

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

.....
HAROLD WEISBERG,
Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,
Defendant
.....

Civil Action No. 75-1996

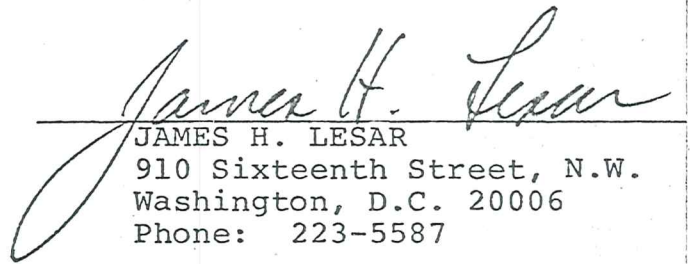
FILED

JAN 2 1979

JAMES E. DAVEY, Clerk

NOTICE OF FILING

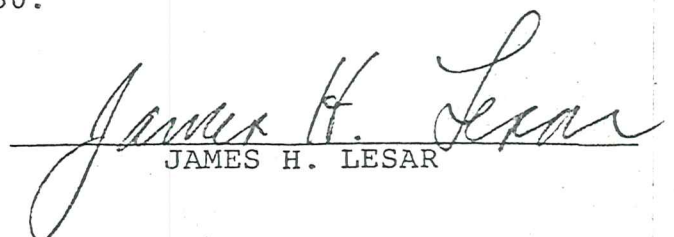
Notice is hereby given of the filing of the attached December 12, 1978 affidavit of plaintiff Harold Weisberg.


JAMES H. LESAR
910 Sixteenth Street, N.W.
Washington, D.C. 20006
Phone: 223-5587

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 2nd day of January, 1979, mailed a copy of the foregoing Notice of Filing and the attached affidavit of Harold Weisberg to Miss Betsy Ginsberg, Attorney, Civil Division, Information and Privacy Section, U.S. Department of Justice, Washington, D.C. 20530.


JAMES H. LESAR

8. Information reaches me by many means. In some instances I cannot disclose this information without risking harm to others. There are those in the FBI who fail to control their hatred of me in the presence of others. Thus I know there is an FBI FOIA supervisor who, after an FBI defeat in another cause, exclaimed, "Who the hell does this ----- Weisberg think he is?" This was because I prevailed in court in an FOIA matter in which the FBI embarrassed itself. There are FBI personnel who from decent instinct have been avuncular. Thus I know that students who sought me out for information were the subject of FBI investigations. Someone in the FBI involved in this instant cause cautioned the person who informed me. (Relevant records have not been provided in response to my Privacy Act request of 1975.)

9. The newspapers of December 6, 1978, as the major story across the entire front page of the Washington Post, report the firing of former FBI SA Horace P. Beckwith, who had been a supervisor in this instant cause. I delayed informing this Court about the unusual position in which Mr. Beckwith was as an unindicted co-conspirator because I regarded his assignment to an FOIA role and in this instant cause as very unfair to him. His retirement and his future were at stake. Despite his offenses, and their consequences have been serious to me, I presume he has a wife, children and grandchildren and I did not want harm for any of them or him personally. With his retirement and future within the control of the FBI, I regarded the FBI's assigning of him to this case as motivated by its intent to exert coercive influence on his false and misleading affidavits that I confronted in this and in another case. Mr. Beckwith was subject to FBI retaliation. Now that Mr. Beckwith has been fired, I have no reluctance in informing the Court that this past summer, in connection with what is known as "the Byers matter," Mr. Beckwith saw clearly how it could be used to, in his words, "Cointelpro" the House committee.

10. A former FBI informant has become one of my sources. By working long hours and using information and records I received from him, I was able to prepare a detailed affidavit with numerous attachments for presentation to the Court. I handed it to my counsel just before the calendar call of November 21. The amount of work my counsel has had to do on other cases because of the similar practice of the government in them and the pro bono work he had to do for one of the victims of this Cointelproing, John Ray, brother of the convicted assassin James Earl Ray,

have prevented my counsel's indicating to me changes he believes should be made in that affidavit.

11. When I was James Earl Ray's investigator, I had sources of varying degree of rank in the Memphis Police Department, sources inside the prosecution and sources in the legal community. Much of what I learned from them is at issue in this instant cause. I have been able to provide this Court and the Department with accurate information because I received it from such sources.

12. One subject of information I obtained from these sources is photographs. The FBI provided this Court with false information, sworn to by FOIA supervising SA Thomas Wiseman and spoken by former Assistant United States Attorney John Dugan, alleging that there were no photographs of the scene of the crime. My accurate knowledge that the Memphis Police Department had provided precisely these photographs to the FBI came from a high-ranking Memphis Police Department official. (To this day the FBI has not reconciled the difference between the photographs and the descriptions of them.)

13. The question of the photographs taken by Joseph Louw, after this Court's decision favorable to me, is now before the appeals court. Within a short time I expect to be able to provide further proof that the representations made about confidentiality and copyright relating to the Louw photographs are false. From one who was given them - not charged more than \$1,000 for them - I am obtaining copies. Other copies are available abroad. In short, with regard to this Item of my request, which I use as an added illustration, the actual situation is opposite to the representations made to this Court by the Department, the FBI and Time, Inc. (There also are no affidavits attesting to Time's holding of the rights or proof of any copyright.)

14. One of the reasons for these false representations and the withholding of the photographs, a reason known to me as a result of my own work, partially published because I provided the information to a reporter, is the fact that the first person to reach the side of the fallen Dr. King was an undercover agent of the Memphis Police Department who was also an FBI source. This is shown in the Louw/Life photographs. He had a subsequent police career in which he was caught framing cases. My Memphis investigations indicate that thereafter he was given employment by a federal agency. When he was interviewed by the Office of Professional Responsibility during its inquiry, he was interviewed in the Safeway

Building here in Washington. My information about his subsequent career comes from the case files of lawyers who defended his victims. His name is Marrell McCullough. He testified before the House committee last month.

15. Through him the Memphis Police Department and the FBI effectively penetrated Dr. King's party in Memphis. Only moments before Dr. King was killed Marrell McCullough, who provided their transportation, returned two of Dr. King's associates, the Reverends Bevel and Orange, to the Lorraine Motel. Mr. McCullough was standing by his parked car just below the point where Dr. King stood when the fatal shot was fired. Mr. McCullough was so close he was able to be the first to reach the body. Records provided in this instant cause after I informed the FBI of what I knew about Mr. McCullough reflect that he was in a position to influence those who are credited by the FBI and other public authority with causing the violence of March 28, 1968. Without this violence Dr. King would not have been in Memphis on April 4, 1968, to be assassinated there.

16. I have made an extensive search for and study of photographs relating to the King assassination. I have searched the files of newspapers in various parts of the country and those of the leading news agencies. I have found no other photographs showing this agent/source hovering over the corpse.

17. While I have not been able to conduct an investigation to confirm it, I have been informed that Mr. McCullough was also a provocateur. From prior personal experience with such matters going back to the 1930s, I know that the two roles often coincide, the informer also serving as provocateur. Among the commercial interests providing such services, which I investigated for the United States Senate, this was known as "heating up the job." This duplication of roles serves similar purposes in political cases like those of the FBI's interest in Dr. King, the Memphis Sanitation Workers' strike that had him in Memphis, the group of young Memphis blacks known as The Invaders (after a popular TV show of the time) and most of all in the FBI's Cointelproing.

18. I believe the embarrassment possible for the FBI through the use of this McCullough information and the withheld Low/Life photograph of him are among the actual reasons for this Court first being lied to about the existence of photographs in FBI files and then the false representations relating to copyright and similar claims.

19. The fact is that while these photographs are withheld from me, a

subject expert, copies were available to others who are not subject experts, as stated in Paragraph 13 above, and to the committee.

20. Similar reasons explain the withholding and the noncompliance relating to the Byers matter. Here also my experience proves the essential meaninglessness of appeal in such political matters where the FBI is determined to work its way and achieve its ends, regardless of Act, appeal or court.

21. The FBI, by these continuing withholdings, has been able to misdirect the easily misdirected House committee. In turn, the committee did as the FBI desired, beginning with inaccurate, misinforming and prejudicial leaks of the incomplete and inaccurate information provided to it by the FBI. Simultaneously, the FBI withheld and continues to withhold information from me.

22. By early this year the FBI knew, from what was public and from its own connections with this committee, that the committee was hopelessly lost despite the expenditure of largest appropriation of any Congressional investigation in our history. The FBI also knew of the vulnerability of the committee and its Members, beginning with the origin of the committee as part of the hype for Mark Lane's commercializing of this great tragedy. The committee was established on the basis of nutty conspiracy theories and the more venal fabrications of Mark Lane. It then pursued them, thus hoisting itself on its own petard.

