

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Harold Weisberg,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action Number
	)	75-1996
U. S. Department of Justice,	)	
	)	
Defendants.	)	

---

THIRD AFFIDAVIT OF JOHN N. PHILLIPS

I, John N. Phillips, being duly sworn, depose and say as follows:

(1) I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned in a supervisory capacity to the Freedom of Information-Privacy Acts (FOIPA) Branch, Records Management Division, FBI Headquarters (FBIHQ), Washington, D. C.

Due to the nature of my official duties, I am familiar with the procedures followed in processing Freedom of Information Act (FOIA) requests received at FBIHQ. Although I was not initially involved with plaintiff's FOIA request, I am, however, familiar with all aspects of this request as it relates to the FBI. The information set forth herein is based upon my review of the records and correspondence with plaintiff as it relates to this litigation, and upon information provided to me in my official capacity.

(2) In compliance with the order of United States District Court Judge June L. Green, I am submitting three separate envelopes for In Camera review as follows:

- A. MURKIN Headquarters serials 3374, 3400, 3509, 3763, 3764 and the first unrecorded serial after serial 6110.
- B. Laboratory "ticklers" of three documents concerning Kidnapping; Interstate Transportation in Aid of Racketeering (ITAR), Conspiracy; and Bombing Matters.
- C. MURKIN Headquarters serials 58, 1196, 1470, 1500, 1549, 2126, 2161, 3400, 3763, 4438, 4692, 4694, 4986, 5708, 6010, 413, 1427, 3503, 4761, 4919, 5212, 5338, 5487, 5663, 5719 and 5819.

These materials are contained in three separate packages (labeled Envelopes A, B, and C) with notations that they are to be opened only by United States District Court Judge June L. Green and will be submitted to United States District Judge June L. Green contemporaneously with the filing of this affidavit.

(3) To assist the Court in reviewing this material during In Camera inspection, each item has been assigned an identifying number, which appears circled in the lower left corner of the first page of each document. This identifier is a composite of the envelope letter and the document number. For example, the first document in Envelope A has been assigned number A-1.

(4) Information withheld from plaintiff is highlighted in yellow ink. Where deletions have been made the appropriate exemption is cited to the right of the deleted material. Entire documents or individual pages which have been released or denied in their entirety contain a notation across the bottom of each page explaining the action taken.

(5) For the information of the Court, four of the documents ordered for In Camera inspection as having been denied in their entirety were, in fact, released in full to Mr. Weisberg over four years ago. These documents, along with copies of the disclosure letters providing them to plaintiff are attached hereto as exhibits. Following is a list of the released serials, their assigned document numbers, their exhibit numbers as attached, and the dates of release to plaintiff:

<u>Serial</u>	<u>Document Number</u>	<u>Exhibit Number</u>	<u>Date of Release</u>
3509	A-3	1	7/27/77
3763	A-4	2	10/26/77
	C-9		
3764	A-5	3	7/27/77
5708	C-14	4	6/24/77

(6) In addition to the above, one of the documents ordered for In Camera inspection because no exemptions were cited was previously released to Mr. Weisberg in its entirety, over four years ago, therefore, no exemptions were claimed. This document, along with a copy of the original inventory sheet is attached

hereto as an exhibit. Following the chart above, information concerning this document is set forth below:

<u>Serial</u>	<u>Document Number</u>	<u>Exhibit Number</u>	<u>Date of Release</u>
4761	C-19	5	6/2/77

(7) Serial 1549, document number C-5 was referred to the Central Intelligence Agency (CIA) on March 17, 1977, for direct response to plaintiff. By letter dated January 26, 1981, a copy of which is attached hereto as Exhibit 6, the CIA released this document to plaintiff with deletions made pursuant to FOIA exemptions (b)(3) and (b)(6). On the copy of this document submitted for In Camera inspection, those portions withheld by the CIA are bracketed in red ink. The exemptions claimed by that agency are listed to the right of the deleted material, also in red ink.

John N. Phillips  
John N. Phillips  
Special Agent  
Federal Bureau of Investigation  
Washington, D. C.

Subscribed and sworn to before me this 9th day of December, 1981.

[Signature]  
Notary Public

My Commission expires 12/31/81.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG, )  
 )  
 Plaintiff, )  
 )  
 v. ) Civil Action No. 75-1996  
 )  
 U.S. DEPARTMENT OF JUSTICE, )  
 et al., )  
 )  
 Defendants. )

NOTICE OF FILING

Pursuant to this Court's order of December 1, 1981, defendants hereby submit three separate envelopes of documents as described in the attached Third Affidavit of John N. Phillips for in camera review by the Court.

Respectfully submitted,

J. PAUL McGRATH  
Assistant Attorney General

CHARLES F.C. RUFF  
United States Attorney

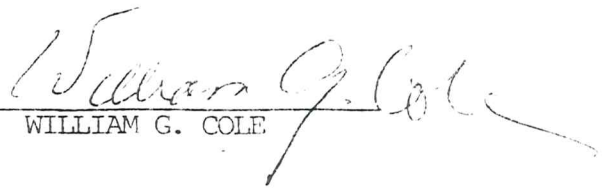
*Vincent M. Garvey*  
\_\_\_\_\_  
VINCENT M. GARVEY

*William G. Cole*  
\_\_\_\_\_  
WILLIAM G. COLE  
Attorney, Department of Justice  
Civil Division, Room 3137  
10th & Pennsylvania Ave., N.W.  
Washington, D.C. 20530  
Tel: (202) 633-4300

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Filing has been mailed, postage prepaid, this 9<sup>th</sup> day of December, 1981 to:

Mr. James H. Lesar  
1000 Wilson Blvd.  
Suite 900  
Arlington, Virginia 22209

  
WILLIAM G. COLE

The Attorney General

JUNE

May 18, 1968

Director, FBI

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. McGowan
- 1 - Mr. Long

ASSASSINATION OF MARTIN LUTHER KING, JR.

