

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RECEIVED

AUG 1 1978

JAMES F. DAVEY, Clerk

..... :
HAROLD WEISBERG, :
: :
Plaintiff, :
: :
v. :
: :
CLARENCE M. KELLEY, et al., :
: :
Defendants. :
..... :

Civil Action No. 78-0249

AFFIDAVIT

My name is Harold Weisberg, I reside at Route 12, Frederick, Md.

1. My prior experience includes that of investigative reporter, Senate investigator and intelligence analyst.
2. Defendants' Motion to Dismiss mailed to my counsel on July 3 did not reach me until July 8, 1978, when my wife and I were completing a lengthy affidavit in another case. The 10-day limit for response restricts the response. I am able to make immediately.
3. I am further inhibited by my age, health and the amount of other and unique work I have undertaken and upon which, to the degree possible, I spend virtually all of my time.
4. I am 65 years old. In 1975 I suffered acute thrombophlebitis in both legs and thighs. By the time I was hospitalized the damage to the veins in these members was extensive, permanent and quite limiting. To deter further clotting and the possible serious consequences, I live on a high dosage of anti-coagulant. This requires that I be careful to avoid any injury, even minor bruising. A year ago an arterial obstruction known as a "subclavian steal" was diagnosed. This imposes further limitations upon me, including physical limitations. Both conditions are serious. Coping with these conditions requires much time. I wear one kind of special venous supports during the waking hours and another variety when I go to bed. Both kinds extend from my toes to my torso. I am not permitted to rest by taking a nap in the stronger supports I wear during my waking hours. The time and nuisance of putting them on and taking them off in changing them, as a practical matter, precludes my resting by napping when I grow weary or sleepy and thus results in further

56

working inefficiency. Taking proper care of these supports further reduces the time in which I can work. Since Friday, June 30, 1978, there has been another medical intrusion into the time I can work. Therapy recommended by my doctor has me walking as vigorously and as often as is practical. Because of the combination of very hot and sticky weather in the period preceding June 30 and the tight-fitting character of these supports, I developed a fungus infection in my toes. While in and of itself the fungus infection presents no special jeopardy, my doctor has warned me that if there is a secondary infection, given the severe restriction of circulation, it could lead to amputations. Caring for the feet and medicating them, as instructed by my doctor, now consumes more of my working time. I also am not permitted to keep my legs dependent for any length of time unless I am walking or moving around. If I stand for as little as 15 minutes, I come close to losing consciousness. On my doctor's instructions when I sit I have my legs elevated. I have had to construct a special means of being able to use the typewriter because of this. I am also required to interrupt what I do at my desk about every 20 minutes and more around. This interruption intrudes into concentration. From all the circumstances it is no longer wise for me to drive the 50 or more miles from my home to Washington and for some years I have not done so because it keeps my legs down for too long. When others cannot provide transportation permitting me to keep my legs up, I use the bus where this is possible. Bus transportation is poor. A few minutes in Washington requires about nine and a half hours from the time I leave home until I return. This means that my conferences with counsel now are rarely in person.

5. I have read Defendants' Motion to Dismiss and the attached affidavits. I desire to make more extensive response than is possible within the present time limits. In part, this is because they constitute an extensive effort to misinform and mislead this Court.

6. I have had considerable experience with the Freedom of Information Act (FOIA), largely but not exclusively with regard to information on the assassinations of President Kennedy and Dr. Martin Luther King., Jr., and their official investigations. With regard to both I have a unique expertise, as evaluated by the Department of Justice itself. In C.A. 75-1996, which relates

to information about the King assassination, the Department prevailed upon that Court to have me serve as the Department's consultant, on the Department's representation that I could provide it with information it could not obtain from the FBI. In C.A. 75-226, the Department responded to my proving that an FBI FOIA agent had sworn falsely in these words: "In a sense, plaintiff could make such claims ad infinitum since he is perhaps more familiar with events surrounding the investigation of President Kennedy's assassination than anyone now employed by the F.B.I."

7. This tribute by non sequitur also represents what distinguishes me and my work from those who are often on TV and in news stories with wild and attention-getting charges. Neither my thoughts nor my work pursue whodunits. I do not live an effort to be a detective story. I devote myself to a study of the functioning and nonfunctioning of our basic institutions in time of great stress.

8. I regard these assassinations as the most subversive of crimes because, particularly with a President, they nullify an entire system of society and of self-government. I also regard governmental failures under such circumstances as another form of jeopardy to the viability of our society. Within my extensive personal experience the widespread popular dissatisfaction with the official solutions to these crimes and with the failure of the institutions of government to satisfy the people is the cause of great if not the greatest disenchantment with government. I find this particularly true of young people, who are then led not to have faith in government and not to want to participate in it or in our system of self-government.

9. Exposure of official error or wrongdoing, in and of itself, is not my purpose. It never has been. Rather do I seek to make possible learning from and rectification of error. Perfection is a state of neither humans nor governments. By recognizing, acknowledging and rectifying errors I believe government is strengthened and earns popular support, as President Kennedy did in assuming full responsibility for the Bay of Pigs fiasco.

10. Although establishing an archive of my records had always been in my mind and prior to illness I had agreed to do so, after I became ill I formalized this arrangement. I have begun the deposit of my records in a public

university archive under a competent historian and the preeminent bibliographer in the field of my work. Most of the records I now obtain are for this purpose, not for my own use in writing or in any personal use. These records will be available to scholars outside of government control or influence.

11. The records I seek in this instant cause will be of value in this archive and in future uses. I therefore desire that they be as complete and as honest as possible. While these records also have value as a means of establishing compliance or noncompliance with other FQIA requests, they also are not for my use in writing.

12. I need no expositions from those of personal involvement in the matter before this Court on the legitimacy that can attach to privacy concerns. In this regard, where there is a real privacy issue, I differ from those who have filed the Department's affidavits and those who have executed them in being genuine in this concern and in not sitting in judgment on myself. I have waived all privacy questions as they relate to me in this archive and I have divorced myself from all determinations where they relate to others.

13. As an example of the utter spuriousness of official representations to this Court by the Department with regard to its allegedly great worries about protecting privacy, I attach Exhibit 1, one of the records the processing of which is reflected in the worksheet in question. As the court can see, other than by an X-rated photograph, there is little more the Department could have done to destroy the privacy of the widow of accused assassin Lee Harvey Oswald. Her sexual dreams and acts are not withheld from public scrutiny. Her wonder about medications to stifle her natural longings are now in the FBI's public reading room. Her comments about the married man with whom she slept - after the federal government delivered her into his keeping - have not been bruited around the world only because the press had more genuine concern for real matters of privacy than those who make such false pretenses to this Court on these matters.

14. Page after page of FBI records relating to Mrs. Oswald's second pregnancy are readily available, although they are relevant to nothing in the investigation. Countless pages relating to allegations of homosexuality also are readily available. Where these have any relevance, it is limited to the credibility and prejudices of those making the allegations that the FBI compiled

with care. Where I have published such records, after the FBI made them available, I, not the FBI, removed all identifications to avoid doing harm to these people. Many pages of FBI records relating to alleged psychiatric conditions and medical treatment and hospitalization for them have been made available by the FBI without expurgation. This also is true of records relating to contracting venereal disease. None were relevant in the investigations. Where the FBI did not like these people, where they held political views not approved by the FBI or where, as in the case with the widow Oswald, they spoke of the FBI in a manner the FBI did not like, the FBI displayed no interest in their privacy.

15. The Department, which does not like me or my exposures of it and its FBI, has done much the same with me, except that with me defamations in its public reading room did not suffice. It gave the President of the United States the most vicious fabrications about my wife and me, such as that we annually celebrated the Russian revolution. It gave the identical vicious falsehoods to a Senate committee. In both instances this coincided with the interests of the White House and the Senate in the subject-matter of my work. It did the same with Attorneys General, their deputies and with other officials. When in 1977 I again sought all the records on me so I could file a response under the Privacy Act (PA), I received no response, even though my PA request was an old and long-ignored one. When my lawyer wrote the Attorney General requesting that I be put in a position to exercise my PA rights prior to any public release of this and other FBI fabrications and defamations, there was no response. Eight months after the beginning of these releases there still is no response from those who profess to this Court such deep feeling over citizens' rights to privacy. I learned of the public disclosure of these infamies about me when I received phone calls from the press about them. The FBI and the Department manipulated and "interpreted" FOIA to use it as a means of defamation, although long in advance of this I had provided written proofs of the falsity of its fabrications. Instead of complying with the Act, the FBI combined with those who receive the Attorney General's mail to violate the Privacy Act and deny me my rights under it for transparent political purposes.

16. One of the FBI agents who provides an affidavit is in the position of the biblical maiden who, entrusted with the keeping of the family vineyards,

her own vineyard did not keep. SA Horace P. Beckwith is a publicly reported unindicted co-conspirator in the case of the former high officials of the FBI, including its former Acting Director. The charge is of committing such offenses, not of preventing them. There thus is, at the very least, the appearance of a lack of complete freedom and independence on his part. With this record I believe he should not be processing the FBI's records, which include records of such offenses and involve fellow FBI personnel who committed them. I also believe he ought not be providing affidavits in FOIA cases. I am personally familiar with his affidavits and their lack of fidelity. When he provides unfaithful affidavits for those who also prosecute, he is immune. He cannot be said to be impartial or even dependable. (More relating to SA Beckwith follows, Paragraphs 28 ff. and 59 ff.)

17. Except as another cheap effort to mislead and prejudice the Court, there also is no need for any exposition about an alleged hazard to FBI informers. There is no such hazard and no such question before this Court, as there is no genuine question of privacy. However, no reporter or former reporter or investigator has to be told about the reality of some need for confidentiality. I have my own confidential sources. I have been told what some of these FBI people say about me behind my back, how they wonder at what they describe as my persistence, and the extent to which they have inquired into the private lives of those who have been associated with me. I have not disclosed my sources even to my counsel.

18. So the Court can understand that mine and not the FBI's are truthful representations, I attach Exhibit 2 with regard to the fidelity of SA Beckwith's affirmations and Exhibit 3 with regard to the faithfulness of the Department's representations relating to the alleged practice of never disclosing the identities of any of its (or other police) informers. I use this means because the affidavit from which Exhibits 2 and 3 come was filed long before the affidavits in this instant cause were filed and because no refutation of my affidavit has been filed by the FBI or the Department.

19. The importance of worksheets in obtaining compliance in FOIA matters is clear in Exhibit 2, as is SA Beckwith's untruthfulness. In C.A. 75-1996 I was given a crooked set of worksheets, misrepresenting even the number of pages in the record in question. In C.A. 77-0692 SA Beckwith provided one of his nonfirst-

person affidavits in which he sought to mislead that Court with regard to the identical records. In and of itself this raises the most substantial questions about any excisions from the worksheets and about those who have affidavits for all seasons and needs, without attesting to personal knowledge.

20. Neither SA Beckwith nor SA David M. Lattin attests to having made the searches or having done the processing of the records reflected in these worksheets. The Department has not represented that those of first-person knowledge are not available to execute affidavits. Within my extensive personal experience using those who do not have personal knowledge instead of those who have personal knowledge to execute affidavits is a common means of misleading and deceiving the courts in FOIA matters.

21. With regard to making the identification of Informer Morris Davis known, complete with his symbol identification, which was not withheld from me, the FBI was really seeking a political objective apparent to a subject expert and an FBI watcher. The irresponsibles of that House committee turned Informer Davis over to Mark Lane, a notorious and also irresponsible commercializer who at that very moment was commercializing a potboiling book.

22. Contrary to what the FBI represents in this instant matter, it has disclosed the identification of other informers and of "confidential sources" where those who processed the records were not subject experts and could visualize the attaining of FBI political objectives by the releases.

23. There is no question before this Court of disclosing the identities of confidential informers or sources. I have read the FBI's FOIA worksheets covering the processing of many thousands of pages of FBI records. I have yet to see the first such disclosure in any of them. No other records have been provided in this instant cause, only worksheets.

24. Neither now nor ever have I sought the identity of any FBI informer. The opposite is true. When the FBI inadvertently disclosed the identity of an informer and I knew it had deposited those records in its reading room and thus made them accessible, I notified the FBI so it could correct that record and protect that informer.

25. This leads to what in its bobtailed recounting of the history of this case the Department totally ignored. I did file an appeal from the withholding. This Motion to Dismiss was filed before I received a response to my

appeal. My appeal does not include the identification of any informer or of any genuinely confidential source.

26. The theory under which the Department dragged allegations of FBI Laboratory secrets into this instant cause is obscure if it exists at all. There is no relevance. Nothing of this nature is within my request. The Department's allegations with regard to Laboratory secrets are spurious.

27. I have had personal experience with FBI Laboratory records. The case that was instrumental in the 1974 amending of the FOIA investigatory file exemption is my case. It was originally C.A. 2301-70. When it was refiled as the first case under the amended Act, as C.A. 75-226, the FBI made not a single claim - ever - to any secrecy. In fact, where in the earlier case it represented my request for the results of nonsecret tests as a request for its "raw material," which was not true, and from this forecast the complete ruin of its informer system if not the Bureau itself, in the second case, when I sought to eliminate this FBI-created nightmare and specified that I did not seek ^{its} "raw material," most of the records the FBI provided voluntarily were "raw material." Further bearing on the spuriousness of the Department's present representations to this Court is the fact that the FBI publishes such information, especially for the use of local police forces. It is available to anyone, including professional criminals, at the Government Printing Office. My copy of the 1975 revision cost \$2.00. I attach the cover and the table of contents as Exhibit 4. Quite aside from the fact that no secret or arcane sciences are involved in this instant cause, the table of contents discloses that most of this FBI handbook is devoted to that which the Department represents to this Court is somehow secret and must remain secret.

28. All of this and more irrelevancy like it appears to be designed to mislead and to prejudice this Court. In this it is consistent with my long FOIA experience with the FBI. It obscures what my requests are actually for, as in Paragraph 27. Only by inference at two different points is it possible to determine from the Motion for Summary Judgment, the Memorandum in Support and the attached affidavits that my request is for more than worksheets. There is no discussion of this in the briefings. There is a quotation from my letter of request and a deliberate misinterpretation of it in the relevant footnote,

both on the first page of the Memorandum in Support. My request, quite clearly, is for more than the worksheets. It is for "any and all records relating to the processing and release ... whatever the form or origin ... wherever they may be kept." The only specific reference to this that I recall is in the affidavit of SA Beckwith. He states in Paragraph (7) that my request is for "records relevant to the processing and release of the original records," and then and there attests that "These worksheets represent the only documents available within the FBI which are responsive to plaintiff's request."

