Walter Terry Rife, James' former crime partner. (Rife and most of the others have been written about extensively in books and countless newspaper and magazine articles.)

91. With regard to the withholding of Los Angeles 1A31, relating to one J. C. Hardin, the records of the New Orleans and Atlanta offices, as provided, are quite deficient. This was the subject of a large number of communications to the FBI.

92. A J. C. Hardin phoned Ray when Ray was on the lam in Los Angeles. Hardin left Atlanta and New Orleans phone numbers for Ray to call. He then showed up in Los Angeles, looking for Ray at Ray's hotel, at a time when supposedly nobody at all knew that the escapee Ray was there under the Galt alias. This was immediately prior to the assassination of Dr. King.

93. In the FBI's investigation of this lead, it turned up a number of other leads the results of ^{a//}the investigations of which are not included in what

has been provided.

One

94. /J. C. Hardin in Atlanta was an FBI "symbol informant." There is no known basis for assuming that this person who contacted Ray openly was not the FBI's own informant. The FBI's verbal response is a nonresponse and an irrelevancy. Supervisor Hartingh claimed, from his Washington interpretation of field office records not provided, that the FBI was never able to determine which J. C. Hardin contacted Ray. In terms of the FBI's investigation, which is my interest and that of history, this is irrelevant. In terms of that investigation, all the records Hartingh claimed to cite have not been provided. It is not only this photograph or even xerox of it that the FBI withholds relating to J. C. Hardin.

95. Following several of my complaints about J. C. Hardin withholdings, the FBI included non sequiturs in its October 17, 1977, letter accompanying these Los Angeles records. (Exhibit 23) In my reply of the next day (Exhibit 24), in addition to referring to other photographs not provided and those of J. C. Hardin, also not provided, I reminded the FBI that positive identification of J. C. Hardin was separate from compliance by producing all relevant records. I also reminded the FBI that at the end of that month, under the Stipulation, it was required to consider my appeals and complaints, which it has not done in any communication addressed to me. Other Stipulation records still withheld are also referred to.

96. With reference to Los Angeles Serial 1A31, the FBI did not make (7)(D) claim.

97. In referring to Marrell McCullough in Exhibit 23, the FBI states that "We have processed all documents relating" to him and Hardin. That this is not true is reflected by the fact that much later, in response to a separate request and appeal, I received other McCullough information.

98. In the upper righthand corner of Exhibit 22, at the same point on a large number of the discovery records and of exhibits to the Wood affidavit, the name "Mr. Long" appears. This is the Long of the tickler that was withheld for so long and then was provided in gutted form. These many FBI records indicate that this man, directly involved in this litigation, appears never to have been consulted about his tickler and never to have volunteered any information relating to its whereabouts until after I directed Mr. Shea to him. By then that unique

and extremely valuable record had been destroyed.

99. Near Hardin on the Los Angeles list is Charles Stein. There are supposed to be a negative and five photographs of Stein. Charles Stein became a public figure because he traveled between Los Angeles and New Orleans with James Earl Ray and then tried to commercialize this as part of an extensively syndicated investigation by the late Louis Lomax. There is perceptible motive other than the invalid (7)(C) claim for withholding even xeroxes of these photographs of Stein: he provided the FBI with a Louisiana phone number Ray called. What the FBI has provided relating to this is so little it would get flunking grades in a rip-off, mail-order detecting course for which there are no prerequisites. My letters to the FBI and my appeals have all been ignored for years.

100. Copies of the Los Angeles records Ms. Barrett selected (referred to in Exhibit 21) and my explanation of them are attached in Appendix I. These Hardin and Stein illustrations are not atypical.

101. The FBI we know in this case, which is not the Efrem Zimbalist FBI, can't even keep its cooked worksheets straight, as is illustrated by the four parts of Exhibit 25. Neither Wood nor Department counsel troubled themselves to make any correction so that the Court would not be misinformed. Instead, they provided the same page of this Chicago worksheet as part of their Exhibit D. It states, relating to Serial 52, that the actual pages are three, of which only one was released. The second page of Exhibit 25 is the FD 340 form for this Serial. It withholds under "description" the name of the person of whom it has "2 photos- 2 copies each," Jerry Ray. The only exemption claimed is (7)(D). Pages 3 and 4 of Serial 52 are xeroxes of these photographs of Jerry Ray. With regard to this Paragraph, the FBI has not made a single truthful and accurate statement except for the correct identification of Jerry Ray, and that on the worksheet only.

102. Even if the (7)(D) claim was made because of the source of these photographs, there is no basis for it because the FBI itself disclosed that source. It is Marjorie Feters, of Camden, New Jersey. She is a woman Jerry Ray contacted through a lonely hearts listing. The FBI intercepted his mail at the Wheeling, Illinois Post Office and promptly, through its Newark office, made Ms. Feters a PCI. It had Jerry Ray under surveillance even when he was bedded with

Ms. Fetters.

103. Pertinent to this, Jerry Ray is included in the surveillance Item of my December 23, 1975, request. The FBI has not provided all relevant records and my appeal has not been acted on in years.

104. When Jerry returned to his Chicago area job after his visit with Ms. Fetters, he sent her a \$40 money order. For some reason, he wrapped it in a Canadian banking advertising flyer he found in the post office. This led to a large, Keystone Kops-type diversion by the FBI when Ms. Fetters, dutiful PCI that she was, gave the flyer to the FBI. This ridiculousness typifies what the FBI touts as its great investigation and the greatest manhunt ever. It provides motive for the permeating withholding of so much of which there is no reason for the FBI to be proud. My counsel used this Fetters matter on January 3, 1980, to illustrate to the Court how there is, from improper withholding, real danger of harm to the innocent, here from misidentification of another woman as the one who slept with Jerry Ray and accepted pay for it. (There are other such cases.)

105. The invalidity of the (7)(C) claims is illustrated by the first listing under Los Angeles, Serial 1A4, of six withheld photographs of Jerome Wallis Vernon. Vernon is an important part of the FBI's Los Angeles investigation. To the best of my recollection, Vernon ran a cleaning establishment near where James Earl Ray lived in Los Angeles. The FBI had suspicions about him and a Ray relationship. The records disclosed are extensive and are also in the public reading room. Disclosed Memphis records include an entire file section on him. As Mr. Shea testified, there must be a privacy to protect before the claim can be made.

THE MEMORANDUM IN OPPOSITION

106. The Memorandum in Opposition is still another effort to deceive and mislead the Court. While it is not the first such exploit by this and prior Department counsel, it is a more shocking practice of the traditional dodge of the counsel who cannot try his case on the facts or on the law. It is another faithful execution of the FBI's ancient design, to "stop" me and my writing.

107. Its indulgence in personalizations, all of which are refuted by the record with which counsel is supposed to be familiar, is indecent considering that I have persevered through more than four years of litigation to obtain information only to give all of it away to the people, which is an intent of the

Act. Because I do all of this when I am without regular income other than modest Social Security, am aging and have serious illnesses, the foul allegations thinly disguised as questions are a defamation made by abuse of process. The allegation that I have fought for all the records I have obtained, at great cost, when the years ahead of me are fewer, only not to take even a glance at them, borders on profanity. It is part of a course of outrageous conduct more details of which, along with an abundance of witnesses, can be provided if the Court requires more to protect me from such underhanded personal and professional abuse disguised as a presentation to the Court.

108. These allegations, as I document below, are made in bad faith, as is all of the Memorandum. Not one is based on the record or on fact outside the record. Every one is amply refuted by the record, with which counsel is supposed to have familiarized himself during the delay to which I agreed in the taking of the depositions so that he could.

109. Even the description in the Memorandum of the packages sent to me by the FBI is distorted, which suggests a familiarity with the record and my vigorous protest over the violation of the Stipulation in the first of those packages. A packet, according to the dictionary, is a small bundle. This is hardly a description of a carton so large and heavy the FBI knew I could not handle it.

110. The first of counsel's rhetorical indulgences is, "Is it possible that Mr. Weisberg did not receive these items? Of course it is possible but hardly likely." If counsel had spent more time familiarizing himself with the case and less dreaming up personal abuses, he would know that at the time these records were provided I was paying for them and that each shipment was accompanied by a bill, which was followed by my sending the FBI a check in full payment. If he had familiarized himself with the case, he would know that there were records missing in what was sent to me and that the FBI delayed in replacing them until that constituted still another violation of the Stipulation.

111. From the preceding Paragraph it is clear that counsel should have known better than to state that "Mr. Weisberg is allegedly missing only the 'Kelley letter' documents from all five packets." Four entire Memphis Sections were missing in the first carton sent me under the Stipulation.

112. "It is also curious that Mr. Weisberg did not complain at the time that items referenced on the inventory worksheets were missing from the five packets" is a statement by counsel that does not eliminate my perplexity over his virtually nonstop misrepresentations to the Court. I have not been able to determine whether he lies on purpose or just does not care about what he represents to a court of law.

113. If counsel had any familiarity with only the consultancy matter, about which he has addressed himself to the Court (while not following the Court's directive with regard to discovery material he was to have provided and has not), he would know that it encapsulates prompt and detailed "complaint" made under the Stipulation and ignored, thus constituting still another violation of the Stipulation. The exhibits I attach above include a scant selection of the "complaints" I made as rapidly as I read the records, which I did, page by tedious page.

114. "A more likely explanation is that plaintiff has failed to inspect either the documents or the inventory worksheets and is simply unaware of what he has already received from the FBI. If this is indeed the case, defendant hopes that Mr. Weisberg's eagerness to allege 'bad faith' by the FBI will be more restrained in the future." There is nothing in this Memorandum or its attachments that is other than a new demonstration of bad faith.

115. If counsel requires more of a demonstration than is in this affidavit of the state of my recollection, impaired as it is by age and illness, or of whether I "failed to inspect either the documents or the inventory worksheets," I can provide it. I would regard a disciplinary proceeding as a proper place.

116. This is cheapshot practice that is either deliberate or, what is no better, utterly irresponsible. It cannot be because I lacked the information alleged in the Memorandum that counsel's own Civil Division dragooned me into the consultancy when it had the entire FBI and all its experts on whom to draw. And then gypped me out of the promised payment.

117. It is bizarre that counsel alleges I did not even "inspect" the inventory worksheets when I nailed Wood's predecessor for providing the Court with phony worksheets attached to a falsely sworn affidavit. Counsel is familiar with this part of the record in this case and lies about it or he is not familiar

with what he represents to the Court and is no more worthy of credence than is a liar.

118. To paraphrase, is it possible that counsel has no case files? Of course it is possible but hardly likely. Yet counsel represents to the Court that "the documents referred to by Mr. Weisberg were processed and released to him pursuant to the August 12, 1977 Stipulation," even though his "proof" states the opposite and his case file and his client's files also state the opposite, in considerable detail.

119. Counsel seeks to place a heavy "scope" burden on that oft-violated Stipulation, yet he concludes his Memorandum with still another reflection of the contempt in which it is held by him and his client. Swept away by his own rhetoric and cunning in all of this, he concludes: "If Mr. Weisberg has any complaints about the excisions and withholdings noted on the inventory worksheets, then these will, of course, be best addressed with his other challenges to exemptions at a latter (sic) point in these proceedings."

120. Under the Stipulation, all my "complaints about excisions and withholdings" and in fact about the worksheets themselves were required to be considered not at whatever distant time in the future counsel can contrive by his endless stonewalling but beginning on November 1, 1977. That this has not been done is still another violation of the Stipulation. This means another nullification of it.

121. As there is nothing in the Memorandum or the Wood affidavit to persuade that they represent other than bad faith, so also did my search for pertinent exhibits yield nothing but additional proofs of this omnipresent bad faith. A recent in-court demonstration of this is the false accusation that I seek to expand this case. In 1977 the Court interpreted my request to be for all records relating to the investigation of the King assassination, which is correct. There were also political items. They were not properly phrased because I lacked familiarity with the FBI's filing. First the FBI agreed to provide what it calls the "security files on Dr. King" without my filing a written request for them, then it required a written request. I provided it in 1977. This is contrary to the allegation that I seek to expand this case.

122. A greater time than the FBI's backlog has expired and this request is without compliance, as it probably will continue to be until I file suit. However, in the course of searching records, I came upon two of the FBI's which illustrate what I have referred to as permeating bad faith.

123. On August 14, 1978, Mr. Shea reminded the FBI that it had assured him that "any records" released to anyone else would be provided to me and that as "a practical matter" this means "any record related in any way to" the assassination. (Exhibit 26. Emphasis in original) This has not happened. The most recent example is the sending to Jerry Ray of King assassination investigation bank robbery records in which the FBI also has me filed. This, of course, has such records within my 1975 Privacy Act request. Not only does the FBI withhold records within my requests in this instant cause - in which it has not yet searched most of the Items after more than four years - it has not provided duplicates of relevant records already processed.

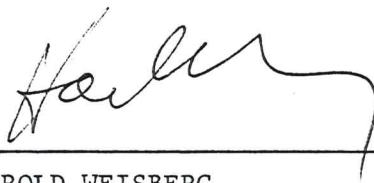
124. On October 16, 1978 (Exhibit 27), after the FBI heard further from Mr. Shea and my counsel, it sent me copies of several small sets of records that had been released to others. (I had obtained most of them some time earlier from another requester.) It then stated, "it is recognized that much of this material may be duplicated as a result of processing your request for the security files on Dr. King." Almost two and a half years have passed since this letter, which was written a year after my request. In that time the FBI has not processed that request. Unless and until I sue, from its long and consistent record, it will not comply. And if I do other than praise it for this, its counsel will seek to defame me.

125. These are by no means unique illustrations. In 1976 I testified to some two dozen information requests I had made of the FBI, then going back to 1968 and all totally ignored. The Court requested the Department to provide a report on compliance. No such report has been filed because noncompliance remains virtually total. It consists of only some of what was released to others.

126. A more flagrant contempt for the Court is in the conclusion to the Memorandum, where Department counsel states that my "challenges ... will, of course, be best addressed ... at a latter point in these proceedings." The single

most numerous "challenge" is my appeal from the withholding of what this Court ordered not be withheld. That Order was several months prior to the processing of a single MURKIN record. This withholding is of FBI names. "Of course," according to Department counsel, contemptuous disregard for an Order of a Court for more than three years is not long enough. If the Court permits, this also will be stonewalled into the distant future. And "of course" it is no ground for alleging bad faith when no more is involved than violation of an Order of the Court.

127. In 1976 I informed the Court that, based on my not inconsiderable experience in such matters, unless the Court ended the misrepresentations made by the Department, this case would not end in the foreseeable future except with noncompliance. What I set forth in this affidavit is merely the most recent of the proofs of the accuracy of what I then stated to the Court. Now semantical games played with the Court are added. Where the Memorandum states that "the documents referred to by Mr. Weisberg were processed and released to him," translation from the Orwell is required. In plain English it means the records were and remain withheld. Big Brother could have put it no better.

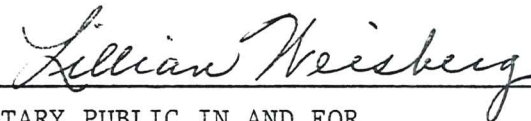


HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this 2nd day of February 1980 deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 1, 1982.



NOTARY PUBLIC IN AND FOR
FREDERICK COUNTY, MARYLAND

Field Offices and items not Xeroxed
and sent to Bureau.

WFO:

Item number 41 of the 1A exhibit section, sealed with "Evidence" tape bearing data as follows: U. S. Post Office Money Orders 5, 615, 057, 923 and 1, 916, 211, 078, to be returned to donor, received from John R. Takach, Chief, Money Order Branch, General Accounting Office, Washington, D. C.

BIRMINGHAM:

The following items were not copied due to the nature of the items and the impracticality of doing so:

- 1(a) Exhibit 1-A-69, which is a magazine, approximately 8 1/2 x 10 3/4 inches, entitled "Redfield '68, Scopes-Mounts-Sights," consisting of 31 printed pages concerning various rifles, scopes, and other information of interest to sportsmen.
- 1(b) A magazine, approximately 8 1/4 x 11 inches, entitled "Winchester-Western 1968 Sporting Arms Ammunition," consisting of 47 pages concerning rifles, shotguns, ammunition, and other information of interest to sportsmen.
2. Exhibit 1-A-121, which is a magazine with a red and yellow cover, approximately 8 x 10 1/2 inches, entitled "Bay of Pigs," authored by Albert C. Persons, consisting of 97 printed pages concerning the subject matter depicted by the title.

CHICAGO:

Below items all found in Sub-D exhibits portion of Chicago file-

- Serials 21, 22, 23 - photos of Jerry Ray
- Serial 37 - envelope containing 2 photos of James Earl Ray
- Serial 39 - standup photos of James Earl Ray
- Serials 43, 45, 51 - photos of James Earl Ray
- Serial 52 - two photos of Jerry Ray

CHICAGO (continued)

- Serial 55 - photos of James Earl Ray
- Serial 58 - photos of James Earl Ray
- Serial 62 - envelope containing laundry marks on shirt and bed linen for James Earl Ray while using the name Galt in the Los Angeles area.
- Serial 68 - one photographic negative of James Earl Ray
- Serial 69 - one photo and negative of James Earl Ray
- Serial 84 - photos of James Earl Ray

ATLANTA:

- Volume SF-2- Murkin Newspaper clippings
- 1-A Exhibits - Volumes 1-4
- Item 44-2386-1A-120, polygraph chart
- Bulky Exhibits for 44-2386
- Item 44-2386-1B-1 This was a Delta Air Lines computer printout of passengers aboard various Delta Air Lines flights including Delta Flight 932 from Memphis to Chicago, 4/27/68 and Delta Flight 595 from Birmingham to Memphis, 4/27/68. This was a voluminous, continuous-run computer printout.
- Item 44-2386-1B-2 - maps - newspapers.
- Item 44-2386-1B-4 - enlarged copies of an Atlanta area map and a Los Angeles area map
- Item 44-2386-1B-5 - Items furnished by the Newark Office to Atlanta which include a large loose-leaf-type book with instructions on locksmithing and a locksmith kit.

