

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

JAMES H. LESAR,
Plaintiff

VS.

CIVIL ACTION 77-692

UNITED STATES DEPARTMENT
OF JUSTICE, ET AL,
Defendants

AFFIDAVIT OF HUGH W. STANTON, JR.

Now comes the affiant, HUGH W. STANTON, JR., duly elected and sworn District Attorney General in and for the Fifteenth Judicial Circuit for the State of Tennessee.

That on October 21, 1976, after having the attached subpoena served on me, requesting my appearance before the Federal Grand Jury in Memphis, Tennessee, and to bring with me all documents, listed on pages two (2) and three (3), all of which are a part of the investigative file surrounding the assassination of Dr. Martin Luther King, Jr. and the arrest of James Earl Ray; all said documents having been submitted to the Office of the District Attorney General by members of the Memphis Police Department, I made available to Mr. James F. Walker, a representative from the Department of Justice, the subpoenaed documents. His signature appears on page three (3) of said subpoena as having received copies of the requested documents.

It was brought to my attention that these documents are now subject to the Freedom Information Act a request for which is the subject matter of this litigation.

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*Give to FBI which gave info to me
He refers to his set of files only - What of MPO's?*

Since being sworn as District Attorney General in March, 1974, the confidentiality of the entire investigative file has been preserved. Only under a Court Order have any documents or evidence been removed from the said file. The records within my office reflect that only on three (3) occasions have such Orders been executed and honored, these being: (1) the attached subpoena, (2) subpoena for certain evidence and documents to be made available at an evidentiary hearing conducted in the United States District Court for the Western District of Tennessee, (3) House Select Committee on Assassinations.

*General Fought
By name
Shaw*

To my knowledge, prior to becoming District Attorney General in 1974, the former District Attorney General, Phil M. Canale, Jr., initiated the same practice in protecting the confidentiality of the said investigative file.

contents?

Never has it been, nor never was it intended that the documents released to Mr. Walker be made public. In all due respect to the Department of Justice and their representative, I refused to release the requested documents to Mr. Walker without a Federal Court subpoena. Had there been no concern over the confidentiality of these documents, I would not have requested a Court subpoena.

*From
Shaw*

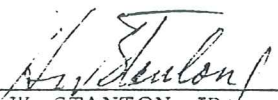
In reviewing the attached list of documents, it is noted that all documents were compiled by local law enforcement officers (Memphis Police Department) and submitted to the District Attorney General to be solely used in preparing and prosecuting the above mentioned case.

*subpoenas?
all in press?*

Further, I note in these documents that names of private citizens appear within these documents, therefore, I feel that I would be betraying the trust and confidence of these citizens who cooperated with members of the Memphis Police Department by furnishing their names and pertinent information to the investigation, if I did not object to their names being

made public, and the pertinent information being kept confidential for any further prosecution if ever needed.

Therefore, as District Attorney General for the Fifteenth Judicial Circuit of Tennessee, I respectfully request that all documents released to Mr. Walker on October 21, 1976, be kept confidential and not released.



HUGH W. STANTON, JR.
District Attorney General
Fifteenth Judicial Circuit of Tennessee

STATE OF TENNESSEE
COUNTY OF SHELBY

Sworn to and subscribed before me this 19th day of May, 1978,
at Memphis, Tennessee.

WITNESS my hand and Notarial Seal.


NOTARY PUBLIC

My Commission Expires:
May 1, 1979

United States District Court
FOR THE
WESTERN DISTRICT OF TENNESSEE

To Hugh Stanton, Attorney General in and for Tennessee's
Fifteenth's Judicial District, or his designated
representative*

You are hereby commanded to appear in the United States District Court for the Western
District of Tennessee at 1058 Federal Building in the city of
Memphis on the 8th day of November 1976 at 9:30 o'clock A.M. to

testify before the Grand Jury and bring with you the books, papers, records and
documents relating to the James Earl Ray case detailed on the
attached list, in your possession or under your dominion or
control, directly or indirectly, officially or otherwise:
(See Attached)

*Designated and Qualified Representative being defined for these pur-
poses as a person specially designed for the purpose of producing
the records called for herein, who is familiar with, and prepared to
testify concerning these documents and their purposes and inter-
relation in the conduct of your office's business and affairs.
This subpoena is issued on application of the United States.