29. SA Beckwith here uses no ifs, ands or buts. There is no qualification like "of which I know" or "that I have been able to locate." He states unequivocally that there are no other records within my request. I state unequivocally that this is a false sworn statement. I state also that if SA Beckwith was competent to execute this affidavit, he knew he was swearing falsely in this representation.

30. In the beginning of this affidavit I stated my belief and the nature of my work as they relate to the functioning of the basic institutions of our society. One of our most basic institutions, one of the three parts of government, is the judiciary. If the courts are to function in the manner envisioned in the Constitution, they must enjoy the independence granted them by the Constitution. When the executive branch misrepresents to the courts, when it executes and provides false affidavits and obtains their acceptance by the courts, I believe the Constitutional independence of the judiciary is endangered.

31. I would be entirely unfaithful to my work, work that has taken the past fourteen years of my life, work in which I persist without funding and with serious health problems, if I did not raise these questions of misrepresentation and false swearing before this Court. I have not done this work under the conditions of my life and I have not come to this point in my life to shun confrontation on the issue of false swearing to this Court or to accept official false swearing in unseemly silence.

32. It is understanding that perjury is false swearing to what is material. It is my belief that what is now material before this Court is compliance. The latter belief is based upon the fact that the Motion to Dismiss

represents that I have been provided with all relevant records. SA Beckwith's statement in his Paragraph (7) quoted above, that there are no relevant FBI records with which I have not been provided, is the sole basis for this basic and material representation.

33. I reiterate, in SA Beckwith's own words, there are FBI "records relevant to the processing and release of the original records" that have not been provided to me.

34. Although it is obvious that in the processing and release of about 100,000 pages of FBI records relating to the assassination of a President there must be many other records that are clearly within my request because they relate to processing and release, I do not make this affirmation on what is obvious or on any kind of conjecture or surmise. I make this statement on the basis of records, including but not limited to FBI records, within my personal possession.

35. Having repeated SA Beckwith's affirmation and my sworn statement in direct opposition to his, I state my belief that SA Beckwith has committed the crime of perjury before this Court and that I have not.

36. To the degree possible for me when I am not a lawyer and it is impossible for me to visit with my lawyer or revise this affidavit within the time I have, I address what I believe to be other questions of material fact before this Court and representations relating to them or avoided about them by the Department and the FBI.

37. The Department claims exemptions (b)(7)(C)(D) and (E) to withhold information from the worksheets, copies of which it has provided.

38. Exemption 7 begins, "investigatory files compiled for law enforcement purposes," thus requiring that all exemptions under it has been "compiled for law enforcement purposes." There is a further requirement in (D), not consistent with the representations made to this Court by the Department. The exemption on disclosure of a confidential source is limited to "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 security intelligence investigation."

39. The Department's briefings and affidavits do not state that

there was, with regard to the records I seek, an FBI "law enforcement purpose" or an FBI "criminal investigation" or an FBI "lawful national security intelligence investigation."

40. This is not oversight. There has been no offer of proof on the question of meeting the standards of Exemption 7 because the proof is to the contrary. The FBI was not engaged in any of these kinds of investigations with regard to the assassination of President Kennedy.

41. The FBI provided investigative services for the Presidential Commission, which is explicit in stating in its Report (at XIV) that it had no law enforcement purposes. Director J. Edgar Hoover was a witness before the Commission. He then volunteered the truthful description of the nature of the FBI's work. I quote without excision from his testimony in Volume 5, page 98, beginning with the question asked him by Commission Chief Counsel J. Lee Rankin:

Mr. FANKIN. You have provided many things to us in assisting the Commission in connection with this investigation and I assume, at least in a general way, you are familiar with the investigation of the assassination of President Kennedy, is that correct?

Mr. HOOVER. That is correct. When President Johnson returned to Washington he communicated with me within the first 24 hours, and asked the Bureau to pick up the investigation of the assassination because as you are aware, there is no Federal jurisdiction for such an investigation. It is not a Federal crime to kill or attack the President or the Vice President or any of the continuity of officers who would succeed to the Presidency.

However, the President has a right to request the Bureau to make special investigations, and in this instance he asked that this investigation be made. I immediately assigned a special force headed by the special agent in charge at Dallas, Tex., to initiate the investigation, and to get all details and facts concerning it, which we obtained and then prepared a report which we submitted to the Attorney General for transmission to the President.

42. It cannot be alleged that the FBI was part of law enforcement by local authorities. Lee Harvey Oswald was killed less than 48 hours after his arrest. There was no trial. No other person was accused. Had this not been the case the public complaint of then Dallas Chief of Police Jesse Curry is that the FBI took evidence from him but did not help him. With regard to Jack Ruby, not only did the FBI not assist in that prosecution, it withheld relevant records from the District Attorney, whom I know. When I learned this, I provided him with some copies of FBI records not provided to him by the FBI.

43. It is represented by the Department that cooperation of foreign police agencies must be kept secret as a condition of further cooperation and

that information received from these foreign agencies is never made public. These representations are not truthful. This is not merely because the existence of Interpol is not secret. It is untruthful because I have copies of records with which the FBI conveyed to a local prosecutor for use in a prosecution and in public information the FBI received from foreign police agencies. The actuality, from countless FBI records I have and have read, is that this is a subterfuge by means of which the FBI seeks to hog the credit for the work of other police agencies. This is conspicuous in the records relating to the investigation of the assassination of Dr. King. These records reflect that the FBI even undertook to limit the credit these other agencies would take in public for the work they, not the FBI, actually did. The false passport James Earl Ray obtained in Canada was spotted by the Royal Canadian Mounted Police, not the FBI. (When its Memphis Field Office urged FBIHQ to ask the Mounties to conduct this investigation, FBIHQ actually rejected that recommendation.) James Earl Ray was arrested in England because of his own blundering. British police, not the FBI, made the arrest. However, there is no possibility that there can be the "disclosure" and the catalogue of horrors conjectured by the Department from the kind of information included in the worksheets. In fact, precisely this kind of information was not withheld from the many worksheets provided to me in C.A. 75-1996, worksheets that cover what the FBI estimated at 20,000 pages of FBIHQ records.

44. It is represented that the names of those agents who processed the records and compiled the worksheets have to be withheld to prevent their harassment. In context, this means by me. In context or out, it is false. Their names were not withheld from the many worksheets relating to the King assassination records and there was no allegation of harassment.

45. I do not know whether anyone else has requested these worksheets. The Department does not state that anyone else has. The Department and the FBI are well aware that I have never phoned any FBI agent or other employee, never engaged in anything that can be described as any kind of improper activity, and have met with such agents only on their invitation.

46. The reality, from my personal experience, is that these names are

withheld to prevent my being able to pinpoint those whose violations of the letter and the spirit of the Act are more persisting and more serious. I did do this in C.A. 75-1996. I stated that if one agent named Goble was not removed I would not examine another record he processed and would present the entire issue to that court. I did this in writing. That agent was removed. The FBI promised to reprocess all those records, although it then did not do this.

47. In C.A. 75-1996 I entered into the record a letter written to a friend of mine by FBI Director Clarence Kelley in which Director Kelley stated that it was FBI policy not to withhold FBI names in historical cases. The Attorney General has found this to be an historical case. The Attorney General's policy statement of May 5, 1977, states the same policy.

48. The practice of not withholding names began with Director Hoover and the Warren Commission. This also pertains to the claimed need to withhold the names of those other than paid informants who provide information to the FBI.

49. The Warren Commission published an estimated 10,000,000 words of evidence. To a very large degree this consisted of entirely unexpurgated FBI reports printed in facsimile. Furthermore, Director Hoover stated that all records possible were to be released. This also was the stated policy of the White House and the Attorney General. No FBI names were withheld, no names of those who gave information to the FBI were withheld from what the Commission published or what was available at the National Archives.

50. I cannot estimate how many thousands of pages of FBI records I have obtained from the National Archives but I can and I do state that until the 1974 amendments to the Act I cannot recall a single excision in any FBI records made available to me by the National Archives.

51. In an appreciable number of instances it cannot even be alleged, as it is now represented by those who neither have nor claim to have personal knowledge, that there was any "implied" confidentiality. Many FBI reports begin by stating that the FBI agents informed those they questioned that anything the FBI agents were told could be used against those making the statements. There was no "implied" confidentiality. When it was promised or asked, the FBI's records so state. Present representation of an "implied" confidentiality are

an invention for withholding what may not be withheld under the Act.

52. There is what I believe, from my knowledge of the subject and from long personal FOIA experience, a conscious effort by the Department to confuse between the worksheets and the underlying documents. The underlying documents are not the subject of my information request that is before this Court. As part of this effort, which is really an effort to withhold what can be embarrassing to the FBI and to obstruct my work, the FBI now actually discloses what it claims it must not disclose.

53. In this connection and as introduction to it I also state that there is no representation by the Department, no FBI affidavit in which it is stated that what is withheld is not within the public domain. My experience with the FBI's withholding of what is within the public domain extends to its withholding what I published years earlier and what was in the phone book. I mean this literally - that the FBI withheld exactly the same information as the phone book and I published. The FBI did not respond in any manner after I sent it facsimiles of proof that this information was within the public domain. From my personal experience this is a not uncommon FBI practice. It is true of hundreds of names of persons but it is not limited to names.

54. It is common FBI practice to withhold from records it releases what is contained in its own news clippings files. When informed of this it then refuses to release what it ~~knows~~ is within the public domain. To be able to pretend that it had no knowledge of what is within the public domain and to actually withhold what is within the public domain in C.A. 75-1996, it refused my offer of a consolidated index of the published books on the King assassination and an index to the transcripts of two weeks of evidentiary hearing. When it could no longer pretend that it had ^{not} withheld what was within the public domain, as I had proven to it regularly throughout its processing of records in C.A. 75-1996, the FBI then claimed that to rectify its "error" would be too costly. It continues to withhold what is within the public domain.

55. The one exception I recall from thousands of instances of this kind of deliberate withholding of the public domain is attached as Exhibit 5. After I ridiculed the FBI in court its withholding - 10 times in a single published news account - the name of a special agent who spoke at a public gathering,

the FBI replaced this one piece of paper from among thousands on which it practiced such knowingly improper withholdings. (This also relates to why the FBI now withholds from the worksheets the names of its agents who process the records and compile these worksheets. In this instance I specified the name to that court.)

56. In this instant cause the FBI is without honest possibility of making a claim of not being able to know what is within the public domain relating to any information about the assassination of President Kennedy. Robert P. Gemberling was supervising agent in charge of the compilation of all records in the Dallas FBI office, its Office of Origin. After Mr. Gemberling retired the FBI rehired him as a consultant on Kennedy assassination matters. The FBI has an in-house subject expert from whom it has not provided any affidavit in this instant cause.

57. Mr. Gemberling is in a position to state what techniques or procedures were used by the FBI and whether or not they are publicly known to have been used.

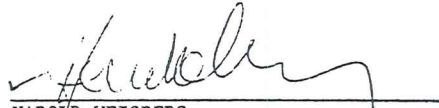
58. I believe that the absence of any kind of affidavit from Mr. Gemberling and the substitution of one by SA Beckwith raise substantial questions of good faith as well as of due diligence.

59. In seeking to justify the claim to (b)(7)(E), SAs Lattin and Beckwith do not dare state that "these techniques and procedures" are not known to have been used or are in any way secret.

60. I have never seen an FOIA worksheet on which such information was ever included. It would be an exceptional case. There is no place on the form for such information. Yet in Paragraph (6) SA Beckwith voluntarily discloses the use, in the context of SA Lattin's affidavit, current use, of only two such techniques against foreign governments by the FBI.

61. It is within the public domain that more than two such techniques were used in the overall investigation. Two of the more obvious ones are electronic and mail surveillances. The FBI distinguishes between the different kinds of electronic surveillances, meaning that there can be more than one technique so designated. (In fact, it spirited a record relating to one - against a foreign government - out of Washington after I filed a request for it. This matter is

not at issue in this instant cause but I do have proof of this statement. The need to use this attempted memory hole special "technique" is that the information was leaked into the public domain claim.) Here also Exhibit 1 is in point.

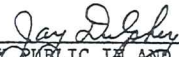

HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this 10 day of July 1978 deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires July 1-82




NOTARY PUBLIC IN AND FOR
FREDERICK COUNTY, MARYLAND

ADDENDUM TO AFFIDAVIT OF HAROLD WEISBERG IN C.A. 78-0249

62. In these two affidavits the FBI has told targeted foreign governments how to determine which special techniques the FBI now has in use against them. All these governments need to know is what techniques were used in the JFK assassination investigation. If they believe these FBI affidavits and have or can obtain this knowledge, they can now be more effective in their own protective efforts.

63. Whether or not foreign governments believe these portions of these FBI affidavits, I believe this Court should not credit any part of them because they are careful and deliberate misrepresentations designed to mislead and prejudice if not also to frighten this Court over nonexisting dangers to national security. In addition to what I have already stated in this regard, in what follows I provide additional evidence.

64. On the nonexisting national security question the affidavit of SA Lattin begins with an illustration of careful and deliberate effort to mislead the Court. SA Lattin accredits himself only as an expert on classification (Paragraphs 1 and 2). He next implies (Paragraph 3) that the worksheets are themselves classified. He then states "(4) My examination was conducted in strict adherence to the standards and criteria found in EO 11652," fortifying the impression that the worksheets themselves are classified, particularly because what immediately precedes this is "I have made a personal independent examination of these inventory worksheets ..."

65. Actually, the worksheets are not classified. And in all this sworn circumlocution, which really refers to the underlying documents, SA Lattin does not at any point state that the underlying documents were actually properly classified under the provisions of E.O. 11652.

66. It is my prior experience with the FBI that in practice it ignored the provisions of E.O. 11652. In June 1978, after these FBI affidavits were executed, I received from the same FOIA Unit of the FBI records it claimed had been declassified for me. In fact, those records had been provided to me earlier and bore no indication of classification. They were classified for the first time after being provided to me, then declassified, then given to me in declassified, expurgated form in which what had been released earlier was withheld under

a (b)(1) claim. I provided the FBI FOIA Unit with the information it had withheld under the (b)(1) claim. Weeks have passed. The FBI FOIA Unit has been totally silent on this.

67. SA Lattin continues, "(5) The classification of portions of these worksheets ..." and follows with four quotations from E.O. 11652, each beginning "Classified information ..." None of these is appropriate to the worksheets. They may be appropriate to the underlying documents. If so, that is irrelevant in this instant cause. The worksheets are not "furnished by foreign governments," are not "pertaining to cryptography ...;" do not relate to "disclosing a system, plan, installation, project or specific foreign relations matter ...;" and "would not place a person in immediate jeopardy."