ST  
BT

James Earl Ray has been identified as the subject in the case involving the murder of Martin Luther King, Jr.

Extensive investigation has been conducted, and no information has been developed indicating his present whereabouts. In order to possibly assist in locating and apprehending the subject, it would be of extreme value to know if the subject has made any contact, either personal or by telephone, with his sister, Carol Pepper, as well as his brother, John Larry Ray.

Rosen

5-11-68  
LX  
Rom 906  
NR

In view of the above, it is requested that you authorize installation of a technical surveillance at the residence of Carol Pepper and at the Grapevine Tavern, owned by Carol Pepper and operated by John Larry Ray. It is also requested that you authorize installation of microphones surveillance on the residence of Carol Pepper, John Larry Ray, as well as the Grapevine Tavern.

These installations could assist in the early apprehension of the subject, which could possibly be instrumental in reducing the stresses and tension placed on our national security subsequent to the death of Martin Luther King, Jr.

ch  
Red

REL: [unclear]  
(7)

NOTE: See memorandum A. Rosen to Mr. DeLoach dated 5-9-68, caption MURKIN, RE: arg. EX-115

44-38861-3509

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

SENT FROM D. O.  
TIME 5:24 PM  
DATE 5-18-68

6 MAY 21 1968

EXHIBIT 1

(A-3)

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
RECORDS DISCLOSURE COVER SHEET  
FOI/PA BRANCH  
RECORDS MANAGEMENT DIVISION

July 27, 1977



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

Subject of Request: **Assassination of Dr. Martin Luther King, Jr.**  
1 - Mr. Long  
Attn: Mr. Groover  
1 - Mr. Mintz  
Attn: Mr. Matthews  
1 - Mr. Grimsley  
CIPU

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		Section 552a	
<input checked="" type="checkbox"/> (b) (1)	<input type="checkbox"/> (b) (7) (A)	<input type="checkbox"/> (d) (5)	
<input type="checkbox"/> (b) (2)	<input type="checkbox"/> (b) (7) (B)	<input type="checkbox"/> (j) (2)	
<input checked="" type="checkbox"/> (b) (3)	<input checked="" type="checkbox"/> (b) (7) (C)	<input type="checkbox"/> (k) (1)	
<input type="checkbox"/> (b) (4)	<input checked="" type="checkbox"/> (b) (7) (D)	<input type="checkbox"/> (k) (2)	
<input checked="" type="checkbox"/> (b) (5)	<input type="checkbox"/> (b) (7) (E)	<input type="checkbox"/> (k) (3)	
<input checked="" type="checkbox"/> (b) (6)	<input checked="" type="checkbox"/> (b) (7) (F)	<input type="checkbox"/> (k) (4)	
	<input type="checkbox"/> (b) (8)	<input type="checkbox"/> (k) (5)	
	<input type="checkbox"/> (b) (9)	<input type="checkbox"/> (k) (6)	
		<input type="checkbox"/> (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.

JUL 27 1977

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

Enclosures (7)

DPH  
vph:vlj (10)

MAIL ROOM  TELETYPE UNIT

See NOTE page 3

Return to RPH, Rm 656

SEE PAGE 2

Mr. Harold Weisberg

This release is comprised of documents from Sections 86 through 91 of the Headquarters' Murkin file; bulky enclosure 5586 which consists of Exhibits Section material; lab reports pertaining to ballistics, spectrography and the examination of cigarette butts; serials 3509 and 3764 which were previously denied but are now being released pursuant to the department appeal review; and one black and white photograph showing an aerial view of the Lorraine Motel and the surrounding area.

Included in this material are duplicated copies of various photographs. Please advise us of the specific photographs which you desire photographic copies of and these will be provided to you.

Pursuant to a decision made by the Department of Justice, you are to be afforded a 40 percent reduction of fees for all documents which are released in response to your December 23, 1975, Freedom of Information Act request for Murkin material. This fee reduction applies to any charges for material to be released in the future and also to any charges assessed against you for Murkin material which has previously been furnished. Our records indicate that we have collected a total amount of \$1,984.80 in fees for payment of Murkin material which has been released to you. Application of the 40 percent fee reduction standard to that amount determines that we now owe you a refund of \$793.92. A request has been submitted to our Finance and Personnel Division for a check in that amount to be made payable to Harold Weisberg. The check should be soon forthcoming and will be immediately forwarded to you. Hereafter, all charges assessed against you for Murkin material will be at the rate of \$.06 per page.

Documents currently being released consist of 1,639 pages. Additionally, 612 pages of documents pertaining to latent fingerprint examinations were provided to you on June 30, 1977. Pursuant to the \$.06 per page duplication fee as established by the Department of Justice, the amount due for this material is \$135.06.



Mr. Harold Weisberg

Also, one 8 x 10 black and white photograph is being released at the cost of \$1.80, which again reflects the 40 percent reduction standard. Please remit a check in the amount of \$136.86, made payable to the Federal Bureau of Investigation in payment of all those fees currently due for Murkin material which has been released to you.

Thank you for your patience and cooperation in this matter.

