

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RECEIVED

JUL 17 1978

JAMES H. LESAR,

JAMES F. DAVEY, Clerk

Plaintiff,

v.

Civil Action No. 77-0692

U.S. DEPARTMENT OF JUSTICE,

Defendant

PLAINTIFF'S MEMORANDUM TO THE COURT

Some of the records at issue in this case are certain Memphis Police Department documents which were acquired by the Department of Justice Task Force which reviewed the FBI's Dr. Martin Luther King assassination and security investigations. The defendant has submitted two affidavits in support of its contention that these records are exempt from disclosure under Exemption 7(D) of the Freedom of Information Act, which provides that investigatory records compiled for law enforcement purposes need not be made available to the public if they:

(D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national intelligence investigation, confidential information furnished only by the confidential source

These affidavits by Task Force member James F. Walker and Shelby County District Attorney General Hugh Stanton, Jr. state that the Memphis Police Department records were acquired by the Task Force as a consequence of a subpoena duces tecum which the United States Attorney in Memphis served on Mr. Stanton.

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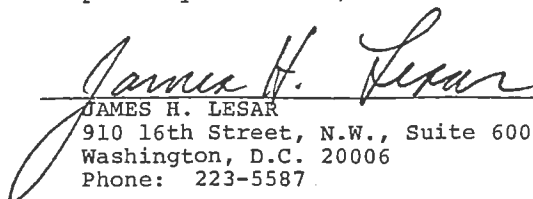
During the June 9, 1978 hearing on the parties' cross motions for summary judgment, this Court's inquiries made it apparent that this was a sham subpoena. After the June 9 hearing, plaintiff discovered that one document in Appendix B to the Task Force Report is a Memphis Police Department record. This record, the July 17, 1968 report of Insepector G.P. Tines, Inspectional Bureau, Memphis Police Department, has been made public in its entirety. (See Attachment A) The circumstantial evidence makes it highly likely that this Memphis Police Department record was obtained pursuant to the subpoena served upon Mr. Stanton. If this is true, it bears directly upon the credibility of Mr. Stanton's affidavit, which asserts:

Never has it been, nor never was it intended that the documents released to Mr. Walker be made public.

The presently available evidence indicates that Mr. Stanton's affidavit is not only self-serving but false. It suggests that the Department of Justice and Mr. Stanton are simply trying to concoct, after the fact, an excuse for not releasing records whose disclosure will embarrass them.

Moreover, regardless of how or from whom Inspector Tines' report was obtained, its release to the public by the Department of Justice negates any claim to an institutional 7(D) claim which applies in blanket fashion to all Memphis Police Department records. The Department is seeking only to invoke this claim where it needs to coverup. Where it views the release of local police records as conducive to its interests, it ignores the 7(D) claim and releases them.

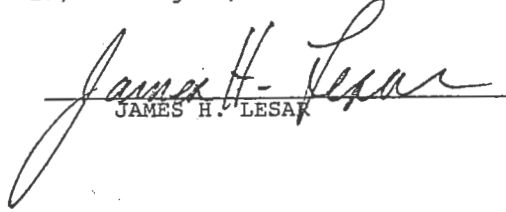
Respectfully submitted,


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Washington, D.C. 20006
Phone: 223-5587

Attorney pro se

CERTIFICATE OF SERVICE

I hereby certify that I have this 16th day of July, 1978,
mailed a copy of the foregoing Plaintiff's Memorandum to the Court
to Mr. Dan Metcalfe, P.O. Box 7219, Washington, D.C. 20044.



JAMES H. LESAR

MEMPHIS POLICE DEPARTMENT
INSPECTIONAL BUREAU
MEMPHIS, TENNESSEE

July 17, 1968

RE: Security and surveillance of Dr. Martin Luther King from time he arrived in Memphis on April 3, 1968, until he was assassinated on the evening of April 4, 1968.

Mr. W. E. Routt, Asst. Chief
Inspectional Bureau
Building

Dear Sir:

This report is being submitted as per request of Mr. Frank C. Holloman, Director of Fire and Police, for his information concerning the above captioned subject.

In the early morning of April 3, 1968, we received information that Dr. Martin Luther King, Jr., would arrive in Memphis from Atlanta, Georgia, on Flight No. 381, Eastern Airlines, arriving in Memphis at 10:15 A.M., Gate 17, Memphis Municipal Airport.

On receipt of this information I instructed Det. E. E. Redditt and Ptlm. W. B. Richmond to go to the Municipal Airport to observe and report when Dr. King arrived and try to ascertain the location where he would be staying while in Memphis. They were also advised to keep a continuing surveillance on Dr. King, so as to know who all he came in contact with.