23. Early this year, from FBI representation entirely by happenstance, its St. Louis Field Office blundered into an allegedly misfiled record reporting a plot to kill Dr. King. This record is a 1973 informant's report attributing the alleged plot information to a notorious police character named Russell Byers. The alleged occasion for this accidental discovery is the searching of files in connection with charges against Byers for contracting an art theft. (Since then and despite several related murders, the charges against Byers have been dropped.) I saw Byers about May 9 of this year when he was waiting to be called before an executive session of the committee.

24. The FBI rushed this bad Byers "information" to the House committee. The St. Louis Field Office directed that it be called to the attention of the committee. (Not to me, despite my request and this suit.) Predictably, the committee leaked it. From FBI records available to the committee, the New York Times was an obvious choice for the leak because the Times had published lengthy and detailed stories in support of the official explanation of the King assassination.

From what remains of an important record that was destroyed recently, after the beginning of this case, I attach Exhibit 1.

25. The destroyed record is known as the Long tickler. It was withheld by the FBI. After I learned of it and requested it, its existence was lied about by the FBI. As the Department has informed the Court, ultimately I enabled Mr. Shea to locate what he was told is this Long tickler and in fact is not. The gutted Long tickler then was not sent to me until November 20, 1978, with a covering letter attached as Exhibit 2. More relating to the Long tickler follows in later Paragraphs.

26. At the time Exhibit 1 was written John Crewdson, reputedly an investigative reporter, was assigned to the Times' Washington office. (When Mr. Crewdson was reassigned Nicholas Horrock, also reputedly an investigative reporter, was hired and stationed in Washington. As my affidavit referred to in Paragraph 10 above states and proves with an attached committee transcript, another of the several misleading and prejudicial leaks with which the Times was favored was to Mr. Horrock.) Mr. Crewdson was in touch with me in person and by telephone calls, some from as far away as California and late at night. I believe the Homer to whom this letter is addressed is Homer Boynton, who was in a press-contact role in the FBI. Exhibit 1 discloses that it was the Times' intent to support the official account of the crime. Mr. Crewdson told the FBI, "I think we'll be able to conclude that Ray was the assassin and that he acted alone." Before leaking became investigative reporting, "conclusions" were restricted to editorials and news columns to the printing of fact. I have personal knowledge from Mr. Crewdson that he possessed and suppressed other information and that the FBI gave him special treatment.

27. The Byers matter is but one of a number of illustrations of such leaking, to the Times and to many others. In all cases the leaks attracted extensive international attention. In all cases they were prejudicial and misinformative with disinformational intent and results.

28. My first indication of the leaking of the Byers fabrication came from still another so-called investigative reporter for the Times, Wendell Rawls III. He also had spent much time with me in person and by phone in preparing himself for his assignment to cover the House committee.

29. The Byers fabrication with which the FBI Cointelproed the committee is

virtually identical to a large number of similar fabrications abounding in the FBI's files. Many criminals sought what they regarded as personal gain by these concoctions, as Byers also did, and the FBI was aware of this. Prisoners reported similar offers of a "bounty" for the killing of Dr. King and asked for special consideration in return. These, not St. Louis-based and not subject to the conjecture that the Ray family knew about them, were not withheld from me by the FBI. In all instances the FBI established that they were fabrications. From this alone it is exceptional that so long after the fact the FBI provided the committee with the Byers fabrication - while withholding it from me - and with no FBI investigation of it or guidance in the form of the information that all the many similar "bounty" reports had been investigated and proved to be baseless, to be fabrications.

30. The committee leaked other related fabrications from FBI records to the St. Louis Post-Dispatch. Like the Times, the Post-Dispatch failed to do the simple checking necessary to determining reality. As a result of the extensive and uncritical attention to all the leaked FBI records of unfactual reports, which goes back to the FBI's feeding the committee with false information - to FBI Cointelproing - the entire country was misled in the manner desired by the Department, the FBI and the committee.

31. The actuality, that Byers fabricated this story for personal reasons, was not established until after the Cointelpro operation succeeded. It was established only when a St. Louis judge "insisted" on testifying to it before the committee. Because the committee refuses to permit me to have copies of its public records to present to courts, I cannot attach the transcript. Instead, I attach as Exhibit 3 the Washington Post's November 30, 1978, account of the prior day's testimony by Judge Murray Randall. Judge Randall had been Mr. Byers' lawyer when the judge had been in criminal practice. Judge Randall testified that Byers' "remarks were fabricated and purposefully planted to determine whether (Richard) O'Hara was an informant" for the FBI.

32. The Byers ploy worked, as Judge Randall also testified. When the FBI questioned Byers about the fabrication about which Byers had told O'Hara only Byers knew that O'Hara was an FBI informant.

33. No records of any FBI questioning of Byers about this have been provided. After the fabrication was leaked, I made an additional request of the

FBI for the withheld relevant records. When my request was rejected in August, I appealed the denial. I then obtained the report that was extensively obliterated in the copy provided to me. In the ensuing months no additional records have been provided. I also appealed withholding by obliteration in the report that was provided and with which the committee was Cointelproed. In more than three months this appeal also has not been acted on.

34. With further reference to the Byers matter and other relevant matters and records, there is an Item of my request that was successfully misrepresented by the Department to the Court in the past. My request includes the indices. No index listing relating to the Byers matter and records relevant to it has been provided. The testimony of Judge Randall indicates that other relevant records exist and have not been provided. I have appealed the withholding of the main index, that of the Memphis Field Office. In response to another appeal and incidental to it, I obtained a record that includes directions for indexing in Memphis outside the regular Memphis indices. This is in accord with what records in my possession show to be the FBI's practice in such cases, specifically with the assassination of President Kennedy and Dallas indices that are not duplicated in the regular Dallas indices or in FBIHQ's Central Files Index. The withholding of indices from Washington serves to facilitate and provide a cover for other withholdings. It enables FBI FOIA personnel to deny the existence of existing records that have not been provided to them.

35. The relevant records of the St. Louis Field Office are within my request and the Stipulations. If these records had not been withheld for the three years this case has been in court, this Cointelproing of the committee and deception of the nation in support of the FBI's "solution" to the crime of killing Dr. King would not have been possible.

36. Yet throughout all of this withholding and throughout the withholdings set forth in what follows, the Department has been telling the Court of its coming motion for Partial Summary Judgment. Beginning with the very first status call in this instant cause, in February 1976, almost three years ago, the Department has been talking summary judgment. In all instances material facts were in dispute. In all instances the alleged basis for summary judgment was untruthful representations.

37. During and after September 1976, in person and by affidavit, I

informed this Court that the Department was misrepresenting to it. I recall clearly the Court's disbelief, based on the Court's experiences, and my statement that I am not the Court and that I have had experiences other than those of the Court. I also recall stating from my experiences that if these misrepresentations were not ended this case would be drawn out indefinitely.

38. At that time I addressed Department and FBI intent with regard to me and my information requests by testifying to and providing a partial list totaling some two dozen FOIA requests going back for a decade and without compliance. Almost without exception, despite my testimony and subsequent efforts to obtain compliance, despite appeals now also hoary, these requests remain without compliance. The rare exception, when there was partial compliance, was keyed to the FBI's knowledge that the information it then provided was about to be used by the committee. The committee used only part of the information I requested and I received only the part the committee did use.

39. I provided the Court with the FBI's internal record in which it was ordered on highest authority and approved by Director Hoover that my first requests in this instant cause, those I made in March 1969, not be complied with. When Department counsel argued that the 1974 amending of the Act wiped out all earlier requests, the Court stated otherwise and, after reading my requests, stated that the requests covered "everything" relating to the assassination of Dr. King.

40. One of the requests I testified had not been complied with is my request for any and all records on or about me, wherever filed and however described or filed. There is overlapping between my Privacy Act request and my request in this instant cause. The deliberateness of the continuing withholding is disclosed by Exhibit 4, which is Item 4 of Folder 13 of what remains of the gutted Long tickler. I received it toward the end of November. Exhibit 4 refers to other relevant records still withheld.

41. Exhibit 4 is a gross defamation of me, presumably made available to the House committee, which does not like me because I have exposed its irresponsibilities and misconduct.

42. Exhibit 4 was sent by FBIHQ to the Springfield Field Office. It refers and designates copies to five files identified as "91" files. This signifies "Bank Robbery." Associating me in any way with any bank robbery is infamous and baseless. (Other comments in Exhibit 4 are angled and prejudicial.) At the 1970

ime of Exhibit 4, to the knowledge of FBIHQ, I was working on a book on the King assassination. I made my 1969 FOIA requests for that book and so informed the FBI. This is reflected in Exhibit 4 by reference to a second request, that of April 1969. Exhibit 4 also states that my requests were not complied with.