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

1 - Mr. John Dugan  
United States Attorney's Office  
United States Courthouse  
3rd and Constitution, N.W.  
Washington, D. C. 20001

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

NOTE: This release was comprised of 1,639 pages from Sections 86 - 91 and serials 3509, 3769, 5920 and 5586. Mr. Weisberg is being notified of payment due of \$136.86. This amount includes charges for this 1,639 pages, 612 pages which were released on 6/30/77, and a charge of \$1.80 for an 8 x 10 black and white photograph which is being provided. This concludes the processing of Murkin files at Headquarters. We are continuing to process other Headquarters files which are responsive to Mr. Weisberg's December 23, 1975, FOIA request.

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Mohr

DATE: May 10, 1968

FROM : J. J. Casper

SUBJECT: MURKIN

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

JUNE

*pa*

As shown in attached memorandum of May 9, 1968, from Mr. Rosen to Mr. DeLoach, consideration is given to microphone installations on certain properties of Albert and Carol Pepper. The proposal raises a question concerning the legality of any action taken against the subject of this case on the basis of information obtained from the microphones.

We believe these microphones can be installed and used without prejudicing the case against the subject. In a very recent decision of the United States District Court for the Southern District of New York, a listening device was installed on the premises of one Levine. Later, a subject named Granello, an associate of Levine, came up for trial and claimed that the listening device installed on Levine's premises, which was installed by trespass, was illegal as to him, Granello. It was not contended that any information obtained from the Levine microphone was used as evidence against Granello at trial either directly or as a lead. The court held that since Granello had no interest in the Levine premises, the monitor was not illegal as to him and he could not obtain a new trial or dismissal of the indictment. U.S. v. Granello, 280 F. Supp. 482 (1968).

Applied to instant case, this rule of law could work out in different ways. Assuming that the subject of this case is not on the premises to be surveilled by the means suggested, and has no possessory or other right in those premises, any information disclosed by the surveillance in some way, such as conversation among the Peppers, could be used to learn the whereabouts of the subject for purposes of arrest. The problem becomes somewhat more complicated, however, if the subject of this case made a telephone call to those premises and that telephone call were recorded and used as the basis for his apprehension. He then could claim that the surveillance violated his right of privacy in the telephone communication he made to that place, citing the Katz decision in the Supreme Court.

REC 11 44-38861-3763

Enclosure

- Mr. DeLoach
- Mr. Conrad
- Mr. Gale
- Mr. Rosen
- Mr. Malley
- Mr. McGowan
- Mr. Long

31 MAY 22 1968

55-102

↓ ↓  
"CONTINUED - OVER"

A-4  
C-9

6 MAY 31 1968

EXHIBIT 2

Memorandum J. J. Casper to Mr. Mohr  
RE: MARKIN

The worst that could happen in either of the above circumstances, however, - assuming that we follow the precautionary measures listed below - is that we illegally learn where the subject is located and thus are able to arrest him on that knowledge. The rule that comes into play here, established in the last century by the Supreme Court in Ker v. Illinois, 30 U.S. 347 (1886), is that an illegal arrest is no bar to prosecution. Wong Sun v. U.S., 371 U.S. 471 (1963); U.S. v. Hoffman, 385 F2d 501 (1967); Keegan v. U.S., 385 F2d 260 (1967). A person may be arrested unlawfully and actually kidnapped into the court having jurisdiction of the criminal case, yet the court still retains jurisdiction to try the person for the offense. The court would not allow the prosecution to use as evidence any information obtained through the illegal surveillance but the illegal surveillance would not taint the use of any other evidence obtained either before or after and which was gotten in a legal manner. Nor, to repeat, would the illegality of the arrest alone, resulting from whereabouts disclosed by unlawful surveillance, prevent the court from trying the subject for the offense.

If the action being considered is taken, we strongly suggest three precautionary measures, as follows:

(1) That all recordings be preserved intact. It may be necessary to disclose some of them to the court or even to the defense.

(2) That no use be made of any information obtained against anyone whatsoever or in any way whatsoever except for the single purpose of locating the subject in this case. As we well know by this time, evidence of the offense obtained in this manner is not admissible. It would not be admissible against the subject and it would not be admissible against the Peppers on a charge of harboring.

(3) Be aware that since this search and seizure is unconstitutional as to the Peppers, they have at least a theoretical cause of action for damages against those who installed the devices by trespass. Here again, however, if nothing learned by this surveillance is used against the Peppers in any way, their cause of action is diminished to the lowest possible degree, becoming that for a technical violation only rather than one of substantial harm to them. Moreover, in any such case the government of the United States should surely be willing to pick up the tab for any judgment had against those who installed the microphones.

RECOMMENDATION:

For information.

*[Handwritten signatures and initials: "R", "JJC", "AM", "PP"]*  
-2-  
PLEASE SEE ATTACHED

OCT 26 1977

1 - Mr. Long  
Attn: Mr. Groover

REGISTERED

Subject of Request:

Assassination of  
Dr. Martin Luther King, Jr.

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

1 - Mr. Grimsley  
IPU

1 - Mr. Mintz  
Attn: Mr. Mathews

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

Section 552a

- (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)

- (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  
Clerence 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."

718697

See additional information on continuation page.

Enclosures (23)  
cc: jnj (10)

*[Handwritten initials]*

*AHM*

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

*Return to RPH  
Room 6980*

MAIL ROOM

TELETYPE UNIT

SEE NOTE PAGE 3

SEE PAGE 2

Mr. Harold Weisberg

This release is comprised of documents from the Chicago, St. Louis and Washington Field Office Murkin files. This completes the processing of all Chicago, St. Louis and Washington Field Office files pertinent to your request.