LOS ANGELES:

The following 1A exhibits contained in the Los Angeles Murkin file were not forwarded to the Bureau:

- 1a2 - Drivers license of Jerome Willis Vernon
- 1a3 - Drivers license of Lorraine May Vernon
- 1a4 - Photo of Jerome Wallis Vernon
- 1a6 - Photos of Jennings Bryan Lee
- 1a8 - Photos of Jerry William Ray

FBI

Date: 9/29/77

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

via AIRTEL _____ AIR MAIL _____
(Precedence)

TO: DIRECTOR, FBI
ATTN: Records Management Division,
FOIPA Branch

FROM: SAC, LOS ANGELES (190-2-52) (1)

SUBJECT: HAROLD WEISBERG V.
U.S. DEPARTMENT OF JUSTICE
(USDC, DC)
CIVIL ACTION NUMBER 75-1996
FOIA MATTER

Re Los Angeles airtel to the Bureau dated 8/18/77, and Bureau telephone call to Los Angeles on 9/26/77.

One package containing documents from Los Angeles file pertaining to MURKIN is being forwarded to the Bureau via registered mail.

This package contains one xeroxed copy each of the envelope and contents thereof from the following LA exhibits of Los Angeles file 44-1574A:

LA2, LA3, LA4, LA6, LA8, LA9, LA10, LA11;
LA12, LA13, LA14, LA15, LA18, LA29, LA31, LA32,
LA33 (obscene material), LA34, LA36, LA37, LA40,
LA42, LA45, LA48, LA53, LA54, LA55, LA56, LA61, LA64,
LA67, LA69, LA70, LA71, LA75, LA90, LA94, LA95, LA98,
LA100, LA101, LA103, LA104, LA105, LA106, LA107, LA109.

In addition to the above, Los Angeles is submitting one xeroxed copy each of eight FD-340's from above-mentioned Los Angeles file.

4 - Bureau 1 - ENCLOSURE
(1 - Package) (RM)
1 - Los Angeles

11 OCT 3 1977

KAJ/dw
(5)

- 1* -

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

FBI

CA 75-1996
EXHIBIT 3

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

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

Date 9/28/77

TO: DIRECTOR, FBI

FROM: SAC, CHICAGO (197-2) (C)

SUBJECT: HAROLD WEISBERG v.
U.S. DEPARTMENT OF JUSTICE
(U.S.D.C., DC)
CIVIL ACTION #75-1996
FOIA MATTER

Re Chicago airtel to Bureau dated 8/31/77, and Bureau telephone call to Chicago, 9/28/77.

Transmitted herewith to the Bureau is two copies each of serials requested by the Bureau in referenced telephone call.

Enclosed copies of the serials are described as follows:

- Serial 21 -- photos of JERRY RAY
- Serial 22 -- Photos of JERRY RAY 7 SEP 30 1977
- Serial 23 -- photos of JERRY RAY
- Serial 37 -- exhibit envelope containing two photos of JAMES EARL RAY
- Serial 39 -- Stand-up photos of JAMES EARL RAY
- Serial 43 -- photos of JAMES EARL RAY
- Serial 45 -- two photos of JAMES EARL RAY
- Serial 51 -- two photos of JAMES EARL RAY
- Serial 52 -- two photos of JERRY RAY
- Serial 55 -- photos of JAMES EARL RAY
- Serial 58 -- Photos of JAMES EARL RAY
- Serial 68 -- one photographic negative of JAMES EAR RAY
- Serial 69 -- " " "
- Serial 84 -- photos of JAMES EARL RAY

2 - Bureau (Encls. 24)
1 - Chicago
JEK:jdd

ENCLOSURE

Approved: WFB/jdd

Transmitted _____ (Number) _____ (Time)

Per _____

FBI

C A 75-1996
EXHIBIT 24

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

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

Date 9/23/77

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 Butelcall to New Orleans 9/21/77.

Enclosed for the Bureau as requested are Xerox copies of the 1-A envelopes from the New Orleans MURKIN file (157-10673), Items 1A¹-1A⁷².

In additional, also enclosed are Xerox copies of two "Bulky Sheets" from the same file.

2 SEP 28 1977

② - Bureau (Enc. - 74)
1 - New Orleans
SMC:dbm
(3)

ENCLOSURE

Handwritten signature and scribbles

3648

LEGAL CUSTODY

Approved: _____

Handwritten signature

Transmitted _____

(Number)

(Time)

Per _____

- FBI -

CA 75-1996
EXHIBIT 5

TRANSMIT VIA:

- Teletype
 Facsimile
 Airtel

PRECEDENCE:

- Immediate
 Priority
 Routine

CLASSIFICATION:

- TOP SECRET
 SECRET
 CONFIDENTIAL
 E F T O
 CLEAR

Date 8/31/77

TO : DIRECTOR, FBI
 FROM : SAC, CHICAGO (197-2) (C)
 SUBJECT: HAROLD WEISBERG V.
 U. S. DEPARTMENT OF JUSTICE
 (U.S.D.C., D.C.)
 CIVIL ACTION #75-1996
 FOIA MATTER

ReButel dated 8/10/77 and Buairtel dated 8/12/77.

Transmitted herewith to the Bureau is one copy each of serials and exhibits contained in Chicago file 44-1114 (Bufile 44-38861) which fall within the criteria for submission to the Bureau as set forth in referenced Buairtel to Chicago.

The below listed items, all found in the Sub D exhibits portion of Chicago file 44-1114, were items that could not be reproduced:

- Serial 21 - photos of JERRY RAY
 Serial 22 - photos of JERRY RAY
 Serial 23 - photos of JERRY RAY
 Serial 37 - exhibit envelope containing two photos of JAMES EARL RAY
 Serial 39 - Stand-up photos of JAMES EARL RAY
 Serial 43 - photos of JAMES EARL RAY

③ - Bureau
 1 - Package
 1 - Chicago
 JEK:jeo

9 SEP 2 1977

Approved: WFB/WLDTransmitted _____
(Number) (Time)Per RDU
FIC/FA
FBI/DOJ

(4)

CG 197-2

- Serial 45 - two photos of JAMES EARL RAY
- Serial 51 - two photos of JAMES EARL RAY
- Serial 52 - two photos of JERRY RAY
- Serial 53 - one cigarette filter
- Serial 55 - photos of JAMES EARL RAY
- Serial 58 - photos of JAMES EARL RAY
- Serial 62 - envelope containing laundry marks on shirt and bed linen for JAMES EARL RAY while using the name GALT in the Los Angeles area
- Serial 68 - one photographic negative of JAMES EARL RAY
- Serial 69 - one photo and negative of JAMES EARL RAY
- Serial 84 - photos of JAMES EARL RAY
- Serial 87 - tape recording of T.V. interview with JERRY RAY

Appropriate logs were prepared during instant review of Chicago file 44-1114 and these logs will be maintained in the 1-A exhibit section of the Chicago file.

Appropriately executed affidavit is being submitted under separate cover.

C A 75-1996
EXHIBIT 6

8/30/77

AIRTEL

AIRMAIL

TO: DIRECTOR, FBI
ATTN: RECORDS MANAGEMENT DIVISION,
FREEDOM OF INFORMATION - PRIVACY ACTS BRANCH

FROM: SAC, BIRMINGHAM (62-2646) (RUC)

HAROLD WEISBERG
v. UNITED STATES DEPARTMENT OF JUSTICE
(U.S.D.C., D.C.)
CIVIL ACTION NUMBER 75-1996
FREEDOM OF INFORMATION ACT
(FOIA) MATTER
BUDED: AUGUST 31, 1977

Re Bureau teletype to Atlanta dated 8/10/77.

Enclosed under separate cover for the Bureau is one copy each of all serials, including 1-A's and Bulky Exhibits from the Birmingham Division MURKIN file (BH 44-1740) conforming to the requirements set forth in referenced communication. Also enclosed is the required affidavit completed by SA BENNIE P. BREWER, a self-explanatory FD 302 dated 4/12/68, and a memorandum from SA PETER JOHN BODKIN dated 1/7/69.

As indicated in the attached affidavit, the following items were not copied due to the nature of the items and the impracticality of doing so:

1(a). Exhibit 1-A-69, which is a magazine, approximately 8½ x 10-¾ inches, entitled "Redfield '68, Scopes·Mounts·Sights", consisting of 31 printed pages concerning various rifles, scopes, and other information of interest to sportsmen.

③ - Bureau
① - Package Copy - Enclosures)
1 - Birmingham
BFB:dsc
(3)

BH 62-2646

(b). A magazine, approximately 8½ x 11 inches entitled "Winchester-Western 1968 Sporting Arms and Ammunition", consisting of 47 printed pages concerning rifles, shotguns, ammunition, and other information of interest to sportsmen.

2. Exhibit 1-A-121, which is a magazine with a red and yellow cover, approximately 8 x 10½ inches entitled "Bay of Pigs", authored by Albert C. Persons, consisting of 97 printed pages concerning the subject matter depicted by the title.

The above described magazines have been reviewed at Birmingham and found to be without notations of any kind. The enclosed FD 302 and memorandum have been included as an explanation of how and why these magazines were obtained.

It should be noted that the Xeroxed copies of the four Mayfield Cleaners and Hatters receipt books are not as legible as might be desired. This is due to the fact that these were made from carbon copies, themselves not highly legible. Tabs have been attached to those pages containing the name "GAULT".

The enclosed copies of serials are separated according to the respective volumes from which they came. Although there are a total of 20 volumes, other than 1-A's and a sub-file, copies are not enclosed from Volumes Seven and Fifteen because Seven contains only two serials, both reports, and Volume Fifteen contained only one serial, also a report.

UACB, this matter is considered RUC.

FBI

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)

*9/21/77
Frank Carxy
in New Orleans will
get 1-A's copies per Edwards in
New Orleans.*

Approved: _____ Transmitted _____
(Number) (Time)

Per _____ *FOIA*

NO 197-1
CHA:mwb

1A-1: Two cloth strips with laundry tags bearing codes
02B-6 and D2B-6.

✓1A-3: Photographs of artist's conception of unknown
subject purchasing rifle in Birmingham.

1A-6: Photographs of DARREL DEXTER GATIN.

1A-12: Negatives of artist's conception of unknown
subject by witnesses in Memphis and Birmingham.

1A-15: Photographs of bedspread in which gun was
wrapped.

1A-22: Negatives of ERIC S. GALT.

1A-23: Photograph of subject with eyes closed.

1A-27: Color photographs of RONALD BARDIN SIMPSON.

1A-30: Photographs of JAMES EARL RAY, 3/17/60.

1A-31: Photographs of JAMES EARL RAY, 9/8/66.

1A-32: Photographs of WALTER TERRY RIFE.

1A-33: Standup photographs of RAY, 3/28/55.

1A-34: Photographs of JAMES EARL RAY, 1960.

1A-35: Photographs of Continental Dance Studio Party.

1A-36: Negatives of JAMES EARL RAY and WALTER TERRY
RIFE. (no dates).

1A-42: Photograph of JAMES EARL RAY, 1/4/66.

1A-43: Color photograph of CHARLES STEIN.

1A-45: Photographs of MYRAL TOMASO...

1A-46: Photograph of CHARLES STEIN.

1A-57: Photograph of CHARLES JOSEPH STEIN, 7/21/61.

NO 197-1
CHA:mwb

LA-62: Photograph of JAMES L. OWENS.

LA-67: Photographs of JULES RICO KIMBLE.

Sub File 1, consisting of original FD-302s and inserts, was not copied since such documents were repeated in Sub File 2 where all documents were indexed. Only the first pages of Sub File 2 serials were copied since those were repeated in reports submitted.

The affidavit required in the Bureau airtel of 8/12/77 is being sent by separate airtel, attention CHARLES MATHEWS, III, Legal Counsel Division.

To assist the Bureau in accounting for all serials the following additional information is set forth relevant to the idiosyncrasies of the New Orleans main files' serialization:

- (1) Volume 2 actually began with Serial 151, repeating Serials 151, 152, and 153;
- (2) Serial 364 is skipped;
- (3) Serials 1302 and 1303 were transferred to a different file;
- (4) Sub File A Serial 23 was skipped and there are two serials each numbered 17 and 18.

FBI

CA 75-1996
EXHIBIT 8

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

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

Date 8/25/77

TO: DIRECTOR, FBI
 ATTN: RECORDS MANAGEMENT DIVISION
 FREEDOM OF INFORMATION - PRIVACY ACTS BRANCH

FROM: SAC, ATLANTA (190-9) (RUC)

HAROLD WEISBERG VS U.S. DEPARTMENT
 OF JUSTICE (U.S.D.C., D.C.)
 CIVIL ACTION NO. 75-1996,
 FREEDOM OF INFORMATION ACT (FOIA) MATTER
 BUDED 8/31/77

Re FBIHQ teletype to Atlanta, Birmingham, Louisiana, New Orleans, WFO, Chicago and St. Louis, 8/10/77.

Enclosed for FBIHQ is one xerox copy each of 1326 Atlanta documents relative to captioned matter. (X)

Referenced Bureau teletype pointed out that in connection with captioned civil action, the Bureau had entered into a stipulation to process, pursuant to FOIA, certain documents pertaining to the assassination of Dr. MARTIN LUTHER KING, JR., (Bureau code name - MURKIN) contained in the files of recipient divisions.

As a result, each recipient was to conduct a search of its indices for all main files identifiable with MURKIN and thereafter, Atlanta, along with several other offices was to forward one xerox copy each of all documents, including bulky exhibits and 1-As, which documents met certain criteria set forth by the Bureau.

2 - Bureau (Enc. 1326) ENCLOSURE
 1 - Atlanta
 EAS/bw
 (3)

23 AUG 27 1977

[Handwritten initials]

Approved: *[Signature]* Transmitted _____ (Number) _____ (Time) Per _____

AT 190-9

Items 44-2386-1A-71

-72
-73
-74
-75
-76
-77
-78

-79 (photograph not in
LA envelope)

-80

-81 (photograph not in
LA envelope)

-82

-83

-84

-85

-86

-87

-88

-89

-90

-91

-92

-93

-94

-95

-96

-97

-98

-99

-100

-101

-102

-103

-104

-105

-106

-107

-108

-109

-110

-111

-112

-113

-114

Items 44-2386-1A-115

-116

-117

-118

-119

-120

b7D *AM*
(polygraph
chart - too big
to xerox)

-121

-122

-123

-124

Bulky Exhibits for 44-2386

b7D
Item 44-2386-1B-1 - this was a Delta
Air Lines computer printout
of passengers aboard various
Delta Air Line flights including
Delta flight 932 from Memphis
to Chicago, 4/27/68 and Delta
flight 595 from Birmingham to
Memphis, 4/27/68. This was
a voluminous, continuous run
computer printout that was too
large to xerox.

u
→
Item 44-2386-1B-2 - these were
items of physical evidence,
including bed linen, cigarette
butts, maps, a saw, newspapers,
etc and are not being xeroxed.

AT 190-9

Item 44-2386-1B-3 - this was a xerox copy of the complete service record of AARON ISAAC LOFTON - these items contain a notation "Information Copy (Extract) only, to be destroyed upon completion of action. Record copy on file at USAIRR."

As a result, this item cannot be duplicated for another agency. A xerox copy is being sent to FBIHQ.

Item 44-2386-1B-4 - these are enlarged copies of an Atlanta area map and a Los Angeles area map and are too large to run off on the xerox machine. As a result they are not being submitted to FBIHQ. *can't you do it?*

Item 44-2386-1B-5 - these were items furnished by the Newark Office to Atlanta which included a large looseleaf type book with instructions on locksmithing and a locksmith kit. These items are not being xeroxed.

Item 44-2386-1B-6 - this is a copy of a looseleaf ledger book of JIMMY D. GARNER, 107 14th Street, NE, Atlanta, Georgia. A xerox copy of this is being sent to FBIHQ.

Atlanta file 157-3094 (Assassination of Dr. Martin Luther King, Jr., Racial Matter)

VOLUME 1

Serials 157-3094-1	157-3094-119
-4	-120
-14	-123
-15	-124
-32	-131
-37	-132
-44	-133
-45	-134
-47	-135
-61	-136
-68	-137
-69	-138

VOLUME 2

Serials 157-3094-112	-140
-117	-146
	-147
	-148

CA 75-1996
EXHIBIT 9

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

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

Date 8/24/77

Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	_____
Adm. Serv.	_____
Crim. Inv.	_____
Fin. & Pers.	_____
Ident.	_____
Intell.	_____
Laboratory	_____
Legal Coun.	_____
Plan. & Insp.	_____
Rec. Mgnt.	_____
Spec. Inv.	_____
Tech. Servs.	_____
Training	_____
Public Affs. Off.	_____
Telephone Rm.	_____
Director's Sec'y	_____

TO: DIRECTOR, FBI
 ATTENTION: RECORDS MANAGEMENT DIVISION
 FREEDOM OF INFORMATION -
 PRIVACY ACTS BRANCH

NFS
[Handwritten signature]

FROM: SAC, WFO (190-63) (RUC)

HAROLD WEISBERG V.
 U.S. DEPARTMENT OF JUSTICE
 (U.S.D.C., D.C.)
 CIVIL ACTION NO. 75-1996
 FREEDOM OF INFORMATION ACT (FOIA) MATTER
 BUDED August 31, 1977

Re Bureau teletype, 8/10/77; Bureau airtel, 8/12/77.