The reason for surveillance being ordered was because Dr. King was a controversial figure plus the fact he had, according to our information, been meeting with local black militants while in Memphis on prior visits.

A short time after instructing Det. Redditt and Ptlm. Richmond to go to the airport, I was advised by Chief J. C. Macdonald that Chief W. P. Huston was sending a detail of men to be with Dr. King for security measures.

On April 5, 1968, I received a copy of report written to Chief W. P. Huston by Inspector Don H. Smith, who was in charge of the security detail for Dr. King, along with Lts. William Schultz, George Kelly Davis and Det. Ronald B. Howell. These men were also assisted by Inspector J. S. Gagliano and Lts. Hamby and Tucker. Inspector Smith's report reads as follows:

April 3, 1968, 8:30 A.M., I was instructed by Chief W. P. Huston to go to the Metropolitan Airport along with a detail of men who will be listed below for security purposes for Dr. Martin Luther King, Jr., who was to arrive in this city aboard Flight 381, Eastern Airlines at 10:15 A.M.

With me on this detail were Lt. William Schultz of the Homicide Bureau, Lt. George Kelly Davis and Det. Ronald B. Howell, of the Vice and Narcotics Bureau. I arrived at the Metropolitan Airport at approximately 9:10 A.M., April 3, 1968, and proceeded immediately to Gate 17, where Flight 381 from Eastern Airlines was to deplane.

On our arrival at Gate 17 at the Metropolitan Airport there was no one at this gate and only two passengers crossed the hallway at Gate 18 awaiting an outgoing flight. At approximately 9:15 A.M. on April 3, 1968, a white

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female reporter and white cameraman arrived at Gate 17. A very few minutes later Mrs. Thomas Matthews, colored female, arrived at Gate 17 and during the conversation with Lt. George Kelly Davis she stated that she had come to the airport to pick up Dr. King. Mrs. Matthews stated that they had not asked for police to be assigned to Dr. King.

Between 9:15 A.M. and 10:33 A.M., which is the time Flight 381 arrived (Eastern Airline) in Memphis, a crowd of approximately 60 to 70 people had congregated at Gate 17 and in the hallway between Gate 17 and Gate 18. Some of the people who had congregated at this location were outbound passengers, Eastern Airline flights, and did not come to that location to greet Dr. King. The majority of the people congregated there were from the news media. There were approximately 15 to 20 colored males and females who were not with the news media.

After Dr. King deplaned at 10:33 A.M. (his plane being late) he held a short press conference in the hallway near Gate 17 at the Metropolitan Airport. Our dispatcher was kept advised of the approximate number of people who were congregating at Gate 17 and he was also advised the exact time Dr. King deplaned, and that the crowd assembled was orderly.

Shortly after Dr. King's press conference, he started toward the main lobby of the airport terminal and while walking down the hallway, the writer approached Reverend James Lawson and after identifying himself, asked Reverend Lawson if he would tell me where they were going on leaving the airport. Reverend Lawson stated, "We have not fully made up our minds."

Dr. King got into a grey with a black vinyl top Buick Electra bearing Tennessee License JP-9735, which was parked on the upper driveway at the Metropolitan Airport. This car was driven by Mrs. Thomas Matthews and Dr. King was in the front seat with her. There were three colored males in the rear seat of this automobile. There was also a yellow Lincoln Continental with a black vinyl top bearing Tennessee License BT-0039, which was occupied by several male coloreds who left the airport along with the Buick carrying Dr. Martin Luther King. The dispatcher was advised of the description of the cars and the license numbers, and the above mentioned officers followed, keeping the dispatcher advised of our location and our final destination, which was the Lorraine Hotel located at 406 Mulberry, arriving there at approximately 11:20 A.M. After arriving at the Lorraine Hotel, another cruiser occupied by Inspector J. S. Gagliano, Lts. Hamby and Tucker, arrived at this location at my request to assist in securing the area where Dr. King was staying.

At approximately 12:05 P.M., April 3, 1968, Dr. King left the Lorraine Hotel in the same black over gray Buick bearing Tennessee License JP-9735, driven by Mrs. Thomas Matthews, and the above mentioned officers followed this car carrying Dr. King to 584 E. McLemore, the Centenary Methodist Church, where the officers in Cruiser John 1 secured the front entrance to the church off of McLemore and David 1 secured the rear entrance off Edith.