Also included in this release are documents which have been approved for release by other agencies from which they originated, and serial 3763 and photographs of various individuals which the Department of Justice has directed to be released pursuant to the appeal review.

Documents currently being released consist of 1,932 pages. Pursuant to the 6 cents per page duplication fee as established by the Department of Justice, the amount due for this material is \$115.92. Please remit a check in the amount of \$115.92, made payable to the Federal Bureau of Investigation, in payment of these fees.

The documents included in this release have been reviewed on appeal by Department of Justice Attorney Doug Mitchell.

This release completes the processing of all Headquarters and field office files pertinent to your request. Releases will continue to be made as we receive documents which were forwarded to other agencies for their review. Also, any documents which are declassified by the Departmental Review Committee will likewise be released to you.

In reference to your letter dated October 18, 1977, concerning your Privacy Act request for information contained in the Baltimore, Dallas, New Orleans, and Memphis Field Offices, the following is provided for your assistance. Should you desire a check of our Field Office files, you are advised that a listing of them as separate indices has been published in the Federal Register, Volume 40, Number 167 - Wednesday, August 27, 1975. It would be incumbent upon you to so designate your requests directly to them.

Your patience and cooperation are appreciated.

UNITED STATES GOVERNMENT

# Memorandum

JUNE

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

TO : Mr. DeLoach *DR*

DATE: May 9, 1968

FROM : A. Rosen *A. Rosen*

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. McGowan
- 1 - Mr. Long
- 1 - Mr. Conrad

1 - Mr. Gale

SUBJECT: MURKIN

**PURPOSE:** To recommend the installation of a technical surveillance (TESUR) on the telephones of Albert and Carol Pepper, St. Louis, Missouri, and the telephone listed to the Grapevine Tavern in St. Louis, Missouri, owned by Carol Pepper, subject's sister, and operated by John Larry Ray, subject's brother, and the installation of a microphone surveillance at the residences of Carol Pepper, and John Larry Ray, and at the Grapevine Tavern. These installations could assist in the early apprehension of the subject, which could possibly be instrumental in reducing the stresses and tension placed on our national security subsequent to the death of Martin Luther King, Jr.

**BACKGROUND:** We are presently conducting exhaustive and extensive investigation to determine the present whereabouts of the subject James Earl Ray, who is one of the TEN MOST WANTED FUGITIVES. Although many hundreds of interviews have been conducted and leads run out, we have not been able to locate the subject nor have we located any person who can furnish us any information as to the subject's present whereabouts. It has been determined that Carol Pepper, the sister of the subject, and John Larry Ray, the brother of the subject, are the closest relatives to him. Carol is married to Albert Pepper and they reside at 2025 Belleview, St. Louis, Missouri, telephone number 645-2948. John Larry Ray resides at 1900 A Cherokee, St. Louis, Missouri, no telephone listed. Carol presently owns the Grapevine Tavern, 1982 Arsenal, St. Louis, Missouri, telephone number PR 6-9417. This tavern is operated by John Larry Ray.

John Larry Ray has expressed a cooperative attitude; however, it is felt that he is not giving us complete and accurate information. Carol Pepper refuses to submit to interview and is not cooperative. It is felt that if the subject telephones or personally contacts any of the relatives, it will most likely be Carol Pepper or brother John Larry Ray.

Enclosure *sent 5-13-68*

REC 11

CONTINUED - OVER

REL *urgency*

MAY 31 1968

EX-102

11 MAY 22 1968

MAIL RM

~~MAY 31 1968~~

EXHIBIT 3

(A-5)

Memorandum to Mr. DeLoach  
RE: MURKIN

**RECOMMENDATION:** That a technical surveillance be installed on the telephones of Albert and Carol Pepper and the Grapevine Tavern and a microphone surveillance be installed at the residences of Albert and Carol Pepper and John Larry Ray and at the Grapevine Tavern.

Attached for approval is a memorandum to the Attorney General requesting authority for this coverage.

*egm* *chad* *JK* *f*  
*f* *JLM*

*It is doubtful that  
A.G. will approve.  
There could be of  
great assistance.*  
*f*

*OK*  
*f*



UNITED STATES DEPARTMENT OF JUSTICE  
 FEDERAL BUREAU OF INVESTIGATION  
 RECORDS DISCLOSURE COVER SHEET  
 FOI/PA BRANCH  
 RECORDS MANAGEMENT DIVISION

July 27, 1977

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

Subject of Request: **Assassination of Dr. Martin Luther King, Jr.**  
 1 - Mr. Long  
 Attn: Mr. Groover  
 1 - Mr. Grimsley  
 Attn: Mr. Matthews  
 CIPU

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<input checked="" type="checkbox"/> (b) (3)	<input checked="" type="checkbox"/> (b) (7) (C)	<input type="checkbox"/> (k) (1)	
<input type="checkbox"/> (b) (4)	<input checked="" type="checkbox"/> (b) (7) (D)	<input type="checkbox"/> (k) (2)	
<input checked="" type="checkbox"/> (b) (5)	<input type="checkbox"/> (b) (7) (E)	<input type="checkbox"/> (k) (3)	
<input checked="" type="checkbox"/> (b) (6)	<input checked="" type="checkbox"/> (b) (7) (F)	<input type="checkbox"/> (k) (4)	
	<input type="checkbox"/> (b) (8)	<input type="checkbox"/> (k) (5)	
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		<input type="checkbox"/> (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.

