

COINTELPRO operations? Were the classifying officers aware of, and did they consult, the work of the Church Committee before making a determination that this information was to be classified? Was Dr. King ever charged with being a spy?

4. The Murphy Report, a copy of which is attached to the Supplemental Affidavit of James P. Turner, was originally classified in toto. Since much of it has now been disclosed, it seems evident that there never was any basis for classifying the parts which are now public. In order to assess the competence and credibility of those who classified the Murphy Report (and the other materials as well), I need to engage in discovery to find out what criteria were employed in reaching these unjustifiable classification determinations.

5. Much of the information withheld by the Defendant is purportedly exempt pursuant to Exemptions 7(C) or 7(D). The government's reliance on these provisions is notoriously unreliable. As an example, I attach a copy of a document provided to my client, Mr. Harold Weisberg, by the Civil Rights Division of the Department of Justice. I was able to fill in all but one of the 30 excisions in this four-page document off of the top of my head because it was all public information. Yet the Department of Justice deleted it under Exemption 7(C) and 7(D).

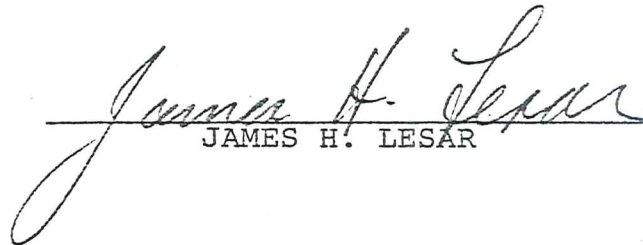
6. With respect to Exemption 7(D), I need to engage in discovery to ascertain whether the government maintains that the FBI's COINTELPRO operation against Dr. King and the SCLC was a "lawful national security intelligence investigation," and to establish whether information has been withheld under Exemption 7(D) on the premise that it was. As with Exemption 1, I need to ascertain whether, as ^I think apparent, information has been withheld under this provision even though it is already publicly known. I wish to ascertain whether information which has appeared in the press

or on radio or T.V. has been withheld under this provision. I also need to establish through discovery the facts upon which defendant contends that the information allegedly protected by exemption 7(D) was furnished as the result of an express or implied agreement of confidentiality.

7. With respect to Exemption 7(E), many FBI investigative techniques and procedures are already publicly known. This is particularly true with respect to those employed by the FBI in its COINTELPRO operations. I believe that this exemption may have been unjustifiably utilized in this case to hide the details of illegal activities by FBI agents by applying this claim of exemption to techniques and procedures which are either already publicly known or supposed to have been abandoned. Discovery is essential if I am to establish this.

8. It may also be necessary to take discovery in order to clear up a question as to whether what is being withheld as Memphis Police Department records also includes notes which Mr. James F. Walker or other members of the Justice Department Task Force may have taken while reviewing these records. This question arises because Mr. Walker's affidavit states that he went to Memphis on October 18, 1976 for the purpose of reviewing and securing copies of relevant Memphis Police Department records. In reviewing other records, the Task Force normally took notes on matters of interest. These notes constitute the bulk of the Appendix C materials which have been provided to date. I have not been provided with any notes on the Memphis Police Department records. Inasmuch as Mr. Walker states that he did not serve a subpoena on Mr. Stanton until October 21, 1976, three days after he went to Memphis, he may have spent the intervening time reviewing and making notes on the Memphis Police Department records. Appendix

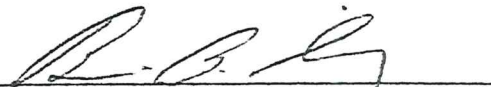
C to the Shaheen Report contains five volumes which have been described by defendant as containing Memphis Police Department documents. Yet the subpoena which Mr. Walker served on Mr. Stanton seems to apply to only some 400 to 500 pages of Memphis Police Department records. This is far less than would normally be contained in five volumes. Moreover, it is apparent that Mr. Walker must have made some notes on the Memphis Police Department records, if only to be able to specify which records he wanted to subpoena. Because any notes members of the Task Force made on Memphis Police Department records may arguably have a different legal status than the PD records themselves, I need to undertake discovery on this question, too.