43. The two bank robberies with which these records in at least five different FBI files associate me are two of those the FBI tried and failed to pin on John Ray. These robberies also are two of the up to six - its versions vary - that the committee tried to get John Ray to confess to in the guise of a "biographical statement" after he testified under oath that he had not participated in them. With much preliminary fanfare and extensive prior leaking and immune "narration" at several public hearings, the committee attributed these robberies to John Ray as its explanation of the financing of his brother James. On December 1, in my presence and Mr. Lesar's, John Ray again denied these allegations under oath. (The committee also obtained this baseless notion from the FBI which conceived it for the same purposes. The FBI also did some similar leaking in 1968, but it could not "narrate" the allegation at any public "hearing.")

44. Exhibit 4 bears on continuing FBI intent not to comply and Departmental complicity in it in this instant cause despite all that has been represented to this Court by them and despite the Court's expressions of desire and statements of what should be done to comply and to end this case.

45. Whether or not this record is within my FOIA request, which I believe it is, it clearly is within my 1975 Privacy Act request. (I also filed separate PA requests with all FBI field offices, including Springfield, which did not provide this or any other record.) Yet under both and to the accompaniment of promises of motion for summary judgment, this record was withheld until by accident it surfaced in the decimated Long tickler.

46. The Cointelpro purposes of the creation of such false and defamatory records have been accomplished within the Department and elsewhere, including the White House and the Congress. Withholding precludes my correction under PA.

47. Based on much experience, I believe that as long as the FBI and the Department can get away with such practices this case will not end, not at least with compliance. (My appeal of the Privacy Act denial has not been acted on in close to three years. I renewed this appeal and added much detail about withheld records many months ago.)

48. As soon as I could after I received the copy of what had been the Long tickler, which was decimated and revamped after this case was in court, I filed a lengthy appeal with Mr. Shea. I attached numerous copies of illustrations from it until it became apparent to me that all of this is a futility. In addition, it is a great burden on my wife and me, my counsel and I believe the Court. As long as I do nothing but react to the endless FBI Cointelproing and respond to endless unjustifiable withholdings, of entire records or from the records provided, there will be no end to them, to this case and to these burdens.

49. I am aging. My health is impaired and by it alone my capabilities are greatly reduced. The amount of time I have wasted in such efforts to enable compliance is enormous. Requiring this time of me has prevented my use of these and other records in my writing. My writing is a means of my making these records and their meaning available to others. The Department itself has described my subject-matter expertise as unique. The Department has given another court a similar description with regard to my expertise on the subject of the assassination of President Kennedy and its official investigation. Exhibit 4 is one of countless official recognitions of the fact that my writing is not liked by the FBI and the Department, which cannot otherwise fault it. Their strategy and tactics in this case and in others are designed to waste me, my counsel and the courts and to prevent my writing. In this they have succeeded. With the end of the committee's hearings, their similar Cointelproing of the committee also has succeeded.

50. My wife, who is almost 67 years of age, also is in imperfect health. It is she who types what I prepare that requires retyping and she who operates our copying machine. I may not stand still long enough to make numerous copies and now this also is against her medical interest and often is painful to her.

51. For these and for other reasons, I simply cannot continue to be Mr. Shea's seeing-eye guide through the maze of FBI lies, as the Department acknowledges I was with regard to the Long tickler and as I have been with regard to other records. I cannot continue to provide copies and explanations relating to other deliberate FBI noncompliance. Aside from the personal problems this provides for my wife and me, it means that I can do virtually nothing else. I believe that I have done much more than most other requesters to enable compliance, to identify withheld records, even to specify where they are hidden. This is not required of me by the Act. I have more than met the requirements of the Act. I have been

accused of prolixity but never of underinforming. I have taken much time and gone to great effort to inform the FBI, the Department and the Court. In neither this nor any other case have I been shown to be inaccurate or unfaithful to actualities. Yet after three years of this, the case is still in court and far from compliance.

52. Because of my expertise I believe I bear an obligation to inform the courts before which I have FOIA cases. I have undertaken to meet that obligation. My reading of the decisions of the appeals court in the Marks and Ray cases against the CIA fortifies^{es} my belief that if the adversary system is to be able to function I must provide the Court with what information I can. I have done this at length.

53. I believe that Mr. Shea and his staff can testify to the time I have taken and to the additional time I have offered to take; to the extensive detail of the information I have provided; and that in many if not most instances I have even provided them with copies of FBI records to save their time and that of the FBI.

54. I believe they can testify that most of my appeals have not been acted upon; that they could not find many of the relevant records I proved to have existed within the FBI and the Department; and that this includes even some of my information requests and records of prepayment.

55. I believe they would testify to the fact that their current review is limited to MURKIN records and of these only those provided to them by the FBI.

56. I believe they would testify that they have not reviewed compliance with my actual requests because the FBI has no records in response for them to review. I again remind the Court that I never used and did not know of the acronym MURKIN and that from the time the Department represented it could and would comply by providing MURKIN records I have always stated that this is impossible. There is no reading of my actual request that does not establish the absolute impossibility of compliance from MURKIN alone. The FBI and the Department have always known this despite their contrary assurances to the Court, which I have always disputed.

57. In this I am stating that if and when the MURKIN files are reprocessed there still will not be compliance with the Items of my request.

58. Even where there is review on appeal that supposedly addresses the actualities of my request, the FBI is able to contort this. A recent example is Mr. Shea's report that neither Mr. Lesar nor I was the subject of any electronic

surveillance because we do not appear in the FBI's index of electronic surveillances. The short response to this is that my actual request was not limited to Mr. Lesar and me; not limited to the electronic among the methods of surveillance; not limited to the index, which is incomplete; not limited to FBIHQ; and that in fact I have proof of the performance of the surveillances that are included in my actual request. Moreover, I recently provided proof that the field offices are the FBI's memory holes for such records. The records are kept in the field offices, not FBIHQ. This permits "deniability." I have a record of FBIHQ criticizing a field office for sending such a record to FBIHQ and then telling this field office that may not be done. The most recent of these proofs I had obtained is contained in what has not been destroyed of the Long tickler.

59. Instead of my past practice of providing many illustrations, I here restrict myself to a few more from what remains of the Long tickler, although I can provide other proofs. I believe these illustrations leave no doubt about the utter futility of continuing as we have and that they illustrate what I testified to in 1976, that absent sanctions these abuses will not end.

60. Prior to the processing of any MURKIN records and relating to the very first FBI reports provided in this instant cause, I appealed the denial of what was extensively within the public domain. This withholding was of the names of witnesses whose information was published in the public press and narrated at the 1969 Ray guilty-plea hearing. To this day those records have not been replaced. I have asked for unexpurgated copies. I next appealed the withholding of the names of FBI agents. I provided the Court with proof that until the 1974 amending of the Act the withholding of FBI names was not within my experience; that countless thousands of pages of FBI reports without such excisions were published in facsimile by the Warren Commission with the assent of the FBI; and with Director Kelley's statement that in historical cases it is against FBI policy and practice to withhold FBI names. This did not deter their withholding by the FBI then or since, in this and in other cases. Prior to the processing of any MURKIN records, this Court issued a verbal Order that such names not be withheld or that the matter be briefed. The FBI and the Department did not contest the Order. They also did not comply with it. Initially, SA Thomas Wiseman, supported by FBI Office of Legal Counsel SA Parle Blake, simply refused

to comply with the Order. As recently as the last Beckwith affidavit, the FBI's bland response is, well, it really doesn't make any difference because they indulged in this open contempt in only two-thirds of the records processed after that Order was issued.

61. In this regard the Beckwith affidavit is proven to be false by the FBI's persisting in the identical contemptuous withholding in the remnant of Long tickler I have just received. Throughout what has not been destroyed - and I regard this destruction as contemptuous, too - FBI names continue to be withheld. I immediately communicated this fact and my belief that this is contemptuous to Mr. Shea, first by phone, then in writing. I have heard nothing since. I do not know whether or not these withholdings were sanctioned by his Office.

62. The original Long tickler was a valuable record. It was the FBIHQ breakdown of information relating to the King assassination by three-score subjects. The titles of these subject breakdowns are separate important historical information and important information in response to my request. None of this exists in what has just been provided after FBI false allegations that there was no such record. As I state above, I believe that the destruction of any information pertinent to a request after the matter is in litigation is in itself contemptuous. I have so informed Mr. Shea. I also have asked for further information to provide to the Court, including when, by whom, why and by what authority this historically important information was destroyed. (FBI regulations prohibit unauthorized destruction of records.)

63. In what still remains in the Long tickler there is a further illustration I here bring to the Court's attention, with an explanation. Attached as Exhibit 5 is Item 1 of Folder 17. It is one of several chronologies of James Earl Ray's known movements.