*James M. Powers*

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

Enclosures (7)

OPH  
 Yph: vlg (10)

BAR ROOM

TELETYPE UNIT

See NOTE page 3

*Return to RPH, Am 656*

SEE PAGE 2



Mr. Harold Weisberg

This release is comprised of documents from Sections 86 through 91 of the Headquarters' Murkin file; bulky enclosure 5586 which consists of Exhibits Section material; lab reports pertaining to ballistics, spectrography and the examination of cigarette butts; serials 3509 and 3764 which were previously denied but are now being released pursuant to the department appeal review; and one black and white photograph showing an aerial view of the Lorraine Motel and the surrounding area.

Included in this material are duplicated copies of various photographs. Please advise us of the specific photographs which you desire photographic copies of and these will be provided to you.

Pursuant to a decision made by the Department of Justice, you are to be afforded a 40 percent reduction of fees for all documents which are released in response to your December 23, 1975, Freedom of Information Act request for Murkin material. This fee reduction applies to any charges for material to be released in the future and also to any charges assessed against you for Murkin material which has previously been furnished. Our records indicate that we have collected a total amount of \$1,984.80 in fees for payment of Murkin material which has been released to you. Application of the 40 percent fee reduction standard to that amount determines that we now owe you a refund of \$793.92. A request has been submitted to our Finance and Personnel Division for a check in that amount to be made payable to Harold Weisberg. The check should be soon forthcoming and will be immediately forwarded to you. Hereafter, all charges assessed against you for Murkin material will be at the rate of \$.06 per page.

Documents currently being released consist of 1,639 pages. Additionally, 612 pages of documents pertaining to latent fingerprint examinations were provided to you on June 30, 1977. Pursuant to the \$.06 per page duplication fee as established by the Department of Justice, the amount due for this material is \$35.06.

Mr. Harold Weisberg

Also, one 8 x 10 black and white photograph is being released at the cost of \$1.80, which again reflects the 40 percent reduction standard. Please remit a check in the amount of \$136.86, made payable to the Federal Bureau of Investigation in payment of all those fees currently due for Murkin material which has been released to you.

Thank you for your patience and cooperation in this matter.

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

1 - Mr. John Dugan  
United States Attorney's Office  
United States Courthouse  
3rd and Constitution, N.W.  
Washington, D. C. 20001

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

NOTE: This release was comprised of 1,639 pages from Sections 86 - 91 and serials 3509, 3769, 5920 and 5586. Mr. Weisberg is being notified of payment due of \$136.86. This amount includes charges for this 1,639 pages, 612 pages which were released on 6/30/77, and a charge of \$1.80 for an 8 x 10 black and white photograph which is being provided. This concludes the processing of Murkin files at Headquarters. We are continuing to process other Headquarters files which are responsive to Mr. Weisberg's December 23, 1975, FOIA request.

4-15-69

AIRTEL

1 - Mr. Long

To: Legat, Ottawa (44-4)  
From: Director, FBI (44-38861) - 5708

REC-105

MURKIN

Re Legat Ottawa teletype to the Bureau dated 4-11-69.

Bureau files contain no information to the effect that lists were received by National States Rights Party at Birmingham or any other location as allegedly transmitted by John William Beattie or David Stanley of the Canadian National Socialist Party.

For the information of Legat Ottawa, Jesse B. Stoner is vice-chairman of the National States Rights Party whose offices are currently based in Savannah, Georgia.

Keep the Bureau advised of pertinent developments.

1 - Memphis (44-1987)

1 - Foreign Liaison (Cleared through SA *[Signature]* Gray Day)

REL:jms

(6)

SEE NOTE PAGE TWO. . .

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

MAILED 10  
APR 16 1969  
COMM-FBI

56 APR 23 1969

MAIL ROOM  TELETYPE UNIT

*[Handwritten signatures and notes]*

APR 12 1969

*[Signature]*

*[Signature]*

*[Signature]*

RELEASED IN ENTIRETY

EXHIBIT 4

(C-14)

NOTE:

Legat Ottawa advised us that John William Beattie, leader of Canadian National Socialist Party, was in contact with the Royal Canadian Mounted Police (RCMP) and said that David Stanley, who at one time was a member of the Canadian National Socialist Party, had forwarded names of Toronto residents to the National States Rights Party (NSRP) in Birmingham in order that the publication "Thunderbolt" could be forwarded to them. Stanley allegedly forwarded lists of 200 to 300 names on several occasions in 1965 and feels that the names of Sneyd, Bridgeman, and Galt (aliases of James Earl Ray) were among the names forwarded. The RCMP places little value on any of this information as Beattie is continually seeking any recognition through press and news media.

William Bradford Huie, author, stated the names Sneyd, Bridgeman, and Galt were obtained by Ray through old editions of newspapers.

Beattie is an American Nazi Party advocate and there is no indication he ever associated with the NSRP. We have no knowledge of Stanley or Beattie forwarding such lists to NSRP in Birmingham or any other location according to Racial Intelligence Section, Domestic Intelligence Division.

Legat Ottawa requested to be advised concerning these lists and this communication is advising him of such.

April 12, 1969

GENERAL INVESTIGATIVE DIVISION

This is the case involving the murder of Martin Luther King, Jr.

The attached is information furnished by the Royal Canadian Mounted Police (RCMP) regarding Jesse B. Stoner, (Ray's present attorney). Stoner is official of the National States Rights Party (NSRP), headquarters Savannah, Georgia, which publishes the "Thunderbolt".