Dr. King, in the same automobile driven by the same person, left 584 E. McLemore at approximately 2:15 P.M. and was followed by a white Cadillac with a black vinyl top bearing Tennessee License KO-0708 driven by Solomon Jones and an unknown colored male sitting in the front seat with the driver. The above mentioned officers followed these two cars back to the Lorraine Hotel where the entrances were secured by the officers who remained on duty at that location approximately until 5:05 P.M. Dr. King arrived at the Lorraine Hotel on the last occasion at approximately 2:25 P.M.

During the time we were on duty at the entrances of this hotel between 2:25 P.M. and 5:05 P.M., the Federal Marshal and some of his deputies arrived at this location and Dr. King along with some of his aides were served with an injunction. Approximately 30 minutes after this injunction was served on Dr. King and his aides a meeting was held in Room 307 of the Lorraine Hotel between Dr. King, his aides and several attorneys.

It is not known by the writer if there were detectives assigned to this detail after 5:05 P.M. when we were pulled off, but it should be noted that at no time did Dr. King or anyone else ask for police protection while I was on this detail.

This concluded Inspector Don H. Smith's report.

It was not until April 10, 1968, that I received a report concerning Inspector Joe Gagliano's participation in this detail, as well as those assigned with him, Lts. J. C. Hamby and Joe Tucker. This report was written to Chief W. P. Huston and reads as follows:

April 3, 1968, at approximately 11:15 A.M., the writer received instructions from you that I was to meet Inspector Don Smith at Butler and Mulberry and assist him on the above captioned detail. I arrived at this location with Lts. J. C. Hamby and Joe Tucker around 11:25 A.M. and was briefed by Inspector Don Smith.

He advised me that Dr. King had been driven to the Lorraine Motel in a black Electra (black vinyl top and gray colored bottom) bearing Tennessee License JP-9735. He instructed me to take Lts. Hamby and Tucker and secure the Butler Street exit and to stay with Dr. King whenever he left this location. In the meantime we were to keep him under observation as best we could. He also told me that although he had requested Dr. King's schedule, he had been refused same.

The three (3) of us secured the Butler Street exit and at approximately 12:05 P.M. Dr. King and party left in the black and grey Electra bearing Tennessee License JP-9735, being driven by a colored female whom I later learned to be Mrs. Thomas Matthews. They came out the Butler Street exit and proceeded east on Butler, south on Second to Calhoun, east on Calhoun to Third, south on Third to McLemore, and then east on McLemore to 584 E. McLemore, which is Reverend Lawson's church. During this entire time this car was secured by Inspector Smith and his men, who followed immediately behind their Buick and we followed Inspector Smith's car. At this location I told Inspector Smith that I believed that there was an exit at the rear of this church and he instructed me to check and if so, to secure same.

After having secured the rear exit for about fifteen or twenty minutes, I noticed Gerald Fanion, male colored, enter the rear wing off Edith where he remained for approximately twenty or thirty minutes. When he came out, I motioned him over to our cruiser, at which time I requested that he try and determine for us what Dr. King's party's schedule was so that we could protect him. At this time Lt. Hamby told him, "We don't want anything to happen to him," and he answered, "I know what you mean," and he stated he would find out where they were going from here and would let us know. He went west on Edith on foot and returned a short time later, again entered the building, but never came back to inform us of Dr. King's party's intentions.

Around 2:15 P.M. we again followed Dr. King and his party west to Third Street off McLemore, then north on Third to the Hogue & Knott Super Market just north of Walker on Third where Dr. King and party parked briefly while

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one of the male coloreds entered Hogue & Knott and returned to their car. At this time Inspector Smith was able to get immediately behind Dr. King's car. Previously, there was a white 67 or 68 Cadillac bearing Tennessee KO-0708, being driven by a male colored Solomon Jones, immediately behind Dr. King's car. We allowed this car to proceed between Inspector Smith's cruiser and ours. We went north on Third to Butler and west on Butler to the Lorraine Hotel, where we took up our same security stations.

We remained at this location until we were instructed by Inspector Don Smith that Chief J. C. Macdonald had ordered us to Headquarters at approximately 5:05 P.M., April 3, 1968. This was my only detail on Dr. Martin Luther King, Jr.

This concluded Inspector J. S. Gagliano's report.

The observations of Det. Redditt and Ptlm. Richmond on April 3, 1968, coincide with reports written by Inspector Smith and Inspector Gagliano, except go into more detail as to persons going to and from the Lorraine Hotel-Motel complex while Dr. King was there, for they had an observation post in the rear of Engine House No. 4, located at Main and Butler overlooking the Lorraine Hotel-Motel.