64. This chronology, withheld in its entirety for three years, is not the only Ray chronology prepared by the FBI. It also is not the only one not provided to me by the FBI. It prepared a similar chronology for the Civil Rights Division of the Department of Justice, from which I obtained a copy.

65. Initially, the CRD provided very few records. Long before I received any MURKIN records, CRD provided a shockingly false affidavit by Stephen Horn. He swore to my having been provided not only all of CRD's records but all relevant records anywhere in the entire Department as well. At that time in 1976, other

components provided similar false affidavits. Since then, although CRD has provided a few other records, it has not provided anything like what should be the records of the component of the Department with jurisdiction in this major and sensational case. A subject expert with knowledge of the actualities, one not influenced by the extensive official propaganda or under the political pressures of the time of that horrendous crime, can find motive for these withholdings easily enough. The CRD, like other components, not only the FBI, has much of which not to be proud. I go into this because from the outset of this case the Department has pretended that this is an FBI case, as it is not.

66. The only alleged eyewitness, and even then not an eyewitness to the crime, is an often-arrested alcoholic named Charles Quitman Stephens. As everyone involved in the investigation knew, he saw nothing and knew nothing. He was so drunk he was unable to make any identification even if he had seen Ray several hours before the crime. Prior to his execution of any affidavit, as I knew before obtaining some of the relevant FBI records not still withheld in this instant cause, Stephens was shown a photograph of Ray. He made a negative identification. In the words of a contemporaneous interview, "not the guy." Thereafter a series of affidavits was obtained from him by both the FBI and CRD. Despite this negative identification, CRD got him to execute an affidavit in which he states he saw a fleeing man he is represented as believing was Ray. This is false, as all those involved knew. The need for taking and using this false affidavit is the fact that without some such fabrication the Department, the FBI, the Memphis police and the prosecutor were unable to place Ray in the City of Memphis as of the time of the crime and for several hours before it. As the Department worked out its inconsistent and always false affidavits for Stephens to execute, copies establishing their inconsistency as well as false nature were made. I have obtained not fewer than three inconsistent affidavits prepared for Stephens' affirmation. (This is not unique. I have obtained different copies of an affidavit by a since retired FBI agent.) There was only what was called a circumstantial case against Ray and that circumstantial case could not and cannot survive critical examination. The CRD's false Stephens affidavit was essential to extraditing Ray, the purpose for which it was used.

67. Before returning to the Long tickler and the chronology, I emphasize that those records provided by the Department's components other than the FBI

cannot be all the relevant records. I also emphasize that there is motive similar to this cited CRD example that applies to other components. Incredible as it seems, the Department represents that it cannot find and provide what I have proven did exist, twice-daily reports to the Attorney General and similar accounts prepared for the FBI Director. That such information was given to the Attorney General was confirmed by his November 1978 testimony before the House committee. That the Attorney General was misled and misinformed (and also treated with contempt) can motivate either the destruction of those records or the alleged inability to locate and provide them.

68. Prior to William Bradford Huie's successful commercialization and exploitation of this terrible crime, the FBI had meager knowledge of Ray's whereabouts. Huie bought what is described in the sordid contracts as exclusive rights to Ray's personal accounts. In Huie's understanding, as he testified to a Memphis grand jury nine months after Ray was indicted, Huie considered that he had bought Ray's exclusive confession. Huie presumed Ray's guilt. He considered himself defrauded because Ray did not confess. The purchase was not of Ray, who never received a penny. Huie bought and paid Ray's then counsel, Arthur Hanes, Sr. Hanes was a former FBI agent and a former contract employee of the CIA, a man of racist belief and practice. He was mayor of Birmingham at the time the police dogs and fire hoses were turned on peaceful black demonstrators.

69. William Bradford Huie's records are itemized in my request. Mr. Lesar established the fact that the FBI withheld and still withholds, knowingly and deliberately in this instant cause. Mr. Lesar made a separate request for Huie records. The FBI gave Mr. Lesar records it still withholds from me.

70. When Ray did not confess to Huie, Huie sought to make a deal with the FBI. From the records I obtained when the FBI refused to make a deal with the self-professed Ray defender and the financier of Ray's legal defense, Huie still gave the FBI information he received from Ray through Ray's lawyer, Hanes. Ray's realization of this altered the entire course of that case and led to the present situation in it.

71. What Ray did give Huie, pursuant to the contractual agreement, was an account of his travels. He was not supposed to account for the day of the crime until after trial. It is from Huie, from what he gave the FBI, what was intercepted in Memphis of Ray's writing to him and what he published in two

articles in Look magazine, that much of the FBI's detail on Ray's travels comes. This is also to say that virtually all of it is within the public domain by this means as it also is by such other means as newspaper stories and narration at the guilty-plea hearing.

72. In this instant cause the FBI has claimed confidentiality for information received from other police organizations. It has asserted this claim to withhold selectively and inconsistently. The FBI has disclosed information it wants to be known while withholding what it does not want to be known. It thus withholds what ranges from the public domain, even the names of police officials who held press conferences, which is about as public an identification as possible, to proofs of unConstitutional intrusion into Ray's rights. The latter can account for its persisting withholding of the names of the federal Bureau of Prison officials who designed the provisions for Ray's so-called "security" in the county jail in Memphis. These names are not withheld from the FBI's file of newspaper clippings, in which they appear. They were and after appeal they remain withheld from the other records generated by the FBI. One reason is obvious: the official and federal design of Ray's county "security" was actually the design for a massive denial of his Constitutional rights. He was confined to a windowless steel and concrete vault for eight months during which he saw no sun, moon, skies or stars; never once breathed any fresh air; was under constant microphone and closed-circuit TV surveillance; and were this not enough, was never able to confer with counsel without surveillance and without two guards remaining with them. To perfect totality, there was what is called "Policy Statement Number 11." Mr. Lesar and I obtained a copy from the large manual for Ray's "security" when we exercised discovery against the sheriff of Shelby County in Ray v. Rose. While this large manual did not include instructions for disconnecting the electronic surveillances - even when Ray's counsel conferred with him - it did direct how and by whom all of Ray's mail, incoming and outgoing, including with his counsel, would be taken to the District Attorney for xeroxing before Ray received it or before it was put into the mails. This surveillance was extended to Ray's registered letters to the judge. Mr. Lesar and I retrieved three different xeroxes of a single Ray letter to that judge. These copies were made prior to and after mailing. What I have learned in this instant cause is that, literally as this directive to copy all of Ray's

mail, including his defense mail, was followed by the sheriff, the sheriff was not content with that. He also made his own copies and gave them to the FBI. The few copies provided by the FBI in this instant cause are not all of those Mr. Lesar and I know exist and were copied.

73. There was similar practice in England, where the FBI was informed of Ray's efforts to defend himself against extradition, even of the details of his relationship with his London counsel. When Ray asked American lawyers to consider defending him, the FBI knew before those lawyers received Ray's letters. While there can be legitimacy to some withholdings of some information provided by other police units in other cases, in this case, based on extensive knowledge, study and examination of thousands of records, I know of no information obtained from other police units that is not either within the public domain, including by narration at the guilty-plea hearing, or is not information relating to the violation of Ray's rights that the Department wants to hide and thus withholds.

74. During the course of this instant cause, the FBI departed from its claimed confidentiality practice regarding even the names of other police in an Orwellian adventure that resulted in the appearance of a Scotland Yard inspector named Alexander Eist before the House committee. The committee's testimony establishes that Eist's public appearance was the result of the FBI's efforts. Among the earliest of the records provided to me in this instant cause, perhaps forgotten by the FBI in the mass of these records, are several that establish the total falsity of this Eist testimony and the FBI's knowledge that it was false. Eist claimed that Ray confessed to him because as a warder he earned Ray's confidence, something nobody else has succeeded in doing. The FBI's own records disclose that Ray refused to speak to his warders because he suspected them and that he even wrote the Attorney General stating that any statements attributed to him would be fabrications because he had made none and would make none.

75. For improper official purposes - to protect the Eist perjury along the line the FBI wants to have believed and similar ploys - there is withholding in this instant cause. It is attributed to an alleged need to preserve confidentiality in relations with other police organizations. The allegation is a dodge as used in this instant cause, to give the appearance of propriety to improper withholdings. There is no exemption to protect official misconduct or what can today be embarrassing to officialdom.

76. Moreover, where it suited FBI purposes in what the FBI knew would be anything but an impartial committee hearing, the FBI gave the committee copies of "confidential" Scotland Yard records that have no relationship to the King assassination but were prejudicial to Ray on coast-to-coast TV. An example is the note used in robbing a bank in Fulham, England.

77. There also is and has been withholding for sheer harassment.

78. The Long tickler, in its original form, was a control record. It had been arranged by subject matter. Exhibit 5 is the chronology provided from what is now Folder 17 of the Long tickler.