Bureau files reflect that Beattie is an American Nazi Party advocate and no indication he ever associated with the NSRP.

We have no knowledge of Stanley forwarding a list to the NSRP, Birmingham, Alabama.

According to William Bradford Huie, author who has been writing articles concerning Ray, the names of Sneyd, Bridgeman and Galt were obtained through old editions of newspapers.

We will furnish RCMP through Legat, Ottawa the information requested.

KLB:mld

RELEASED IN ENTIRETY 44-38861-5708

VIA TELETYPE  
APR 11 1969  
ENCIPHERED

OTT 05 5-28 PM JHC  
URGENT 4-11-69  
TO DIRECTOR (44-38861)  
FROM LEGAT, OTTAWA (44-4) SP

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

MURKIN.

ROYAL CANADIAN MOUNTED POLICE  
RCMP, TORONTO, HAVE ADVISED JOHN WILLIAM BEATTIE, LEADER

CANADIAN NATIONAL SOCIALIST PARTY, WHOSE PHILOSOPHY AND POLITICAL IDEOLOGIES ARE EXTREMELY RIGHT WING AND WHO HAS WRITTEN SEVERAL ARTICLES AND GIVEN NUMEROUS SPEECHES ON ANTI-SEMITISM AND ANTI-NEGRO EVENTS, WAS RECENTLY IN CONTACT WITH THE TORONTO RCMP OFFICE. AT THAT TIME, BEATTIE SAID DAVID STANLEY, WHO AT THAT TIME WAS ALSO A MEMBER OF THE CANADIAN NATIONAL SOCIALIST PARTY, HAD FORWARDED NAMES OF TORONTO RESIDENTS TO THE NATIONAL STATES RIGHTS PARTY IN BIRMINGHAM, ALABAMA, IN ORDER THAT THE PUBLICATION "THUNDERBOLT" COULD BE FORWARDED TO THEM. ACCORDING TO BEATTIE, STANLEY CHOSE THESE NAMES FROM THE TORONTO CITY DIRECTORY AND FORWARDED LISTS OF TWO TO THREE HUNDRED NAMES ON SEVERAL OCCASIONS. THIS INCIDENT REPORTEDLY OCCURRED IN SIXTYFIVE AND SHORTLY THEREAFTER,

REC-105

44-38861-5708

APR 18 1969

Legat Ottawa  
4-15-69  
R.S. [signature]  
[signature]

COPY SENT TO MR. TOLSON

APR 1969

RELEASED IN ENTIRETY

PAGE TWO

ACCORDING TO BEATTIE, STANLEY WENT TO THE SOUTHERN STATES AND WENT ON A SPEAKING TOUR WITH J. B. STONER, WHO, ACCORDING TO THE PRESS, IS NOW THE DEFENSE COUNSEL FOR JAMES EARL RAY.

BEATTIE SAYS HE FEELS THE NAMES RAYMOND SNEYD, PAUL BRIDGEMAN, AND ERIC VINCENT GALT WERE AMONG THOSE FORWARDED TO STONER AND THE NAMES AND IDENTITIES OF THE ABOVE INDIVIDUALS WERE EVENTUALLY UTILIZED BY RAY. HE SAID HE FEELS THERE IS A CONSPIRACY BETWEEN STONER AND RAY AND OTHERS IN THE MURDER OF MARTIN LUTHER KING, BUT ADMITS THIS IS ONLY A PRESUMPTION ON HIS PART.

RCMP, TORONTO, INDICATE THEY PLACE LITTLE VALUE ON ANY INFO RECEIVED FROM BEATTIE AS HE IS CONTINUALLY SEEKING ANY RECOGNITION THROUGH PRESS AND NEWS MEDIA. ACCORDING TO RCMP, IT WAS LEARNED HE HAD ORIGINALLY OFFERED THE ABOVE INFO TO THE PRESS AND WHEN NOTHING APPEARED IN THE PRESS, HE THEN WENT TO THE RCMP.

RCMP, TORONTO, HAVE BEEN REQUESTED TO LOCATE AND INTERVIEW STANLEY IN AN EFFORT TO CONFIRM ABOVE INFO AND, FURTHER, TO INTERVIEW SNEYD, BRIDGEMAN AND GALT IN EFFORT TO DETERMINE IF THEY EVER RECEIVED PUBLICATION "THUNDERBOLT" OR OTHER MATERIAL WHICH COULD HAVE ORIGINATED WITH THE NATIONAL STATES

RELEASED IN ENTIRETY

PAGE THREE

RIGHTS PARTY IN BIRMINGHAM.

BUREAU REQUESTED TO ADVISE OF ANY INFO RECEIVED THROUGH ITS  
SOURCES TO INDICATE ANY SUCH LISTS RECEIVED FROM CANADIAN NATIONAL  
SOCIALIST PARTY.

END

LRC FBI WASH DC

SRD CC: MR: BRENNAN

RELEASED IN ENTIRETY



June 24, 1977

1 - Mr. Long  
Attn: Mr. Groover

1 - Mr. Grimsley  
CIPU

1 - Mr. Mintz  
Attn: Mr. Matthews

Mr. Harold Weisberg  
Route 12  
Frederick, Maryland 21701

Dear Mr. Weisberg:

This will confirm the furnishing to your attorney, Mr. James Lesar, on June 17, 1977, by a representative of the FBI, 954 pages of documents pertaining to your request concerning the assassination of Dr. Martin Luther King, Jr. This release resulted from Special Agent John A. Hartingh's telephone call to Mr. Lesar on June 16, 1977, to advise him the 954 pages were available for your acquisition. Receipt of Mr. Lesar's check in the amount of \$95.40, in payment of these documents is acknowledged.