68. Attached as Exhibit 6 is the first of these worksheets to refer to a (b)(1) claim. The sheet itself is not classified. The identification of the record is not withheld. And none of these conjectured disasters has befallen the FBI.

69. In all of this the FBI's expert on classification who proclaims living with E.O. 11652 ignores the violation of it with these worksheets. Exhibit 7 is the worksheet relevant to Serial 281. The worksheet of July 1977 notes "B-1 REFERRAL." Lined through but visible is the fact that the referral was to the CIA. Under the controlling directive of the National Security Council, 30 days after a classified record is referred, if the agency to which referral is made has not acted, it then becomes the responsibility of the referring agency to act as though the referred record were its own record. A year, not a month, has passed and the FBI was and remains in violation of E.O. 11652 on this and on compliance on this. (The FBI assured another court of compliance with regard to the underlying documents on January 16, 1978, without acting on this and other referrals.)

70. Paragraph (6) refers to underlying documents again and states there is withholding "inasmuch as the items would reveal cooperation with foreign police." Whether or not such cooperation is a classifiable item, and it certainly is anything but secret and unknown, the fact is that until now the FBI has provided me with countless worksheets indicating that the source of records was a foreign police agency.

71. Because of the withholding it is not possible to state which "foreign nationals having contacts with foreign establishments or individuals in foreign countries" SA Lattin refers to. I can and I do state that the FBI has all along made such disclosures. Examples that come to mind without a search of my files are the KGB defector, Yuri Nosenko, and in Mexico alone two men named Alvarado Ugarte and Guitierrez Valencia. Most recently, in the FBI's propaganda efforts and in dealing with writers it regards as favorable to the FBI, there was disclosure of one of its more important Russian sources of this nature, known by the code name "Fedora." Others like him were blown in the same operation, a backfired publicity effort. The actuality is other than SA Lattin represents.

72. Throughout the affidavit SA Lattin, by careful language, suggests that all he states is applicable to the worksheets but he does not state this and in fact it is not true.

73. All of SA Lattin's affidavit is stated in terms of the opening caveat, "unauthorized disclosure" (top of page 2). But at no point does SA Lattin state that any actual "disclosure" is involved. Disclosure requires that what is not known be made known. There is no statement by SA Lattin that what is withheld from the worksheets is unknown, not in fact part of the public domain. SA Lattin does not even state that he has any way of knowing what is within the public domain.

74. Relevant to this is what is typical of SA Beckwith's affidavits. SA Beckwith has provided affidavits I have read in three cases. In none of these affidavits has he made any claim to first-person knowledge. He swears to what is not factual, as shown by Exhibit 2. He also misinforms courts by underinforming them, by withholding what is relevant of which he does know. He does not state to this Court what he does know in Paragraph 3 of his affidavit, where he misrepresents how "Inventory worksheets are used." He limits this to the FBI, thereby seriously underinforming the Court. The importance of these worksheets that is relevant is how they are used outside the FBI. They are the only means anyone else has of knowing what exemptions may be claimed and what records are withheld. To a subject expert they also disclose entire files the FBI has not searched.

76. Last year I was told by the FBI that I am the first requester ever to receive any FBI worksheets. If this is true, all other requesters had no way

of knowing what the FBI withheld, what exemptions were claimed or even if they received all the pages of any record. (Here also Exhibit 2 is relevant. It discloses the crooked count I received on a worksheet, with more than two dozen pages being withheld by means of a false entry on that worksheet.)

77. I state "may be claimed" in Paragraph 74 rather than "is claimed" because where more than a single exemption is claimed for any record the requester did not know which of the claimed exemptions was intended to apply to any particular page or record. I have received FBI records of more than a hundred pages with blanket claim to more than one exemption. I believe this represents deliberate stonewalling and a deliberate effort to make appeals more cumbersome and to overload the appeals machinery. It requires appeal and review of the entire lengthy record rather than of individual pages. I have such appeals that have not been acted upon in more than a year.

78. Although the FBI is supposed to have agreed to the Department practice of indicating the exemption claimed in the margin at the point of withholding/^{as} of this June the FBI was not doing that with me in a large number of instances. (This also bears on the requester's need to know which analyst processed those records, now withheld from the worksheets.)

79. Where SA Beckwith's affidavit is not untruthful it is unfaithful, it underinforms and thus misleads, and it is conclusory.

80. Half of his affidavit is his Paragraph (6). At no point does it hold an unequivocal statement that he is referring to the specific content of the worksheets. Rather does he provide a general dissertation on "the use of Freedom of Information Act exemptions" to which all that follows relates.

81. Illustrative is his (b)(1) conclusory statement it requires careful reading to understand is referenced to the "original documents" rather than the worksheets: "This information, if disclosed, would identify foreign sources or sensitive procedures, thereby jeopardizing foreign policy and the national defense. See affidavit of SA David M. Lattin." SA Beckwith does not even indicate what numbered paragraph of SA Lattin's affidavit. This is not surprising considering that there is no such proof in the affidavit of SA Lattin. In any event, this kind of information is not needed on worksheets and within my experience is not included on them. However, the foreign sources of information, as

for example the Royal Canadian Mounted Police, has not been withheld from me on worksheets I have received prior to this set of worksheets.

82. In this connection SAs Beckwith and Lattin fail to inform the Court of FBI practice prior to this set of worksheets. The underlying documents are of about a decade and a half in the past and on a subject designated by the Attorney General as "historical." This requires different and more stringent standards for withholding. Under Departmental regulations after ten years a review of classified records is required. None of this relevant information is provided in these affidavits. There is no evidence of the classification review having been made.

83. The foregoing Paragraphs represent what is the fact with regard to all such representations in SA Beckwith's affidavit. The claim to (b)(2) is related to the underlying records, not the worksheets. But as it relates to the underlying records it is not true, as is illustrated by Exhibit 3 above, relating to Informer Morris Davis. The FBI has disclosed the names of informers other than Morris Davis and the symbolic representations of informers. This kind of information, in any event, has no place on worksheets and in my extensive prior experience has not been placed on the worksheets.

84. The foregoing Paragraph and earlier portions of this affidavit, especially Exhibit 1, refute SA Beckwith's representations with regard to the privacy claim (Paragraph (6)(c)). With regard to SA Beckwith's claimed need to withhold the names of FBI agents, addressed in foregoing paragraphs and shown not to have been prior FBI practice with hundreds of pages of worksheets, he states what he has not qualified himself to state: "There appears to be no public need for the revelation of the names of those who processed the original documents."

85. SA Beckwith could with as much justification have stated, "There appears to be no public need for the revelation of the names of unindicted co-conspirators." The prior illustration exemplified by my demanding and obtaining the removal of SA Goble from FOIA processing represents such a public need. In worksheets I received two months after SA Beckwith executed this affidavit there is such a need and I am handicapped in obtaining rectification of error by the withholding of these names. There is a public need for the Act to be complied with. There is a public need for public information to be made available, the

purpose of the Act. Withholding the names of agents is not necessary to protect them from fancied dangers. It serves only to make improper withholding more difficult to rectify and to perpetuate in FOIA analyst roles those who withhold more zealously.

86. The last paragraph of SA Beckwith's subsection (c) provides seven categories of privacy information he represents the FBI must withhold. While this is the kind of information I have never found on any worksheet and has no place on any worksheets, I state without equivocation that the FBI has in fact provided me with each and every kind of privacy information SA Beckwith represents is always withheld. These are "references to a person's criminal background," (often and after execution of this affidavit provided to me); "medical background and psychological diagnosis," both often provided; "derogatory information about a third person" (commonly provided beginning with the first FBI records I ever obtained and as with some of the others included in what the Warren Commission published with the FBI's assent); "... due to his mental state" (often not withheld, particularly not where the person was not liked by the FBI); "police department identification numbers of individual"; and "references to a person's personal sex life."

87. SA Beckwith's is the only affidavit provided in this instant cause in support of withholding based on privacy claims. The Memorandum (at page 8) claims that "the inclusion of a person's name ... either as a source of information as a third party ... (or) for various other reasons, carries strong privacy implications. Indeed, dissemination of this file in an undeleted state is the type of dissemination Congress sought to control." The Memorandum adds that "to expose the names of individuals" would "constitute an unwarranted invasion of their privacy ... no legitimate public interest would be served" and "irreparable harm could be done to these individuals."

88. As general statements, related to the underlying documents rather than the worksheets in rare instances some of this can be true. None is related to any specific claim to exemption for any identified record. All these representations are in sharp contradiction to extensive FBI practice that is within my personal experience and is represented in records I obtained from the FBI.

89. There is an obvious public interest in knowing who provided what

information relating to the most horrible of crimes, the assassination of a President. There is obvious public interest in an evaluation of the alleged evidence being possible by subject experts and by the public.

90. Once again there is no showing that the names are not within the public domain and in connection with the same or similar information. Many thousands of such FBI records are already within the public domain by having been published in facsimile without any excisions by the Warren Commission and by being available without excisions at the National Archives. Neither of these relevant factors is mentioned in the Memorandum or in SA Beckwith's affidavit. In addition, a very large number of these persons went public on their own initiative and are reported in a vast number of news and magazine articles and countless books. Moreover, the Attorney General's ^{policy} statement of May 5, 1977, on this exemption requires that except in rare instances these names not be withheld.

91. While there is no doubt that in some instances withholding to protect privacy is necessary, my extensive personal experience of the past is that most of these claims are spurious and are to serve ends other than those of the Act. (These names do not apply to worksheets.) I addressed the spuriousness of such claims in an affidavit I provided for C.A. 77-0692, in which SA Beckwith also provided an affidavit for the Department. Because my affidavit was not refuted and to the best of my knowledge has not been mentioned by the Department I illustrate what actual FBI practice has been with regard to privacy by attaching as Exhibit 8 pages 9 and 10 of my affidavit in C.A. 77-0692. I believe it is apparent from this exhibit that the FBI's present representations relating to its devotion to protecting privacy are contrary to its practice, particularly with regard to persons it does not like, whose views it and its agents disagree with and who are black. This is in sharp contrast with its new-found need to withhold the names of white FOIA processing agents on the nonexistent need to protect them from harassment and prevent reduction in their efficiency.

92. The kinds of withholdings SA Beckwith refers to in (d) is of information that has no place on worksheets, like "symbol numbers" and "file numbers of informants." However, as stated above and reflected in Exhibit 3, this is not undeviating FBI practice.

93. Withholdings that are actually at issue, rather than the irrelevant

ones addressed by the Department and the FBI, represent an abrupt change in FBI policy. I have been able to identify the time of the change in FOIA policy by examining the last 5,000 pages of FBI records I received under C.A. 78-0322. Processing of them was to have begun in early April. I received them on June 28. It is during the processing of these records that changes in practice become apparent. This includes the withholding of FBI names in the later records where the names are not withheld in those processed earlier from this one large file.

94. Coinciding with this is a press campaign and appeals to the Congress for "relief" from the burdens of FOIA and representations about the costs of FOIA. It is apparent to me that the FBI and the Department intend to use this instant cause in these endeavors, as my prior experience enabled me to identify such efforts in the past.

95. In fact, for a long period of time I have been endeavoring to inform the Department of the enormous waste of time and money in the FBI's handling of FOIA requests. One of my experience can identify these misuses of the Act to create false time and cost statistics. (The reality is that in my C.A. 77-2155 the FBI and the Department were unable to inform that court of the actual cost of making a copy of any one of the records covered by these work-sheets. The reason is a false emphasis on unreal and inflated costs.) In the last records I received, those referred to in Paragraph 93 and at other points in this affidavit, there is the attribution to FOIA costs of inquiry that clearly was not made under FOIA. In C.A. 75-1996 I put into the record an instance of a request stated not to have been under FOIA. This citizen's letter to the FBI was not only processed under and attributed to FOIA - an automatic appeal was entered under FOIA appeals. Even more incredible is the fact that while I was suing for some of the information provided to that citizen and having information withheld from me, that citizen was provided with the information withheld from me in a case in court.

96. As I have stated, I have long experience with the FBI in FOIA matters. From this experience I believe it now seeks to misuse this instant cause and the prejudice against the subject matter of the underlying records that exists in the press and in the Congress for purposes that are not within the Act and are contrary to the intent and the language of the Act. I believe that the

FBI and the Department, as in the past, seek through me to rewrite the exemptions to the Act to be able to withhold information that is embarrassing to the Department and to the FBI. To do this there are the above-cited and other misrepresentations and misstatements to this Court.

97. By now, from its own representations, the FBI has processed an exceedingly large number of FOIA requests and a fantastic number of pages of public information. In this instant cause it alleges that now it must withhold the names of FOIA processing agents to protect them and their families from harassment. I note the total absence of a single instance of this despite the enormous number of FOIA requests processed and the large number of agents involved in this processing. The claim is conjectural, conclusory, baseless and quite opposite the popular image of the derring-do fearlessness of the FBI and its heroic agents.

98. As an illustration of the liberty the FBI takes with this Court in other of its representations in this instant cause, I use its claims with regard to special investigative techniques it alleges the need to "protect" so their "future usefulness" will not be impaired. This also relates to the genuineness of the allegations with regard to "privacy" and the FBI's dedication to preserving privacy rights.

99. Exhibit 9 is a record relating to one such technique, wiretapping, provided to me in C.A. 75-1996. The date of this record, from the third highest FBI official to the second highest, is significant. It is the very day James Earl Ray entered a guilty plea. Aside from the attempted defamation of the widow of Dr. King and his successor as leader of his organization, there is significance in this record not immediately apparent to a nonsubject expert. This wiretap was after Dr. King was killed. What is not generally known is that prior to his death authorization for such wiretapping was not renewed. An FBI effort to obtain permission prior to Dr. King's death was not approved. Nonetheless, as Exhibit 9 shows, the FBI did engage in this wiretapping. Within my experience it is to hide what held this potential for embarrassment (in this instance apparently not known to the processing agent) that information is often withheld under spurious claim to exemption. In this instance use of such a technique and FBI illegal practices with regard to such a technique were both disclosed as

part of the effort to defame Mrs. King.

100. The foregoing is true with respect to the techniques of "black bag" jobs (breaking and entering) and "bugging" (microphone surveillance) in other records I have received. In prior cases such records have been released to me without any claimed need to "protect" a technique lest its future effectiveness be destroyed. Attached as Exhibit 10 are some such records as I used them in C.A. 75-1996. I use these copies because with regard to this and other selections from my prior affidavits there has been no denial from the FBI or the Department. The teletype from FBIHQ in Exhibit 10 directs what can be done only by a breaking and entering, the examination of records without a subpoena.