79. As provided to me, one would never know that Ray was ever outside the United States, ever in Canada, Mexico, Portugal or England. The reason is that all such references, which are references to what is with extraordinary detail within the public domain, are obliterated and withheld under "national security" claim. As of November 1978, according to the FBI (Exhibit 2), all this and more is "secret" and is currently and properly classified.

80. Even the entry for Ray's arrest on June 8, 1968, is, with all other withheld entries, classified as "secret." For this reductio ad absurdum in Exhibit 2, the FBI also represents that the classification is both proper and current. (Actually, the record itself does not disclose when or by whom it was classified and the FBI's covering letter, Exhibit 2, does not allege any basis or need for the classification.)

81. Thus, at the end of 1978, we have a secret classification on what has been within the public domain for more than a decade; what Huie, many others and I published extensively; what was narrated in public at the substitute for a trial; what the FBI leaked in 1968; and what in fact is disclosed in the records earlier provided in this instant cause. It is literally true that the FBI disclosed information to me in 1976 that it now withholds at the end of 1978, claiming it is currently and properly classified "secret."

82. I do not pretend that I can report the contents of the individual or collective FBI mind to account for this utter irrationality or for other withholdings from what was not consigned to oblivion from the Long tickler. It is not by any means a unique example of the irrationality of such withholdings. I go back again to the beginning, the very first withholdings that I appealed in this instant cause. These included the names of those who were present when Ray purchased and exchanged a rifle in Birmingham. All these names were within the

public domain in exactly the same manner as described above. In the belief that perhaps SAs Wiseman and Blake lacked subject-matter knowledge, I gave them the names that were obliterated in the very first reports I received in this instant cause. I provided details of how and where they were public, including at the guilty-plea hearing. Yet then and since those records have not been replaced by copies from which there are no improper withholdings. Even my new appeal of this year is without response.

83. I can attribute motive to this in addition to the customary harassment. Originally the FBI also withheld the actual statements of these witnesses. When I finally obtained them, it turned out that the FBI had been careful to omit the exculpatory from them. These witnesses all told the FBI that the man who purchased the rifle was abysmally ignorant of rifles. Yet the assassination, in which a single shot severed the spinal column, was by an exceptionally expert rifleman.

84. If I cannot and do not pretend to state what is in the FBI's mind when it persists in such practices, I do state what is fact: there was never a time when any of these withholdings was justified or necessary; and they and similar abuses have tainted this case throughout, from the beginning to this moment.

85. Moreover, if there were the possibility of the applicability of any exemption to Exhibit 5, the chronology, the withheld information is of so innocent a nature, especially in an historical case, there is no legitimate reason to withhold it.

86. One end served by these practices from which under pressure of the Court or appeal there has been only minor deviation is to run life's time clock on me as a subject expert whose writing has official disapproval. Another is to tie me up in endless litigation to prevent my making use of the information I have obtained in this and other cases. Still another, already exploited by the Department and the FBI, is as part of a campaign against the Act and to create artificial costs in time and money about which they can complain in an effort to have the law altered to license withholdings that now are not sanctioned by the Act.

87. As I state above, I regard the destruction of the original Long tickler and the FBI's lies about its alleged nonexistence as contemptuous. The record in

this case is one in which the FBI and the Department always gets away with such conduct. There also is the example of the Beckwith affidavit provided following the Court's directive that there be a response to the memorandum itemizing noncompliances prepared for the Civil Division by a student. I provided the Court with evidence of infidelity in the affidavit and its attachments and a few details about now-fired SA Beckwith. The Court stated it did not want to hear from him again in that instant cause. But since then there has been no compliance with the Court's directive. The false affidavit and false exhibits were not withdrawn or apologized for or replaced. The withheld information has not since been provided. Rather did the Department defend the entire affair, including its use of an unindicted co-conspirator for an FOIA affidavit and Mr. Beckwith's misconduct and, in the course of this, make still another of the baseless and endless assaults on my counsel's integrity and my own.

88. The foregoing are only some of the reasons causing me to state from my extensive personal experience and subject-matter knowledge that, if this case continues on its present course despite the desires of the Court, my counsel and me, it will not end in the predictable future except by noncompliance. To this I will not voluntarily agree.

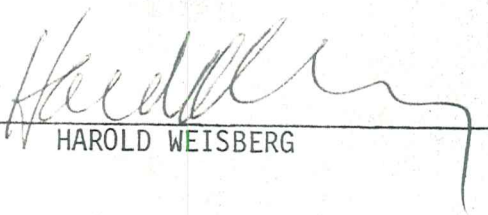
89. What has happened in this case is exactly as I forecast to the Court in 1976, that absent sanctions the misrepresentations and deceptions by which the Court and I were and remain victimized will never end.

90. Contempt and disrespect of the Court are flaunted in the continuing withholding of FBI names despite the Court's Order that this not be done.

91. I believe that I am entitled to the protection of this Court. Three years of what remains of my life have been wasted by official misconduct in this case. Simultaneously, because of these offenses, I have effectively been denied the use of the information the government was forced to produce in this case. The means by which this was accomplished and the circumstances imposed upon me made possible truly Orwellian misuse of the identical information in what I have described as the FBI's Cointelproing of the committee and the nation. The Act has been turned around, converted into an instrument of its own destruction.

92. From my experiences I also believe that any judicial inquiry into this official misconduct would disclose that it is deliberate and is dared only because of the patience of the Court and the fact that the offenses are by the

prosecutor, who will not prosecute himself.


HAROLD WEISBERG

Before me this 12th day of December 1978 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
Jeann K. Krantz

Exhibit No.	Page	Paragraph
1	6	24
2	6	25
3	7	31
4	9	40
5	14	63

(A16)

The New York Times

WASHINGTON BUREAU
1920 L STREET N.W.
WASHINGTON D.C. 20036
(202) 293 3100

December 14

Homer,

We've managed to boil down the results of our investigation to these questions. If we can get them answered satisfactorily, I think we'll be able to conclude that Ray was the assassin and that he acted alone.

Needless to say, we've found not a shred of evidence that the Bureau was involved in the murder, or that it spared any effort in tracking Ray down. The only points that are still troublesome, as I think the questions reflect, are whether FBI, in its eagerness to catch Ray, overlooked leads that might have indicated a conspiracy; and whether Ray was indeed a lone assassin. If we can resolve both those things I think we'll be able to put an end to speculation to the contrary.

Let me know what the prospects are.

Best regards,


Crowdson



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

C.A. 75-1996
EXHIBIT 2

November 20, 1978

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

Dear Mr. Weisberg:

Enclosed herewith are 460 pages of documents that are contained in 34 folders of Civil Rights Unit ticklers which were maintained on the investigation of the assassination of Dr. Martin Luther King, Jr., and subsequent related matters.

Each of the 34 folders was searched for documents:

- A. The originals of which appear in FBI Headquarters (FBIHQ) Murkin file, but which contain hand-written notes that would not appear on the original copy.
- B. Captioned other than Murkin, copies of which were not placed in the FBIHQ Murkin file.
- C. Any hand-written notes and work papers.

Attachment #1 is a list of the titles of the 34 folders of Civil Rights Unit ticklers which had recently been reorganized by the type of document rather than the subject matter contained in those documents. For example, folders 16 through 16H are comprised mainly of internal memoranda, regardless of subject matter. On the second page of this list, there appears a notation between Items 16G and 16H that folders nine and ten are missing. Inasmuch as all the "Murkin Memos" folders are lettered concurrently, it appears that there may have been a clerical error in the numbering of the folders during the above-mentioned reorganization. There do not appear to be any missing folders.

Attachment #2 is comprised of those documents which respond to at least one of the three points listed above. Each of these documents has been listed on an accompanying inventory worksheet for each folder of tickers.



Mr. Harold Weisberg

For your assistance these documents have been grouped by folder and are identified by a document number which is circled in the upper right corner of the first page. Inventory worksheets are attached to the top of each group of documents and are designated by numbered tabs which correspond to the number of the appropriate folder.

Certain of the following subsections of Title 5, United States Code, Section 552, have been applied to withhold information in some of the enclosed documents as noted on the corresponding inventory worksheets:

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

Mr. Harold Weisberg

- (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.

No documents were found to meet the above criteria requiring processing in the following folders:

- 5 - Cost Data - Volume I
- 5A - Cost Data - Volume II
- 10 - Legat Mexico
- 11 - Legat Ottawa
- 12 - Legat Paris

In Folder 3 (Rev. James Bevel - Threat) subsection (b) (7) (C) has been applied to protect the privacy of Rev. Bevel's family members by withholding material of a purely personal nature.