Enclosed are 566 xerox copies of documents contained in WFO MURKIN file.

Item No. 41 of the 1A exhibit section of WFO file 44-703 is an envelope FD 340, sealed with "Evidence" tape, bearing data as follows: File No. 44-703-1A(41), received 5/22/68, from JOHN R. TAKACH, Chief, Money Order Branch, Government Accounting Office, Washington, D.C., by Special Agent SIDNEY H. ROCHE, to be returned (to donor), description-U.S. Post Office Money Orders 5,615,057,923 and 1,916,211,078. WFO construes this item to be sealed physical evidence and pursuant to instructions in referenced Bureau teletype, this item was not xeroxed and is not forwarded herewith. Item No. 51 of the exhibit section of

ENCLOSURE

- 2- Bureau (Enc. 566)
- 1- WFO

E/W:ldb
(:)

FOIA

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

WFO 190-63

WFO file 44-703 is a tape recording received 5/28/74 from DAVID GAINES by Special Clerk KENNETH WILKEY, described as a tape recording of a conversation between SHIRLEY GAINES and a person identified as BILL (No Middle Name) HARRIS. This was construed by WFO as non-documentary evidence and is not forwarded herewith.

Executed affidavit requested in referenced airtel is being submitted to Bureau, Attention: Legal Counsel Division, by separate airtel, captioned as above, this date.

LA

Serud in items marked
in airtel.

all of it

9.26 Ker Jacobson will handle.

Probably will want
at least some of the
photos

9/9/77
Lessa

LA 190-2-52B

For the additional information of the Bureau, the following LA exhibits contained in the Los Angeles MURKIN file were not documents and consequently could not be xeroxed and forwarded to the Bureau.

Los Angeles file 44-1574A

la2 Driver's license of JEROME WALLIS VERNON ✓
la3 Driver's license of LORRAINE MAY VERNON ✓
la4 Photo of JEROME WALLIS VERNON ✓
la6 Photos of JENNINGS BRYAN LEE ✓
la8 Photos of JERRY WILLIAM RAY ✓
la9 Photos of JAMES EARL RAY (3/17/60) ✓
la10 Photos of JAMES EARL RAY (9/8/66) ✓
la11 Photos of WALTER T. RIFE (3/28/55) ✓
la12 Photos of RAY and RIFE (3/28/55) ✓
la13 Photos of RITA STEIN (5/18/67) ✓
la14 <Photo and impression of tire (SN4174P867) ✓
la15 Samples from textile mach. SN31078 ✓
la18 Samples of laundry tags ✓
la29 Photo of JAMES LOOMA OWENS ✓
la31 ✓ Photo of J. C. HARDIN ✓
la32 Photo of MYRIAL TOMASO ✓
la33 Material-photos ✓
la34 Photo of PAUL OSBORN BRIDGEMAN ✓
la36 Photo of DENNIS WADE FONTENNOT ✓
la37 Photo of DENNIS WADE FONTENNOT ✓
la40 Photo of DONALD B. BLAA ✓
la42 Photos of Businesses ✓
la45 Photos of residents - DAVIDA GREGORY ✓
la48 Negative ✓
la53 Laundry tags ✓
la54 Thermo seal marking machine of laundry mark 20 R-3 ✓
la55 Photos of SUSAN LEE HARRIS ✓
la56 Photos of ERIC LEROY CASEY ✓

LA 190-2-52B

la61 Photos of RAY ✓
la61 Photo of JOHN BEVINS ✓
la67 Photo ✓
la69 Photo of RICHARD B. HARRELY ✓
la70 Photos of JAMES EARL RAY ✓
la71 Photos of DYRELL DENNIS ✓
la75 Photos of ERIC STARVO GALT (11/67) ✓
la90 Photo of JACQUELINE "JACKIE" KLINE ✓
la94 Photos of FRED DREW SCHWARTZ ✓
la95 Photos of FREDERICK JOHN SCHWARTZ ✓
la98 Photo of JAMES EARL RAY and WALTER and RIFE ✓
la100 Photo of FRANK WILLIAM BRICKLEY ✓
la101 Inked impressions of tire number 20427372 ✓
la103 Photos of JEROME WILLIS VERNON ✓
la104 Photos of JAMES RICHARD HENDRICKS ✓
la105 Photo of LION WILLIAM SHORT ✓
la106 Photo of FRANK WILLIAM BRICKLEY ✓
la107 Photos of JAMES EARL RAY ✓
la109 Photo of LOOKALIKE ✓

Los Angeles will submit affidavit of Special Agent who supervised this search for documents pursuant to Bureau instructions in referenced communications.

7-27-76)

CA 75-1996
EXHIBIT 12

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

FBI

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

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

Date 7/13/77

TO: DIRECTOR, FBI
 ATTN: RECORDS MANAGEMENT DIVISION
 FREEDOM OF INFORMATION-PRIVACY ACTS BRANCH

FROM: SAC, MEMPHIS (62-1881) (RUC)

SUBJECT: HAROLD WEISBERG v.
 UNITED STATES DEPARTMENT
 OF JUSTICE (U.S.D.C., D.C.),
 CIVIL ACTION NO. 75-1996;
 FREEDOM OF INFORMATION ACT (FOIA) MATTER

Re Bureau teletype to Memphis, 7/8/77.

Enclosed for the Bureau are 13 boxes containing all
 volumes, Sub sections, 1-A exhibits and bulky enclosures of
 Memphis files 44-1987, 88-10052, 157-1067 and 157-1092 cur-
 rently available to the Memphis Office.

- (15) Bureau (1-Box #1)
- (1-Box #2)
- (1-Box #3)
- (1-Box #4)
- (1-Box #5)
- (1-Box #6)
- (1-Box #7)
- (1-Box #8)
- (1-Box #9)
- (1-Box #10)
- (1-Box #11)
- (1-Box #12)
- (1-Box #13)

3-Memphis
 EFJ:mab
 (18)

15 JUL 16 1977

FOIA

Approved: *GH/17*

Transmitted _____
 (Number) (Time)

Per _____

ME 62-1881

Memphis file 44-1987 has a total of 131 volumes,
categorized as follows:

44-1987	7 volumes
44-1987-1A	11 volumes
44-1987 Sub	2 volumes
44-1987 Sub A	7 volumes
44-1987 Sub B	8 volumes
44-1987 Sub C	5 volumes
44-1987 Sub D	3 volumes
44-1987 Sub E	20 volumes
44-1987 Sub F	1 volume
44-1987 Sub G	40 volumes
44-1987 Sub H	3 volumes
44-1987 Sub I	1 volume
44-1987 Sub J	2 volumes
44-1987 Sub K	2 volumes
44-1987 Sub L	2 volumes
44-1987 Sub M	11 volumes
44-1987 Sub N	1 volume
44-1987 Sub O	3 volumes
44-1987 Sub P	1 volume
44-1987 Sub Q	1 volume.

Memphis file 88-10052 has 1 volume.

Memphis file 157-1067 has a total of 29 volumes;
4 volumes of 1-A exhibits and 25 volumes of serials.

Memphis file 157-1092 has a total of 6 volumes;
5 volumes of serials and 1 volume designated as 157-1092 Sub.

The distribution of the files in the 13 boxes are
as follows:

BOX #1:

44-1987-1A (exhibits)
44-1987 Sub M

volumes 1-8
volume 11

BOX #2:

44-1987
44-1987-1A (exhibits)
88-10052

volumes 1-6
volumes 9-11
volume 1.

ME 62-1881

BOX #3:

44-1987
44-1987 Sub
44-1987 Sub A
44-1987 Sub B

volume 7
volumes 1-2
volumes 1-7
volume 1.

BOX #4:

44-1987 Sub B
44-1987 Sub C

volumes 2-8
volumes 1-4

BOX #5:

44-1987 Sub C
44-1987 Sub D
44-1987 Sub E

volume 5
volumes 1-3
volumes 1-8.

BOX #6:

44-1987 Sub E
44-1987 Sub F

volumes 9-20
volume 1.

BOX #7:

44-1987 Sub G

volumes 1-11.

BOX #8:

44-1987 Sub G

volumes 12-24.

BOX #9:

44-1987 Sub G
44-1987 Sub H
44-1987 Sub I
44-1987 Sub J
44-1987-1B9

volumes 25-40
volumes 1-3
volume 1
volumes 1-2

BOX #10:

44-1987 Sub K
44-1987 Sub L
44-1987 Sub M
44-1987 Sub N

volumes 1-2
volumes 1-2
volumes 1-10
volume 1.

ME 62-1881

BOX #11:

44-1987-1B5
44-1987-1B7
44-1987-1B10
44-1987-1B12
44-1987-1B13
44-1987-1B14.

BOX #12:

157-1067
157-1067-1A

volumes 1-22
volumes 1-4.

BOX #13:

157-1067
157-1092
157-~~1092~~ Sub
44-1987 Sub O
44-1987 Sub P
44-1987 Sub Q

volumes 23-25
volumes 1-5
volume 1
volumes 1-3
volume 1
volume 1.

For the information of the Bureau, 44-1987 Sub M is a pending file. The Memphis Office currently has pending investigation being conducted and handled out of this sub file. Serials 1124-1139 of Sub M have been Xeroxed and will be retained by the Memphis Office for reference purposes in connection with the pending investigation.

These files are to be transported to the Bureau via American Airlines flight 506, departing Memphis International Airport, 7/14/77 at 9:40 a.m., arriving Washington National Airport, 7/14/77, 12:28 p.m.

Assistant Attorney General
Civil Division

of the pertinent documents in the FBI's possession prior to plaintiff's waiver revocation which rendered the issue moot. By letter dated December 13, 1977, a copy of which is attached, the FBI acknowledged receipt of plaintiff's revocation.

The DOJ thereafter considered the assassination documents to be of historical interest due to the volume of inquiries received by the FBI from the public in general. The DOJ waived privacy rights against public interest and decided the documents concerning the death of Dr. Martin Luther King, Jr., should be available to the public. The entire release of documents from the file consisting of 44,873 pages is available to the public at large in the FBI's Reading Room, Washington, D. C. It was determined that defendant UPI received 165 pages of this material January 24-26, 1978, from the FBI. Also defendant George McMillan received 44 pages, March 15, 1978. It should be noted that numerous other persons have reviewed and received the same documents.

The plaintiff is in error concerning an FBI conspiracy with the other two individual defendants in terminating the investigation by the United States House of Representatives Select Committee on Assassinations. Enclosed you will find a copy of the United States House of Representatives Congressional Record dated February 2, 1977, consisting of pages H-790 through H-807. It should be noted that the United States House of Representatives Select Committee on Assassinations was created by the 94th Congress, September 19, 1976, under House Resolution 1540. The 95th Congress continued the United States House of Representatives Select Committee on Assassinations, February 2, 1977, under House Resolution 222 which the attached Congressional Record shows. As of this date, the FBI has been furnishing the United States House of Representatives Select Committee on Assassinations with documents concerning the death of Dr. Martin Luther King, Jr.

In addition, the citation of Tennessee Code Annotated Chapter 240, Section 2, 23-2606, is analogue because it relieves commercial printers and printing establishments

Dear John,

10/24/77

Here are some of the problems with the Atlanta files. I've gone over them. My wife listed them and put each volume in a separate file folder identified as by the worksheets. She was accurate. Insofar as your newest snifted permitted.

With the Memphis files you indicated on the worksheets what was provided in the Murkin files. As a result of abandoning this record-keeping practice with the Atlanta files there are large and entirely unaccounted voids. One of the many examples is the gap of 16 Serials between Volume 9 and 10 of 44-2356. Within each Volume the same situation is true, many unaccounted voids. Moreover, we did not receive any copy of Volumes 6 and 13. We thus also have no way of knowing what either is.

We have a 1A files, - presume sub, but no A. We have a single B and then two Es, but no C or D. In the Es the serials skip from 69 to 560. Let me correct this because I am confused from the list made as removed from the box in which the files were not in any sequence. I've mixed the file numbers.

44-2956 we have Volume 2 but no A. We have an E but no C or D.

44-117-1740 we have a single file, SF2. No 1 and certainly these are not all the Atlanta clippings.

157-3094 we have Volumes 2 and 3 but not 1, with an E but no A, B or C.

Records are referred to and not included. An example is the Hayes report. There is your call to SAC Dunn and a decision to withhold names entirely needlessly because that report did reach the press if for no other reason, but not the report. The copy I have is a remote generation. Besides, not a bit of it was every secret. Dick Gregory was all over TV with it and more.

There is reference to an interview with Walter Rife, LC44-760 but not the interview. I've interviewed Rife and we had a lengthy correspondence. There were many interviews. They were held as publicly as the agents could arrange. John Ray was the first to tell me about them.

A few of the political files are included but not nearly all. These were in my original requests and the one I made later on the chance there was some confusion. Not the sex stuff, and the judge ordered to the archives. Now that Mark Lane has made a hero of him I'm more interested in those of Arthur Hurtaugh.

Enlargements of Atlanta and Los Angeles raps are referred to but not included. I'm interested in them and would like them if they were not in the Murkin.

Some of the Memphis files referred to reports of informers from Atlanta, even to directions given to them. Nothing included in what I've received. Atlanta had informers inside SAC. These are included in my requests. Some went to Memphis, some did not. I have records of both, from several sources.

Xeroxes of pictures are withheld without reason or need and in violation of the AG's policy. Among the ridiculous ones are those of Jerry Ray. Some I don't care about. Look-alikes I do want. Those who figured prominently in the investigation, like Vernon, I also want. I find it hard to imagine his picture was not published in L.A. On this, please check the picture I believed as that of James Ray and Rife, 1A53. It looks like neither in the xerox. I have learned with Frosch that the xeroxes can be misleading but please check.

I told you about the absence of the pictures I let the Baltimore FO have. There is an incomplete reference to this in LFO's 44-689-503. I let the pictures at the local paper exactly as I wrote you because RA Lichtinger was in Baltimore and he picked his mail up across the street, at the main post office, each morning. Once in a while we'd bump into each other at the post office.

Sub B 055 is completely illegible. I'd appreciate a copy I can read.

For the first time from any file I have records of transcribed taped conversations relating to the case and the investigation. Is it possible no other office and nobody in LA did this? No records from the other files I've gone over.

The records of the undercover operation at Garner's are entirely incomplete. I'd like all of this, please. As I told you when I saw the Witt affidavit I knew about it.

Serial # 218 refers to an NCIC check and to my being listed as a Code 80, which includes "Election Laws." I recall nothing else relating to this charge and would appreciate all relevant records not provided.

There are obfuscations relating to prisoners and the alleged "bounty" on "ing." Whether or not these relate to Curtis they make for confusion and particularly after the CIR report are, I think, without justification.

Frankly, I have trouble over these continued withholdings, this late, this long after the judge as well as the AG has held otherwise. I told you of Jim's letter to the AG in which he filled in every single blank for the entirely public information I'm sure is in all files not searched.

For the historical value of these records I cannot and do not accept this. I regret all my appeals and protests have meant as little as the words of the AG and the judge.

What this really represents I can guess only. But that it includes a state of mind directly opposed to compliance is an obvious probability, especially because of the time and the fact I did appeals such things early on, more than a year and a half ago and with specifics that include the withheld identifications.

If this explains the insertion into the stipulations that I would not appeal until after they were complied with it does not explain anything in what I can regard as good faith. This added condition on the stipulations was written in after some of these more recent records had been processed.

In plain English this means that the FBI wrote into the stipulations a provision to prevent me from doing anything about a violation of them by the FBI and prior to their being agreed to.

I have no choice left. I'm putting all this in Jim's hands.

I can't imagine his wanting to do as much as I'd like to. I feel imposed upon, that I have been robbed of time when I have so little, that I have been put to much wasted work when I do not have time for the work I'd started on - that my trust and I have been abused.

10/26/77

ear - ons,

Last night I finished going over the Los Angeles files. What you people have done ranges from the ludicrous to the outrageous. I'll not take time for detail, just for illustration, because it is apparent that while you may make pretenses to the contrary the continuing intent is of non-compliance to the degree you all think you can get away with it.

Again there are unexplained gaps in the worksheets and among the file identifications. Here is not even the claim that those records were provided from the SOG files. There thus is no way of knowing whether there is deliberate withholding or accidental error. Moreover, with the sheer volume and the lack of an index it becomes material whether or not there were such items in the LA files as the reports relating to the Steins and those connected with them. Retrieval becomes a practical impossibility. And such reports are missing from the LA files. There are in them references to earlier records not included. Another illustration is the Martin case. Relevant records are not included. Still another is Dr. Mark Freeman. His case differs in some degree because as part of the media game the information withheld from me was not withheld from others. One, a reporter whose work could be anticipated to have been to the government's liking, actually discussed it with me before and after he spoke to Freeman. Even the file of clippings the leaks from the FBI are apparent.

After spending to date we will be raising questions about all of this. For now I want you to know that I am not collecting expensive scrap paper and have interest in more than all of what you call the negatives from such files as those of the LA FO.

I think a beginning point is to give me separately from the FO files all records relating to those of actual significance in the investigation, whether or not in the crime. The above are samples. With regard to Ashmore and other required investigations, from the files of offices involved. And without the claims to (C) which I contested earlier and as now they are proposed to present to the Court if you decline. I will want to know soon because if I am going to have to litigate this out in court I want to take the time and do it thoroughly - to address this stonewalling once and for all time.

