

my ATT in 77-0692.

To Quin Shen from Harold Weisberg re King assassination records appeal 8/22/78
FBI copies of Memphis Police Department records

This also addresses what I regard as the Department's deception of Judge Gasell in C.A. 77-0692, which Jim Learer filed when I was not well. I intend to ascribe motive for withholding, in 77-0692 and from me in 75-1996.

Attached are several pages from the BEC's transcripts of its interviews for its shows on the King assassination, broadcast as "Tonight" on 4/4/78. Memphis Homicide Captain Smith states that the FBI received the MPD's reports, to which I attested in an affidavit in C.A. 77-0692, and that the Department's only alleged eyewitness to the King assassination, Charles Stephens, was so drunk he did not know what was up.

The letter is not new. I put witnesses on to attest to this in the 1974 Ray v. Ross evidentiary hearing. However, it is not reflected in any FBI records I have received in C.A. 75-1996, nor is it reflected in any other records, particularly not in those provided by Civil Rights Division, which took the Stephens affidavit and which has inconsistent versions of the one affidavit. Bearing on this is the continued withholding relating to the cab driver James McCraw and his manifest, which the FBI obtained immediately and has hidden ever since. McCraw found Stephens too drunk to get out of bed so close to the time of the assassination his manifest dates it as prior to his reaching the fare to ~~reach~~^{reach} his dispatcher sent him by radio.

In 77-0692 the Department represented the OPR's copies of MPD records as only copies, a position it maintained after I provided my affidavit. (My source was a high MPD official.) In 75-1996, in which it is clear I am supposed to receive everything, the FBI has not provided these reports and pretends they do not exist. It has provided some paraphrases and it has provided a large number of pages of other MPD reports of political nature which in fact may be only copies because the MPD destroyed its political records rather than provide them to a litigant under court order - and got away with it. (A Vietnam vet sued for those on him.)

Motive is apparent for the FBI's providing these MPD reports that are of political content. The FBI can interpret the content as justifying the quite extensive FBI political activities of domestic intelligence nature in Memphis. These MPD records report on criminal acts (without noting that some are the acts of informers) and on criminals, including those wanted on federal charges about which the FBI did nothing in order to be able to spy and report on them and the acts anticipated of them.

The same kind of motive is apparent in those assassination records of the MPD that the FBI provided me - they clear the FBI of Mark Lane's fabricated charges against the FBI. Some also tend to validate the conclusions of the OPR report.

I believe that in this case the FBI has waived any right to withhold any records from any other police department except for specific rather than general cause. It has alleged only generalities, conjecturing harm.

The content, which the Department represented as the important consideration in C.A. 77-0892, is public knowledge with regard to the MURKIN records except that what was uncongential to officialdom has been suppressed. The Stephens case is illustrative, as is McCraw and records not in accord with official positions and pronouncements.

Moreover, having learned that the House committee leaks like a sieve, the FBI has given the committee to leak what it withholds from me.

With further regard to those MFD records relating to the crime, there is no entry on any record or inventory I have received that reflects or even encompasses them. If the FBI wants to try to withhold them I do not believe it is entitled to misrepresent and to hide their existence in FBI files. The FBI has withheld from the Court and from me any admission that it has the records Captain Smith describes. (I had prior knowledge from a source I felt I could not disclose.) If the FBI wants to withhold these records I believe the withholding is subject to review on appeal and to the decision of the Court. I also believe that I should have been provided with an inventory of these records.

BBC "Tonight" 4/4/78

BBC "Tonight"
Transcript of out-
takes (Aired
4/4/78)

TNT SPECIAL - KING

TAPE ROLL 7

SHOT NO. 46 TAKE 1

PAGE 2.

CAPT SMITH: cont'd

~~quarters in it or where someone would
eh, he in a position to shoot Dr. King.~~

DAVID:

And who did you find inside the
rooming house at the time? Who where
you able to talk to?

CAPT SMITH:

Well we were able to talk to Charlie
Stephens who occupied one of the rooms
up there and eh, his wife was in the
room we were not able to talk to her.
~~My main concern was that it was a, a joint~~
a team effort, I... nobody does every-
thing, certain people do certain things
and my main concern was photographing
the scene and talking to the witnesses
that we had there.

Smc

DAVID:

So, you talked to Mr. Stephens and
to Mrs. Stephens?

CAPT SMITH:

We talked to Mr.... I talked to
Mrs. Stephens initially up there,
briefly in.....

DAVID:

And what sort of condition was he in?
And what was he able to tell you?

CAPT SMITH:

Charlie Stephens was in an intoxicated
position eh, condition and could not
tell us too much at that particular
time. So, I left it up to other
investigators to talk to him at a later
time.

DAVID:

Were you, or any of your colleagues
able to talk to anybody in the rooming
house who had seen the person who might
have shot Dr. King?

CAPT SMITH:

No, I eh, not that I can recall. The
only one I talked to was Charlie
Stephens himself at that particular
time, he didn't have much information
to give us then, so I went about my
business of making the photographs
and looking for evidence or whatever.

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BBC 'Tonight'
Transcript of out-
take (Aired
4/4/78)

TAPE ROLL 7

SHOT NO. 46 TAKE 1

PAGE 3.

SMC

DAVID:

And you say that he was eh, he was intoxicated.

CAPT SMITH:

Eh, he was in an intoxicated state.

DAVID:

How about his wife, where was she?

CAPT SMITH:

She was on the bed. She never did get off the bed.

DAVID:

And was she able to say that she had seen anybody coming backwards.....

CAPT SMITH:

No, she was not able to talk to us.

DAVID:

And where is she now?

CAPT SMITH:

I have no idea.

DAVID:

Were you able to talk to anybody else around the area who might have seen the person who could have killed Dr. King?

CAPT SMITH:

Well we talked to many people down there. I talked to Solomon Jones, the chauffuer who was standing down there, who eh, was pointing back over towards the building where the shot had come from and eh, at that ~~th~~ time there were multiple mulberry bushes upon a hill.....and Solomon Jones told me that he had seen a person running down the bushes. Through the bushes, of course we explored that...

DAVID:

What somebody with a gun?

CAPT SMITH:

No, he didn't say he had a gun, he said eh, he told me that eh, he had turned around and saw a male figure running that was hooded, a white hood on, through the mulberry bushes.

DAVID:

So there were people who said that they thought the shot had come from... from one of the windows, and there was somebody else said that the shot

TNT SPECIAL - KING

"From here"
means
first night
after initial
MPD work

TAPE ROLL 7

SHOT NO. 46 TAKE 1

PAGE 6.

CAPT: SMITH:

Not really. We...we were doing our normal thing and then eh, of course the FBI were called in because of the assassination which they would handle. And eh, they took the investigation from here.

DAVID:

X And were you actually prevented from doing things that you would have liked to have done in the normal way?

CAPT SMITH:

No, I...not personally, I was not eh, don't know of anybody that was... I later brought certain people to our homicide office and took statements from them in the presence of the FBI who got copies of our statements. so forth. It's a usual thing when we, when we have anything that the FBI's involved in they like to have our copies and so forth, and it was a normal situation as far as I'm concerned, on that.

DAVID:

So you, all your information went to the FBI. Did you yourself get any of the FBI's information?

DAPT SMITH:

Personally I did not because I was an investigator and not in charge of the homicide squad at that time.

BBC "Tonight"
Transcript of out-
takes (Aired
4/4/78)