In Folder 6 (Departmental Request) Document #15, a letter from Assistant Attorney General Pottinger to Director Kelley, dated December 2, 1975, captioned "Surreptitious Entries", has been referred to the Department of Justice for their review and determination as to its release. This document refers generally to the matter of surreptitious entries and makes no mention of either Dr. King or the investigation of his assassination. You will be advised of the status of the document upon a reply from the Civil Rights Division, Department of Justice.

Folder 14 - (Murkin - FOIA), consisting of sixteen documents, has been withheld in its entirety pursuant to subsection (b) (5). These documents, which pertain to the lawsuit Harold Weisberg v. U. S. Department of Justice (U.S.D.C., D.C.) C. A. No. 75-1996, are of a de-liberative nature, and due to their content and function are essentially a predecisional attorney-client work product.

Mr. Harold Weisberg

In Folder 15 (Murkin General Tickler Volume I), Documents 1, 3, 4 and 5, have been withheld in their entirety pursuant to subsections (b)(2) and (b)(5). These documents are of a deliberative nature concerning the FBI's relationship with various Congressional Committees. Documents have been released that explain and generally set forth this relationship; however, details of certain specific documents pertaining to the Congressional Committee and FBI policy are being withheld at this time.

Inasmuch as Folders 18 (Newspaper Clippings - Memphis Riot) and 20 (Press Release - Volume V) contain public source material, no documents have been duplicated at this time. You are advised that there are no hand-written notations in this material.

Information in Folder 19 concerns plans of the Southern Christian Leadership Conference to organize activities on April 4, 1969. Since this material contains no hand-written notations and no information regarding the investigation of the assassination of Dr. King, it has not been duplicated at this time.

Sincerely yours,


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

Enclosures (3)

MURKIN TICKLERS

- 1 Allegation of Leon Owen Powell & Claude Powell, Jr.
- 2 Assassination - Martin Luther King
- 3 Rev. James Bevel - Threat
- 4 Canale's Rep. Travel
- 5 Cost Data Volume I
- 5A Cost Data Volume II
- 6 Departmental Request
- 7 Dissemination of Information Volume I
- 7A Dissemination of Information Volume II
- 7B Dissemination of Information Volume III
- 8 Jury Panel
- 9 Legat London
- 10 Legat Mexico
- 11 Legat Ottawa
- 12 Legat Paris
- 13 MURKIN
- 14 MURKIN - FOIA
- 15 MURKIN General Tickler Volume I
- 15A MURKIN General Tickler Volume II
- 16 MURKIN Memos Volume I
- 16A MURKIN Memos Volume II
- 16B MURKIN Memos Volume III
- 16C MURKIN Memos Volume IV

ATTACHMENT #1

- 16D MURKIN Memos Volume V
- 16E MURKIN Memos Volume VI
- 16F MURKIN Memos Volume VII
- 16G MURKIN Memos Volume VIII
- Volumes VIII & X Missing
- 16H MURKIN Memos Volume XI
- 17 MURKIN Summary
- 18 Newspaper Clippings - Memphis Riot
- 19 Possible Demonstration for 4/4/69
- 20 Press Release Volume V
- 21 Public Source Material
- 22 James Earl Ray

C.A. 75-1446
EXHIBIT 3

Missourian's Story on Kill-King Offer 'Fabricated,' Panel Told

By George Lardner Jr.
Washington Post Staff Writer

A Missouri lawyer testified yesterday that he believes a former client's story of having been offered \$50,000 to kill the Rev. Martin Luther King Jr. was "fabricated."

In back-to-back appearances before the House Assassinations Committee, Sen. J. Bennett Clark of St. Louis swore under oath that the story is true. But his onetime lawyer, Murray Randall, now a Criminal Court judge in St. Louis, said he thinks Byers made it all up in an effort to find out whether a "criminal partner" of his was actually a stoolpion for the FBI.

The committee has spent months investigating Byers' claims on the theory that the \$50,000 offer Byers says he rejected eventually made its way to the Missouri State Penitentiary where James Earl Ray heard about it and acted on it even though he never collected the money.

There were a number of direct contradictions between what Byers told the committee and what Judge Randall said Byers told him about the offer four years ago, but inexplicably, the committee skirted most of them. According to Byers, a St. Louis an-

tique dealer who admittedly used to deal in stolen autos and other "stolen goods," he was approached about killing King sometime in late 1966 or early 1967 by a business associate named John Kauffmann and a friend of Kauffmann's named John Sutherland, a St. Louis patent attorney. Both men are now dead.

Testified under a grant of immunity from prosecution was the committee that Kauffmann, who operated a motel in Barnhart, Mo., which apparently served as the base for a number of illegal activities, asked him one day whether he would like to make \$50,000.

"I said what do I have to do," Byers recounted, adding that Kauffmann responded by picking him up that evening and driving him to Sutherland's nearby farmhouse in Imperial, Mo.

A reputed segregationist who would "never let the Civil WAR DIE," Sutherland, the committee was told met the two men at the door wearing overalls and a Confederate Army cap and led them into a den decorated with a Confederate flag a rug with Confederate symbols plus "bugles, swords and all the paraphernalia hanging on the walls."

In short order, Byers testified, "we got down to business" with Suther-

land telling him what he had to do to earn the money. He (Sutherland) says to either arrange to kill or kill Martin Luther King."

"At this point I say, 'Who is Martin Luther King?' and they say 'who he was,'" Byers said.

By contrast, Randall said Byers told him years later that he was told that he earned money from the assassination of Martin Luther King, the intended victim.

"He (Byers) said he laughed and said, 'I pass. It's too dangerous.'"

An active supporter of George Wallace and his American Independent Party in the 1968 presidential campaign, Sutherland died in 1970, some two years after King's assassination in Memphis in April 4, 1968. Kauffmann, who used a drug company named Fixaco as a front for an illegal narcotics business, died in April 1974.

Randall cited their deaths as one of the reasons for his disbelief of Byers' story. "As with most stories fabricated by criminals, the remarks involved only dead persons," Randall said. He said that Byers first told him of the offer in 1974.

Around the same time, sometime in March of 1974, an FBI informant told his contact in the bureau of a conver-

sation the informant had had with Byers in the fall of 1973 at a pizza and cream shop in Clayton, Md. According to a long "misfiled" FBI report on the conversation, Byers told the informant that he had been offered \$50,000 to kill King by a lawyer in St. Louis County, now deceased. The informant said that Byers insisted he might have been drinking when he blurted out the story the FBI picked up. He said he still has no idea who the informant was.

"It could have been any one of a thousand people," he told the committee. "... I just don't know who it might have been."

By contrast, Randall said Byers told him just this year, at a meeting prompted by the committee's investigation, that he felt sure he knew who the informant was: an old colleague of Byers named Richard O'Hara.

The deep-voiced Missouri judge, who insisted on answering a number of questions over objections from his own attorney, recalled that Byers had first expressed concern to him, sometime in 1973, that O'Hara might be an FBI informant. Randall said Byers

mentioned his suspicions to him because O'Hara was involved in another criminal case which Randall, then a defense lawyer, was handling. That case also involved an informant and, Randall said, Byers asked him if it was O'Hara.

He (Byers) said he had been questioned by the FBI about the offer and that he had never answered. He said he called "He (Byers) wanted to quit working with him (O'Hara) if he was an informant."

In fact, the FBI never questioned Byers about the \$50,000 offer. And Byers apparently did not tell Randall the content of the story that made him suspect O'Hara. Byers told Randall of the kill-King offer independently, the next year, without reference to O'Hara.

The judge indicated that he began to put two and two together just this year, after learning that an FBI informer had indeed reported the offer, with a \$10,000 to \$20,000 price tag, to the bureau.

"I believe those remarks were fabricated and purposely planted to determine whether O'Hara was an informant," Randall declared. It was, he observed, the kind of story that only

Byers could confirm if the FBI had wanted to pursue it.

Rep. Harold Sawyer (R-Mich.) said it sounded quite plausible to him. The other men, Kauffmann and Sutherland, are dead, he observed. "He (Byers) is really not running any danger anymore." A former prosecutor, Sawyer said he thought it an interesting story for Byers to have tried.

Chief prosecutor of the House Assassinations Committee, Edward M. Evans, disagreed, saying that Byers would not have wanted the FBI and local police scrutiny that the kill-King offer would logically have been expected to bring down upon him.

Sawyer said this was still "much the better of two 'evils' when measured against association with an FBI informant."

The committee called Byers back to the witness stand yesterday afternoon to ask him about one small discrepancy between his testimony and that of Randall's. He was not asked whether he might have made it all up. Chief committee counsel G. Robert Blakey refused to explain the omission.

"The record," Blakey told reporters in his standard nonresponse to any question, "speaks for itself."