Even if the claim is entirely unjustified withholding. I think some of it has the purpose of merely labeling it, as with the obliterations relating to prostitutes of information that was made available earlier. (This, of course, makes the later withholding ridiculous.) It appears that this sort of treatment extends to the Katzwickle-Ginger Day records to those relating to Mrs. Lomax and the Lussegre Tribune, for which there is actually the claim to the extent that after the same records were not withheld earlier and establish no basis for any withholding. It extends to published pictures to selective calling for pictures (which is an example) in which some of the same person are withheld after others were released to the claim of privacy for pictures and not for the reports themselves. Call it inconsistent or anything else you want I call it unacceptable, as I'd already told you.

The verbal explanation you gave me for the absence of Martin records is not included in any record I've examined nor is it even indicated. I don't care whether to FBI decided they had the right or not. I also believe it is immaterial under the act and the supposed agreement not to withhold what it is not necessary to withhold because "we have nothing to hide." Then why hide it with the record in this case.

In all of this you have made a farce of "review" and appeal and a jackass out of Mitchell. He sanctifies the withholding of what had not been withheld and should not be and lets the identification of about three LA informers slip through. As your people also did.

One record states that LA has more than 300 serials. - have not been provided with anything near this number, including the junk, which is most of it. The number is in the records relating to CAR.

There is so much - that is so bad I stopped making notes. A few I have indicated voids coincide with identifications that were not entirely alone that there are references to documents not in the files. Serials 273 and 284 are examples. My late-night writing is not clear. Serial 16 indicated Washington FO had crime-scene pictures. Nothing near completeness on Von Boss. (D113)

... of the political staff reflected in other files I have been provided is included. Such things as the L. connections of the "Invaders and Sanitation records and to King's presence in and departure from LA in 3/68.

101 have actually claimed 7(D) for part of a rubber stamp in 44-1574-1230. If the "Subject" is not the only one for the identification of an informer I can understand extending this to the obliteration of "Subject." Ditto for 1251.

Serial 101 begins with page 12. Where are the earlier pages?

The Marie article statement attached to 1098 is incomplete. And there is not a single witness statement signed by a witness whether or not agent prepared them for signature.

1901- Louis and I were on that St. Louis TV program. This means that in this case and under my overdue RA request there are relevant records in St. Louis. My requests cover them.

1902 refers to a Bureau letter not provided, titled "FBI RELATIONS, RESPONSE TO CRIMINAL C. FBI..."

1241 refers to Gerald Stratton Hemming in a manner indicating that this is not all on him or on Marggaves (I think this is the correct spelling) who then was residing near where I interviewed Hemming. By the way, this was part of what I offered ISD when Criminal asked me to get see ISD. I had a tape of an interview with Hemming and Larry Howard, at Hemming's West Avenue home in Alhambra, in which they laid out their plans for invading Haiti, and giving you support for it. Hemming is currently under indictment and has obtained more than 5,000 pages of official records on him and his alleged official connections, so there is no basis for withholding. He is making them available but I'm not going to Miami for them. I remind you of the continued withholding of records on this, including the ISD letter to the FBI about me and the fabrications about me "conspiring" against the FBI.

1901 again: I've just remembered you'll have coverage on still another basis-Bevel was announced as being on the radio show. In addition, until he just pooped out, Gerold Frank was pretty articulate under prodding. He disclosed access to FBI records. With what Stoner said about the FBI be sure you have it all - and that I want it all. Frank also disclosed access to FBI records on an earlier radio show in Boston, MA. I have the tape somewhere. He did in the studio if not on the air on the WASH-TV show I did with Huie and Judge Dwyer in 1971, too. Stoner always had what he regarded as bodyguards - they looked like thugs to me - you covered him pretty well, and that coverage should include me because as I remember it we dined together twice because the station put us up in the same hotel near it and because he and Jerry Ray and I with this "protection" returned to the hotel together. I then met with him and his publisher's flacks. On that same trip I went to Leavenworth with Jerry Ray and conducted interviews inside the jail. I met with the warden and case workers and I do believe there are relevant records on all of this.

Speaking of Jerry Ray, his FBI along the withheld pictures in 12.

1275 refers to three pictures and a negative. I was provided with one picture and it is different or appears to look different than published copies because of xeroxing flaws. This are James Earl pictures from the description.

1218 reflects the existence of field office files not provided in response to the CIA Item of my request. There has been no field office compliance.

D176 is the Mrs. Lomez case referred to above.

D300 withholds on Pat Olson/William what had been released earlier.

You started to withhold on the plastic surgeon, Hadley, were not complete, and can you understand my concern for the FBI's attitude toward this case when after Hadley's going public voluntarily and before the FBI spoke to him and with all Huie published from him your people initially withheld his name? If none of this were true how could you withhold?

I leave comment relating to due diligence, good faith and your stipulations to you.

I regard this as totally unsatisfactory and as unjustifiable at this late date and with all that has happened in and out of court.

Dear John,

10/27/77

Examination of the New Orleans files leads to the repetition of the same concerns about compliance and FBI intent. There are the same unexplained gaps in serials that I've found in all I've examined to now except Memphis, where the worksheets at least claim the missing record were in the FBI HQ files. There are the same references to records that are not provided and the same meaninglessness if those missing records are in the vastness of the HQ files where it would be a practical impossibility to try to retrieve them.

There is the same kind of claim to 7(C) I regard as spurious in many cases, including with regard to pictures, such as of Stein and Tomaso. On Stein it again reaches the ridiculous: 1A55 is a list of four arrests yet earlier the rap sheet was withheld on privacy claims. My work of years ago indicates the four are not all. (1A45ff)

There is the inclusion of what appears to have no relevance but if it does mean there is incompleteness in the 3/12/69 letter reporting a threat against Jim Garrison, Serial 1242. If threats against him are relevant why is there not the one that was fed to me and I reported to the FBI in New Orleans from Garrison's office when he was out of town? I was called back by an agent whose name I think is Hood. The actuality of the threat was twice confirmed by California authorities. The one selected to relay it to me is in FBI files from an alleged threat against JFK. His name is Richard Rye. I have a copy of an affidavit from him to the FBI and Secret Service.

The files I've been given, obviously incomplete, are coded 1A 157, which I believe is Bombing Matters, Racial Matters. It is not a 44 or Civil Rights file as are those of HQ and the other FOs. Is there a separate relevant NO FO 44 file?

One area of incompleteness is one about which I've written to you without response, Raul Esquivel. The file does disclose the NO FOs reluctance to conduct any investigation relating to Esquivel and contains no results of any investigation. While there were a few such references in the HQ file, about which I did write you, they also do not represent a real investigation and do not relate to the periods of time Ray was in New Orleans.

The same kind of comment relates to Recile, where the one report in the 1A file is xeroxed crooked and has much missing, and to Roussel, another suspected of being the kind of person Ray could have intended meeting with if his story was for real. Nothing that could be called an FBI investigation and FO reluctance. There are many other likely candidates in and around New Orleans to whom there is no reference at all. One is Davis, who was active in the violence at Mississippi U over Meredith with Walker, who was charged. Another is the late Leander Perez, whose children are out from the same political cloth.

I have trouble believing HQ was content to let the matter rest with the FO's non sequitur to avoid an investigation of this story. One of the troubling aspects is the total lack of reference to Jackson Barracks, which is in other files and is not at the precise intersection of Industrial Canal and Chef Menteur Highway. Yet the effort to avoid any investigation is limited to this intersection and then to ex-cons when the story related to an industrialist or a contractor or builder. For such types the area is likely, not unlikely. Yet when there were directives from HQ relating to these matters there are no reports on any investigations except a few perfunctory comments about ex-cons. I think there are withheld relevant records.

I have the same belief with regard to any investigation of Ray in New Orleans aside from his being at the Provincial Motel. Much that was not essential was looked into with regard to that place but not its ownership, as one example, or that of other motels near it. The New Orleans whispers were of Mafia. Yet by 4/13, which was fairly soon, in Serial 153 if not sooner and in one of the missing Serials (even 1 is missing), NO FO knew that Ray had been in NO and Baton Rouge. There is absolutely no Baton Rouge investigation reflected except with official agencies, even after the NO FO knew Ray had mailed the safe deposit box key back from there. Here I know better because for years I've had the notes of another of FBI records he was able to examine. I've followed some of the leads in both NO and Baton Rouge. There are phone numbers and street addresses to which there are no references at all in what I've been given. Here I mean not only by NO FO files.

The withholding here is crude and pretty raw so I'll give you detail I presume you do not personally have. I do it in the expectation that if you have no knowledge you will look into it promptly and let us know the results.

There was a map of New Orleans. It was marked up. I have examined that map. I'm not checking my own records. This is from recollection. There are 10 or more places marked in various ways, including several in and around the French Quarter and in the dock and warehouse area where supposedly there was some sort of investigation not related to the map.

The FBI dusted the map for prints. No report on it as well as none of any investigation of the places marked. I've been to and photographed all of them save one, the graveyard area out on Canal Street. It was too dark by the time I got there.

One street address was an ideal spot for a rendezvous. I obtained its history and did some tracing that adds considerable relevance. This relevance relates directly to another withholding I'm not going to specify but can and will if necessary, in court. It is a withholding I've referred to several times in the past without response.

Another was a bar and the FBI had reports of Rays in bars as well as what Hurd published from him about a meeting in a bar. Probably more than one bar but I have a very clear recall of one in particular, one less likely to be under observation than some of the rougher and tougher places.

Jim has personal knowledge of some of the foregoing and of more that is relevant. He was aware of the reasons for my investigating when I did it and of ~~the~~ the results when I returned from NO. He has personal knowledge of what for now I'll designate only as follow-up after then.

This is all very real. Also real is an area of acute FBI embarrassment potential.

Instead of airing this in court I'd prefer that there merely be honest and full compliance. You've heard of good faith and due diligence. How can you explain the total withholding of any investigation relating to that map and the locations marked on it? Even of the prints lifted from Ray's map.

Back on those with whom he might have met: the FBI surely knew what I did, of the Perez-NSRP connection and of the family's importance in the funding of George Wallace. There is this big deal of Ray getting the Stein crowd to sign Wallace California petitions and of Stoner from the time the NSRP offered to defend Ray and nobody in the FBI, especially not in New Orleans, looked for any possible connection? Not with all the supposed waterfront, barge and similar maritime investigations and the family's connections with them? I recall in particular with the pilots' association.

I have information that in fact the FBI did have Perez suspicions. My source was an FBI agent at the time and saw such a record, he says.

Serial 158 indicates leads were numbered. There is no lead file provided. This Serial bears the notation, "RR lead 8."

I forgot to note the Serial of the report on an investigation of one Jimmy Simon Mumphrey (right) at the Jax Brewing Co. There is no provided record indicting the reason for any interest in Mumphrey. Aside from this I know that area. It is the area in which Ray for real was placed repeatedly and within a few blocks of many reportings of Ray's presence. It is the area in which Stein reported independently that Ray had been in a bar and observed him as he walked past and told him later, an area in which Hurd wrote that Ray told him he'd had a conspiratorial meeting.

Because you and Ralph may not know the area I'll add the kind of detail that while it may not have led to any investigation is provocative. Here you have Ray supposedly a stranger in NO, and some wonder about how he found some places indicated in the records provided, staying on Chartres Street where it goes one way away from Canal and is at the intersection with another one-way street that goes toward the waterfront and the French Market, which is mentioned in the Stein reports. I dead-ends in Decatur and the upper end of the French Market. Ray was placed on Canal Street repeatedly. The map referred to above holds a number of marks on the other side of Canal Street. In driving or walking there Ray would pass the Jax building, a prominent building in that area, on Decatur.

I'm not saying I know what the FBI did in NO. I am saying that there was a basis for investigation in this entire area and that it knew Ray would be driving past the Jax building going to where it knew he went. The correlation with the withheld reason for interest in Mumphrey is not the kind of thing I'd expect the FBI to overlook. Especially not because of its close proximity to the Court of the Two Sisters and the apartment of the supposedly investigated Scott Nordal. They are only a couple of blocks away from the River at that point and in the same block away from Canal Street. The street lineup is Decatur, at the River; Chartres then Royal, with the Court and Nordal on Royal.

Jimmy Simon Mumphrey is not one of the few in the relevant phone book.

After this in sequential appearance there is the 8 a.m. reporting of the mailing of the box key from Baton Rouge, by the Birmingham SAC himself. Serial 263 is more on this. But no response? I have none. No investigation? No directive to the ER RA?

In between SA Edward J. Carney, Jr., was assigned to identify engineering and construction companies in the Industrial Canal and Chef Menteur areas. (Actually the FBI's information included Chalmette and the ~~Franklin~~ Jackson Barracks area, which is not the same as also not far away. As I told you they include the residence of Raul Requivel II. The FBI did not use the phone book on this but did on other things?) Assume as I do not that he did nothing but argue back, refusing to investigate. What about the International Trade Mart new building, also where Ray was supposed to have gone for a meeting at and at the foot of Canal Street, where he was reported by Huie and others to have been? It did hold these kinds of companies. 1A52 is a list of its tenants, updated from the printed list. But no report of any kind? Not especially when everyone had the hot over what Lomax was writing? I don't believe it.

Serials 432 and 446 refer to the fence Ray is supposed to have mentioned, "Coin", and the tentative identification of him as one Dan Cohan. It all dropped dead there?

There is the flap over the McFerran story relating to the Libertos. There is the request from Memphis to look into identified relatives, other Libertos. Serial 357, 4/22/68. Where are the results of such an investigation, including establishing or eliminating gangland connections? I have Sartor's notes and part of a manuscript, as I told you. So I have some indication of the investigatory and public-relations need.

Coinciding with this gap is the prior withholding of that meager part of his stuff that Sartor published in Time magazine - continued withholding after I told you.

Serial 533 refers to information in summary form. It holds what is not included in the reports it supposedly summarizes or those reports remain withheld. This relates to the Steins and those associated with them.

Serial 700, duplicated by 751, says that Ray may have been in New Orleans 3/21/68 but I have no reports of any investigation of this or what he could have been doing there then.

Relating to Cecil Shilstone and his group who supported Garrison's "investigation" there is a claim to 7(C) in Serial 886. I believe it is not a legitimate withholding, is not for any alleged privacy protection for Shilstone. I ask you to check this, especially in the light of what the AG said about claims to privacy in the May statement of policy.

The attachment to Serial 1027 is not attached. Or provided anywhere.

I'm not taking the time to be exhaustive. My purpose is to give you reason to believe that there has been neither due diligence nor good faith in compliance from these files. And, of course, there is the absence of any reference to me in them, or to the work I was doing or to those "tramp" pictures I've mentioned before, with all the misuse Garrison made of them. I have not received a single NO FO record in response to my PA request of two years ago. At the least there is the report I made of the threat against Garrison in them. I have reason to believe there is more. There is some King/Ray overlapping. There is the largest collection yet of forms indicating contact with informants but not one of any of them knowing me or being asked about me? I do mean to suggest that there is reason to believe there should be such records.

Birmingham FO files

10/29/77

Again there are large voids in the worksheets, totally unexplained. These make several "HQ" notations in the worksheets confusing.

There is no reflection of any real investigation at the rooming house or at and about Aeromarine. Taken in time sequence, the files do not reflect that Ray had been traced to 2608 Highland by the date of the check of the pay phone there. The one Aeromarine record to this point is not connected with the crime. It is an unsuccessful tracing of two customers disclosed by purchase records to have been there about the same time. Even what was used in the extradition is missing. There are a couple of witness statements in the later files but they are limited to a picture identification of Galt. These are very short statements that eliminate what these people said, that Galt knew nothing about rifles. I mention this because all of the foregoing is persuasive that there had not been compliance from Birmingham files. I do not believe that what one would expect to have been there that is relevant could all have been in HQ.

There are several references to a Desoto Motel, first in Serial 877. It is at 1903 5th Ave., North, in Birmingham. The one that should have been reflected in Memphis files is the De Soto motel, just below Whitehaven, just over the Mississippi line, inside Mississippi.

There is no reflection of the investigation of the "Fitz" lead in the Hardin investigation. No Hardin investigation I saw.

There is no reflection of any investigation of the bank's record of the return of the safe deposit box key several days before Ray is supposed to have been in Louisiana, when it was mailed from Baton Rouge. The bank's record (1018) dates it at December 13, 1967. This is paralleled by the total absence of any New Orleans files even directing an investigation of this, especially in Baton Rouge.

There are several references to a press released dictated by phone by Supervisor Bill Gunn. It is said to be attached (Serial 899) but it is not. Nor at ~~1081~~ 1081.

Several New Orleans records not supplied by that FO search are here. Among the points at which there are references to what is not supplied is Volume 12. If they are unreferenced to other points there is no way of knowing it. Telephone leads are an example.

There is virtually no reflection of a Cherpes investigation. This is consistent with his not being planned for use as a witness. But no record showing why.

The name of Mrs. Almena Lomax, withheld under spurious claim to privacy in the LA files, is not withheld here.

The LHM "captioned Arthur JACKSON HANES; ARTHUR JACKSON HANES, JR." is not attached to Serial 1980, 6/19/68, nor it is included elsewhere. There is no claim that it is in the HQ files.

In the series beginning with 2229 the name of a non-secret informer is withheld. I have raised this before, from other FO files.

Pictures referred to as attached are withheld without explanation. This extends to all the Ray, to Walter Rife and to others whose pictures have been published.