It should be noted at this point a remark made by Mrs. Thomas Matthews, as her name has been mentioned in the reports made by Inspectors Smith and Gagliano, and that is she stated, pointing her finger at Det. Redditt, "I am going to get you," or, "I am going to shoot you." This is listed to show the attitude toward the police that some of Dr. King's associates had. It was also mentioned by Lt. Davis that Mrs. Thomas Matthews was the first colored person to arrive at Gate 17 at the airport and upon talking with her, trying to find out arrangements that had been made for Dr. King, she stated they had not invited any police and later she was overheard telling Dr. King that, "We are just not receiving any police protection," and Dr. King stated to Mrs. Matthews, "Well, as soon as I get time, I will see what I can do about it." It is believed that Mrs. Matthews and Dr. King did not know these remarks had been overheard by Lt. G. K. Davis.

Det. Redditt and Ptlm. Richmond left their observation post at 6:35 P.M., April 3, 1968, and went to the Mason Temple where Dr. King was to make an address to a mass meeting. On arrival at this location they were met by Reverend Malcomb Douglass Blackburn, MW, 40, residence 857 Woodlawn, who is Associate Minister at Clayborn Temple, and was quite active during the sanitation strike.

Reverend Blackburn called Det. Redditt aside and asked what he was trying to do to himself and when Redditt inquired as to what he meant, he stated that the word is out that you were over in the fire station near the Lorraine Motel spying with binoculars.

After Reverend Blackburn had talked to Det. Redditt, he then approached Ptlm. Richmond, shaking his hand, and stating that he wished he wasn't there, as this was the wrong place for him, because tension was already high enough.

The meeting at Clayborn Temple got under way at approximately 7:15 P.M., April 3, 1968, but Redditt and Richmond left at approximately 8:40 P.M. because they felt that Reverend James Lawson was going to make their presence known after remarks had been made concerning the shooting of Larry Payne, calling it cold blooded murder.

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I would like to make mention at this point that I have no idea as to why the security detail was removed from Dr. King after 5:05 P.M., April 3, 1968, as mentioned in Inspector J. S. Gagliano's report, as I was not conferred with concerning it. The surveillance detail, however, was again resumed at 10:30 A.M., April 4, 1968.

April 4, 1968, 10:30 A.M., Det. Redditt and Ptlm. Richmond resumed their surveillance of the Lorraine Hotel-Motel complex, noting everything that went on concerning persons going to and from this location.

While at the observation post at Firehouse No. 4, Det. Redditt received a phone call from a woman who did not identify herself, stating, "You are doing your own black people wrong and we are going to do you wrong also."

During the time this surveillance was in progress Mr. Philip R. Manuel, who is with the U.S. Senate Investigating Committee for Senator McClellan, was in our office and he received a call to return a call to his office in Washington and in doing so, he was advised that a reliable informer of theirs in Mississippi had called advising them of a plan the Mississippi Freedom Democratic Party had made to kill the Negro Lieutenant here in Memphis and it was believed they could have been referring to Det. Redditt, for he had been in the thick of things since the beginning of the sanitation strike. Mr. Manuel was advised by his office that the plan had already been set in motion, but he could get no specific details because Mr. Jack Dross, his associate in Washington, had left the office without dictating a memo regarding this.

Mr. Manuel advised that his plane was to leave Memphis for Washington at 5:50 P.M. and that on arrival in his office the next morning, the particulars would be forwarded our office. NOTE: Information was received later from Mr. Manuel indicating that the Negro Lieutenant referred to was in Knoxville, Tennessee instead of Memphis.

Upon learning of this possible threat to Det. Redditt, he was pulled from the surveillance assignment and relieved of duty and sent home to be with his family and a police guard was set up at his home. Ptlm. Richmond, however, remained on his post, continuing surveillance of the Lorraine Hotel-Motel.

Ptlm. Richmond, while observing the motel, saw Dr. Martin Luther King at the time he was shot. He states that this was approximately 6:00 P.M. and at that time he heard a loud sound as if it were a shot and saw Dr. Martin Luther King fall back from the hand rail and put his hand up to his head. Upon observing this, he ran to the phone to report it, at which time he saw one of our tac units in front of the fire station, advising them that Dr. King had been shot, and at this time the dispatcher was made aware of what happened and all police units in the area began to converge on the scene.

At the time Dr. King was shot, there were two tac units and five cars in close proximity, which would give a minimum of 44 men in the area and a maximum of 52, as the tac units had anywhere from 12 to 16 men per unit and the cars had 4 men each assigned.