13

(#4)

Springfield

Director, FBI - 91-34552-21

6-11-70

1 - Mr. Beale

REC-23

UNSUBS (2);
FARMERS BANK OF LIBERTY
LIBERTY, ILLINOIS
10/17/69
ER
Springfield File (91-4653)
Bufile (91-34552)

UNSUBS (2);
FARMERS AND TRADERS STATE
BANK OF MEREDOSIA,
ILLINOIS, 1/28/70
ER
Springfield File (91-4774)
Bufile (91-35511)

Re Baltimore letter to Bureau 5-25-70.

For your information the Harold Weisberg referred to in referenced Baltimore letter is apparently identical with Harold Weisberg, an individual who has been most critical of the Bureau in the past. He is the author of several books including one entitled, "Whitewash - The Report of the Warren Report," and has been critical of the FBI, Secret Service, police agencies and other branches of government. He was one of ten employees fired by the State Department in 1947, because of his loyalty being suspected. He was later allowed to resign. In a letter directed to the Bureau in April, 1969, he requested information on the Martin Luther King murder case for a forthcoming book, however, because of his past animosity toward the Bureau, the letter was not acknowledged. This Weisberg has a pending civil suit against U. S. Department of Justice and the U. S. Department of State demanding copies of certain documents utilized in the extradition of James Earl Ray, the murderer of Martin Luther King.

There are numerous references in the Bureau files regarding Weisberg, however, he is not the subject of any main criminal files nor are there any criminal references to Weisberg in the Bureau files.

JUN 11 1970

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60 JUN 22 1970

MAIL ROOM TELETYPE UNIT

~~SECRET~~

2cc to OPR
JTA 11/24/77
#1

MURKIN
(44-38861)

G

Chronology of the movements of James Earl Ray

4/23/67

James Earl Ray, FBI #405 942 G, escaped from the Missouri State Penitentiary (MSP), Jefferson City, Missouri.

4/30/67

Rented room in Chicago motel. Several residents indicated that Ray's legs and ankles were badly swollen.

5/3-6/24/67

Ray was employed at the Indian Trail Restaurant, Winnetka, Illinois. Received about \$700. He asked when leaving that his final check be mailed to his brother, Jerry in Chicago. His right thumb print was found on one of the pay checks. During the first week of his employment, his ankles and legs were swollen and owner gave him ace bandages.

6/18-19/67

Stayed at the Lincoln Apartments, Chicago. Had no visitors or phone calls.

6/21/67

Ray was issued Illinois driver's license under the name James Raynes.

6/24/67

Ray rented room at the Lincoln again, for one week. Ray had no phone calls or visitors.

7/3/67

Ray enrolled under the name Eric Galt in correspondence locksmithing course giving a Montreal address.

Classified by 289
Exempt from GDS, Category 1+3
Date of Declassification Indefinite
11/21/74

~~SECRET~~

7/14/67

7/18/67

Ray purchased a 1962 red Plymouth in St. Louis. A man using the name Eric S. Galt signed a lease for an apartment in the Harkay Apartments, 2589 Notre Dame East, Montreal, Canada. The apartment was to rent for \$75 monthly, and one month's rent was to be forfeited in the event the lease was terminated prior to January 18, 1968. There were no telephone calls. [REDACTED]

An employee at the apartment house has reported that during Galt's stay he was visited on one occasion by two women, both described as being aged 40 to 42, one woman had black hair, the other had reddish brown hair. They reportedly stayed overnight, one left the following day, and the other stayed for a few days. Both were later identified and interviewed.

James Earl Ray became UFAC.

Ray purchased a suit in Montreal.

7/20/67

7/21/67

7/24/67

[REDACTED]

(b)(1)
(5)

On July 26, 1967, a Canadian Money Order in the

amount of \$9 was received at Futura Books, Inc.,
Inglewood, California, from Eric Galt, 2589
Notre Dame, East, Montreal, Canada, as payment
for three books entitled "Sexual Anatomy,"
"Unusual Female Sex Practices," and "Sex Feeling
in Men and Women." Futura Books is able to
state that the ad answered by Galt had appeared
in "Men's Real Adventure" magazine. This order
was received and mailed on the same date,
July 26, 1967.

7/28/67

[REDACTED]

(b)(1)

[REDACTED] This money order was in the amount of
\$17.50 and was made payable to Locksmithing
Institute, Little Falls, New Jersey.

8/4/67

[REDACTED]

(s)

8/9/67

[REDACTED]

(b)(1)

[REDACTED] This money order was in the amount of
\$1 payable to E. Z. Formula, Hollywood,
California, E. Z. Formula, 6311 Yucca Street,
Hollywood, California, is a subsidiary of
Barnett and Hersh, a magazine
mail order business selling a single formula for
making glass into a 2-way mirror.

(b)(1)

8/18-20/67

[REDACTED]

(S) He later wrote to her in March, 1968, from Los Angeles.

8/25/67

Ray sold 1962 Plymouth to Jerry Ryan in Chicago.

8/26/67

John L. Raynes registered at the Grenada Hotel, Birmingham.

8/27/67

Eric S. Galt registered for a room at Economy Rooms, Birmingham, until early October, 1967. He had no visitors, mail or calls.

8/28/67

Eric S. Galt, 2608 Highland Avenue, Birmingham, Alabama, rented a safe deposit box #5517 at the Main Office, Birmingham Trust National Bank, Birmingham, Alabama.

8/29-30/67

Eric Galt, in answer to an ad appearing in a local newspaper contacted Mr. William D. Paisley, 701 48th Street South, Birmingham, Alabama, regarding Paisley's offer to sell a 1966 white Mustang. On August 30, 1967, Galt met Paisley at the First National Bank Building, Birmingham, where Galt paid Paisley \$1995 in cash. A bill of sale was prepared indicating the car was sold to Eric Galt, 2608 Highland Avenue, Birmingham, Alabama, telephone #323-9487.

9/6/67

Records of the Drivers License Division, Department of Public Safety, State of Alabama,

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Montgomery, revealed that Alabama driver's license #2848947 was issued to Eric Stravo Galt, 2608 Highland Avenue South, Birmingham, Alabama.

9/13/67

Eric Galt, 2608 Highland Avenue, Birmingham, Alabama, enrolled for 5 weekly classes in dance instruction at Continental Dance Club Studios, also known as the Friendship Club, Birmingham, Alabama.

Galt was a regular customer at a Birmingham service station. Green stamps found in the abandoned Mustang were distributed from this station during the period 9/8-22/67.

9/26/67

In September, 1967, the Order Department, Modern Photo Book Store, Division of American Photographic Book Publishing Company, Inc., 166 Fifth Avenue, New York City, New York, received a coupon clipped from "Modern Photography Magazine," which coupon requested that Book #633 be sent to Eric S. Galt, 2608 Highland Avenue, Birmingham. Book #633 referred to above is "Focal Encyclopedia of Photography." This department also received a letter dated September 26, 1967, signed Eric S. Galt, with the same Birmingham, Alabama, address wherein

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Galt refers to his order for Book #633 and requested that the book not be sent as he was moving shortly and would send a corrected address later. Officials of the Modern Photo Book Store advised that they received no further communications from Galt subsequent to the letter dated September 28, 1967.

9/28/67

Eric S. Galt purchased Bank Draft #04012FPS from the Exchange Security Bank, 5 Points South Branch Office, Birmingham, Alabama, dated September 28, 1967, payable to Superior Bulk Film Company, Chicago, Illinois, in the amount of \$337.24.

10/1/67

[REDACTED]

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(b)(1)

10/3/67

The dry cleaning stub found in the Mustang dated 10/3/67 was for receipt of dry cleaning from a Birmingham cleaner to customer Eric Galt.

10/5/67

Eric S. Galt sent a typewritten note dated October 5, 1967, to Superior Bulk Film Company, Chicago, acknowledging receipt of items ordered from them and by which he returned the Crestline Super 8 camera. He indicated the camera ordered

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(b)(1)

11/7-16/75

[REDACTED]

(S)

11/19/67

Eric Galt rented apartment number 6 at 1535 North Serrano, Los Angeles.

Galt, paid the California Gas Company for the period 11/19/67 - 2/2/68 for services at the North Serrano apartment.

11/20/67

By typewritten letter dated November 20, 1967, signed Eric S. Galt, the Superior Bulk Film Company, Chicago, Illinois, was requested to forward Galt's refund for the camera he did not receive to 1535 North Serrano, Los Angeles, California. Galt indicated in his letter that he would be at the Los Angeles address for 5 months.

By letter dated November 30, 1967, mailed to Galt's Los Angeles address, Superior Bulk Film Company advised Galt that his refund check #32338 in the amount of \$142.89 had been remailed to Galt's Mexican address. The canceled refund check had not, as of March 29, 1968, been received by the company.