If any lab reports were sent to Birmingham I do not recall seeing any here.

For Lyone Kuman and Bill Schaffer on Friday

11/17/77

Jim asked me again last night if I would go over my notes and prepare a list of non-compliances in accord with Bill's offer of 11/11/77. I have thought of it since. I told him I would under a few conditions. First that I have some assurance you can see to it that the FBI's stonewalling is ended. Next that I can do it at home because of the problems and time-waste of travelling. Then that I do it on tape, with you to provide transcripts of the tapes.

Last week I handed Ralph Harp a long memo to John Harting. While because of my limitations, including of time, this had to be off the top of the head and uncorrected, I have heard not a word since. It is specific enough and it addresses compliance. Jim had what I take to be a striking call from John. I have had nothing.

This morning's news gives me a convenient example of the bitter-ending of the FBI in all of this. It also provides an example of what I could do with the records I have received if I had or were willing to indulge ulterior purposes. This means the potential for embarrassment to the FBI and what it continues to withhold not to inform those without my factual knowledge. Like reporters.

Robert Edward Chambliss is currently on trial in Alabama for the bombing of a black church in which four black girls were killed. The FBI never placed charges against him or anyone else on this atrocity. It had at least one publicly-known informant, identified by his Congressional testimony and testified to in the current trial. None of this is in the records provided although Chambliss is as a reasonable suspect.

The bombing of that church is in a tape given to the FBI by Miami authorities. I have for years had an ignored request for a dub of that tape. I have published a transcript of part of it, in *Frans-Up*. The names of those involved in the tape and the taping, which I also published years ago, remain withheld in the scanty and incomplete records provided. It is quite a long time since I wrote the FBI specifying that all of this is public domain. If it continues to withhold and has made no response, written or verbal, to this and most what else I have written it about, I will be forced to publish it myself.

In Front-Up and more than six years ago I published in facsimile several of a series of FBI reports. I obtained them at the National Archives, from the Warren Commission archive. One page of that series was withheld. Long after it was available at the National Archives the FBI complied with that FOIA request, confirming what I published, that the page was withheld outside the Act and only to avoid embarrassment to the FBI. This is the only one of the FBI's responses since I testified to its non-compliance in about two dozen other cases when I testified in this case a year ago this past September.

The Miami informant was the late Willie Somerset. He also was an FBI informant. The man he taped is the late Joseph Adams Miltner, who laid out an account of the church bombing, with names, and who described in advance how both President Kennedy and Dr. King would be killed.

(Now if the FBI read the published books and used the indexes, including that to Front-Up, it knew these withholdings were improper and that it was withholding what is public knowledge.)

Not unrelated is a series of other withholdings about which I have written the FBI without response of any kind. Here again there has been FBI embarrassment and it has the visible purpose of withholding because of embarrassment. Jack Nelson of the Los Angeles Times wrote extensively several years ago about its involvement in what he called the setting up of a right-wing extremist in an attempted bombing in Medford, Miss. in which Kathy Ainsworth was killed instead of the intended victim, a Jewish industrialist. Her captured and convicted accomplice is Albert Tarrants. He was associated with an older extremist named Barnes. These and other relevant names are withheld in the entirely inadequate reflection of these suspects in what has been provided. Much more appeared in the newspaper stories of the time than the FBI has provided. The claim to privacy is spurious. Yet the FBI persists in non-compliance long after I took time to spell all of this out in writing.

I have not said anything about Chambers to it although it continues to withhold what

There are dozens if not hundreds of such cases about which I have written the FBI, which has remained unresponsive. Where I explained with specifics about the misuse of b2 and 7 e and d, John Harting did say "We should not be using b2" only to immediately claim it much more often instead of 7 e and d. The latter exemptions are used interchangeably when neither is justified.

I have called countless cases to the FBI's attention. Not only have I had no response, in all these more than 44,000 pages I cannot recall a single replacement.

(When I complained that the worksheets were designed for illegibility and offered the FBI a design that would eliminate this incomprehensibility it accepted and used the design only to eliminate information, the names of the analysts. This thereafter precluded my identifying for it the analyst whose attitude guaranteed non-compliance.)

Now when the FBI has been stonewalling, has been close to totally non-responsive after I have given it so many specifics of non-compliance both in individual cases and as general principles, I now need some meaningful assurance that any more time I waste in ~~an~~ an effort to obtain compliance is going to be productive. Its record, which I cannot ignore, is that it will under no circumstances comply voluntarily. As I see it, if it intended to comply it would have responded to all I have written about non-compliance; it would have made at least a gesture of some sort subsequent to our discussions of these matters a week ago.

I say waste because I have had to assume the burden of proof.

If it now replaces any of the many improperly withheld pages I now cannot replace them in my files. It is a physical impossibility for me. As well as the waste of more time because these were deliberate non-compliances.

When Jia undertook to make my actual physical and medical condition known to the Department it was met with an indecency in a Quia Emes affidavit, for which there has not been a retraction or apology after more than a year. The actuality is that for more than two years both legs and thighs have clogged veins, with the return circulation of the veins seriously blocked. If a clot breaks loose it can be instantly fatal. Since then an arterial

engine is not certain. I have been told it is possible. This is what "ix was talking about last week when he said I do not have time.

It more than my age influences how I now opt to spend my time. Perhaps it can also help you understand why I am unwilling without meaningful assurances to undertake what I have reason to believe will result in more wastes of time.

I have wasted what for me now is an enormous amount of time in what has been a futile effort to obtain compliance. This is not limited to the FBI. When I wrote other components my letters were almost always entirely ignored. I recall one non-response signed by John Shea and his also non-responsive request of Jia that I not write anyone, that this added burden be imposed on Jia, who I have not been able to pay.

Jia does not have my subject knowledge, extensive as his is. It is not a reflection of good faith to continue to ignore my specifications of non-compliance and the intent not to comply or to protest that only counsel should provide specification of non-compliance. I regard this as a totally unnecessary imposition upon him. It has been the higher-level dodge by which my specifications have been ignored, leading to the present situation for you and for Jia and me.

Despite all the time I have taken to spell all of this out, to this day I have not had any request for aid from the appeals or reviewing authority. This has made a rubber stamp of appeal and review.

Here the indexes we were told were being used and in fact were not used provide an example. Check the index to James O'Neil under Miltner and you'll see the point and that the indexes are useful. Much more is in a limited edition, all about Barnes, Almsworth et al. And Somerset. But not as much as I can now testify to.

This leads to motive I can attribute to the improper withholdings. As I have told you my interest is in compliance, not in debating points. So let me give you explanations other than concern over the copyright aspect of what is involved in the withholding of what is claimed to be exempt because of copyright.

called murder rifle was set grossly wrong for the distance. In combination with the catalogue for the rifle and the ammunition and the manufacturer's instructions with the rifle the sight could not be depended upon, in the condition in which the evidence reached the FBI Lab, because it had not even been screwed onto the rifle firmly enough to be adjusted to the eye. The specifications on the ammunition and the illustrations after firing and impact indicate that a useful specimen is left. The lab claims there were insufficient marks. (Without rebuttal I have produced a qualified expert witness who testified to the contrary after examining the fatal remnant of bullet.) The lab records I have received do not reflect any test firings or even the testing of the rifle to determine if it had been fired at all. Yet the wrong rifle, the one the lab certified could not be fired without removal of a deposit of cosmoline, did have its barrel scrubbed by the lab to determine if it had been fired.

The present basic problem is not that my subject knowledge is required for compliance. If I believed for a minute that this were the actuality I'd have grabbed at Mill's offer to hire me as a consultant. I have no question at all of his good faith in making the offer. My question is can it mean anything when I have this very long record of FBI stonewalling in ~~the~~ the face of my having already done it so many times, as the beginning of this memo illustrates.

As long as I can hear the wild elephants trampling in the forest and see no corral being constructed to confine them I see no point in spending any more time this way. I have sold the FBI this often enough only to relent and give it more illustrations. Only to have them ignored, too. (I did this with other components more than a year ago.)

As it is I work a long day still without being able to keep up with my own work. I work when I travel, even when as I shortly will do, when I have my weekly blood-test. I work this literally. I work while I wait to be called and then while the blood is taken and then for the time required to be sure I'm not hemorrhaging because of the high level of anticoagulant. I work when I see the axeroyole, as required when the weather is bad. There is much I want to do. So what time I have is precious to me. I want no more waiting

CONFERENCE 11/18/77 - talking paper

FBI noncompliance by pretense and subterfuge - and plain stonewalling.

- A. First meeting I specified what was being withheld from first records provided, asked that they be replaced, and to this day they have not been. As a generality this remains true, I have continued to specify the improper withholding and the FBI ignores it. If in all these more than 44,000 pages there has been any replacement after I have specified improper withholdings, I do not recall it and it would have to be minor.
1. In early October, when I obtained a list of the MFO records supposedly provided, I discovered some sections had not been. I wrote without acknowledgment. I took this up with Ralph Harp last Friday. He said they would replace these sections. Only xeroxing was required. I have not received them.
 2. Another example is I was to have had the reprocessed index cards in time to go over them before today's meeting. It didn't happen. And I have had no message about them since that meeting.
- B. To perpetuate these kinds of false pretenses and subterfuges, the FBI pretends there are no indexes. Whether or not there are in FBIHQ, there are in the FOs. First it pretended there are no indexes of any kind, including the FOs, then it fell silent when I proved from FO records that the FOs do indeed have indexes. As recently as the 11/11/77 meeting the FBI pretended there are no indexes.
- C. It has pretended and continues to pretend that the requests are limited to FBIHQ and that compliance is possible from FBIHQ. We have stated all along that the requests are not addressed to FBIHQ alone, that compliance is knowingly impossible from it alone, that most of the relevant records are in the various FOs, and then we proved it with the testimony of the FBI's own witness, SA Howard, in 9/76. The proportion of records, HQ vs. field, is about 3,500 to more than 200,000 from the statement of AG Levi. When I have specified the FOs with relevant records, there is no search of them. Examples:
1. On crime scene pictures, NYC on Louw/Life pictures; St. Louis and Baltimore on those of Josephine Colfield
 2. Other suspects, two examples: with "Bill Harris," WFO and Alexandria, with J. C. HARDIN, Atlanta, Birmingham, New Orleans and Memphis, at least
 3. 3. Surveillances - all specified to FBI after claim of nothing in any records:
 - a. pretense means by FBI only
 - b. pretense all is in log in FBIHQThe log shows those approved only. The FBI has been engaging in electronic surveillance since supposed controls were imposed and not asking for permission until surveillance was productive.
- There is also the period prior to these supposed controls, when I believe it was not required to have such records.
- The FBI has been the beneficiary of tapping and bugging by others, including local police. (An example on which withholding continues since I specified the names is the Miltaer/Somerset story. This was done by the Miami police/prosecutor, arranged by Somerset, who was their and the FBI's informer. The results were given to the FBI. It did not even give them to the Warren Commission although this incident was one of the causes of the cancellation of the Miami motorcade just prior to the JFK assassination. Not only does this withholding continue, compliance with such items requires search of the relevant FO files, which has not been done. In this case at the least those involved are in Georgia, Florida, Tennessee and Washington.

5 - continued. It has picked me up in surveillance of others. I have specific knowledge of it from the government. It has had coverage of phones I have used.

There was such surveillance of James Earl Ray and Percy Foreman, at the least, and not only in Memphis. Files I have received show the FBI was given results.

A direct tap on my phone was unwittingly disclosed by a dead short, after the filing of administrative appeals in this case and coinciding with other FOIA cases. Tapper unidentified.

James Earl Ray was also under overt electronic surveillance designed by the Bureau of prisons.

4. The "Tramp" picture/Mexico City sketch: The FBI has not searched the Baltimore field office to a residency of which I gave the pictures in 1968. Pictures still not returned to me. I have specified other FOs that have to be searched to comply with this item. No response after many months. Nor after I cited relevant records by Serial Number indicating existence of other records.
5. CTIA. By inadvertence the FBI has disclosed FO files not searched. (I believe it also has CTIA files from other agencies and that other components of DJ also have CTIA files.)
6. Headquarters directs interviews, investigations but no results from FOs, as with New Orleans, Raul Esquivel, a contractor or industrialist, and the "Industrial Canal area." This also involves incomplete N.O. compliance on Recile and Roussel, who became suspects after Louis Lomax stories appeared. This also involves withholdings of the public domain, from my book to the phone book. It continues months after I called it to the FBI's attention, with copies of my writing and of the phone book.

At the beginning I also wrote to illustrate improper withholdings virtually by return mail. Thus in each case identification with the specific Volumes or Sections was specific, virtually automatic. Finally, in June I was promised that some of these would be reprocessed on the completion of the processing of the FBIHQ files. This was not done. Then I was told the absence of Serial numbers made identification impossible. I was not told this all along; it was a means of attempted explanation of doing nothing about the specific illustrations I continued to provide. Then, when I was told Serials are necessary, I provided Serials only to have an absolute and unexplained stonewalling follow. (Earlier I had provided some Serials, but that made no difference.)

I made copies of records and used them at two meetings in June, so there was no question of proper identification by the FBI. It nonetheless has done nothing about those illustrations, either.

I have provided many illustrations of the unjustified withholding of pictures under privacy claims. This claim was made even for pictures of the Rays. There since has not been compliance. It includes other suspects.

CA 75-1996
EXHIBIT 20

Memo for John Partingh et al for 11/11/77 meeting

Harold Weisberg 11/10/77

Last night I finished reviewing a selection of the field office files I had laid aside for special purposes. I will give you some of the questions relating to compliance I noted in them while reviewing them for other purposes.

I think, however, that there is much of the past that is relevant and that while you may want me to forget it because you have ignored it I am not prepared to forget it. I will not have time to organize and reorganize these. They will be off the top of the head.

Aside from the large number of missing attachments in your processing of the FBIHQ files you noted quite a large number of records that were withheld because they were referred to others. These others ranged from the Department to State to CIA. If I have received a single one of these I do not recall it. These go back for months, to the very beginning of the processing more than a year ago.

You have told me verbally that you have had no response. I do not believe this is any more than stonewalling. I believe those records are required for compliance. They are still withheld, which to me means no compliance. I suggested a call or other effort with those you say have not responded. I think they would prefer that to a word from the judge. You have given me nothing showing any effort to obtain response from those people. Moreover, with the determination that this is an historical case and the new directive from the AG now a half-year old there appears to be virtually no exemption that can be claimed for those records.

This is true of other police agencies. In June I offered you a compromise, write a letter to the counties and have them state in writing that the records relating to the Ray investigation are required to be withheld for real police needs and I would accept their response. You have not given me a copy of any such letter and I am certain of the reason - there is nothing in those records that need be withheld if, indeed, there is basis for it with all that the FBI has leaked and all that was represented to the Tenn. courts over a period of years. The same goes for England and Portugal. For all you have withheld all names when all are public and were they not in my view did not qualify for withholding. The more ridiculous are those subpoenaed as witnesses and those who held press conferences, where you even withheld the names of those who held these press conferences. Add Mexico, for it applies there. Plus the fact that the LA field office files disclose Puerta Villarta investigations and reports that should exist and are not provided, like the 4/10/68 report that a guest there had killed King. I can't imagine an Agent reviewing those kinds of reports without recognizing that something had to follow the initial report to the LA field office. (That was so early in the investigation the laundry marks had just been identified and the LA angle with them.) Include the same with regard to Memphis police, a question I have raised without response and the withholding of those non-secret names. All these aspects relate to compliance and good faith.

The question of crime-scene pictures remains unresolved. I have not had time to check my notes on this. The notes are too voluminous. But I have located the note to myself if I did not also write you about the fact that the descriptions of these pictures and the number of them do not match what you have provided. There can be no confusion with the pictures the MFO took in November because all of these were prior to the taking of the November pictures. That some were medical pictures neither complicates it nor resolves the problem. The descriptions and the pictures provided are not identical, in fact or in number.

In writing you earlier on the item of surveillance I believe I may have forgotten to give you specifics I think I really do not have to give you on James Earl Ray. Where you originally withheld with Jerry Ray you have not since provided what you withheld. The indications are of a black bag job on the Peppers. I raised this question without any response.

Ray was the subject of such surveillance beginning in London. I have the records that reflect it. This was continued in Memphis where again I have the records reflecting it. This is how the sheriff learned that Ray was about to withdraw from his agreement to cop a plea.

ODEA

The sheriff intercepted all his mail, including with counsel. He gave all to the FBI. He also gave all to the prosecutor. Jim and I obtained a copy of the written directives on this and put it in the record of the evidentiary hearing. (This is the one I had indexed for Jim in 1975, the index the FBI declined to accept for assistance in processing these records at issue.) Your own records reflect that on occasion the FBI received copies even before the prosecutor did. I can give you details without end that you do not really need. The interceptions were under Captain Smith, the man responsible for the copying was Administrative Da Lloyd Rhodes, some went to GAD Canale personally and others to one your records note is a graduate of the FBI Academy, Hutchison. You have not provided the copies of the intercepted letters particularly with counsel. This, too, began in England. To the best of my knowledge the interception of my correspondence with Ray never stopped. He never received my first letter. While I am not about to identify any of my official sources on the chance some were not picked up on surveillance you should know that they are good and accurate ones from the confirmation of even the specific details I gave Tom Wiseman at our first meeting, the one that led to contacting the MFO. I guess I can tell you because of the number of them that my sources ranged from those who were Ray's jailors, those in the same cell with him, to fairly high police officials and to the prosecution. Not every Memphis official was in agreement with the practices. Moreover, while the records I've received do not reflect it, the local agents spent much time with the press. From Jensen down. You are still withholding McFerren information Jensen personally gave reporters I know. This is but one example. There are many.

