

May 11, 1976

- 1 - Mr. Mintz
ATTN: Mr. Blake
- 1 - Mr. Cochran
ATTN: Mr. Kiltz

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James E. Cesar, Esq.
1231 4th Street, S. W.
Washington, D. C. 20024

FOIA-GENERAL

Dear Mr. Cesar:

Reference is made to the meeting of May 5, 1976, between you and your client, Mr. Weisberg, and representatives of the FBI. In accordance with your wishes expressed at this meeting, enclosed is a copy of a receipt signed by Special Agent Thomas L. Wiseman for the \$87 check for special search fees and reproduction costs.

As you were advised at the May 5, 1976, meeting, our Memphis Field Office had been requested to search their records for any additional material which might be responsive to your Freedom of Information Act request dated April 15, 1975, not available at FBI Headquarters. At this meeting you were shown 14 photographs of suspects in the King assassination investigation; of these 14 photographs Mr. Weisberg selected five that he desired copies of which will be reproduced and furnished him. Also, a set of aerial view negatives of the crime scene and vicinity were displayed. Mr. Weisberg did not care to receive copies of any negatives viewed.

Additionally, 107 photographs, the property of Time, Incorporated, but in possession of the FBI, were displayed to Mr. Weisberg and he was advised that Time, Incorporated, had not granted authority to release copies of these photographs, although they had no objection to his viewing them. Mr. Weisberg indicated that he would be interested in obtaining copies of 15 of these photographs and he was advised that he would have to request these of Time, Incorporated. The reproduction of these 15 photographs by the FBI is exempted by the following subsections of Title 5, United States Code, Section 552:

(b) (3) information specifically exempted from disclosure by statute;

(b) (4) commercial information obtained from a person and privileged or confidential.

See Note Page 4

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W. J. Wiseman 6768

James H. Lesar, Esq.

In addition to the above material, Mr. Weisberg was advised that our Memphis Field Office had furnished a group of photographs which were provided to the FBI by a non-Federal law enforcement organization which has specifically requested that this material continue to be held confidentially. One other photograph was received from another non-Federal law enforcement organization. This photograph depicts an individual taken under circumstances implying criminality and its disclosure would be an unwarranted invasion of this individual's privacy. Therefore, these photographs are exempted from disclosure by the following subsections of Title 5, United States Code, Section 552:

- (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) disclose the identity of a confidential source, or confidential information furnished only by the confidential source.

Finally, you were given the reason why a picture of James Earl Ray was being withheld because its disclosure would be an unwarranted invasion of his privacy, and thus exempted from disclosure by the following subsection of Title 5, United States Code, Section 552:

- (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.

As you have previously been advised we believe this discretionary release completes our response to your Freedom of Information Act request dated April 15, 1975.

James H. Lesar, Esq.

The 10 photographs you selected for reproduction from a review of crime scene photographs during the March 23, 1976, meeting with representatives of the FBI are available. The reproduction costs are forty cents each for the twenty black and white photographs, and three dollars each for the eight color photographs for a total of \$32.

Sincerely yours,

G. M. Kelley

Clarence M. Kelley
Director

Enclosure

- 1 - Honorable John Dugan
Assistant Attorney General
United States Courthouse
Washington, D. C. 20015
- 1 - Assistant Attorney General
Civil Division
Attention: Richard Greenspan
- 1 - The Deputy Attorney General - Enclosure
Attention: Susan M. Hauser

James H. Lesar, Esq.

NOTE: This request is currently in litigation, United States District Court, for the District of Columbia. By letter dated 4-15-75, requester asked for certain material regarding the FBI investigation of the King assassination. By letter dated June 23rd, his request was denied based on exemption (b) (7) (A) of the FOIA (interference of the enforcement procedures). This exemption was supported by the Civil Rights Division of the Department of Justice, since James Earl Ray has an appeal pending before the Circuit Court of Appeals in Cincinnati. By letter dated December 1, 1975, the Deputy Attorney General advised the requester that his request would be honored in full. By letter dated 12-2-75, requester was furnished information from our Central files in accordance with the Deputy Attorney General's letter of 12-1-75. In order not to accumulate unnecessary expense to the requester, the approximately 200 pictures of crime scene material located in central records were not reproduced and furnished requester with the December 2, 1975 release. On March 23, 1976, requester and his attorney were shown these photographs and requester selected 10 photographs which he wanted copies furnished him. During that conference requester strongly indicated that his belief that the FBI had additional information in the scope of his request, particularly crime scene photographs. To insure that we completely comply with requester's request we asked Memphis to search their files for material in its possession which might be in the scope of complainant's request which the Bureau may not possess. By airtel dated 4-9-76, Memphis furnished the photographs discussed in this letter.

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I, Thomas L. Wiseman, received on May 5, 1976, a personal check from Mr. Weisberg's attorney, James H. Lesar, in the amount of \$87 representing payment for searches conducted by our Memphis Division (\$63), three color photographs of Q64, which is the death bullet in the assassination of Dr. Martin Luther King, Jr., at \$3 each, and \$15 for three negatives of the color photographs of Q64 made to the specification of Harold Weisberg.

Thomas L. Wiseman
THOMAS L. WISEMAN

*ack
5-10-76
TW:tw*

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