Thomas F. Turley, Jr.
United States Attorney
1058 Federal Building, Memphis
(521-4231)

FRANKLIN D.

Clerk.

Date October 20, 1976

By Carolyn Montgomery
Deputy Clerk.

1. Strike the words "and bring with you" unless the subpoena is to require the production of documents or tangible things. In which case the docu-
ments and things should be designated in the blank space provided for that purpose.

RETURN

Received this subpoena at MEMPHIS, TENN. or Oct. 21, 1976
and on Oct. 21, 1976 at MEMPHIS, TENN. I served it on the
within named HUGH STANTON, ATTORNEY GENERAL
by delivering a copy to HIM, and tendering to the fee for one day's attendance and the mileage
allowed by law.

Date Oct. 21, 1976

By James F. Walker

Service Fees
Travel \$
Services
Total \$

Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States
or an officer or agency thereof, 28 USC 1825, or on behalf of a defendant who is financially unable to pay such costs
(Rule 17(b), Federal Rules Criminal Procedure).

Grand Jury Subpoena
Hugh W. Stanton, Jr.
Page Two

at least
some public

- ✓ 1. Statements - State v. James Earl Ray
pages 1400 to 1523.
- ✓ 2. Follow up Investigation of the Scene,
pages 3258 to 3282. Also loose attach-
ments contained in volumn.
- ✓ 3. James Earl Ray Supplements, Attorney
General's copy, pages 1586 to 1772.
- ✓ 4. Supplementary Report, James Earl Ray,
pages 1524 to 1585.
- ✓ 5. Items from Volumn I of Memos and Letters
from Citizens as follows:
 - ✓ a. Item No. 39, page 3179, re:
telephone information regarding
C.B. Radio operator following
white mustang.
 - ✓ b. Item No. 54, page 3194, re:
Information from William Hubbard
Austin regarding speeding white
mustang.
 - ✓ c. Item No. 63, page 3205, re: Martin
Luther King Investigation.
 - ✓ d. Item No. 100, page 3256, re: detail
with Dr. Martin Luther King, Jr.,
April 3, 1968.
6. Items from Volumn II of Memos and Letters
From citizens as follows:
 - ✓ a. Item No. 129, pages 3313 to 3316, re:
Information concerning citizens band
radio conversation.
 - ✓ b. Item No. 145, page 3333, re:
Rev. Martin Luther King Murder

Public

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two detail-
of public in
the house of public

Public

Public

✓c. Items Nos. 180 and 181, pages 3375 and 3376, re: latent fingerprints.

✓d. Item No. 186, pages 3385 and 3386, re: Memo No. 145.

7. Items from Envelope Enclosures as follows:

*Public ?
Public ?
Public ?*

✓a. Item No. 1 re: Homicide Report.

✓b. Item No. 9, re: Location of Tact Units.

✓c. Item No. 15 re: return of mustang to Memphis.

*begin
initial*

In answer to the attached subpoena, Barry H. Moore, Criminal Investigator, having been designated by the District Attorney General for the Fifteenth Judicial Circuit of the State of Tennessee, appeared at the office of the Federal District Attorney General in Memphis, Tennessee, and produced the documents set forth in the subpoena.

The Office of the District Attorney General for the Fifteenth Judicial Circuit of Tennessee has complied with the attached subpoena and I have received, into my custody, zerox copies of all documents listed within this subpoena.

This the 21st. day of October, 1976

James F. Walker

JAMES F. WALKER,
ASST. U.S. DISTRICT ATTORNEY GENERAL