 JAMES H. LESAR

WASHINGTON, D.C.

Subscribed and sworn to before me this ^{23rd}~~22nd~~ day of May,
 1978.

My commission expires June 14 1979.


 NOTARY PUBLIC IN AND FOR
 THE DISTRICT OF COLUMBIA

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : File

DATE: August 26, 1971

RC:son

FROM : Monica Gallagher
Deputy Chief, Criminal Section
Civil Rights Division

DJ: 44-72-66

SUBJECT: Wayne Chastain, Jr.

On August 24, 1971, Mr. Queen and I met with Wayne Chastain, Jr., a reporter with the Memphis Press Scimitar, home address 810 Washington, Apartment 502, Memphis, Tennessee, telephone 901-525-6158; office telephone 526-2141. Mr. Chastain requested the meeting to furnish the following information, which he advised has mostly been previously furnished to the FBI in Memphis in 1969. At the conclusion of the interview I advised Mr. Chastain that we would carefully consider the information he furnished, together with other information available to us, and determine what if any further action would be appropriate.

A. Re Jack Youngblood aka Tony Benavides - Youngblood according to Chastain is from the area of Allean, Arkansas and has reportedly been engaged in illegal and/or questionable activities such as gunrunning. He is about 40 years old, has dark hair and eyes, and speaks some Spanish. He is a man of some wealth, drives a Cadillac, and likes "high living." He was a college roommate of Walter Ruffin, a Memphis attorney.

Chastain is persuaded that there is considerable evidence that Youngblood was in Memphis April 3-5, 1968, and present in "Jim's Grill" opposite the

Lorraine Motel on the afternoon of April 4 shortly before the assassination. If this is true, Chastain believes further investigation of *Youngblood* is warranted since there is no apparent logical explanation for his presence in that neighborhood at that time.

The evidence that *Youngblood* was there is as follows:

1. Lloyd Jowels (Giles?), owner of Jim's Grill, remembers (according to Chastain who interviewed him) that on the day of the assassination at about 4:30 p.m. a man entered Jim's Grill and ordered sausage and eggs. This was sufficiently unusual as to be noteworthy because at that hour of the day most people come to Jim's to drink and the cooking grill is closed down. Also, this man was not of the working class "type" that frequents Jim's Grill. During the time the man was in Jim's he went three times to the telephone but never made a call. He left about 5:00 p.m.

On later being interviewed by the police about the presence of any suspicious individuals, Jowels described the sausage-and eggs man and was allegedly told to call the police if he returned. In fact the man returned for breakfast the next day (4/5) carrying a suitcase. Jowels called the police who picked him up as he left the cafe. (He again had ordered sausage and eggs!). Jowels was never asked by the police to identify this man. However, he later heard that the man was released by the police a short time after he was picked up, although other individuals were being held as suspects in the King matter.

Chastain said he exhibited to Jewels a "mug shot" of Youngblood and that Jewels positively identified him as the sausage-and-eggs man.

2. A former waitress at Jim's Grill, identity unknown to Chastain but allegedly known to

also remembers the man and could identify a photograph of Youngblood as the individual involved.

3. Walter Buford once said that Youngblood called him from Memphis the day before the King slaying, but according to Chastain he now denies that he can fix the date accurately. In approximately May 1968, Buford told Chastain that the last time Youngblood had been in Memphis was "about the time of the King assassination." When the question of Youngblood as a possible suspect was raised, Buford said, "Jack" is more liberal on the racial issue than I am."

B. Re: Pepevitaz

A Memphis attorney named Russell K. Thompson told Chastain that he had been consulted by an individual who gave his name as Pepevitaz, saying that was an alias. Pepevitaz had allegedly been arrested in connection with the King slaying and released. He thought he would ultimately be charged and wanted Thompson to represent him. He took Thompson's telephone number and departed. Chastain exhibited to Thompson several photographs of Youngblood. With respect to the mug shot, Thompson said that was not the man; however, with respect to a newspaper photograph, Thompson could not be sure. Thompson allegedly told Chastain that he inferred from Pepevitaz's speech that he spoke Spanish in addition to English.