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11/27-12/14/67

On this date Dr. Mark O. Freeman, Clinical Psychologist, 227 South Bedford Drive, Beverly Hills, California, received a telephone call from James E. Ray, who said he wanted to overcome his shyness, gain social confidence, and to learn self-hypnosis in order that he could relax, sleep, and learn to remember things better. An appointment was made for him that same afternoon at the doctor's office, 9952 Santa Monica Boulevard, Beverly Hills, California. He gave his name as James E. Ray and gave his address as 1535 North Serrano, telephone #469-8096. He furnished his date of birth as March 10, 1928. Ray had appointments with Dr. Freeman on November 27, November 30, December 4, December 6, December 11, and December 14, 1967.

12/5/67-2/12/68

Eric Galt, 1535 North Serrano, Los Angeles, California, executed an enrollment agreement and contract for dancing instruction with the owner of the National Dance Studio, 2026 Pacific Avenue, Long Beach, California.

Investigation revealed that Galt first appeared at the office of the National Dance Studio on December 5, 1967, at which time he took two lessons and made payments of \$29. Galt appeared

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at the studio again on December 17, 1967,
and took two lessons, again on December 12, 1967,
and took two lessons, and on December 14, 1967,
and took one lesson.

On December 14, 1967, Galt agreed to take a
course of dancing for a total of 50 hours in
lessons for a total amount of \$499. The course
consisted of 25 private hour lessons and 25
party or group technique hour lessons. According
to this agreement, Galt was to pay \$100 on
account on December 14, 1967, and was to pay
\$149 on December 18, 1967, and \$50 per week
thereafter until the contract was paid in full.

12/14/67

Galt met Marie Martin and then her brother-in-law
Charles Stein at the Sultan Room, St. Francis
Hotel, and agreed to drive Stein to New Orleans.

12/15/67

Galt drove Martin, Stein and Stein's wife to
George Wallace's campaign headquarters in
Los Angeles and insisted they each register
before he would undertake drive to New Orleans.
Galt and Stein immediately thereafter left for
New Orleans.

12/17-19/67

Galt registered at the Provincial Motel,
New Orleans. He was alone and made no long-
distance calls.

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~~SECRET~~

12/19/67

Galt, Stein and Rita Stein's two children departed from New Orleans traveling nonstop to Los Angeles.

12/22/67

Galt picked up laundry which he had left at the Avalon Cleaners, Los Angeles.

12/28/67

Galt wrote letter to chairman, American-South African Council, WDC, desiring information on immigration to Rhodesia.

1/4/68

Galt visited Dr. Von Koss, a Los Angeles Hypnotist.

1/22/68

Phone service to Galt's room was turned off. Toll records indicate there was one long-distance call to a ski resort, Bear Valley Lodge, in California, that advertised for a bartender. Only local calls made were to the National Dance Studio, Wallace Headquarters and to Mrs. McIntyre, who sold Galt a portable television through a newspaper ad.

1/19-3/2/68

Galt attended the International School of Bartending, Los Angeles.

1/21-3/16/68

(It was registered at the St. Francis Hotel, Los Angeles.

During this period he was a regular customer of the Home Service Laundry and Dry Cleaning Company. (The undershorts and tee shirt found in Memphis bore the laundry mark of this cleaner, which mark was assigned to customer Eric Galt).

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3/5/68

Galt had surgery performed on his nose by Dr. Bradley, Los Angeles.

3/17/68

Ray left Los Angeles.

3/21/68

Ray traveled, giving clothing and phonograph records to a niece of Rita Stein in New Orleans.

3/22/68

Eric Galt registered at the Flamingo Motel, Selma, Alabama. Registration records indicate he was alone and made no telephone calls.

3/24/68

Eric S. Galt rented room number 2 in Atlanta rooming house.

3/27/68

Individual appeared at the Gun Rack, gun store in Birmingham. Spoke at length with manager Clyde Mannasco about the trajectory of bullets and was specifically interested in purchasing a weapon with ammunition that provided the flattest, longest trajectory. This customer was given two pamphlets, Winchester Western 1968 ~~Manual~~^{RIFLES} and Ammunition, and the pamphlet entitled Redfield 1968 Scopes, Mounts and Sights (it is to be noted that the weapon used in the killing of King was a Winchester Rifle with a Redfield Scope).

3/29/68

An individual appeared at Lewis Hardware in Birmingham and spoke with ~~salesman~~^{SALES} John Kopp about ballistics. Kopp picked out a photograph of Galt as the individual he spoke with.

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3/29/68

Harvey Lowmeyer purchased a 243 Remington M-700 Rifle with a Redfield Scope. Customers John DeShazo and James Hanners, who spoke with this individual, said he appeared to know very little about rifles. DeShazo picked out Galt's photograph.

3

Galt registered at the Travel Lodge Motel in Birmingham. He was alone and made no telephone calls.

3/30/68

Lowmeyer returned rifle and requested a newer model, Remington M-760 to be mounted with the same Redfield Scope.

Locksmithing Institute ^{RECEIVED} ~~requested~~ change of address from Galt indicating his new address in Atlanta, Georgia.

3/31/68

Galt paid for his Atlanta room for a second week.

4/1/68

"Atlanta Constitution" Newspaper carried an article which indicated that Martin Luther King planned to return to Memphis on 4/3/68.

Galt left laundry at Atlanta dry cleaners, which he picked up at 9 a.m. on 4/5/68.

SCIC members registered at Lorraine Hotel, Memphis.

4/2/68

Josca Williams advised Memphis PD that King would arrive on 4/3/68 and would stay at the Lorraine Hotel. Memphis PD assigned 40 men to a

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security force for King.

4/3/68

King arrived in Memphis at 10:15 a.m. He refused police security. He was taken to the Lorraine Hotel to room 306 which was the master suite, which had been assigned for King. Eric S. Galt registered at the Rebel Motel, Birmingham. He was alone, made no telephone calls and was driving a Mustang with Alabama tags. Ray bought a shaving kit at Rexalls, Memphis. 6 p.m. news, Martin Luther King appeared standing in front of room 306, Lorraine Hotel.

4/4/68

John Willard rented room 5B at a rooming house on South Main Street. One resident heard this individual enter and exit the common bathroom several times. On one occasion this individual remained for 20 to 30 minutes. The toilet was not flushed, the water did not run. Four persons saw the white Mustang parked on South Main Street. Ray purchased binoculars at the York Arms, Memphis.

KING WAS KILLED SHORTLY AFTER 6 P.M. AND THE NEW RESIDENT AT THE ROOMING HOUSE WAS SEEN RUNNING DOWN THE HALL FROM THE BATHROOM CARRYING A BUNDLE WRAPPED IN A BLANKET. A bundle was found by the

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Memphis PD left on the street near the rooming house, which was dropped by an individual who later drove away in a white Mustang. This bundle contained a rifle, shaving gear, binoculars, underwear, an unopened Schlitz beer can and a radio. Ray's prints were found on the weapon, scope, shaving gear and the underwear contained a laundry mark which identified it as the property of Eric Galt.

4/5/68

Galt picked up his laundry in Atlanta. Three persons observed a lone individual exit from a white Mustang in Atlanta prior to 9 a.m. Ident Division search of fingerprint records began.

4/9/68

Eric Starvo Galt was publicized as a suspect believed to be driving a 1966 Mustang.

4/10/68

Bureau asked for APB on Galt and 1966 Mustang. Ray requested copy of birth certificate of Paul Edward Bridgeman, in Toledo.

4/11/68

[REDACTED SECTION]

4/8-18/68

(b)(1) (S)

1 Page(s) have been withheld in their entirety.

The following statements are applicable only if checked-

Page(s) deleted under exemption (b)(1) with no segregable material for release.

Information pertained only to a third party with no reference to you.

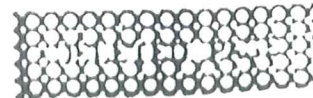
Information pertained only to a third party. Your name is listed in the title only.

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Page(s) withheld for the following reason(s):

CONTAINS INFORMATION CURRENTLY
AND PROPERLY CLASSIFIED.



5/8/68

5/11/68

5/13/68

[REDACTED]

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(b)(1)

Bureau requested authorization for electronic surveillance of the phone of Carol Pepper and John Larry Ray. The Department took no action on this request and the request was canceled on 6/11/68.

5/17-28/68

[REDACTED]

(b)(1) - (S)

5/23/68

6/1/68

6/4/68

[REDACTED]

6/5/68

6/8/68

7/19/68

[REDACTED] (S) (b)(1)

The FBI Laboratory identified the handwriting on registration cards at the various motels used by Ray as being the writing of James Earl Ray.

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All letters written, courses taken and passports received under the names Galt, Bridgeman, Lowmeyer and Sneyd were identified as the writing of James Earl Ray.

~~SECRET~~