101. After this affidavit was prepared, I received two relevant communications in the mail of July 10, 1978. The first, dated July 7, reports the Deputy Attorney General's action on my appeal. (Exhibit 11) The second, from Paul L. Hoch, of Berkeley, California, provides me with several examples of frivolous FBI claims to "national security" exemption with regard to the underlying records. (Exhibits 12A and 12B, 13A and 13B)

102. The July 7 action on appeal by Mr. Shea confirms my prior statement that the appeals machinery is limited to determining only that the excisions in the worksheets are "compatible with the excisions made from the actual records," the underlying records. Thus the review does not address substance. It does not and cannot determine whether the excisions are in fact either justified or necessary.

103. Mr. Shea also states that "The classified materials have been referred to the Department (classification) Review Committee for determination whether they warrant continued classification under Executive Order 11652."

104. Each of these matters reflects the fact that the rest of the Department is largely the captive of the FBI in FOIA matters. If review shows the excisions in the worksheets to be "compatible" with the excisions in the original documents, then the review process in this instant cause in this respect is completed. Whether or not the withholding is justified, even reasonable, is not reviewed. The review authority is limited to the FBI's representations. This also is true of the classification review committee. Neither reviewing authority has any independent source or knowledge. The FBI has each in the

position of rubber stamping its withholding of what is within the public domain.

105. The two examples I received from Mr. Hoch reflect this with "before" and "after" samples of several of the FBI's "national security" claims with regard to the underlying JFK assassination records.

106. Exhibit 12A is the "SECRET" FBI copy of an FBI memorandum with three paragraphs deleted. Exhibit 12B is the identical, never classified memo without these excisions. (Notations identified "PLH" were added by Mr. Hoch.) All the content of the excised three paragraphs except for two sentences was published by the Warren Commission. These two sentences, the first two on page two, became public domain more than a year ago. The only content of those two sentences then not already within the public domain is the reference to FBI agents. The Commission published one of these photographs twice, as two different exhibits. The fact of the tape recording has been within the public domain for from three to five years. All that could have been new when the content of this memo was released by the Secret Service is the FBI's negative identification. This, of course, is contrary to all earlier official representations, beginning with those made to the Commission by the agencies involved.

107. Knowing none of this and finding the traditional references to the most "extremely sensitive" sources (made public by the Warren Commission), the Department's classification review committee might be persuaded that "an extremely sensitive source" and a "highly confidential source of this Bureau" (paragraph 2, page 2) require (b)(1) protection. If the classification review committee so determines, it will be preserving the unjustified "secret" classification of what is within the public domain and has received the most extensive coast-to-coast print-press and electronic press attention.

108. I do not violate "national security" in informing the Court that the "highly confidential source of this Bureau" is the Central Intelligence Agency. The CIA itself made this public several years ago.

109. There likewise is no genuine issue of "national security" in my informing the Court of the yearning by the intelligence agencies to withhold what the FBI still has classified as "secret." The official story of the CIA is that it destroyed this tape recording by reusing it prior to the assassination of President Kennedy. If this were true, there would be no way the FBI agents

could have listened to that October tape recording after the President was killed in November 1963.

110. Exhibit 13A is the excised copy of the intercepted change of address card Lee Harvey Oswald sent to the Communist newspaper, The Worker. The basic facts were made public domain by the Warren Commission. Exhibit 13B is the unexcised card. (D-21 is an FBI identification. Notations identified "PLH" are by Mr. Hoch.) Here again "national security" lies in the public domain.

111. These are not exceptional instances, as my prior paragraphs reflect and as could be established by many more illustrations.

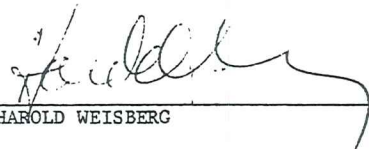
112. If by any remote chance there is an FBI agent who does not know that such mail was being intercepted and that the interception is public knowledge, even the subject of testimony before a Senate committee, I believe good faith and minimal diligence required some effort to determine whether or not what is clearly marked as having been given to the Warren Commission and having been transferred to the National Archives under the Executive Order of October 31, 1966, was within the public domain. (The "D-21" reflects this.)

113. I have more information that is relevant to FBI efforts to hide what is embarrassing by improper classification of the record that is Exhibit 12A. From prior experience I believe that if I disclose this information now possibility of further FBI disclosure will be reduced. For now I state that the FBI has and withholds other relevant information. In part, this is by improper classification of a nature that almost certainly will deceive and mislead the Department's classification review committee, if the withheld information ever reaches it. I state also that the FBI has taken steps to reduce the possibility of that record reaching this committee.

114. Other relevant public knowledge that the classification review committee and the Court may not possess is that the intelligence agencies represented to the Warren Commission that the CIA, by clandestine means, obtained photographs of Lee Harvey Oswald and a tape recording of a phone call he made when he approached the Cuban and Russian embassies in Mexico City almost two months before President Kennedy was killed. Immediately after the assassination an FBI agent in Mexico City flew the photographs and the tape to Dallas. Earlier other FBI agents had interviewed Oswald. His face and voice were known to the

FBI. The withheld part of Exhibit 12A reflects that these FBI agents made negative identification. This negative identification was incorporated in a letter Director Hoover wrote the Secret Service on November 23, 1963. The Secret Service has made a copy of this letter available and I have it. The problem all of this makes for the FBI comes from its predetermination of a no-conspiracy assassination, a predetermination reflected in its first report and fixed upon the Commission. (The report is identified as "CD1." See Paragraph 41 above.) If there were someone other than the real Lee Harvey Oswald representing himself as Lee Harvey Oswald so long before the assassination and in association with the Russian and Cuban embassies, there is a strong suggestion of either a conspiracy or of someone setting Oswald up. There is further potential of embarrassment for the FBI because in this supposedly definitive five-volume report the President ordered of it prior to creation of the Warren Commission the FBI withheld all mention of the foregoing information.

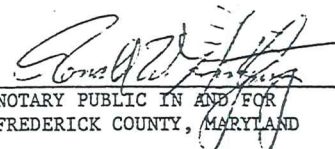
115. From extensive personal experience and from personal examinations of many thousands of FBI records, I state that the first law of the FBI is "don't embarrass the Bureau," not 5 U.S.C. 552.


 HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this 10 day of July 1978 deponent Harold Weisberg has appeared and signed this affidavit, first having sworn that the statements made therein are true.

My commission expires 11-1-82


 NOTARY PUBLIC IN AND FOR
 FREDERICK COUNTY, MARYLAND

COMMUNICATIONS SECTION
MAR 9 1964
TELETYPE

C.A. 78-0249
EXHIBIT 1

FBI WASH. DC

FBI DALLAS

7-38 PM CST URGENT 3-9-64 L JH

TO DIRECTOR 105-82,555

FROM DALLAS 100-10,461 4-P.

LIFE HARVEY OSWALD, AKA - IS - R - CUBA. NATIONAL SECURITY - RUSSIA
PERSONAL SECURITY
RE FIGUR OF MARINA OSWALD.

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Wick	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

REC'D

MAY 1964

ON MARCH EIGHT, SIXTYFOUR, [REDACTED]
ADVISED AS FOLLOWS:

WILLIAM A. MC KENZIE CONTACTED MARINA AND WARNED HER NOT TO LET ANYONE IN HER HOUSE THAT SHE DOES NOT KNOW.

MRS. FORD CONTACTED MARINA REQUESTING MARINA CALL HER WHEN ROBERT OSWALD LEFT SO SHE COULD COME OVER.

MARINA CONTACTED MRS. FORD AND ADVISED TWO REPORTERS CAME BY BUT SHE WOULD NOT OPEN DOOR AND TOLD THEM TO CONTACT MC KENZIE.

MARINA SAID SHE SAW MARTIN IN HER DREAMS LAST NIGHT AND ASKED MRS. FORD TO CHECK ON MEDICATION TO HELP CONTROL SEXUAL DESIRE. SHE SAID IF MARTIN HAD NOT BEEN STERILIZED SHE WOULD NEVER HAVE BEEN INTIMATE WITH HIM.

MARINA SAID MARTIN IS A STRONG MALE SPECIMEN AND THAT IS WHY SHE WAS ATTRACTED TO HIM. SHE DESCRIBED

HE HARVEY OSWALD AS A WEAKER MALE SPECIMEN WITH A WEAKER NERVOUS SYSTEM. MARINA SAID SHE WAS ASHAMED OF HER HUSBAND. MARINA ASKED

MRS. FORD IF SHE THOUGHT GEORGE DE MOHRENSCHILD WAS ANDRAWS PERSON. MRS. FORD SAID SHE HAD NEVER HEARD HOW GEORGE WAS IN BED

END PAGE ONE

MAR 12 1964

COPIES DESTROYED

81 FEB 20 1972

[Handwritten signatures and initials: J.P., R.P., etc.]

25-14

PAGE TWO

MARINA MENTIONED WANDA MARTIN AND THAT WANDA MUST HAVE KNOWN SOMETHING WAS GOING ON. MARINA SAID MARTIN ACTS NOW AS IF EVERY THING WAS A LIE. MRS. FORD SAID THAT IF DECLAN FORD BECOMES MARINA-S MANAGER DECLAN CANNOT USE MC KENZIE AS A PERSONAL ATTORNEY. MARINA SAID SHE EXPECTS ROBERT OSWALD SHORTLY AND WILL PROBABLY GO TO THE CEMETERY TODAY.

LATER MARINA CONTACTED MRS. FORD STATING ROBERT AND FAMILY HAD JUST LEFT. MARINA REPEATED WHAT ROBERT OSWALD TOLD HER ABOUT NEW INFORMATION THAT HAD JUST COME OUT THAT LEE HARVEY OSWALD HAD BEEN SEEN DRINKING COCA COLA TEN MINUTES AFTER THE SHOTS WERE FIRED THAT KILLED PRESIDENT. MARINA EXPRESSED DOUBT THAT OSWALD COULD HAVE BEEN THAT CALM. MARINA ALSO MENTIONED THAT SOMEONE HAD SEEN A MAN RUN ACROSS THE YARD OF THE BUILDING. MARINA SAID THAT ROBERT IS A RELATIVE AND SOMEHOW WANTS TO CLEAR HIS BROTHER. MARINA SAID IT IS HARD TO BELIEVE THAT IT WAS NOT LEE WHO COMMITTED THE CRIME AND SHE WILL NOT TRY TO EXONERATE HIM, QUOTE "IF HE IS GUILTY, HE IS GUILTY" UNQUOTE. MRS. FORD SAID SHE BELIEVES THE GOVERNMENT IS TRYING TO FIND THE TRUTH OF THE MATTER AND MARINA AGREED. MRS. FORD SAID DECLAN FORD THOUGHT THERE WAS MORE THAN ONE PERSON DOING THE SHOOTING AND THOUGHT THERE WERE TWO. MARINA SAID SHE DOUBTED LEE HAD AN ACCOMPLICE. MRS. FORD WARNED MARINA NOT TO PUT HERSELF IN THE POSITION OF LEE-S MOTHER, MARGUERITE OSWALD, AS TO LEE-S INNOCENCE. MARINA SAID SHE WOULD LIKE TO FIX LEE-S GRAVE WITH FERN AND FLOWERS LATER.

END PAGE TWO

RECEIVED DIRECTOR
NOV 21 1963

PAGE THREE

MARINA SAID SHE FEELS LEE DID IT / SHOT THE PRESIDENT / AND FURTHER THAT HE TOOK A SHOT AT WALKER AND FURTHER SHOOTING ON HIS PART COULD HAVE BEEN EXPECTED. SHE SAID SHE FEELS THIS AS HE CAME TO SEE HER ON THURSDAY EVEN THOUGH SHE DID NOT SEE HIM TAKE THE RIFLE AT THAT TIME. MARINA THEN SAID SHE FELT SURE LEE DID THE SHOOTING BUT WONDERED IF SOMEONE ELSE WAS SHOOTING ALSO. SHE THEN SAID BULLETS SHOULD HAVE BEEN DIFFERENT IF THERE WAS MORE THAN ONE. MARINA SAID THAT QUOTE "THE BOY UNQUOTE CLAIMED LEE HAD A PACKAGE BUT SHE DID NOT SEE LEE CARRYING A PACKAGE WHEN HE CAME TO SEE HER ON THURSDAY / SHE SAID HE WAS ALWAYS IN VIEW AND COULD NOT MAKE THE PACKAGE DURING THE TIME HE WAS AT THE PAINE RESIDENCE. SHE AGAIN EXPRESSED DOUBT WONDERING WHY LEE CAME TO SEE HER ON THURSDAY. MARINA SAID SHE THINKS LEE WANTED TO DO IT BUT PERHAPS THERE WAS SOMEONE ELSE IN ADDITION TO HIM. SHE THEN SAID SHE IS SURE THE BULLETS WILL BE COMPARED. DURING CONVERSATION MRS. FORD AND MARINA BOTH SAID QUOTE ONLY GOD KNOWS UNQUOTE AND STATED THAT IF RUBY HAD NOT SHOT LEE, PERHAPS LEE WOULD HAVE TOLD THE STORY.

LATER MRS. FORD CONTACTED MARINA AND INDICATED SHE THINKS ROBERT OSWALD PROBABLY TOLD MARINA ABOUT THE THINGS THEY MENTIONED BEFORE AS ROBERT IS NOW SYMPATHIZING WITH HIS MOTHER. MARINA SAID ABSOLUTELY NOT AS ROBERT TOLD HER THAT MARGUERITE OSWALD WOULD LIKE TO SEE HER BUT THAT SHE SHOULD NOT MEET WITH MRS. OSWALD UNDER ANY CIRCUMSTANCES. MARINA SAID ROBERT CLAIMS HIS MOTHER IS CRAZY. MARINA SAID ROBERT WAS LEE-S BROTHER AND WOULD BE HAPPY TO FIND SOME INFORMATION IN DEFENSE OF LEE AND AS HIS WIFE SHE WOULD

END PAGE THREE

SEARCHED
SERIALIZED
INDEXED
FILED
OCT 1963
FBI - MEMPHIS

PAGE FOUR

LIKE THIS TOO. MARINA SAID SHE FEELS SURE ROBERT WOULD NOT
GIVE HER ADDRESS TO MARGUERITE OSWALD.

PHYSICAL SURVEILLANCE WAS DISCONTINUED AT TEN AM
ON MARCH NINE, SIXTYFOUR.

[REDACTED] ADVISED ON MARCH EIGHT, SIXTYFOUR,
HE WAS UNABLE TO OBTAIN ANY PERTINENT INFORMATION.

INFORMANT COVERAGE CONTINUING.