Relatively recently there was a Jack Anderson column relating to one described as an FBI informer by the name of Manfred Baron. It says he was in the Ray cell during the evidentiary hearing. This was October 4, 1974. I believe I know "Manfred Baron" as "Fat Man Williams." I also was in that cell block at that time. On several occasions Jim was with me. If I believe it is passing strange that with all the alleged concern for Ray's security he and a man of Baron/Williams' reputation were in the same cell I think it is no less strange that you have not provided a single record on this. I know something about this man's career, enough details not limited to a description that is close to unique. Going along with this while there are records indicating some coverage of the evidentiary hearing, even repeated checking with the clerks of court, there is no record of the challenge to the FBI's evidence, even with the existence of records in what I have showing the HQ interest in it. An example is the lab work and Frazier in particular.

The records I have reflect the release to others of records not provided to me. There was a deal worked out with "ing people to let them have some, for which in some cases releases were obtained. I have mentioned this before. I have had no response.

The lack of response extends to the specifics I gave you, as I recall in some cases with copies of records, at our "une meetings. That was a long time ago.

I mentioned that the N.O. field office has relevant records on me in what I wrote you more recently. I believe I also told you that this has to include the matter of the Mexico sketch and the so-called "tramp" picture from Daley Plaza. I've just thought of something else: It should include what relates to a couple of my more dubious sources who were fixed up for some very dubious work with a well-known FBI/DJ informer in Baton Rouge. They were in touch with me from Baton Rouge while this was going on. They were fixed up by a well-known DJ personality of the period. I met him several times during that period, once by accident. His name has eight letters. Your informer's is six, the famous case is five. On this there are other related withholdings I've specified without response. There should be relevant Memphis records I've also not been given. In fact there is a total void on this from Memphis. In Memphis it should be in more than one set of records.

With the foregoing I've varying degrees of proof. If I can now find it these extend to tape-recorded fink interviews. One once spent until 5 a.m. talking into my tape recorder, turning it off only once that I can recall. This one also was a BNDD informer. Where I have less proof but am fairly confident that if I have to I can provide enough includes other items like the late Judge Battle. I have difficulty believing that the FBI has no records

relating to his untimely death, particularly because it was initially feared to be a homicide. I've interviewed those who were involved when it was believed to be a homicide. Jim was with me when I interviewed one, in his own office, using even his tape recorder, which was better than mine. It is not easy to believe that with all that hung on that mysterious death, and by this I mean what hung for the FBI, it had no records on this and all those records about the woman who bore the insignificant Charles Cabbage a bastard. In addition, Judge Battle had a practise of giving the FBI letters he received. I recall getting only one, one a citizen asked him to forward to Ray's defense counsel. The good judge of sainted civil rights memory apparently believed the FBI was Ray's defense.

You keep telling me that there are no higher-level files to search but there are some that did exist even if you claim there are only the central files, the others being destroyed regularly. An example is the Director's files. How many cabinets of Hoover's were there? Thirty some? Nothing on King or any aspect of this request or the formulation of it by the D partment?

I hope we don't get into the kind of situation reflected in the Hitt affidavit. Washington wanted an affidavit attesting to nothing out of the way relating to Ray's rights and illegal seizures of evidence and SAC Hitt provided it from Atlanta. But the agent who did the black-bag job is Burgess, who reported on his successes to Hitt and to the Bureau.

The obit in this morning's Post reminds me of the virtually total anonymity for the late William Sullivan in the more than 440,000 pages I've gone over. He also had no files? He made not a single note that was preserved? Nothing at all with regard to the really intensive political operations against King? And didn't he go to Memphis immediately to take charge? Would you believe it if I told you something like that?

While going over the records yesterday and last night I made a few notes relating to compliance, really non-compliance. I do not attempt to correlate them. I also put aside a few copies I can show you to illustrate the points in some and other instances.

At our meeting after the 11/2 calendar call I told you and Charles that I have been given no record of any investigation of the mailing of the Birmingham bank's safe deposit key from Baton Rouge. It was called to the attention of the N.O.F.O. in its 157-10673-263. There is a real problem with this that the FBI would never have ignored: the date given predates Ray's departure from Los Angeles on that trip. It is 12/13/67.

WFO 44-703-4? is incomplete as provided. Whether or not there were more pages this is one of those copied crookedly, eliminating the Serial.

Pictures: if my recollection of the HQ files on others is incorrect among the WFO files that may hold further references are Subs A and D.

There remain the withheld political pictures for which there is the privacy claim I believe is frivolous in general and ridiculous in specifics where you have provided such pictures as xeroxed from the published. (Didn't you copy the copyrighted in that?) You have also withheld the names of those who took the pictures, even where they are known to those in the pictures, more because in some cases they asked permission to take the pictures. One of the photographers is Ernest Withers. He was at the crime scene shortly after the shooting. He also took pictures of individuals who figure in the political files and relating to the strikes. I noted one reference to him to give you reason to believe he was not a total mystery to the ~~EGXME~~ WFO - 44-1987-318. I'm not certain of the Serial. It is unclear. I am pretty confident there is a separate file on him in Memphis.

He and Louw are not the only black photographers at the crime scene at the time of the crime. (Nor were there no white photographers.) I recall no single mention of Josephine Colfield. I am not certain of the spelling but it is close. She was then with a St. Louis black paper. She later moved to Baltimore, I understand.

This remind me, you have been silent about the question I raised, questions, really, about the withholding from the LA FO record predicting how I was going to wreck the FBI. I believe that record was not the only one, or I think two. The name of the source was withheld. Try the name Charach for accuracy. You don't have to for size. Not only did you withhold this and continue to withhold it after the AG's statement of policy on privacy- if he is the one he was a very public figure then. He also would fit other parts of the requests. Like CTIA.

Atlanta Eaves report. I believe I've raised this before and offered you my copy of it. But you continue to withhold it after all the great attention to the content, much and often on coast-to-coast TV not limited to Dick Gregory. According to Atlanta 44-2386-2495 you personally phoned about this 6/23/77. This also happened to be after the 5/5 AG policy statement. Serials 2332 and 2333 are relevant.

You have not responded to my asking about the guy with the bum steer to the Los Angeles Times. While in the later records you stopped withholding the name Lester Edward Peckett failing to replace the earlier ones introduces confusion and uncertainty. When the source was the press I can't see where any exemption applied to begin with.

There are some records relating to a suspect but no responses to me. The source was David Gaines. Two citations are WFO 44-703 (remember I told you that although he lived in the Alexandria territory it was also WFO - and you said there was no Alexandria then?) and Alexandria 44-149. The incident was near here, at the Hawaiian motel near Brunswick, Md. That should be under our local residency and in turn under Baltimore. The Gaineses were redacted after he phoned me. Among the still-withheld records this is at least one. I'd be surprised if there was no Hawaiian checking. Most people would be shocked given what "Harris" said - and pre-existing reason, still withheld, to look into it. In raising this with you earlier I asked you if the right name is Paisley. I would strongly encourage serious consideration of the alternatives with this one and what fits with it. I have done some work on it, including in Louisiana. Jim is well cued in on it. I have records of FBI records that are relevant that you have not provided. Given the interceptions and copying of Ray's mail to me what he told me is not secret. There is much that can be very embarrassing and to more than the FBI if all of this is aired in court.

No response on Raul Esquivel. I wrote, we discussed this as late as last week and I find in 157-10673-1253, N.O. record I do not recall from HQ files, that Supervisor Long phoned and said he wanted Esquivel interviewed. I recall no interview report.

I told you about my friend Matt Herron and those records not provided from Memphis. I know from him that he was in contact with the FO at the time. He is referred to by the name, but coincidence, "Harris" in one of several records that duplicate what he told the FO, but duplicate it only in part. A still withheld part - and I am not saying this is the only one because it isn't - has to do with what Mark Lane has been misrepresenting and misusing, the yanking of Ed Edditt and the two black firemen. WFO did have a few earlier records on that without reference to what he reported. As you know by now I was completely accurate on this. He is a dependable source even if he is now navigating ships on ecological adventures. If the FBI is still reading newspapers.

Two relevant records are among those I located in those I've gone over since we met. They are 44-1987-90 and probably 132, part of which is lost in xeroxing. It is the last sentence of 90 that appears to refer to Herron as "Harris."

On the 2d I called Birmingham 44-1740-411 to your attention with regard to the sketch from Mexico, which it reports, and the "tramp" picture and with your continuing failure to come up with the copies I left for the FBI with the local resident agent after phoning about it. I recall no copy of Serial 411 from Memphis, to which it was sent, and nothing further by way of investigation. I do not recall receiving the copy of either of the "two photographs of CLAUDE CHESTER McLAREN, JR., ~~XXXXXXXXXX~~ taken at Mexico City International Airport on April 6, 1968." This is probably because only six copies of each were sent two to two field offices. I recall nothing from HQ files on this. Memphis Sub B 56 is Baltimore's 44-669 of

most of those places. Then this and records not provided to me were shown to Ray's first lawyer, former S. Arthur Hanes. I have his notes, which refer to material not yet provided about this map and other evidence. Like phone numbers. The prosecution displayed these materials to him because Judge Battle ordered it.

Birmingham 44-1740, with an unclear number that may refer to a Sub, has a Serial 142 reporting my access to records in 1970 because of C.A. 718-70. I believe there is a similar Los Angeles story. However, the non-compliance on this is fairly widespread, including the WFO's failure to provide the story Bill King arranged to be in the Washington Post.

1448 from there is a signed statement from John Webster De Shazo. However, it is limited to an ID of a picture, as are others obtained then. However, their proffered testimony went much farther. Neither such statements nor SA notes for FD302s covering this other evidence have been provided, although there are rather detailed notes relating to a meeting with an informer much later. Long after the guilty plea. My point is that there have to be other records. I am aware of some of the content that is not congenial to the official explanation of the crime.

Serial 899 relates that HQ phoned and dictated "the attached press release, which he (Supervisor Bill Gunn) dictated to stenographers..." Not provided. Of course I'm mildly curious about the content when this was the procedure and it was the day the FBI lodged charges of the conspiracy it stoutly maintains never existed, 4/17/68. Washington's seeming modesty is also a bit provocative.

Chicago's 44-1114-404 or 464, which would appear to have been sent to all FOs and was provided by Chicago only, has content the basis of which was not provided by Chicago. If it has been provided from other files I do not recall it. The words are "...photographs taken by a woman companion of the subject while he was in Mexico in the Fall of 1967." I recall and have the photo, from Blake and Wiseman. (It makes it appear that Jim y ages real fast in comparison with pictures of a few months later. He claims it is not a picture of him, by the way.)

I have written you without response about seeming gaps in the WFO files, of my belief that I was not sent all you later listed, and of the existence of a sort of list I later found when I looked at what you sent after receiving your list. The Memphis record bears no identification. It is headed "THE FOLLOWING MATERIALS WILL BE MAINTAINED IN THE FOLLOWING FILES:" At the outset additions were typed on. Later they were added by hand. I also asked if this did not apply to the other FOs and if it did why no such lists were not provided. Earlier from HQ files I raised the same question and made the same request based on a Chicago record. I was promised these but have not received them or any assurance they do not exist.

It is my recollection that the Chicago file list from HQ refers to files from which I was not provided relevant records.

From the Los Angeles files there is the ultrafarout without of the name and other information relating to the publisher of the Tuskegee Tribune." I'm sure I mentioned that she is Mrs. Almema Lomax. The record in question is LA 44-1574-D178.

By the content of Serial 1900 there is relevant information not provided, the FBI's advance information about "a new book due to be released written by former FBI Agent WILLIAM TURNER which relates to the King assassination. McGowan cited chapter and page, which is pretty prescient for a book not yet released. Also relating to Turner and not to him alone the LA office is among those that should have files on the sketch and picture it seems were sent to all FOs (without HQ files reflecting it unless my memory is flawed). I'm sure I told you more, including his use of these pix in San Francisco and by publication.

Serial 1962 on Lane refers to "bureau letter dated 4/21/76, entitled, "MEDIA RELATIONS, RESPONSE TO CRITICISM OF THE FBI CONCERNING ACTIONS TAKEN AGAINST MARTIN LUTHER KING, JR." I do not recall receiving this. It also reminds me that you have neither provided nor responded about my asking repeatedly for what the FBI gave the Church committee and it

to the King assassination. Dallas' 8/21/68 response to Baltimore, "Memphis Sub E, number unclear, reflects no concern over the non-sequitur. However, it does supply ~~an~~ an opinion from the editor of the Times-Herald ~~is~~ once would have thought would not have been lost upon the FBI, in HQ or the various field offices, "that the alleged newspaper artist's sketch appeared to have been made by someone who was looking at the photo of the unknown lookalike..." I had the same notion when I phoned the FBI.

This is one of the early items in my requests. If you are going to claim that the FBI was not aware of what I told it even after a newspaper editor knocked them on the head over it I will insist that it be in writing and not what I might call a Hitt-and-run affidavit.

I don't believe that Al Chapman is referred to in this Dallas Airtel but he appears to have called the same thing to Dallas FO attention. I understood before I even met him that he was then a member of the KKK, which a Dallas report states. Chapman was also my first source on these "tramp" pictures. He obtained them and others from the photographers.

Meanwhile, what happened to what you have told the court about never copying copyrighted pictures, including those copyrighted by non-publication, like Louw's? These were provided by xerox from the set ~~Luie~~ gave B'ham. The rest of that story, not in your files, may interest you, Foreman's sworn version is that it was for a friend of his at Time, which managed to have the Dallas paper's pictures without publishing them. Ray's is that he was offered \$5,000 by Foreman to make an ID of that photographed unknown. As "Raoul."

(Reminds me: N.C. came up with a couple of Rapuls. I recall no final investigations. Especially not of the Canadian one who had a criminal record the minuscule part of which is disclosed is fascinating to me from work I've done and the files provided do not duplicate. However, the one suggested to me does exist in Bureau files as well as those of the Criminal Divisions. And the AG and DAG. I have some copies, not from the FBI or directly from them.)

And where are the Baltimore records? I told you there would be others elsewhere. One of the files I specified is those of NY FO. So it says in this Dallas Airtel, with one of the names I gave you, Trent Gough. Many records exist that are relevant and are still withheld.

Atlanta's (157-New) of 4/5/68, which is the mornin after the assassination, was provided to me from its 157-3094, where it is Serial 1. Now I recall no other record from this file. Its Murkin number is 2386. "Assistant Director SULLIVAN2 wants to be advised who wrote KING's last speech." George Morre phoned Hitt at 9:20 a.m., so the Bureau must have been real interested. If I received the answer I do not recall it. I am interested, of course, as I am in any tape or transcript. It is the speech in which he said he was fearing no man, that he had been to the mountaintop, had seen the promised land and was not afraid to be going there. Fampus last words, to coin a phrase.

The official line is that the FBI was not then covering King. It did cover that meeting. Those who did were known to my sources, reporters who were also there. Aside from your King operation great effort and time went into the Sanitation workers' strike, of which it was part.

Atlanta 44-2386-1B4, Bulky, notes enlarged copies of maps of Atlanta and Los Angeles. I don't care about the latter. I have only a portion of one of the former. I have no way of knowing whether or not it is this one or if ~~so~~ is all of it. What I have would fit into a file folder. It did not have to be filed with the bulkys. I am interested in the map said to have had four places marked. My other written communications about other maps are without response. I've gone into some detail about the New Orleans map that was shunted back and forth ~~from~~ Wash between Washington and Memphis and I did examine it after it was treated for printing. It has a number of places marked. I believe I told you I photographed

made public. Adams is the one I believe provided the FBI's testimony. I have put aside a news story from FBI files reflecting the fact that what you continue to stonewall me over was published and requires no special search having been located for and given to the Church committee. This is about and on the events of 3/28/68, the business of authorizing a news story chiding King for staying at a white hostelry and the business of no black messiah unless he is chosen by the founding father.

I'd be astounded if what has been provided from L.A. on Lane, restricted to what is relevant to the King assassination, is a minor fraction of what exists. If it is not maybe the FBI would like to borrow some of the tapes and other materials people from out there have sent me. He has had very much to say about the FBI. It is if the nature that always attracted FBI interest. It also happens to be very incorrect. Were our positions reversed would you believe there has been compliance from either LA or on the subject of Lane in the King assassination files? Or Abby Man, who has this big special coming up and LA had a single record on it - dating to 1968. Which is to say nothing about others in association with Lane, like Donald Freed, who has written and spoken much about the FBI and the King case. He also has pushed accuracy to a fault.)

Memphis Sub -250 reflects that your people were, too, there. Exactly as I told you if not perhaps the same day. The visit of which I learned was not on hairs and fibres. How about getting Memphis to finally level on this? Ray was there and the FBI knew it and as of this minute is still seeking to perpetuate its suppression of it. As I recall they also have his registration, I think on a 335 card. I spoke to both maids they interviewed, as I now recall about the time they found him registered at the Rebel, more or less the day after the shooting. You and Ralph may be interested in knowing, if I have not told you, that this is about where you traced the beer and the bag and the shaving kit. Only to miss the motel when the shaving kit had an address on it? Come on!

Sub K 105 of 10/27/76 appears to refer to me and this suit, to pictures and to other records I can't remember - did you provide them later? Descriptive of other medical pictures is Sub D 105. Prior to my seeing this you asked me by phone about autopsy pictures and the like. I forgot to ask you last week. I hope you have them tomorrow. Except for the third in this list the others are those I told you interest me. These are among those often and publicly displayed by the prosecution and the medical examiner himself. I believe I told you Jim has a videotape of the medical examiner showing these pictures at the Univ. of Arizona. Well, belatedly I have received from the Archives its record of a letter signed by Director Kelly several years ago on this subject. The FBI no longer restricted the Oswald autopsy pictures at the Archives. Yet thereafter withheld these from me?