There was quite a lot of conversation at the Lorraine Hotel-Motel after police arrival as to how they got on the scene so fast, and it was even indicated that a policeman was responsible for the shooting. As a result of these remarks, I had Mr. Walter Lane Bailey, male Negro, who is the owner of the Lorraine Hotel-Motel, come to the Police Station on April 6, 1968, and

give a statement concerning our presence in the area, as we were keeping in close touch with him as to what was going on among Dr. King and his associates.

In Mr. Bailey's statement he states that he knew that we were observing his place of business from the fire station located at Main and Butler and the only criticism he had heard of the police was they were wondering how the police got there so quick and he told the parties making the remarks that the police were watching from the fire house and that they were always over there.

On reviewing the reports after Dr. King's death that were written by Inspector Smith, Inspector Gagliano, Det. Redditt and Ptlm. Richmond, there were certain things that I felt needed clarifying, such as Reverend Blackburn's statement to Det. Redditt, that he knew that we were spying on the activities at the Lorraine Hotel and also from Mrs. Thomas Matthews, her statement that they had not asked for any police in connection with Dr. King's visit. Also, a memo that was written to Mr. Frank Holloman by Captain Sidney Cole and Lt. B. P. McMillan dated April 5, 1968, which stated they escorted Reverend Lawson, Jesse Epps, J. Ciampa, Joe Paisley, Gerald Fanion and another male colored, whose identity was not obtained, to Mr. Holloman's office on his request and that this was at 1:10 A.M. and while in Mr. Holloman's office, Gerald Fanion made the statement that the Strategy Committee had considered asking for police protection for the Reverend Martin Luther King; however, had decided against it.

On April 11, 1968, I talked to Mrs. Thomas Matthews at her place of business, the Eureka Barber Shop on Park Avenue, ph. 324-9247, and she stated the same as Lt. Davis had mentioned in their report. She said she made the remark about the police being at the airport, for they weren't there the time before, and that on this occasion, however, referring to April 3, 1968, she saw Lt. Davis, Inspector Smith, Det. Redditt and his partner, referring to Ptlm. Richmond. Mrs. Matthews was asked to come to my office and give a statement, which she agreed to do, but never appeared.

On April 22, 1968, a statement was obtained from Reverend Malcomb Douglas Blackburn to the effect that he had spoken with Det. Redditt at Mason Temple, but didn't remember the exact context of their conversation, but did tell him that he had heard a remark or rumor that he had been observing the Lorraine Hotel with binoculars from in or near the fire house. Reverend Blackburn also stated that he had no knowledge of whether anyone had asked for police protection for Dr. King while in Memphis on April 3 and 4, 1968.

With reference to the memo concerning Gerald Fanion's remarks to Mr. Holloman, a statement was obtained from Gerald Fanion on April 24, 1968, wherein he stated that on April 3, 1968, while at the Centenary Methodist Church on McLemore he saw Inspector Gagliano and another gentleman he did not know and that he spoke to Inspector Gagliano, but cannot remember all the contents of the conversation, but he does remember being asked about Dr. King's schedule. He went on to state that he did not "resume" the responsibility of getting the information of Dr. King's schedule as requested by Inspector Gagliano.

When asked the question if he had been present on any occasion during strategy meetings pertaining to Dr. King's visits to Memphis and particularly his visit of April 3, 1968, was there any discussion with reference to asking

for police protection for Dr. King. Mr. Fanion answered by stating he had heard this mentioned prior to his first visit March 28, 1968, and went on to state that Dr. King's itinerary on both visits to Memphis were not discussed in strategy sessions where there would be general knowledge to a lot of people, but he has heard it mentioned that police protection is not a request of Dr. King's staff. In other words, it is not a policy to ask for police protection.

Mr. Fanion also makes mention that he had heard Det. Redditt had been watching the Lorraine Hotel-Motel from the fire station and remembered hearing that he had been removed from the fire station prior to Dr. King's assassination.

As to the remarks Mr. Fanion is supposed to have made in the presence of Mr. Holloman, he stated he cannot truthfully remember these remarks; however, he might have said this, that it had been mentioned.

All data mentioned in this report, such as copies of reports, statements, etc., will be made a part of the Dr. Martin Luther King, Jr., surveillance file of April 3 and 4, 1968, maintained in the Inspectional Bureau office.

Respectfully submitted,



G. P. Tines, Inspector
Inspectional Bureau

GPT/mk