END

HHH

FBI WASH DC

CC MR. SULLIVAN

MAR 10 3 05 PM '64
FBI WASH DC

91. I have copies of many thousands of pages of FBI records that have always been readily available at the National Archives. I have not seen a single one of these records that was made available on the orders of Director Hoover that eliminated the name of a single source or any one that withheld the symbol of an informant. It was not until after the enactment of FOIA, much more after the 1974 amendments became effective, that I began to receive FBI records with these kinds of withholdings.

92. Until after the Act was amended I do not recall the withholding of a single FBI name. Then it became general practice. I also do not know of a single report of any harm befalling any of the many hundreds of FBI agents whose names were not withheld.

93. Another form of source withholding in this instant cause is misrepresented by the Department in affidavits and by counsel. What is sought is the withholding of what can provide independent assessment of the OPR report and the disclosure of evidence that can tend to undermine, if not in fact disprove, the official explanation of the King assassination. This particular source is police reports, from Atlanta and from Memphis. In neither case is there any Departmental evidence showing that the content of the reports is not public domain. In fact, some of the content of what is withheld together with some of the actual pages of what is withheld was disclosed to me by the FBI in C.A. 75-1996. There is little likelihood that any substantial information in the Memphis police reports is not public knowledge, largely because it was made public by Memphis authorities.

94. From extensive prior experience with FBI avoidance of first-person affidavits and from prior personal experience with SA Horace P. Beckwith in FOIA matters, my attention was immediately attracted to his providing of an affidavit attesting to a search in this instant cause that he did not make. In the past it has been my consistent experience with the FBI that one of its means of withholding what might otherwise not be withheld is by the tactic of having an agent without personal knowledge execute the affidavit attesting to the search. My prior experience in all cases is that careful checking of nonfirst-person affidavits shows they represent what would be false swearing if executed by one of firsthand knowledge.

95. My attention to SA Beckwith's affidavit was further attracted by typical FBI semantics commonly used to provide a cover for secondhand and dubious statements to justify withholding under (b)(7)(D). In SA Beckwith's affidavit one formulation is, "I specifically requested a review of the material furnished the

FBI by the Atlanta, Georgia, Police Department. I was informed that 29 pages were received ... These documents are included in the FBI file on the assassination of Dr. King and are specifically located in Atlanta file number 44-2336, Serial 1215." (Paragraph 2, emphasis added) Mr. Beckwith does not state that he knows what "material" was "furnished" by the Atlanta police department. If he was "informed that 29 pages were received," he does not state that no more than 29 pages were furnished.

97. My attention was further attracted to these formulations because, as SA Beckwith should have known, these records should also be "specifically located" in my own files as a result of C.A. 75-1996 and under stipulations sought by the FBI in that case. These stipulations required that I be provided with copies of all nonexempt FBI Atlanta field office MURKIN records not already provided from FBIHQ files. SA Beckwith provided a nonfirst-person affidavit regarding compliance with these stipulations.

98. Still without claim to first-person knowledge, SA Beckwith states, "I was informed" that "the police department transmitted these documents to the FBI in confidence for investigative assistance during the investigation of Dr. King's assassination." (Paragraph 2)

99. The language of footnote 17 (Memorandum, page 12, citing footnote 21 of the Motion, page 17), together with the avoidance of any description of the content of these 29 pages, led me to make the careful check that was possible in this case. While I do not have most of the records withheld from Mr. Lesar in this instant cause, what SA Beckwith refers to clearly is required to have been provided to me in C.A. 75-1996.

100. My first discovery is that "the" King assassination file in Atlanta is not 44-2336. It is 44-2386. While this might be attributed to human error, SA Beckwith's other misstatements are not easily explained as human error.

101. Serial 1215 is in Volume 9 of the Atlanta FBI records. The FOIA processing worksheets for Serial 1215 and a check of the Serial itself, both provided to me in C.A. 75-1996, do not reflect that this Serial is of the 29 pages, although it is. These worksheets also represent that no part of Serial 1215 was withheld from me.

102. It also is apparent to me from checking my own files that SA Beckwith could have provided a different and a first-person affidavit relating to the Atlanta police department records from his own personal knowledge of FOIA procedures of the

FBI and from his personal involvement in C.A. 75-1996. All field office records provided to me in C.A. 75-1996 were sent to FBIHQ where they were processed. FBIHQ has copies of what it processed for me. The records I cite in the immediately following paragraphs are all records that exist within SA Beckwith's FOIA unit. They are not only as he and the Motion and the Memorandum represent, in the Atlanta Field Office.

103. "Not Recorded" Atlanta Serial of which two copies were sent to FBIHQ is particularly relevant. The copy attached as Exhibit 12 was provided to me under the stipulations in C.A. 75-1996. This August 4, 1976, "Airtel" from the SAC, Atlanta, to FBIHQ reports the providing of copies of all volumes of its MURKIN file only, "namely Atlanta 44-2386," to members of the OPR task force. It enclosed "five copies of an LHM plus one xerox of 29 pages of material" from the Atlanta police. "During this review," the Atlanta SAC reported, "Task Force Member James Walker ... requested a Xerox copy of two serials in this file, namely 44-2386-1214 and 1215, which consisted of 29 pages of material ... relative to people who in the past had threatened the life of MARTIN LUTHER KING. A Xerox copy of this material was furnished to Mr. WALKER." (Other records relevant to the King assassination are not included in MURKIN.)

104. The Letterhead Memorandum attached to this "Airtel" reflects only a limited Task Force inquiry in Atlanta. It does not reflect a serious effort by the Task Force to meet the obligations seemingly imposed upon it by the Attorney General. This can provide motive for some of the withholdings in this instant cause. Atlanta was one of the areas of most active investigation in the King assassination because of the presence of James Earl Ray in that city and because he abandoned an automobile there. Atlanta also is the city in which Dr. King lived and where his office and church were located.

105. The 29 pages are of two Serials, not the single Serial represented by SA Beckwith.

106. The worksheets are a list of the records provided together with all claims to any exemptions. The relevant worksheet page is attached as Exhibit 13. It shows that each of these Serials, as provided to me, is of but a single page and that each of the Serials was provided to me without any withholding. The obliterated entry under "Exemptions used" after Serial 1215 may indicate that at one point a claim to exemption had been made. This is borne out by markings I see on Serial 1215. These markings indicate that prior to review all the names, together with all the

information following them, were obliterated. Serial 1215, as provided to me rather than as described by SA Beckwith, is attached as Exhibit 14. Serial 1214 as provided to me and as described in the worksheet is attached as Exhibit 15. Serial 1212 (attached as Exhibit 16) establishes the origin of Serial 1215 and provides identification of the person who signed it. (The worksheets do not account for Serial 1213. It was not provided to me.)

107. Whatever explains the factual inaccuracy in SA Beckwith's affidavit it is beyond question that:

29 pages of Atlanta police records are involved; the OPR had copies of these records as well as of any notes Mr. Walker may have made; after searches in both Atlanta and FBIHQ, although several sets of duplicate copies of these 29 pages are in the FBI's files at both places, not 29 but 2 pages only were provided to me; and the FBI, despite the stipulations and its assurances to the court in C.A. 75-1996, withheld 27 of these 29 pages and then provided a worksheet falsely representing that between them Serials 1214 and 1215 total only two pages rather than 29.

108. These facts raise substantial questions of FBI honesty and of FBI intentions relating to compliance and noncompliance.

109. Serials 1214 and 1215 as provided to me are information furnished by the Atlanta police. Serial 1212 establishes the identification of the police sergeant who signed Serial 1215. This is precisely the information represented in the Memorandum and the attached affidavits as requiring withholding from Mr. Lesar, yet it was not withheld from me. Mr. Metcalfe's representations (at page 14) are:

"... release of this information would seriously inhibit the FBI's relationship with its confidential sources and with other law enforcement personnel."
(Emphasis in original)

"Accordingly, defendant respectfully urges that the Court should allow defendant to preserve the confidentiality of these local law enforcement records." (Emphasis added)

110. If Mr. Metcalfe was led into these representations to this Court by his trust in what he was told by the FBI, they nonetheless are representations the falsity of which was known to the FBI when it misled Mr. Metcalfe, if it misled him.

111. The plain and simple truth is that this is not the only case in which the FBI has provided me with information from local police. It knows better than its representations on this matter. The Department also knows better because the Department was involved in the release of other such records from other local police. These other local police records relate to the King assassination, to the assassination of President Kennedy and to ancillary investigations in both cases. The FBI reading room, the National Archives and the Library of Congress all make publicly available records provided by local police.

112. Specifically with regard to Serial 1215 and generally with regard to

similar records of local police, the "confidentiality" alleged by the Department does not exist. SA Beckwith's representation (at page 2), "provided in confidence with the clear understanding that the FBI would insure their confidentiality," is not a truthful representation. Both quotations represent what within my FOIA experience is a new effort to withhold what under the 1974 amendments to the Act should not be withheld. This is not to state that there never is any such confidentiality. It is to state that in this particular instance and many others like it there is not and there never was the confidentiality represented to this Court.

113. Mr. Metcalfe and SA Beckwith both were involved in my C.A. 75-1996, together with a number of other FBI agents and Civil Division lawyers. In C.A. 75-1996 I was provided with hundreds of pages of local police reports. I was also provided with many pages of records from other local authorities, like prisons, departments of corrections and sheriffs. The FBI's stipulations in C.A. 75-1996 provided for giving me hundreds of pages of Memphis Police Department records.

114. Examination of Serial 1215 as provided to me also bears heavily on the fidelity of representations made to this Court in this instant cause on privacy. All those whose names are provided are alleged to have threatened Dr. King. This is also true of many other pages of FBI records provided to me.

115. The May 10, 1978, affidavit of James F. Walker makes no reference to these Atlanta Police Department records. Exhibit 12 identifies Mr. Walker as the member of the OPR staff who obtained copies of those records from the FBI Atlanta Field Office.

116. Although my suit for King assassination records was filed before the OPR reinvestigation was established and prior to the August 4, 1976, "airtel" by the Atlanta SAC (Exhibit 12), neither the Walker affidavit nor the "airtel" forwarding these 29 pages to FBIHQ alleges any restrictions on them or any confidentiality attaching to them.

117. Mr. Walker does repeat the self-serving statements of the affidavit of Mr. Stanton with regard to the Memphis police department records.

118. Mr. Walker's representation of the OPR's mission (in Paragraph 1) is "... review of Department of Justice and Federal Bureau of Investigation files relative to Dr. King." A "review" of "files relative to Dr. King" is not the announced purpose of the OPR's review. This phrasing omits half of the OPR's task and understates the other half to avoid the inherent and explicit criticisms of the

[REDACTED]

On August 8, 1967, [REDACTED] Jackson, Mississippi, advised a Special Agent of the Federal Bureau of Investigation that she was well acquainted with [REDACTED] and frequently corresponded with him at Leavenworth Penitentiary. She explained that early in 1964 she rented a room at her residence where [REDACTED] stayed for a few weeks and that as far as she knew this was the only time he had spent in Mississippi. She did not believe him to have ever been involved in Klan activities or to have ever associated with anyone involved in Klan activities. She also denied any personal involvement in Klan activities.

She stated she had never heard of [REDACTED] and she denied having any knowledge of any plot to kill Martin Luther King, Jr.

Following the murder of Martin Luther King, Jr., on April 4, 1968, [REDACTED] was reinterviewed by Special Agents of the Federal Bureau of Investigation regarding the possibility of her having any knowledge of a plot to murder King. She said she recalled that in 1964 when she first met [REDACTED] the murder of three civil rights workers in Neshoba County, Mississippi, was getting a great deal of publicity and the Sheriff of Neshoba County was presumed to be, according to the news media, a member of the Klan. She recalled mentioning to [REDACTED] that her business was in minor financial difficulty and that if she approached the Sheriff of Neshoba County, she could probably get \$100,000 for killing King. She said she now realized that [REDACTED] had taken her casual statement seriously and she also realized, since King's murder, the seriousness of such a statement. [REDACTED] denied having any knowledge of any plot to murder King.

FBI

EXHIBIT 12

Date: 8/4/76

Transmit the following in _____

(Type in plaintext or code)

Via _____

AIRTEL

(Precedence)

TO: DIRECTOR, FBI (100-106670)

FROM: SAC, ATLANTA (44-4685) (AUC)

SUBJECT: MARTIN LUTHER KING, JR.
CR

Re Atlanta nitel to FBIHQ and Birmingham, 8/3/76.

Enclosed for FBIHQ are five copies of an LHM plus one Xerox copy of 29 pages of material furnished by the Atlanta Police Department to the Atlanta FBI in April, 1968.

As pointed out in referenced Atlanta nitel, on the morning of 8/2/76, five members of the Task Force of the Office of Professional Responsibility (OPR), Department of Justice, arrived in the Atlanta FBI Office to review Atlanta's file on the MURKIN investigation. All the volumes of this file, namely Atlanta 44-2386, were made available to the Task Force members for their review. During this review, Task Force member JAMES WALKER, on 8/3/76, requested a Xerox copy of two serials in this file, namely 44-2386-1214 and 1215, which consisted of 29 pages of material furnished to the Atlanta FBI Office in April, 1968, relative to people who in the past had threatened the life of MARTIN LUTHER KING. A Xerox copy of this material was furnished to Mr. WALKER. Atlanta is enclosing one copy of this material for FBIHQ with this airtel.

In addition, as shown in referenced Atlanta airtel 8/18/76 the Task Force members also interviewed SA O. RICHARD HAMILTON on 8/3/76, as he was the case agent in the MURKIN

- 2 - Bureau (Enc. 6)
- 2 - Atlanta
- EAS/lru
- (4)

ENCLOSURE

ENCLOSURE

Handwritten notes:
JUN 10 1976
HELI
4-1-1
5-1-1
6-1-1

Approved: _____
Special Agent in Charge

Sent 48 AUG 16 1976

Per _____

34 AUG 19 1976

ORIGINAL FILED IN 44-4685-4231

AT 44-4685

case back in 1968. The results of this interview are set forth in the enclosed LHM.

The Task Force made no other requests and they departed the Atlanta FBI Office for Birmingham on the early afternoon of 8/3/76.

In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Atlanta, Georgia
August 3, 1976

ASSASSINATION OF DOCTOR MARTIN
LUTHER KING, JR.

On August 3, 1976, Special Agent O. Richard Hamilton was interviewed in the Atlanta, Georgia, Office of the Federal Bureau of Investigation (FBI) by four attorneys from the U.S. Department of Justice. SA Hamilton was interviewed regarding the above-captioned matter inasmuch as the case had been assigned to him at one time.