The 954 pages of information furnished to you were releasable under the provisions of the Freedom of Information Act (FOIA), Title 5, United States Code, Section 552. The deletions made in this material and documents exempted in their entirety are based on one or more of the following subsections of Section 552:

- (b) (2) materials related solely to the internal rules and practices of the FBI;
- (b) (5) inter-agency or intra-agency documents which are not available through discovery proceedings during litigation; or documents whose disclosure would have an inhibitive effect upon the development of policy and administrative direction; or which represent the work product of an attorney-client relationship;

See NOTE page 3

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 \_\_\_\_\_

rph:vll  
(10)

AJD  
MPB

MAILED 10 7  
 JUN 27 1977  
 FBI

RPK

*[Handwritten signature]*

MAIL ROOM  TELETYPE UNIT

FBI/DOJ

SEE NOTE PAGE 3

Mr. Harold Weisberg

- (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.

The worksheets which were provided to you along with this release will indicate which exemptions have been invoked for each serial.

We are currently reviewing other records concerning your FOIA request and this material will be made available as soon as possible.

Your patience and cooperation are appreciated.

Sincerely yours,  
M. Kelley

Clarence M. Kelley  
Director

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

1 - Mr. John Dugan  
United States Attorney's Office  
United States Courthouse,  
3rd and Constitution, N.W.  
Washington, D. C. 20001

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

Mr. Harold Weisberg

NOTE: This release was comprised of 954 pages of documents from Sections 78, ~~79~~ 80, 81 and 82 of the Murkin file (44-38861). On June 16, 1977, Jim Lesar, Weisberg's attorney, was called by SA John A. Hartingh and advised that 954 pages were available for release. Mr. Lesar came in on June 17, 1977, on behalf of his client, Mr. Harold Weisberg, and the documents were furnished to him by SA John A. Hartingh. Receipt, which is attached, was obtained from Mr. Lesar as well as his personal check in the amount of \$95.40. Mr. Weisberg was advised of his appeal rights and the appeal process in our letter dated December 9, 1976, acknowledging our first release of Murkin material in response to his December 23, 1975, FOIA request.

\* SERIAL 5708 CONTAINED IN SECTION 79.

# Memorandum

1 - DeLoach  
1 - Rosen  
1 - Gale

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

TO : MR. TOLSON

DATE: July 2, 1968

FROM : C. D. DeLOACH

SUBJECT: MURKIN

COPIES MADE - DATE 5/13/79  
R.C.K. 155 RE McL. King, Jr.  
FOR REVIEW AT FBIHQ AND/OR DELIVERY  
TO HSCA RE REQUEST DATED 5/13/79  
(SEE BUFILE 62-117290)

Mr. Rosen, very properly, advised me this afternoon that SAC, Jensen, Memphis, had called the Civil Rights Section, General Investigative Division, relative to a call he, Jensen, had received from Shelby County Prosecutor Canale, as well as a later call received from Assistant Attorney General Stephen Pollak.

D.C.

Prosecutor Canale called Jensen to say there appeared to be somewhat of a problem involving Stephens, the important witness who saw James Earl Ray leaving the flophouse, 420 South Main Street, immediately following the assassination of King. Stephens is a drunk, is disreputable, and of course there can be no assurance as to his whereabouts unless he is closely followed. Canale called Jensen to indicate a desire that the FBI take Stephens into protective custody and hold him until the trial of James Earl Ray. Jensen, very properly, told Canale that the FBI could not do this. Canale replied that if Jensen didn't mind he would call Assistant Attorney General Pollak about the matter. Jensen told Canale that it was entirely up to him as to whether or not he called Pollak.

Apparently Canale did call Pollak and immediately thereafter Pollak placed a long distance call to our SAC, Jensen in Memphis. Jensen called FBI Headquarters before answering Pollak's call.

I told Rosen to call SAC Jensen back and tell him that he should answer Assistant Attorney General Pollak's call but to flatly inform Pollak that he should deal with FBI Headquarters rather than attempting to deal directly with our SACs in the field.

In the meantime, I attempted to call Pollak. In his absence, I talked with Bob Owen, Pollak's assistant. I told Owen that Pollak nor any other Assistant Attorney General should attempt to deal directly with our SACs inasmuch as such attempts merely lead to confusion and inefficiency. I stated also that our SACs, of necessity, would clear with FBI Headquarters prior to putting into effect any instructions issued by the Department of Justice. Owen replied that he agreed and he did not know why

CDD: [initials]  
(4)

1 JUL 9 1968  
CONTINUED - OVER

79 JUL 10 1968

↓ ↓ 6-6pm

MEMO TO: MR. TOLSON  
RE: MURKIN

Pollak had called Jensen directly. He stated that Pollak probably desired to discuss the Canale call. I interrupted Owen and told him I was well aware of Canale's request, that the FBI had no intentions whatsoever of acting as a "baby sitter" for the Shelby County Prosecutor's Office. I stated this is a problem strictly for the Prosecutor and not one for the FBI. Owen stated that he also agreed with this statement and that in his opinion Canale should attempt to get a capable detective to "sit with" Stephens until the James Earl Ray trial took place.