Serials 563 and 609 appear to relate to other records about which I have written and spoken to you, the appearance of one seeming to be "Vault" and other names in the Memphis area about 2/68. The informer's name does not interest me but more of the information does, as I've told you without response. The other offices addressed have provided no relevant records I can recall seeing.

Sub-D-107 is a rather late withholding of a former fellow prisoner's name despite the AG and despite the use by OPR of Curtis and the alleged reporting of a bounty on King of which Ray is supposed to have known. Between the writing by McMillan, who wrote that he had access to the WFO records and other through the prosecution and the extensive attention to these allegations, treated as a gospel by the Department through its OPR report, there appears to me to have been a waiver if there were basis for these withholdings of names, even known names and as with Curtis before I complained, when it had all been in the press.

Sub-D-81 relates to Stephens and an inferred ID of a picture of Ray. It appears to be a special formulation, to be incomplete, and there is what I am sure has to exist on this because it was aired in the CBS special referred to in this case. On the date of this interview with Stephens or the day before CBS filmed Stephens looking at a Ray picture and reported his words, "Not the guy." Because CBS did not air this for all those years it was possible to tell the British court otherwise and to infer otherwise in this FD302. I do not believe I have been given all there is on this. I can't imagine that when everyone was so

afraid of being clobbered on prime time by CBS you have no record. Maybe you didn't call it MURKIN, but then I didn't either. You may not be aware of this clobber part because you have also managed not to provide your set of the relevant records. This one we got from the Department. It is in the court record, I believe.


Sub-52 of 4/7/67 is one of several references to the MFO recording the Memphis police radio. Transcripts were in 1-4. If I did not get these I don't really care about them. What I do care about and have not been given is the logs for the time of the crime. Some of those of the police were published. Those of the sheriff became quite relevant over what for some reason I think I can guess was not very pleasing - that Ghormley rather than Dollahite radioed the first account of the finding of the package outside Canipe's. Again I can't imagine the FBI not having these logs and I do want them very much. Aside from the finding of the package there was that deception about the chase of a phoney Mustang. It was to result in a large investigation in which the logs were essential.

New Orleans, 157-10673-765 refers to more than a thousand pages of undated records it had sent to Memphis. This record is from Memphis to New Orleans. It concludes "All of the above material is being returned to New Orleans, which office in the future should submit its own reports." While from the limited descriptions, which may well have been adequate when they were accompanied by this memo, I can't determine that I received these from New Orleans, the length alone leads me to believe I did not. If I did I'd appreciate knowing which each is. You have whatever list told you I had received withheld records from HQ, for example.

Chicago 44-1114 refers to a Baltimore investigation of the records the Memphis police found on Jerry Ray when they arrested him for being drunk on 7/9/68. From no source have I received the results of the tracings of these records. They do include phone numbers. Leads were sent to Baltimore.

Serial 774 refers to a rather provocative thing, the mailing of a letter from a prisoner in George who appears to have had details about the room Ray rented under his brother's alias at 2731 Sheffield, Chicago. Including Ray's use of an alias other than his own. When the FBI had the letter and the envelope I can't imagine it ending without more that this, particularly because it had so intense and proper an interest in Ray's career from the time he escaped from MoPen until the assassination. Savannah was also involved in this inquiry, that being near where Russell was jailed, in Reidsville.

I have no reason to believe that providing new specifics will do any more good than it has in the past but I've again taken time to give you some in the hope that no matter how late a constructive purpose might be served.



Kelley letter 9/14/77

CA 75-1996
EXHIBIT 21

①

Birmingham

(a)
-A-69 31 pages, 0 released b3 17 USC 101

(b)
-A-69 48 pages, 0 released b3 17 USC 101

A-121 110 pages, 0 released b3 17 USC 101

Chicago

UBD 21	3 pages, 1 released	b7c	FD-340 <u>no photos</u> or Xeroxes
UBD 22	3 pages, 3 released	JERRY RAY not Jerry RAY	ISP Joliet <u>Xerox</u> of photos of RAY JAMES EARL
UBD 23	2 pages, 2 released	JERRY RAY not Jerry RAY	<u>Xerox</u> of 1957 photo
UBD 37	3 pages, 3 released		<u>Xerox</u> of photos of JERRY RAY
BD 39	2 pages, 2 released		<u>Xerox</u> copies of standup photo of RAY AND RIFE
BD 13	2 pages, 0 released		Exemption claimed: "HQ"
BD 15	2 pages, 2 released		<u>Xerox</u> of 1966 Mo. Dept. of Corr. photos. JERRY RAY
BD 1	3 pages, 0 released		Exemption claimed: "HQ"
BD 2	3 pages, 2 released	b7D	worksheet says 1 page released <u>Xerox</u>
BD 5	2 pages, 0 released		Exemption claimed: "HQ"
BD 8	2 pages, 0 released		Exemption claimed: "HQ"
BD 8	2 pages, 2 released		<u>Xerox</u> copy of "neg. of JAMES RAY" can't see the face
BD 9	3 pages, 3 released		<u>Xerox</u> of photo and neg. OF JAMES EARL RAY
D 4	22 pages, 10 released	b7c	<u>Xeroxes</u> of photos

Atlanta

Volume SF-2	48 pages, 48 released	Xeroxes of clippings
B-1	not ^{on} worksheet, <u>nothing provided</u>	
B-2	not on worksheet, <u>nothing provided</u>	
B-4	not on worksheet, attached to SA Wood affidavit	

LOS ANGELES

A4	2 pages, 1 released ^{FD-340} b7c	SIX photos of Jerome Wallis Vernon <u>not provided</u>
A6*	2 pages, 1 released ^{FD-340} b7c	SIX photos of WJB LEE <u>not provided</u>
A8*	2 pages, 1 released ^{FD-340} b7c	2 stand-ups & 2 mug photos of Jerry Ray <u>not provided</u>
A11*	2 pages, 1 released ^{FD-340} b7c	3 photos of WALTER T. Rife <u>not provided</u>
A12*	2 pages, 2 released	<u>Xerox</u> of stand-up photo of RAY AND Rife
A13	2 pages, 1 released ^{FD-340} b7c	1 negative & 5 photos of Rita Stein <u>not provided</u>
A29*	2 pages, 1 released ^{FD-340} b7c	1 photo of James Owens <u>not provided</u>
A31*	3 pages, 2 released b7c	1 photo of J.C. HARDIN <u>NOT provided</u>
A32*	3 pages, 2 released b7c	1 photo of Myrial Tomaso <u>NOT provided</u>
A34*	3 pages, 2 released b7c	1 photo of Paul Osborn Bndqeman <u>not provided</u>
A36*	3 pages, 2 released b7c	1 photo of Dennis Wade Fontenat <u>not provided</u>
A37*	2 pages, 1 released b7c	1 photo of Dennis Wade FONTENOTE <u>NOT provided</u>
A40*	3 pages, 2 released b7c	4 copies of photo of Donald Black <u>not provided</u>
142	7 pages, 1 released ^{FD-340}	exemption claimed "unable to xerox negatives" - Photos of Businesses

Los Angeles - cont.

(3)

A 45	^{FD-340} 2 pages, 1 released	b7c	photos of residents of 1535 No. Serrano Ave. <u>NOT PROVIDED</u>
1A 48	^{FD-340} 2 pages, 1 released		exemption claimed: "unable to Xerox negative" GALT
1A 55	^{FD-340} 2 pages, 1 released	b7c	2 photos of Susan Harris <u>NOT PROVIDED</u>
1A 56	^{FD-340} 2 pages, 1 released	b7c	2 photos of Eric Leroy Casey <u>NOT PROVIDED</u>
1A 61*	2 pages, 2 released		<u>Xerox provided</u> of 2 photos - FD-340 states 8 photos
1A 64	^{FD-340} 2 pages, 1 released	b7c	photo of John Beevins <u>NOT PROVIDED</u>
1A 67	2 pages, 2 released		<u>Xeroxes</u> of laundry mark reproduction
1A 69	^{FD-340} 2 pages, 1 released	b7c	3 photos of Richard Hurrell <u>NOT PROVIDED</u>
1A 71*	^{FD-340} 2 pages, 1 released	b7c	5 double photos of DURELL DENNIS <u>NOT PROVIDED</u>
1A 90*	3 pages, 2 released	b7c	1 photo of JACQUELINE KLINE <u>NOT PROVIDED</u>
1A 100*	3 pages, 2 released	b7c	1 photo of FRANK WILLIAM BRICKLEY <u>NOT PROVIDED</u>
1A 104*	^{FD-340} 3 pages, 1 released	b7c	4 photos of James Richard Hendricks <u>NOT PROVIDED</u>
A 106*	^{FD-340} 1 page, 1 released	b7c	photo of Frank William Brickley <u>NOT PROVIDED</u>
A 109*	^{FD-340} 1 page, 1 released	b7c	photo of Lookalike <u>NOT PROVIDED</u>

New Orleans

1A 6	^{FD-340} 3 pages, 1 released	b7c	2 photos of DARREL GATLIN <u>NOT PROVIDED</u>
A 27	^{FD-340} 4 pages, 1 released	b7c	3 color photos of RONALD BARDIN Simpson <u>NOT PROVIDED</u>
1A 43	2 pages, 0 released	b7c	PHOTOS of Charles Stein <u>NOT PROVIDED</u> worksheet states 1 pg. released
A 45	^{FD-340} 2 pages, 1 released	b7c	photo of Myrae Tomaso <u>NOT PROVIDED</u>
A 46	^{FD-340} 2 pages, 1 released	b7c	photo of Charles Stein <u>NOT PROVIDED</u>

New Orleans cont'd.

1A62	2 pages, 1 released. ^{FD-340}	b7c	Photo of James Owens <u>NOT PROVIDED</u>
1A67	4 pages, 1 released. ^{FD-340}	b7c	3 photos of Jules Ricco Kimble <u>NOT PROVIDED</u>

- * clipped for copying
- not provided at all
- ⊙ Xeroxes provided

CA 73-1996

1 - Mr. Long
Attn: Mr. Groover
1 - Mr. Grimsley
CIPU

REGISTERED

Subject of Request:

Assassination of
Dr. Martin Luther King, Jr.

AUG 30 1977

Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701

1 - Mr. Mintz
Attn: Mr. Matthews

Dear Requester:

Enclosed are copies of documents from our files. Excisions have been made from these documents and/or entire documents withheld in order to protect materials which are exempted from disclosure by the following subsections of Title 5, United States Code, Section 552 and Section 552a. The exemption number(s) indicated by a mark appearing in the block to the left of the subsection cited constitutes the authority for withholding the deleted material. (See below and reverse side of this sheet for an explanation of these exemptions.)

Section 552

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)

- (b) (7) (A)
- (b) (7) (B)
- (b) (7) (C)
- (b) (7) (D)
- (b) (7) (E)
- (b) (7) (F)
- (b) (8)
- (b) (9)

Section 552a

- (d) (5)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (3)
- (k) (4)
- (k) (5)
- (k) (6)
- (k) (7)

The decision to withhold exempt portions of our records is the responsibility of Clarence M. Kelley, Director of the FBI.

If you believe your name may also have been recorded by the FBI incident to the investigation of other persons or some organization, please advise us of the details describing the specific incident or occurrence and time frame. Thereafter, further effort will be made to locate, retrieve and process any such records.

Your request for information concerning yourself has been considered in light of the provisions of both the Freedom of Information Act (FOIA) (Title 5, United States Code, Section 552) and the Privacy Act of 1974 (Title 5, United States Code, Section 552a). It has been determined by the Attorney General that requests by individuals seeking information about themselves are governed by the Privacy Act. In addition, as a matter of administrative discretion, any documents which were found to be exempt from disclosure under the Privacy Act were also processed under the provisions of the FOIA. Through these procedures, you have received the greatest degree of access authorized by both laws.

You have thirty days from receipt of this letter to appeal to the Deputy Attorney General from any denial contained herein. Appeals should be directed in writing to the Deputy Attorney General (Attention: Office of Privacy and Information Appeals), Washington, D. C. 20530. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal."

See additional information on continuation page.

1 - James H. Logar
1231 Fourth Street, S.W.
Washington, D. C. 20004

James M. Powers
James M. Powers, Chief
Freedom of Information-Privacy Acts Branch
Records Management Division

1 - Mr. John...
Enclosures (7)
Processes (10)

1 - The Deputy Atty Gen
Attn: Mr. Matthews

SEE NOTE PAGE 2

Mr. Harold Weisberg

This release is comprised of documents from Memphis Field Office files pertaining to James Earl Ray and the Memphis Sanitation Workers Strike. Memphis Field Office files pertaining to the other subjects of your request are currently being processed.

Documents currently being released consist of 1,429 pages. Pursuant to the \$.06 per page duplication fee as established by the Department of Justice, the amount due for this material is \$85.74. Please remit a check in the amount of \$85.74, made payable to the Federal Bureau of Investigation in payment of these fees.

In reference to your letter dated August 17, 1977, the following information is provided. Duplicated copies of various photographs were furnished to you by our letter dated July 27, 1977. As explained in that letter, please advise us of the specific photographs of which you desire photographic reproductions and these will be provided to you. With the exception of those photographs which were identified to you and denied pursuant to the exemptions of the Freedom of Information Act, all those photographs located at Headquarters which pertain to the Murkin investigation have been made available to you. Any photographs located in the course of processing the various field office files will be made available to you subject to the provisions of the Freedom of Information Act.

A review of obliterations about which you have raised complaints will be conducted when we have completed the initial processing of all the files involved in this request. Documents such as the list of subpoenaed witnesses are released to you as they appear in FBI files. We are unable to make corrections on such documents as they are retained in their original form as they were received by the Bureau.

Various other issues raised in your August 17, 1977, letter do not pertain to the request for Murkin material. A copy of that letter has been provided to each analyst who is processing the requests pertaining to the matters mentioned in that letter.

Thank you for your patience and cooperation.

CA 75-1996
EXHIBIT 23

1 - Mr. Long
Attn: Mr. Groover

OCT 17 1977 1 - Mr. Grimsley
CIPU

REGISTERED
Subject of Request: Assassination of
Dr. Martin Luther King, Jr.

Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701

1 - Mr. Mintz
Attn: Mr. Matthews

Dear Requester:

Enclosed are copies of documents from our files. Excisions have been made from these documents and/or entire documents withheld in order to protect materials which are exempted from disclosure by the following subsections of Title 5, United States Code, Section 552 and Section 552a. The exemption number(s) indicated by a mark appearing in the block to the left of the subsection cited constitutes the authority for withholding the deleted material. (See below and reverse side of this sheet for an explanation of these exemptions.)

Section 552

- (b) (1)
- (b) (2)
- (b) (3)
- (b) (4)
- (b) (5)
- (b) (6)

- (b) (7) (A)
- (b) (7) (B)
- (b) (7) (C)
- (b) (7) (D)
- (b) (7) (E)
- (b) (7) (F)
- (b) (8)
- (b) (9)

Section 552a

- (d) (5)
- (j) (2)
- (k) (1)
- (k) (2)
- (k) (3)
- (k) (4)
- (k) (5)
- (k) (6)
- (k) (7)

711525

The decision to withhold exempt portions of our records is the responsibility of Clarence M. Kelley, Director of the FBI.

If you believe your name may also have been recorded by the FBI incident to the investigation of other persons or some organization, please advise us of the details describing the specific incident or occurrence and time frame. Thereafter, further effort will be made to locate, retrieve and process any such records.

Your request for information concerning yourself has been considered in light of the provisions of both the Freedom of Information Act (FOIA) (Title 5, United States Code, Section 552) and the Privacy Act of 1974 (Title 5, United States Code, Section 552a). It has been determined by the Attorney General that requests by individuals seeking information about themselves are governed by the Privacy Act. In addition, as a matter of administrative discretion, any documents which were found to be exempt from disclosure under the Privacy Act were also processed under the provisions of the FOIA. Through these procedures, you have received the greatest degree of access authorized by both laws.

You have thirty days from receipt of this letter to appeal to the Deputy Attorney General from any denial contained herein. Appeals should be directed in writing to the Deputy Attorney General (Attention: Office of Privacy and Information Appeals), Washington, D. C. 20530. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal."

See additional information on continuation page.

Enclosures (26)
1 - James H. Lesar, Esq.
1231 Fourth Street, S.W.
Washington, D. C. 20004

1 - Mr. John Dugan
United States Attorney's Office

James M. Powers
James M. Powers, Chief
Freedom of Information-Privacy Acts Branch
Records Management Division

1 - The Deputy Attorney General
Attn: Mr. Doug Mitchell

MAILED 5

RAH
11/17
1977

Mr. Harold Weisberg

This release is comprised of documents from the Los Angeles Field Office Murkin files. This completes the processing of all Los Angeles Field Office files pertinent to your request.

Documents currently being released consist of 2,495 pages. Pursuant to the \$.06 per page duplication fee as established by the Department of Justice, the amount due for this material is \$149.70. Please remit a check in the amount of \$149.70 made payable to the Federal Bureau of Investigation, in payment of these fees.

There is enclosed herewith for your assistance an outline of the various sub files which comprise the Memphis Murkin File and a brief description of the general content of each sub file.