The attorneys asked Hamilton at what point in the investigation the case was assigned to him. Hamilton advised he did not recall the date the case was assigned to him; however, it was after James Earl Ray had been identified and apprehended. They inquired of Hamilton as to how he could insure that all appropriate leads were covered and investigated regarding the assassination of King. Hamilton explained to the attorneys that this investigation was handled as a "Special" in Atlanta, that separate indices were maintained containing the names of all pertinent individuals and organizations which came to the attention of the Atlanta Office in connection with that investigation. He explained the use of lead cards which were maintained in duplicate, that a master lead card was retained with a copy attached to a particular serial containing a specific lead and this was assigned to a Special Agent to cover the lead set out in the serial. He advised the coverage of that lead by the agent to whom it was assigned was reflected through a written memorandum or other appropriate communication with reference made therein to the serial containing the lead. Hamilton advised the agent covering the lead then indicated the

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.



111 3851-1
ENCLOSURE

ASSASSINATION OF DOCTOR
MARTIN LUTHER KING, JR.

Lead had been covered on his copy of the lead card. Hamilton explained that various agents were responsible for conducting neighborhood investigations, contacting or maintaining liaison with local police, and to conducting other pertinent phases of the investigation. He explained the captioned case was the priority investigation in the Atlanta Office at that time and that almost every agent was assigned to working on some phase of the investigation.

The attorneys inquired as to how the FBI developed information that Ray, then known as Eric Starvo Galt, was residing in a rooming house on 14th Street. Hamilton noted that this investigation occurred more than eight years ago, that he has not since reviewed the file and although he was not exactly sure, according to his best recollection the investigation reflected an individual in the apartment area where Ray parked a Mustang automobile saw Ray park it and get in a taxicab. According to Hamilton's best recollection, the ensuing investigation by the FBI through taxicab companies reflected Ray was taken to the 14th Street address. Hamilton assured them this may not be the way it occurred but these were the facts as he recalled them. One of the attorneys indicated that information is not reflected in the file.

The attorneys asked Hamilton what the FBI did with the Mustang which was used by Ray. Hamilton advised them the FBI in Atlanta turned the Mustang over to Memphis, Tennessee, Police officers, who returned it to Memphis. The attorneys asked whether the Memphis Police drove it back or took it in a van, to which Hamilton replied they drove it to Memphis. The attorneys raised a question that since it was not used in the trial of Ray, why the car was turned over to the Memphis Police. Hamilton replied that Ray was tried by the State of Tennessee, and that they requested the Mustang be released to them in the event it should be used as evidence, and this was done.

The attorneys asked Hamilton if it ever became a problem in his mind or a question to the FBI as to how Ray lived from day to day since he was an escaped prisoner.

ASSASSINATION OF DOCTOR
MARTIN LUTHER KING, JR.

Hamilton advised he did not know how Ray lived or his source of income; however, pointed out that Ray has an extensive arrest and conviction record for robbery, burglary, and other crimes and that many fugitives finance their living through armed robberies and burglaries. One of the attorneys asked if Ray committed numerous robberies, would he not get caught, and then the attorney asked what the solution rate usually is regarding the offense of robbery. Hamilton advised him he understands the Atlanta Police Department has about a 50 percent solution rate on robberies and a lesser percent on burglaries and that this was probably about in line with the solution rate for these crimes in most cities. Hamilton also pointed out that Ray had resided in various other areas of the country while in his escaped status and that he was not personally aware of investigation conducted by other field offices regarding Ray's source of income.

In response to Hamilton's inquiry of them as to what they felt would be Ray's source of income, they replied that it was possible that Ray had been paid by someone to kill King in which case there would be a conspiracy, which would present a problem for the FBI. Hamilton advised them that investigation by the FBI in Atlanta was always alert for evidence of a conspiracy, that no such evidence was developed during the investigation in Atlanta, and that if such evidence had been developed, it would have been thoroughly investigated.

The interview was concluded at that point. The interview lasted from approximately 12:00 noon to approximately 12:20 PM on August 3, 1976.

Inventory Worksheet
FD-503 (2-18-77)

Volume 9.

178 pages Attached

C A 77-0692
EXHIBIT 13

File No: 44-2386

Re: *Winkler*

b7(c)(D)

Date: 9-12-77
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b) or (3) cited)
			Actual	Released	
1202	4/25/71	Handy to Mr.	1	1	
1203	"	Conroy to " "	4	4	
1204	"	Handy " "	1	1	
1207	"	Duke " "	1	1	
1208	"	WATY " "	4	4	
1209	"	Miller " "	1	1	
1210	"	WATY " "	1	1	
1211	"	Medal " "	1	1	
1212	"	Haynes " "	1	1	
1214	12/3/67	papers	1	1	
1215	4/18/68	Security to to 3pin	1	1	
1217	4/75	recall no AX	1	1	

18

April 10, 1968

MEMO:

RE: MARTIN LUTHER KING JR.

TO: LT. WAYNE SPIVA

FROM: SECURITY SQUAD

LT.

WE HAVE BEEN REQUESTED TO FURNISH YOUR OFFICE WITH THE NAMES OF PERSONS WHO IN THE PAST HAVE THREATENED THE LIFE OF MARTIN LUTHER KING JR. CHECK TO SEE IF ERIC GALT COULD HAVE BEEN ASSOCIATED WITH ANY OF THEM, AND ANY OTHER INFORMATION THAT COULD BE PERTINENT TO THE INVESTIGATION.

JESSE KILGORE, PENFIELD, N.Y.
HAROLD J. THOMAS, TULINGA, CALIF.
M.L. THOMPSON
BILL WILLIAMS, NEW ORLEANS
ADRAIN JAMES HAINENBERG @RONALD L. STEVENS @ RONALD LEON STEVENS DOB 8-6-26
L.C. BLAYLOCK, WINONA, MISS.
STEPHEN LANE
JOSEPH GAFFNEY
T. DEXTER
JAMES WILLIAM COLE @CATFISH
MR. CHEW
CHARLES BRITTIN, COVINA, CALIF.
FRANCIS X. LAY, WM
WILLIAM D. MALLOY, WM
WILLIAM HAROLD JAMISON, SAN ANTONIO ST., SOUTH GATE, CALIF.
JACK MAYNARD RAY, WM 34 DOB 3-9-31
GEORGE MCCLAMB M-37
RUTH HARRINGTON CF, 812 QUINTANA PL, WASHINGTON, D.C.
WILLIAM THOMAS JACOBS, SALVATION ARMY, KANSAS CITY
JIM JOHNSON, NATIONAL KNIGHTS OF HUCK
ALFRED SHAFFER M-27, 5'6" Blonde, MAUDE, TEXAS
DAVID LANDSDEN, RELEASED FROM MENARD, ILL. (PRESUMABLY MENTAL INSTITUTE)

RESP,

R. B. Moore
SGT. R. B. MOORE

44-2336-1215

*Orig to
Sentinella
with 20 letters
to Apr-*

[Handwritten initials]

C. A. 77-0692

EXHIBIT 15

NOVEMBER 13, 1967

IN LUTHER KING JR.

ICE IN CHICAGO RECEIVED WORD FROM THE LOCAL CHAPTER OF NAACP THAT CITY. THEY RECEIVED A TELEGRAM FROM A JESSE KILGORE, PENFIELD, N.Y. TELEGRAM STATED THAT HE WOULD BE HARMED IF HE DID NOT TONE DOWN THE SPEECHES HE HAS BEEN MAKING. NO INFORMATION AS TO WHO KILGORE IS.

cted:

44-2386-1214

SEARCHED
SERIALIZED

INDEXED
FILED
NOV 13 1967
FBI - CHICAGO
Dunham

Make index card & file.

UNITED STATES GOVERNMENT

C. A. 77-0692

EXHIBIT / 6

Memorandum

TO : SAC, ATLANTA (44-2386)

FROM : SA CHARLES T. HAYNES

SUBJECT: MURKIN

DATE: 4/25/68

Reurmemo 4/24/68, with lead to attempt to develop any information from the Atlanta Police Department regarding the possibility of subject's being involved in any "fracas" with any Negro in the area during his presence in Atlanta.

Det. Sgt. ROBERT B. MOORE, Atlanta Police Department, advised on 4/24/68 that matters involving difficulty between white and Negro individuals are normally called to his attention for informational purposes; however, an arrest report would not necessarily be made on all arrests, therefore, the most satisfactory approach would be to contact the superior officers in charge of each watch as well as a particular officer covering the 14th and Peachtree Street area.

On 4/25/68, Sgt. MOORE advised that he had contacted the logical officers in a position to have knowledge of any arrests involving a white man of the subject's description with a Negro individual anywhere in the Peachtree-14th Street area during the approximate period of 3/24/68 through 4/11/68, and no one recalled any incident which could be considered pertinent to this matter.

② - Atlanta
CTH:met
(2)

Max



44-2386-1212

SEARCHED	INDEXED
SERIALIZED	FILED
APR 25 1968	
FBI-ATLANTA	

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

with regard to the actual identification of informants and of sources who are not full-fledged informants. Actual practice is not as represented by the Department. The apparent purpose of misrepresentation is to extend the exemption in an effort to hide transgressions in this instant cause and, if there is precedent, in other cases. To accomplish this, Department counsel state what is not fact and what is not supported with regard to disclosure of actual identification of informants. There is no question of identification of informants in this case and there is no danger of its happening. What is or can be involved in disclosure of symbol identification also is misrepresented. Symbol identification is a filing designation and in some instances a means of hiding actual identification when that is necessary. The symbols also indicate the nature of the informant's activity, as in criminal, security or racial matters. The field office is included, as is a number.

73. It simply is not true that the FBI never discloses the actual name of an informant. It also is not true that disclosure of the symbol makes correlation with the name possible, the Department's representation in this instant cause.

74. In particular it is untrue to allege that any use by any requester of the symbol without a name is "hypothetical." I do not recall any such allegation by any FBI agent. I am certain that all FBI agents know better than to state what Mr. Metcalfe states in this regard.

75. I illustrate with the case of an agent informant whose name and symbol both were disclosed to me and to others by the FBI. There is no value to me in the name and I have no special interest in the name, which is Morris Davis. His symbol is BH 1079-PCI. I can read any one report of information attributed to BH 1079-PCI relating to the King assassination and know immediately not to trust anything BH 1079-PCI told the FBI. Having read more than one report, I can state unequivocally that I can pinpoint the public domain and bad street information sources of all the baloney he sliced for the FBI. Birmingham FBI agents initially might have no way of knowing this, but FBIHQ and a subject expert would have no doubt at all. BH 1079-PCI's "Liberto" story, for example, comes from the work of the late Bill Sartor, whose name the FBI persists in withholding on the claim to the privacy exemption. Bill Sartor, some of whose original notes and manuscripts I have, was a "stringer" for Time magazine in Memphis on the King assassination. I quoted one of his relevant articles in my book FRAME-UP. BH 1079-PCI's "Prosch" story is embellished from news stories. By the time BH 1079-PCI started giving the FBI bad information, anyone familiar with the subject would know what he took straight from others and

what he embellished. This is not "hypothetical." It does illustrate the importance of the symbols to subject experts as a means of evaluating the original information and the use, if any, made by the Department and the FBI.

76. This is especially relevant with the OPR and its report because the report draws heavily on the most dependable FBI sources.

77. Attached as Exhibit 10 are some of the FBI records relating to Morris Davis. These files reflect ulterior, political purposes in turning Morris Davis or BH 1079-PCI over to the House Select Committee on Assassinations. The FBI did it knowing that Davis's information on the King assassination was totally undependable and wrong. These documents do not reflect it but everything Davis said had been investigated and disproved earlier by the FBI. This is how FBIHQ knew it was passing bad information and a conspicuously bad source over to the House committee.

78. In turning BH 1079-PCI over to this committee the FBI was well aware of what to expect: utter irresponsibility by the committee; and, if there is truth to the claim that harm befalls exposed informants, the certainty that Morris Davis would be subject to harm. In fact, Davis complained to the FBI about a number of matters, ranging from the conspicuously unprofessional public conduct of the House investigator, which could have endangered Davis, to being turned over to Mark Lane by the committee. At that particular moment Lane was engaged in extensive public appearances to promote a dubious book. Lane holds the FBI responsible for the King assassination in a plot that extended to Director Hoover - wild and false but merchantable allegations.

79. There can be little doubt to those professional investigators, the FBI, that this committee is engaged in dredging the most stagnant swamps of assassination mythology. In turning the Davis and other records of that kind over to the committee, the FBI was misdirecting the committee. This serves to turn the committee away from investigating the FBI. (Under its present chief counsel there appears to be a high probability that the exploring of fictional reports of which those by Davis are characteristic will be the committee's substitute for a real investigation. Having proven what was not worth a second thought is baseless, the committee will then be able to declare, in the J. Edgar Hoover tradition, that it "left no stone unturned.")

80. One of this series of records turned over to the House committee relates to J. B. Stoner (see Paragraph 55 above). The two different copies of the one teletype were both provided to me by the FBI.

81. Under date of November 8, 1977, I wrote the FBI specifying what was in the public domain that it was withholding in this series of files. I have not had

acknowledgment and of course no replacement copies.

82. In Paragraph 76 I state that the OPR made use of some of the FBI's most irresponsible sources. The OPR also assumed James Earl Ray's guilt. OPR was hard pressed to find a credible motive so it drew upon pathological liars like Raymond Curtis. From such materials the OPR theorized Ray motives of racism and expected financial reward from southern business interests. None of this information was sound. When the FBI checked out a report of a \$100,000 bounty on Dr. King, the untruth had more substance than existed in most such reports. This one came from a misunderstanding. (Exhibit 11 is a relevant page from FBIHQ file 44-38861-5154.) In virtually all other instances the fabrication was total. But these allegations are presented seriously in the OPR report. It gives Ray the dual motive of racism and financial reward. It gives no names for any sources, however, not even those that are in the public domain, like that of Raymond Curtis.

83. Curtis is a publicly known FBI source, although it continues to withhold his name in some records. Davis is a publicly known informant. Despite this the FBI refuses to replace copies of records from which his name, too, is withheld. There is importance in not withholding what it is not necessary to withhold. Unnecessary withholdings can lead to harm to the innocent from misunderstandings. In a case the Attorney General has designated as historic, all possible information should be available. Accuracy of the available information is important, as is independent means of making evaluations of official statements and conclusions.

84. The Davis case shows it is not true that the FBI never discloses the identity of an informant. However, disclosing the name is not the present issue. Disclosure of the name, which is an identification whereas the symbol is not, shows that any representation of the certainty of harm to an informant from disclosure is not true. Most informants are not Valachis.