Assistant Attorney General Pollak returned my call at 5:35 p.m. He told me he regretted getting in wrong channels and that perhaps he should have called Rosen or me prior to attempting to reach SAC Jensen. I told him this was absolutely right and that he should realize better efficiency would be accomplished by going through proper channels. He stated he would be guided accordingly in the future.

We then thoroughly discussed the Canale request and Pollak told me Canale had made no such request of him. He said Canale apparently told our SAC one thing and then when he called Pollak he merely asked advice. I told Pollak nevertheless Canale should realize that the FBI would not be his "baby sitter." Pollak agreed. He stated he had made a record of Canale's call to him and that while he had refused to offer Canale any advice, he had ventured the thought that protective custody of Stephens might ruin him as a witness. He stated that the proposition had been discussed that some detective might take Stephens fishing until the James Earl Ray case took place. I told him this, of course, was entirely up to the Shelby County Prosecutor's Office and not the FBI.

ACTION:

For record purposes.

*Very properly handled.*

SUBJECT - MURKIN LUTHER KING JR.  
 FILE # - MURKIN

DATE RECORDED - XEROX RECORDS  
 ANALYST -  
 FILE # -  
 227-  
 91-  
 DOCUMENTS

b2, b7 (C), (D)  
 SECTION 63

FILE #	SERIAL/ENC OR DATE	DESCRIPTION	XEROX INSTR.	NO. ACT.	PAGES REL.	EXEMPTIONS						REMARKS					
						b1	2	5	7C	D	OTHER		k1	2	5	6	OTHER
44-38861	4761	INTERNAL MEMO 7-2-68		2	2												
	4762	INTERNAL MEMO 6-5-68		1	1												
	4763	AIRTEL FM LONDON 6-21-68		1	1												
	4764	AIRTEL FM CLEVELAND & JPLS 6-26-68		2	2												
	4765	INTERNAL MEMO TELETYPE FM JMB 7-2-68		6	6												
	4766	INTERNAL MEMO FM PARIS 7-3-68		1	1												
	UNRECORDED	AIRTEL FM ABNIE 7-3-68		1	1												
	UNRECORDED	TELETYPE FM SPANGLER 7-2-68		1	1												
	4767	TELETYPE FM 7-2-68		2	2												
	4768	INTERNAL MEMO FM BIRMINGHAM 7-2-68		2	2												
	4769	INTERNAL MEMO FM MEMO FM BIRM 7-3-68		1	1												
	UNRECORDED	MEMO FM BIRM 7-5-68		1	1												
	UNRECORDED	AIRTEL FM TOKYO 7-5-68		1	1												
	4770	AIRTEL FM JACKSON 7-5-68		2	2												
	4771	INTERNAL MEMO FM ROSEN 2-3-68		1	1												
	UNRECORDED	AIRTEL FM LONDON 7-5-68		2	2												
	4772	AIRTEL FM DIR 7-5-68		1	1												

REMOVED BY \_\_\_\_\_ DATE \_\_\_\_\_

XEROXED BY \_\_\_\_\_ DATE \_\_\_\_\_

REFILED BY \_\_\_\_\_ DATE \_\_\_\_\_

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Office of General Counsel

951991

Mr. Harold Weisberg  
7627 Old Receiver Road  
Frederick, MD 21701

Dear Mr. Weisberg:

In the litigation of your FOIA request with the Justice Department (Civil Action No. 75-1996), the Justice Department surfaced ten CIA-originated documents. Because of their classification, these documents were referred to the Agency for disposition. Nine of the documents were identified as having been dealt with in your FOIA litigation with CIA (Civil Action No. 77-1997). By an affidavit of 3 April 1980, Mr. Liebenau of the Directorate of Operations of the CIA, identified the nine documents by numbers assigned to them in your litigation with the Agency.

This letter is to advise you of the FOIA determinations regarding the tenth document. The document concerns an individual whose name bore a remote resemblance to an alias allegedly used by James E. Ray. A segregated version of the document is released to you in a copy enclosed with this letter.

The document from which material has been deleted is marked with letters that designate the category of information removed from that portion of the document. The deletions marked "A" contained information which identified the individual and which were removed to protect the individual against a clearly unwarranted invasion of personal privacy. This information was deleted pursuant to FOIA exemption (b)(6). The deletions marked "B" contained information which identified CIA staff employees. Such information is exempt from release pursuant to FOIA exemption (b)(3). Classification markings were lined through and marked "C" to show that the document has been declassified in this form for release under the FOIA.

These FOIA determinations were made by Gerald L. Liebenau, Information Review Officer of the Directorate of Operations of the CIA.

The following are brief explanations of the FOIA exemptions which apply to this document.

EXHIBIT 2


EXHIBIT 6

Exemption (b)(3) pertains to information exempt from disclosure by statute. The relevant statutes are subsection 102(d)(3) of the National Security Act of 1947, as amended, 50 U.S.C. 403 (d)(3) which makes the Director responsible for protecting intelligence sources and methods from unauthorized disclosure, and section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. 403g, which exempts from the disclosure requirement information pertaining to the organization, functions, names, official titles, salaries or numbers of personnel employed by the Agency.

Exemption (b)(6) applies to information the disclosure of which would constitute a clearly unwarranted invasion of the privacy of an individual other than the requester.

Under provisions of the Act, I am advising you of your right to appeal the above decisions by addressing your appeal to the undersigned who will ensure that it is reviewed by the appropriate senior officials of this Agency.

Sincerely,

  
for John E. Bacon  
Information and Privacy Coordinator

Enclosure