With regard to your questions concerning James C. Hardin and Marrell McCullough, we have processed all documents pertinent to these individuals which appear in those files pertaining to your request, and have made these documents available pursuant to the provisions of the FOIA. A review of our files reveals that the true identity of James C. Hardin has not been ascertained. James C. Hardin was identified by Allen Thompson, manager of the St. Francis Hotel, as being the name offered by an individual attempting to make telephonic contact with Eric Starvo Galt at the St. Francis Hotel. Investigation subsequent to the receipt of this information failed to either locate or positively identify the party who made this call. Therefore, there does not appear to be any pertinent information regarding James C. Hardin, other than that furnished by Allen Thompson.

A review of the Headquarters Murkin file and the Memphis Field Office Murkin file has located only three sets of crime scene photographs. These are 49 photographs from the Memphis Police Department, 53 photographs taken by Special Agents Kearney and Fitzpatrick, and 15 photographs which were furnished by the Shelby County District Attorney's Office. The 15 photographs received from the District Attorney's Office appear to be duplicates of some of those received from the Memphis Police Department. We have been unable to locate any additional crime scene photographs, nor have we located any records which indicate that photographs

Mr. Harold Weisberg

of the crime scene were taken by Special Agents of the FBI on any occasion other than November 20, 1968.

In a previous release, all fingerprints and documents relating thereto have been furnished to you. This release included fingerprints from the rooming house from which the shot was fired and fingerprints from the New Rebel Motel. Our records do not reveal any reference that fingerprints were obtained from the DeSoto Hotel.

Furthermore, concerning the DeSoto Hotel, a review of our Birmingham Field Office Murkin file has disclosed that the registration records of the DeSoto Hotel were examined in conjunction with this investigation. The documents pertaining to this matter will be released in the near future along with the other documents from the Birmingham file.

In regard to the laboratory reports, you have been furnished all documents in the Murkin file concerning any ballistics tests, neutron activation analysis, spectrographic analysis and the examination of cigarette butts. A careful review of the more than 3,000 pages pertaining to lab material yielded approximately 100 pages which appeared to be responsive to this request. This information has been furnished to you. The remaining pages of laboratory material which were not previously furnished are available for your acquisition or review.

The Time-Life photographs have been examined. They do not contain any legends or notations which identify the subject of each of these photographs. These photographs are available for examination if you should so desire.

Additionally, although the Department of Justice has upheld the denial of photographs which depict Dr. King's body after the assassination, the Department has recommended that these photographs be made available for your review. Accordingly, these photographs are available for your examination at FBI Headquarters.

Processing of other files pertaining to your request continues, and release of additional documents will be made in the near future as they are completed.

Your patience and cooperation are appreciated.

MEMPHIS MURKIN FILES

<u>Section</u>	<u>Subject Matter</u>	<u>Volumes</u>	<u>Released</u>	<u>Remarks</u>
44-1987	Miscellaneous Investigation	7	7	
1A	Photos/Attachments	11	11	
Sub	Office Memoranda & Inserts	2	2	
Sub A	Reports	7	0	All volumes processed in HQ File
Sub B	Letters and Airtels	8	8	
Sub C	Newspaper Clippings	5	5	
Sub D	Memphis FD-302's (Interviews)	3	3	
Sub E	Miscellaneous Suspects	20	20	
Sub F	Jay Wallis Vernon	1	1	
Sub G	Eric Starvo Galt (Volumes 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 28, 29, 35, 36, 39, 40)	40	21	Processed in HQ File
Sub I	Various Galts	1	1	
Sub J	Telephone calls-Stein	2	2	
Sub K	Prisoners	2	2	
Sub L	Legats	2	2	
Sub M	Post-Arrest Investigation	11	10	(Volume 1 processed in HQ File)
Sub N	Security-Jail	1	1	
Sub O	Legal Documents	3	2	(Volume 3 processed in HQ File)
Sub P	Trial	1	0	(Processed in HQ File)
Sub Q	FD-302's (Interviews) Other Offices	1	1	

CA 75-1996
EXHIBIT 24

Mr. John Hartlugh
FBI- FOIA Unit
J. Edgar Hoover Bldg.
Washington, D.C. 20535

10/18/77

Dear John,

The LA FO copies came today. Thanks for their arrangement and for eliminating the Acco clips, where presented problems. Not having them and their backers it is possible for your mail room to have the volumes in sequence as they pack them, which will make it easier for me and can help eliminate confusion such as with the KFO files. But this I mean that the volumes can be arranged as in a file drawer. This is what my wife is doing with them right now, putting each volume in a separate file folder and identifying it.

I'm writing you for several reasons. First there has been confusion over the checks. If they pass through your hands before the bureaucracy starts grinding you'll know they have reached the FBI. So, my wife's check for \$149.70 is enclosed.

The Memphis listing is helpful. If there are other field office files as diffuse in content and without any identification that means anything to one outside the FBI it would be helpful if a similar list could be included. I'll give Jim a copy. Your memo does not say you've sent him a copy so I'll do that, too.

I think it may be helpful if you are aware of what is going to come up at the end of the month based on this and the letters of the past that are without response as reflected in this memo. It would be helpful all around, I think, if these problems are resolved as they come up. It certainly would have been now if there had been written response at the time I wrote first, as with Hardin. As I recall it now I pointed out withholdings relating to Hardin, withholdings I believe not justified. In the light of the AG's statements of policy formalized 5/5/77 there was no basis for these withholdings. At the end of the month I will expect a set of all records holding all references to a J.C. Hardin and all records relating to the tracing of the phone call and the message. I am not doubting your word in this paragraph. In fact I accept it, but that is not the point. Whether or not the FBI made a specific identification of any J.C. Hardin is separate from compliance without unjustified withholding. I assume I'll find more in the LA files. I believe there also was the question of a Hardin picture or pictures.

Your next paragraph relates to crime scene photographs. I have just gone over other records and there is little doubt there was excessive game-playing with this item of the 4/15/75 request. You do not reflect having done what I suggested, asking KFO by phone or other communication. If perfection is not a human state I believe I saw a record covering the forwarding of FBI pictures by one or two LA SAs. The judge laughed at Logan when he represented that there were none. That transcript was in some of the records I've just seen again. Do you really believe, with your long FBI career, that when it was in this case immediately it took no crime scene pictures? Not until after there was to have been a trial? I recall discussing this and my having seen a record indicating there were these FBI pix with you and with Ralph.

What you next address, at long last, is the DeSoto motel. I raised questions about the absence of any reference to it a long time ago. Now you tell me it is in the Birmingham files and I take it only there. This makes no sense to me. A mile or so from the Tenn. border and virtually on the shore of the Mississippi River is not the turf of your Birmingham office. I'm not going to check my notes now but I think the agents who were there, as I repeatedly told you agents were there, were from Memphis. If not is not Jackson closer than Birmingham and in the same state, Mississippi? Whether or not fingerprints were obtained is not the question, although they'd be relevant if they had been. From what I learned, which includes from those the agents interviewed, there should be further records that are relevant, not just the results of the checking of the registration.

all you say about lab reports is hinged to the Murkin HQ file. My request was not.

RCH
RCH

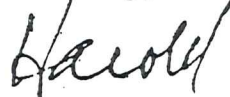
I don't think the nature of my request leaves any doubt about this. Nor have I any doubt that all relevant lab records have not been provided. I recall Ailty's irrelevant lectures when he was called in at an early conference Jim and I had with Wiseman and Blake. This has been aired in court, the judge did have things to say about it, - have records showing I do not have all the records and my request is for all the records related to ballistics, spectroscopy, X-rays, etc. Do not go by the rewriting of my requests back in 1975 by the DJ. I wrote them and repeated I wanted compliance with what I asked for, not what someone in Tyler's office would have preferred that I have asked for. At some point the question of what files were searched is going to come up. It would, I believe, be better for both of us for this to be recorded now and for the search to be completed and the missing records provided. If in fact there is nothing else relating to cigarettes there was withholding on the relevant pages about which I wrote you at the time, so I'll still want those records without the withholdings. I believe there were obliterations on other lab records of which the same is true. The judge did rule on this, and I do mean rule, not just express an opinion. That also is among the records I read yesterday. You have been out of compliance on that for a very long time by continuing to do what the judge said you might not do and by not accepting her alternative, making an issue of it then. I've made a separate record of this and am sending it to Jim, so he'll be prepared if there is the need to be prepared. That will not depend on my recollection nor will it now require a search on my part for proof. I'm pretty sure this is one of the specifics I raised in our general discussion of the overall problem the FBI's persistence in ignoring the judge had by then created. If not earlier this was on June 30. It was then about a year after the judge ruled. I'm taking this time now and all over again to eliminate what is surely going to be a problem if it is not resolved amicably. I remind you that the FBI's representations about it are under oath and that I am not happy about the records generated relating to my complaints over false swearing without factual error being attributed to me.

While there may be no identifications relating to the Louw pictures your memo is not explicit or unequivocal. It is restricted to what I knew from having examined that set of prints, that the names are not on the prints themselves. Obviously this does not exhaust the possibilities. There was a need to have identifications particularly because some were to be called upon to testify.

When I know I will be in Washington again I'll arrange through Jim for an inspection of the medical pictures. Thanks for following my suggestion on this. At the least it will limit what is in question. Before I forget, I want all of you to know that some were used publicly, not just that copies were handed around, as to Gerold Frank. Jim can show you a videotape of their display in Arizona and I have tapes and other public account of their public display.

My wife has finished labeling the L. files in individual folders. The same confusion exists as with those from Memphis. There is no continuity. If you can provide a similar record explaining the gaps it will help, thanks. It certainly would be helpful if the remaining files were in sequence when mailed so we could unpackage and have them still in sequence. This takes much work that could be avoided.

Sincerely,



Harold Weisberg

CA 75-1996
EXHIBIT 25

File No: 44-1114

Re: MURKIN

29 pages
b2(c)(1)

Date: 10-77
(month/year)

SUB-D

page-1

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	
21	4-19-68	PHOTOS OF JERRY RAY	3	1	b7(c)
22	4-19-68	PHOTO OF RAY	3	3	
23	4-19-68	1952 PHOTO OF JERRY RAY	2	2	
37	4-22-68	PHOTOS OF JAMES EARL RAY	3	3	
39	4-22-68	STAMP-UP PHOTO OF RAY & RIFE	2	2	
43	4-29-68	PHOTO OF JAMES EARL RAY	2	0	HQ
45	4-29-68	PHOTOS OF JAMES EARL RAY	2	2	
51	4-30-68	PHOTOS OF JAMES EARL RAY	3	0	HQ
52	5-4-68	PHOTOS OF JERRY RAY	3	1	b7(D)
55	5-7-68	PHOTO OF JAMES EARL RAY	2	0	HQ
58	5-8-68	PHOTOS OF JAMES EARL RAY	2	0	HQ
68	-	NEG. OF JAMES EARL RAY	2	2	

16

revised

File No. 844-1114-53

Date Received 5/4/69

From Newark
(NAME OF CONTRIBUTOR)

121st St
(ADDRESS OF CONTRIBUTOR)

(CITY AND STATE)

By Deenan
(NAME OF SPECIAL AGENT)

To Be Returned Yes
 No

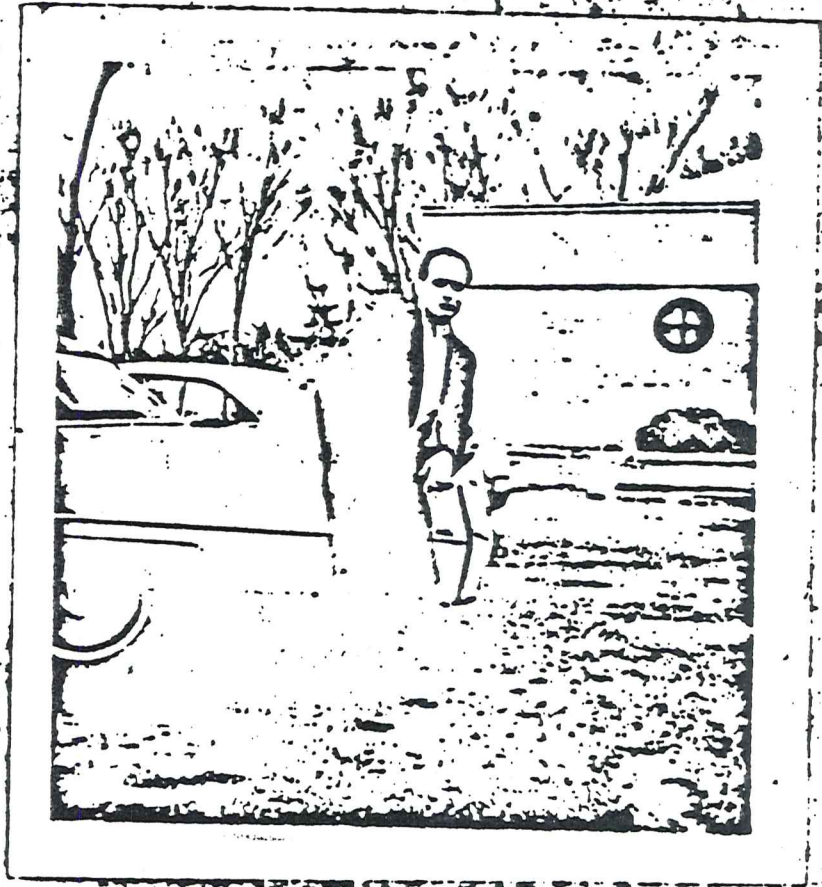
Receipt given Yes
 No

Description: 2 photo - 2 copies each





44-1114-52



44-1114-52

memorandum

DATE **AUG 14 1978**

REPLY TO: **Quinlan J. Shea, Jr., Director**
ATTN OF: **Office of Privacy and Information Appeals**

SUBJECT: **Release of Records Pertaining to
Martin Luther King and John F. Kennedy**

TO: **Inspector Allen McCreight
Federal Bureau of Investigation**

FEDERAL GOVERNMENT

My recollection is that I have been assured that any records about either Martin Luther King or John F. Kennedy that are being released to anyone will also be released to Mr. Harold Weisberg, if they are within the scope of any of his requests. As a practical matter, this should be any record related in any way to the assassinations. For a while it seemed that the "system" was working, but now I am receiving complaints from Mr. Weisberg that other, presumably junior requesters are getting records, with no copies to him. Attached are several such complaints. An obvious problem is that I have assured Mr. Weisberg that this will not happen, so now I feel obliged to pursue the matter. I propose that this be an item on our discussion agenda this Wednesday, August 16.

ENCLOSURE

Attachments

EX-123

DE-38

REC-90

20 AUG 31 1978



JUL 16 1978

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

U.S. Government Printing Office: 1977-241-538/3474

OPTIONAL FORM NO. 10
(REV. 7-75)
GSA FPMR (41 CFR) 101-11.6
5010-112

CA 75-1996-
EXHIBIT 27

OUTSIDE OFFICE

October 16, 1978

Mr. Harold Weisberg
Route 12 - Old Receiver Road
Frederick, Maryland 21701

Dear Mr. Weisberg:

Reference is made to the letters of September 27, 1978, from Mr. Quinlan J. Shea, Jr., Office of Privacy and Information Appeals, Department of Justice; to Mr. James H. Lesar and yourself. One of the issues addressed in these letters is that of providing you with copies of documents that may be of interest to you in connection with your requests concerning records pertaining to Dr. Martin Luther King, Jr. and the assassination of President John F. Kennedy.

Attachments A and B are copies of documents previously released as a result of specific requests for the information contained therein. It is recognized that much of this material may be duplicated as a result of processing your request for the security files on Dr. King.

Documents in Attachment A were released on August 17, 1978. Portions of these documents were withheld pursuant to Title 5, United States Code, Section 552, (b) (1), (b) (2), (b) (6), (b) (7) (C), and (b) (7) (D).

Attachment B consists of copies of those records which were maintained in Director Hoover's Official and Confidential files (known as the O & C files), folder number 24, which was released May 10, 1978. Portions of these documents were withheld pursuant to Title 5, United States Code, Section 552, (b) (1), (b) (2), (b) (6), (b) (7) (C), (b) (7) (D), and (b) (7) (E).

The deletions made in the two groups of attached documents are based on the appropriate exemptions as noted above. The explanation of these exemptions is as follows:

Title 5, United States Code, Section 552

- (b) (1) information which is currently and properly classified pursuant to Executive Order 11652 in the interest of the national defense or foreign policy;
- (4) *ARM*

OCT 17 1978

SEE NOTE PAGE 3

FBI/DOJ

MAILED 3

OCT 16 1978

FBI

- Asst. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

53 DEC 5 1978

Mr. Harold Weisberg

- (b) (2) materials related solely to the internal rules and practices of the FBI;
- (b) (6) materials contained in sensitive records such as personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b) (7) investigatory records compiled for law enforcement purposes, the disclosure of which would:
 - (C) constitute an unwarranted invasion of the personal privacy of another person;
 - (D) reveal the identity of an individual who has furnished information to the FBI under confidential circumstances or reveal information furnished only by such a person and not apparently known to the public or otherwise accessible to the FBI by overt means;
 - (E) disclose investigative techniques and procedures, thereby impairing their future effectiveness.

You have thirty days from receipt of this letter to appeal to the Deputy Attorney General from any denial contained herein. Appeals should be directed in writing to the Deputy Attorney General (Attention: Office of Privacy and Information Appeals), Washington, D. C. 20530. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal."

Sincerely yours,

ALLEN H. MCCREIGHT

Allen H. McCreight, Chief
Freedom of Information-
Privacy Acts Branch
Records Management Division

Enclosures (2)