85. No harm has come from disclosure of the Davis symbol with his name. The disclosure of symbols, not names, is the issue. They are symbols, not "codes," as the Department represents, using "codes" in the sense that codes can be broken. Nothing like that is possible because the symbols are arbitrary, not coded. Despite this, the Department states that "public disclosure and analysis" of these symbols "could ultimately lead to their complete ineffectiveness" and "significantly harm specific governmental interests."

86. I have prior experience with this argument. It was made in my C.A. 2301-70 in an affidavit by since-retired FBI SA Marion Williams. In that case my

request was for final reports of certain nonsecret laboratory testing of materials in the investigation of the assassination of President Kennedy. SA Williams stated that my request for final reports was a request for "raw materials." He then stated if this laboratory information were given to me that, too, would lead to the destruction of the FBI's informant system. That affidavit was the basis on which the Department prevailed in C.A. 2301-70. That case was instrumental in the 1974 amending of the investigatory file exemption. When I refiled that suit as C.A. 75-226 the FBI immediately and voluntarily provided me with the identical "raw material" the disclosure of which it had alleged would lead to the destruction of its informant system. Its informant system has survived these three years. Now disclosure of a filing designation that is not "coded" to any name is held forth as the newest hazard to this informant system.

87. The Davis case is not a unique case of FBI disclosure of informant identification. On an even larger scale it has disclosed the identification of sources.

88. The FBI voluntarily disclosed that one Carlos Quiroga of New Orleans was an informer and that his associate, Carlos Bringuier, was a source, whether or not an informer. These two men are anti-Castro Cubans whose involvement with Lee Harvey Oswald resulted in Oswald's receiving much attention as pro-Castro and "red." The FBI also disclosed Mr. Bringuier's source - known to me to have been an informant for the local police at that time. (The CIA has also disclosed that Mr. Bringuier provided it with information.)

89. On the other hand, in the King case the FBI withholds the fact that the deceased William Somerset was its informant by withholding his name from records it has released to me in C.A. 75-1996. When I informed the FBI that Somerset was known as an FBI informer and was also dead, the FBI nonetheless refused to replace the copies of records from which there was this unjustifiable withholding. With Mr. Somerset, who had been cut loose by the FBI because his information was so undependable, there was no possibility of harm befalling him after he was dead. To the best of my knowledge, Mr. Davis, Mr. Quiroga and Mr. Bringuier are alive. Yet I have not heard that any harm has befallen any one of them because the FBI has made public their associations with the FBI.

90. The FBI has also disclosed to me the name of one of its sources who gave it information about me. No harm befell this person, unless he was harmed by my sending him copies of what had been provided to me and telling him how I obtained it

MD1472 1512119 BHO152 1512119

PP HQ

DE BH

P 3121 5Z MAY 77

MAY 31 5 25 PM '77
RECEIVED
FEDERAL BUREAU
OF INVESTIGATION
COMMUNICATIONS SECTION

Assoc. Dir.	
Dep. AD Adm.	
Dep. AD Inv.	
Asst. Dir.:	
Adm. Serv.	
Crim. Inv.	
Ident.	
Intell.	
Laboratory	
Legal Coun.	
Plan. & Insp.	
Rec. Mgnt.	
Spec. Inv.	
Tech. Servs.	
Training	
Public Affs. Off.	
Telephone Rm.	
Director's Sec'y	

FM BIRMINGHAM (44-1140) (RUC)
TO DIRECTOR (44-38861) PRIORITY

BT

CLEAR
MURKIN

REBUCAL TO BIRMINGHAM MAY 18, 1977, REQUESTING CONTACT WITH FORMER BH 1079-PCI, TO DETERMINE IF HE CAN BE IDENTIFIED TO THE HOUSE ASSASSINATION COMMITTEE (HAC) AS THE SOURCE OF INFORMATION REGARDING LIBERTO, ET AL.

SOURCE WAS UNAVAILABLE FOR CONTACT MAY 18-30, 1977. ON MAY 31, 1977, HE ADVISED SA PATRICK J. MOYNIHAN THAT HE CAN BE IDENTIFIED TO THE HAC AS THE SOURCE OF THE INFORMATION HE FURNISHED. HE FURNISHED THE FOLLOWING INFORMATION GRATUITOUSLY:

HE IS DISENCHANTED WITH THE HAC AND BELIEVES IT IS TOO POLITICAL. HE HAS NOT TALKED TO THEM (MR. EDDIE EVANS) IN ABOUT THREE WEEKS. EVANS DESIRES SOURCE TO BE IN TOUCH TELEPHONICALLY AT LEAST TWICE A WEEK BUT IS NEVER AVAILABLE WHEN SOURCE PUTS HIMSELF OUT TO MAKE THESE CONTACTS.

REC-126
1-C-10 AHS Comm. (M) (H) (L) (S) (T) (U) (V) (W) (X) (Y) (Z)
(C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z)
H.I. [unclear] [unclear]

20 JUN 13 1977

UN 141977

PAGE TWO BH 44-1740

SOURCE DISAPPROVES OF ALL THE TV PUBLICITY THZ HAC RECEIVED IN BIRMINGHAM, ALABAMA, AND MEMPHIS, TENNESSEE, A FEW WEEKS AGO, AND AGAIN BELIEVES THEY ARE "TOO POLITICAL." THROUGH THE HAC, HE HAS MET MARK LANE. SOURCE HAS NO USE FOR LANE AND ARGUED WITH HIM ON THE OCCASION WHEN THEY MET.

SOURCE HAS CONDUCTED INVESTIGATION HIMSELF IN MEMPHIS, TENNESSEE, RECENTLY. JAMES EARL RAY LEFT BIRMINGHAM MARCH 30, 1968, AND WENT DIRECTLY TO MEMPHIS, TENNESSEE, ON MARCH 30, 1968. HE STAYED AT MRS. DEATON'S ROOMINGHOUSE ON PEABODY STREET IN MEMPHIS, AND SOURCE INTERVIEWED HER APPROXIMATELY THREE WEEKS AGO.

SOURCE DEVELOPED A "LIBERTO MAN" WHO SHOWED SOURCE THE ABOVE ROOMING HOUSE. SOURCE HAS NOT FURNISHED THIS INFORMATION REGARDING THE DEATON ROOMINGHOUSE TO HAC SINCE THEY HAVE NOT BEEN IN RECENT CONTACT WITH HIM.

INFORMATION FURNISHED BY THIS SOURCE IN THE FUTURE WILL BE RECORDED AT BIRMINGHAM AND FORWARDED IF APPROPRIATE. AIRMAIL COPPIES BEING FURNISHED MEMPHIS AND NEW ORLEANS.
BT.

FBI

Date: 3/30/77

Transmit the following in _____

(Type in plaintext or code)

AIRTEL

AIRMAIL - REGISTERED
(Precedence)

TO: DIRECTOR, FBI (44-38861)
FROM: SAC, BIRMINGHAM (44-1740)
SUBJECT: MURKIN
CR
OO: MEMPHIS

ReBHairtel, 3/21/77.

On 3/30/77, Major EMMETT DIXON, Alabama Highway Patrol (AHP), Montgomery, Alabama, advised that an AHP trooper had an informant who had been in contact with a [redacted] Birmingham, Alabama. [redacted] related information to the informant concerning a conspiracy to kill MARTIN LUTHER KING which involved FRANK LIBERTO and DR. GUS PROSCH. [redacted] indicated to the trooper's informant that the information had been related to the FBI, but apparently no action was taken.

Major DIXON was advised that the Birmingham Office had been in contact with [redacted] on several occasions, had taken all information in the possession of [redacted] and had furnished this information to FBIHQ and interested offices. DIXON was advised that Birmingham is positive that the FBIHQ had furnished [redacted] information to interested congressional committees, as [redacted] had stated that a representative of the House of Representatives Committee had been in contact with him.

The above is set forth for information of FBIHQ and Mobile. As Birmingham has had numerous contacts with [redacted] he will not be contacted at this time; however, Birmingham will continue to disseminate any pertinent information volunteered by [redacted]

- 1 - Bureau
- 1 - Mobile (Info)
- 1 - Memphis (44-1987) (Info)
- 1 - New Orleans (Info)
- 1 - Birmingham

ST-106
REC-7

44-38861-605

22 APR 1 1977

1205

APR 11 1977 Special Agent in Charge

UNITED STATES GOVERNMENT

Memorandum

File Copy

TO Assistant Attorney General
Criminal Division
(Attn: Robert L. Kauch)
FROM Director, FBI

DATE 6/3/77

SUBJECT ASSASSINATION OF MARTIN LUTHER KING, JR.

Reference is made to _____ memorandum dated _____
(your file _____).

There is enclosed one copy of ~~the report of Special Agent~~ ~~at Birmingham, Alabama~~ ~~a teletype~~
dated 5/31/77

- A. This covers the preliminary investigation and no further action concerning a full investigation will be taken by this Bureau unless the Department so directs.
- B. The investigation is continuing and you will be furnished copies of reports as they are received.
- C. The investigation requested by you has now been completed. Unless advised to the contrary no further inquiries will be made by this Bureau.
- D. Pursuant to instructions issued by the Department, no investigation will be conducted in this matter unless specifically directed by the Department.
- E. Please advise whether you desire any further investigation.
- F. This is submitted for your information and you will be advised of further developments.
- G. This is submitted for your information and no further investigation will be conducted unless specifically requested by the Department.
- H. This covers the receipt of a complaint and no further action will be taken by this Bureau unless the Department so directs.

Enc. (1)

- Assistant Attorney General
Civil Rights Division (Enclosure 1)
- 1 - Office of Professional Responsibility, USDJ
(Enclosure 1)

NOT RECORDED

JUN 14 1977

SFE NOTE PAGE TWO . . .

JN 141977

Assistant Attorney General
Criminal Division
(Attn: Robert L. Keuch)

NOTE: The House Select Committee On Assassinations has requested all information previously furnished by [redacted] which is being handled by separate communication. For your information, [redacted] previously furnished information on a confidential basis and the previous information he provided was furnished to the Department relating to the Liberto matter by my memoranda dated 12/17/75, 12/21/76, and 1/25/77.

Also for your information regarding the attached, previous investigation disclosed that James Earl Ray was in Atlanta, Georgia, on 3/31/68 and on 4/1/68. On 4/3/68 he registered at the Rebel Motor Hotel, 3466 Lamar Avenue, Memphis, Tennessee.

1512119 890152 1002149
MAY 31 5 25 PM '77

RECEIVED
FEDERAL BUREAU
OF INVESTIGATION
COMMUNICATIONS SECTION

HQ
Z BH
P 312115Z MAY 77

FM BIRMINGHAM (44-1143) (RUC)
TO DIRECTOR (44-33851) PRIORITY

BT
CLEAR
MURKIN

REBUCAL TO BIRMINGHAM MAY 13, 1977, REQUESTING CONTACT
WITH [REDACTED]] TO DETERMINE IF HE CAN BE IDENTIFIED
TO THE HOUSE ASSASSINATION COMMITTEE (HAC) AS THE SOURCE OF
INFORMATION REGARDING LIBERTO, ET AL.

[REDACTED] WAS UNAVAILABLE FOR CONTACT MAY 13-30, 1977. ON
MAY 31, 1977, HE ADVISED SA PATRICK J. MOYNIHAN THAT HE CAN
BE IDENTIFIED TO THE HAC AS THE SOURCE OF THE INFORMATION HE
FURNISHED. HE FURNISHED THE FOLLOWING INFORMATION GRATUITOUSLY:

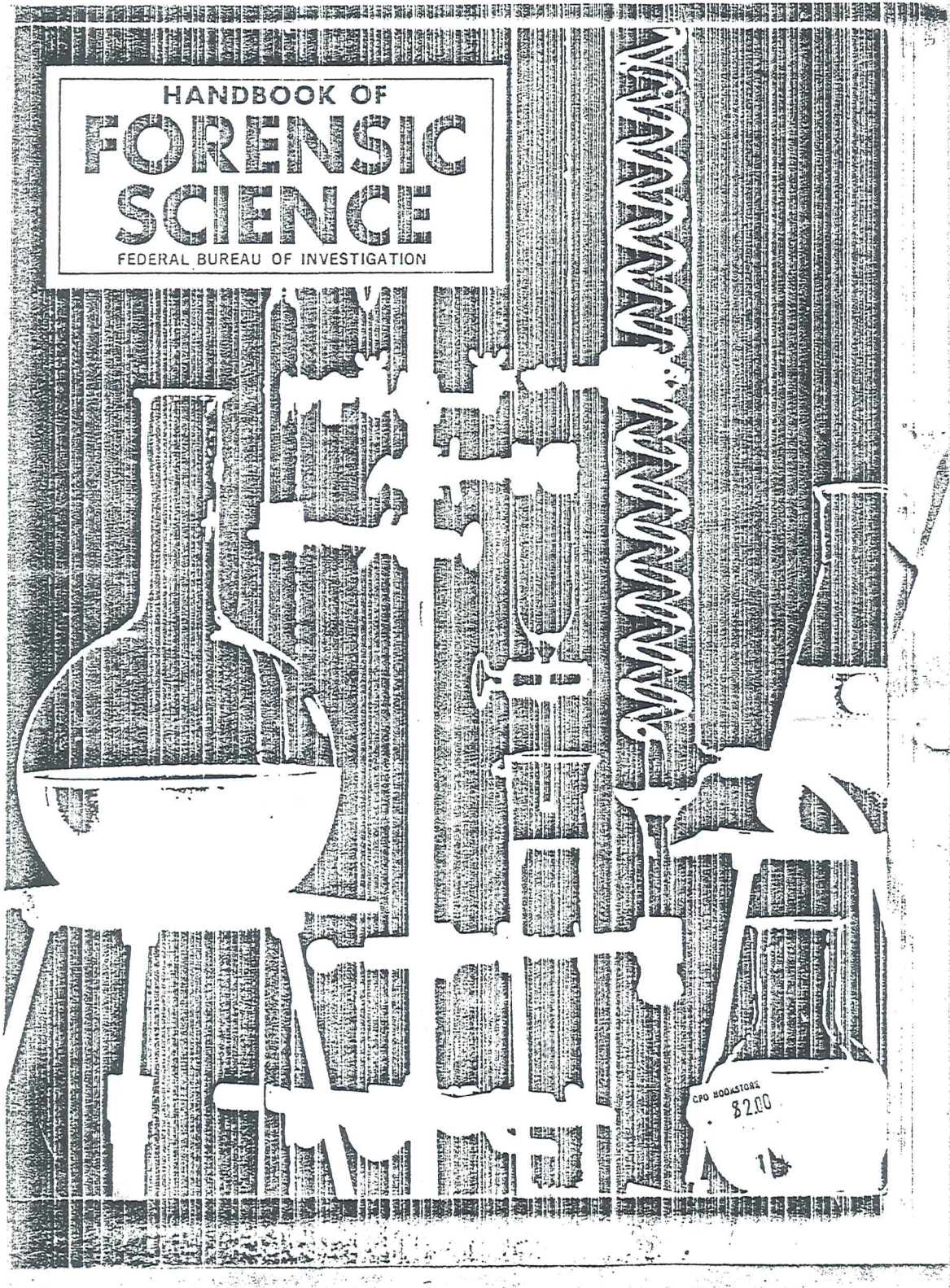
HE IS DISENCHANTED WITH THE HAC AND BELIEVES IT IS TOO
POLITICAL. HE HAS NOT TALKED TO THEM (MR. EDDIE EVANS) IN
ABOUT THREE WEEKS. EVANS DESIRES [REDACTED] TO BE IN TOUCH TELE-
PHONICALLY AT LEAST TWICE A WEEK BUT IS NEVER AVAILABLE WHEN
[REDACTED] TUES HIMSELF OUT TO MAKE THESE CONTACTS.

PAGE TWO BH 44-1742

[REDACTED] DISAPPROVES OF ALL THE TV PUBLICITY THE HAC RECEIVED IN BIRMINGHAM, ALABAMA, AND MEMPHIS, TENNESSEE, A FEW WEEKS AGO, AND AGAIN BELIEVES THEY ARE "TOO POLITICAL." [REDACTED] THROUGH THE HAC, HE HAS MET MARK LANE. [REDACTED] HAS NO USE FOR LANE AND ARGUED WITH HIM ON THE OCCASION WHEN THEY MET.

[REDACTED] HAS CONDUCTED INVESTIGATION HIMSELF IN MEMPHIS, TENNESSEE, RECENTLY. JAMES EARL RAY LEFT BIRMINGHAM MARCH 30, 1968, AND WENT DIRECTLY TO MEMPHIS, TENNESSEE, ON MARCH 30, 1968. HE STAYED AT MRS. DEATON'S ROOMINGHOUSE ON PEARSON STREET IN MEMPHIS, AND [REDACTED] INTERVIEWED HER APPROXIMATELY THREE WEEKS AGO.

[REDACTED] DEVELOPED A "LIBERTO MAN" WHO SHOWED [REDACTED] THE ABOVE ROOMING HOUSE. [REDACTED] HAS NOT FURNISHED THIS INFORMATION REGARDING THE DEATON ROOMINGHOUSE TO HAC SINCE THEY HAVE NOT BEEN IN RECENT CONTACT WITH HIM.



CONTENTS

	Page
Part I Introduction	1
Services of FBI Identification Division	2
Services of FBI Laboratory Division	4
Availability of services	5
Part II FBI Identification Division	6
Latent Fingerprint Section	11
Part III FBI Laboratory Division	17
Serology	18
Microscopic Analysis	23
Mineralogy	29
Chemical Examinations	32
Glass Fractures	35
Firearms Identification	38
Toolmark Identification	49
Wood	54
Metallurgy	56
Instrumental Analysis	61
Radiation Hazards	70
Explosives	76
Bomb Scene Searches	78
Law Enforcement Photography	86
Document Examination	89
Shoe Print and Tire Tread Evidence	95
Cryptanalysis - Gambling - Translation Section	99
Radio Engineering Section	108
Part IV Collection and Preservation of Physical Evidence	109
Sample Letter of Transmittal	115
Sample Laboratory Report	116
Sample Fingerprint Report	118
Suggestions for Handling Evidence	121

FBI Aids C. I.
By Court Order

Battle Orders Fingerprint Expert To Show Cause In Publicity Order

[redacted] of Washington, a senior FBI fingerprint expert, was ordered yesterday to show cause on Dec. 6 why he should not be adjudged in contempt for violation of a Criminal Court order limiting pretrial publicity in the case of James Earl Ray.

Criminal Court Judge W. Preston Battle ordered Mr. [redacted] to appear before him on that date for the contempt hearing. Judge Battle said it was impracticable to hold the hearing before Ray's trial, set for Nov. 12.

[redacted] is expected to be a key witness, giving fingerprint testimony, as the prosecution presents its case. Ray is charged with the deer-rifle slaying of Dr. Martin Luther King here April 4.

Judge Battle cited Mr. [redacted] upon the recommendation of an amici curiae committee of the Memphis and Shelby County Bar Association. The committee, headed by Lucius Burch, advised Judge Battle it believes [redacted] had actual knowledge of the aforesaid orders, decrees and injunctions issued by this court. . . . Your petitioners aver therefore that there is strong cause to believe that respondent [redacted] is in contempt."

The charge is based on an interview with Mr. [redacted] published in the Sept. 11 issue of the Wichita (Kan.) Beacon. Mr. [redacted] was quoted as saying Ray's fingerprints were found near the scene of Dr. King's murder in Memphis.

"There is no doubt in my mind that Ray at least handled the murder weapon," Mr. [redacted] was quoted as saying. He was in Wichita to speak on fingerprint identification at a police seminar.

In Washington, a Justice Department spokesman said there would be no comment before Judge Battle's contested order reaches Washington. But he read the "Katzenbach Guidelines" governing utter-

Rule 3 says, "We do not believe department personnel should refer (publicly) to investigative procedures, such as fingerprints, polygraphs (lie detector results), ballistics or laboratory tests. Such demonstrative facts constitute evidence which should be presented publicly for the first time to the jury in a court of law.

"Disclosure of such matters to the public before trial can be deeply prejudicial without any significant addition to the public's need to be informed."

Mr. [redacted] the fifth man to be charged with contempt of Judge Battle's pre-trial publicity order: Ray's chief defense counsel and an investigator employed by him and two Memphis reporters were convicted Sept. 30 of contempt with sentence deferred.

MEMPHIS COMMERCIAL APPEAL
FINAL EDITION
10/25/68
Page 25

EDITOR: FRANK R. ANGRN

Inventory Worksheet
FD-503 (2-18-77)

File No: 62-105060

Re: JERK

Date: Aug 1977
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
43	11/21/63	Revere memo - Belmont	1	1	None
44	11/25/63	Butel - Legat, Mexico	1	1	None
45	11/20/63	SLC tel - Bur.	2	2	b7D
45	11/25/63	Butel - SLC	1	1	b7D
46	11/25/63	Handley memo - Rivers	1	1	None
47	11/25/63	Gauthier memo - Callahan	15	15	None
48	11/26/63	CG tel - Bur.	2	2	None
49	11/23/63	Belmont memo - Rosen	2	0	b7D b7C, B-1
50	11/23/63	Epley teleg - Hoover	1	1	None
50	11/25/63	Butel - LS	1	1	None
51	11/22/63	NH tel - Bur	1	1	b7D
52	11/26/63	CV tel - Bur	1	1	None

PROPERTY MARK SHEET
FD-503 (2-18-77)

File No. 68-100860

Re: Kennedy Assassination

Date: July 1977

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions good or, in whole or in part, from release (Identify statute if (b)(1) cited)
			Actual	Released	
280	11/30/63	Little Rock tel to Bureau	4	4	(b)(7)C throughout B-1 REFERRAL
281	11/27/63	Morse memo to Sullivan	2	0	(b)(7)C throughout
282	11/30/63	Dallas tel to Bureau	5	5	(b)(7)C pgs 1, 2 & 4
283	11/29/63	CG tel to Bureau	5	0	(b)(7)C - Secret Service
284	11/22/63	Belmont memo to Tolson	1	1	None
285	11/19/63	Burbank tel to Dallas	1	1	None
286	11/27/63	Milwaukee airtel to Bureau	2	2	None
287	11/29/63	FBI Lab Rep. to Milwaukee	2	2	None
288	11/29/63	Miami airtel to Bureau	1	1	(b)(7)D
289	11/23/63	Springfield airtel to Bureau	2	2	None
290	11/23/63	L.A. airtel to Bureau	2	2	(b)(7)C
291	11/23/63	Miami airtel to Bureau	2	2	(b)(7)D

281

281

all relevant names in the FBI's records are in these books. The very first records provided to me in C.A. 75-1996 withheld names I published and in connection with the information I also published. These names and this information were included in news accounts the FBI later provided from its clipping files. Those initial records in which the FBI practiced unjustifiable "privacy" withholding have never been replaced. This refusal to replace records from which there was improper withholding is virtually total and continues as of this date. In the most extreme forms the FBI withholds what another writer published from its records and what I published. After I sent it copies of my publication and even of a phonebook the listing in which it withheld, it still persists in these "privacy" withholdings.

47. There must be thousands of pages of records for which I was initially charged 10 cents a page in which the FBI withheld what was extraordinarily well known around the world. When I discovered this and when the FBI then refused to replace any of the pages on which it had practiced these unjustifiable withholdings, I asked it to use the indexes of the books on the subject. It is after FBI refusal to consult the indexes in the books it already had that I had the consolidated index prepared.

48. The FBI is so totally dedicated to misuse of the privacy exemption with King assassination records that when I provided it with its own internal records reflecting its knowledge that it was withholding what was publicly known and its own admission that it would have to reprocess those records, it still refused to reprocess those records.

49. There is very little relating to the assassination or to the FBI's campaign against Dr. King that is not within the public domain.

50. With regard to political files relating to the King assassination, the FBI provided me with copies of its records disclosing:

- A. The names of black women who are called prostitutes.
- B. The names of black women reportedly sleeping with named black men to whom they were not married.
- C. The names of black women who conceived out of wedlock, complete with details that include the names of relatives and later information relating to the child.
- D. The name of a white woman reporter in slurring reference to her being seen with black men.
- E. The names of middle-class white women in Memphis, including supporters of the mayor, when they disagreed publicly with his policies that caused the sanitation workers' strike that in turn led to Dr. King being killed in Memphis. (In this case the names of all these white ladies were indexed in the FBI's political files.)
- F. The names of black men who are described as "monkey-faced," "good boys" when their beliefs were approved by the reporting FBI agents, pimps, drug-pushers or addicts, and criminals of various sorts.
- G. Political defamations of white as well as black clergymen who supported the striking sanitation workers.
- H. Where a white minister supported black efforts at self-improvement,

there was extensive FBI investigation to label this white minister as "red." His name is not withheld.

1. Because a black Memphis minister was a community leader in support of the sanitation strike and of efforts to improve the entire Memphis community by creating new employment and educational opportunities, he became the subject of extensive FBI investigation. When he was reported to be planning to attend a religious peace meeting in Prague, he was labeled "red." There was widespread distribution of these and other similar records.

51. The extent of the FBI's domestic intelligence activities in Memphis is incredible, as is its disclosure of personal information and misinformation about countless private matters, including personal and political associations and beliefs. Where these people held views or engaged in activities not approved by the FBI, there was no privacy concern, no withholding of names, often with addresses, and there was widespread distribution.

52. The FBI's concern for the privacy rights of those it does not like is so great that when I sought to obtain all its records relating to me (and the request was more than two years old) in order to be able to file a correcting statement, the FBI refused to respond to my letters. Mr. Lesar also received no response. The FBI then released false and defamatory records, with some overt fabrications by the FBIHQ.

53. One such illustration is the total fabrication that my wife and I celebrated the Russian Revolution every year. As best my wife and I can figure out what was corrupted into the deliberate defamation, it was a religious outing after the Jewish high holidays. (These do not coincide with the time of the Russian Revolution.) Rather than "reds" our guests were Washington area Jewish military service personnel and their families. When my first book critical of the official investigation of the assassination of President Kennedy was attracting attention and the White House became interested, this is included in the defamations the FBI gave President Johnson.

54. Another illustration is a deliberate FBIHQ fabrication of nine years ago, clearly designed to hide from the Justice Department what subsequently became known of the violence the FBI precipitated as part of its "Cointelpro" activities.

55. J. B. Stoner, who prides himself on being a racist and an anti-Semite, told me of the disclosure to him of the fact that several men identified as FBI operatives had sought to entice him into acts of racial violence. Nine years ago this might well not have been believed in the Department. Since then, including from Congressional investigations and from information requests, these FBI practices have become well known. The FBI lied/and defamed me to continue to hide from the
about

C.A. 78-02449
EXHIBIT 9

3/11/69

Mr. Tolson	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

MR. TOLSON:

RE: JAMES EARL RAY
ASSASSINATION OF MARTIN LUTHER KING

Now that Ray has been convicted and is serving a 99-year sentence, I would like to suggest that the Director allow us to choose a friendly, capable author, or the Reader's Digest, and proceed with a book based on this case.

A carefully written, factual book would do much to preserve the true history of this case. While it will not dispel or put down future rumors, it would certainly help to have a book of this nature on college and high school library shelves so that the future would be protected.

with one to from...

I would also like to suggest that consideration be given to advising a friendly newspaper contact, on a strictly confidential basis, that Coretta King and Reverend Abernathy are deliberately plotting to keep King's assassination in the news by pulling the ruse of maintaining that King's murder was definitely a conspiracy and not committed by one man. This, of course, is obviously a rank trick in order to keep the money coming in to Mrs. King, Abernathy, and the Southern Christian Leadership Conference. We can do this without any attribution to the FBI and without anyone knowing that the information came from a wire tap.

Respectfully,

C. D. DeLoach

CDD:CSH (3)

cc Mr. DeLoach
Mr. Bishop

See ADDENDUM... page 2

REC-33

MAR 26 1969

MAR 20 1969

*4/1/69
sent to Bishop
3/20/69
G...*

Handwritten signature

ADDENDUM OF MR. DE LOACH

3/12/69

If the Director approves, we have in mind considering cooperating in the preparation of a book with either the Reader's Digest or author Gerold Frank. The Reader's Digest would assign one of their staff writers or contract the preparation of a book out to an established author. Gerold Frank is a well-known author whose most recent book is "The Boston Strangler." Frank is already working on a book on the Ray case and has asked the Bureau's cooperation in the preparation of the book on a number of occasions. We have nothing derogatory on him in our files, and our relationship with him has been excellent. His publisher is Doubleday.

NY

TS
C.M. L.
H

EXHIBIT 4 C.A. 78-0249
EXHIBIT 10

May 1, 1968

PLAINTEXT

TELETYPE

URGENT

1 - Mr. Long

TO: SACS, CHICAGO
KANSAS CITY
ST. LOUIS
SPRINGFIELD

FROM: DIRECTOR, FBI

MURKIN

FULL COVERAGE IS TO BE AFFORDED THE RELATIVES OF SUBJECT
RESIDING IN YOUR RESPECTIVE TERRITORIES. THIS WILL INCLUDE
A SPOT SURVEILLANCE OF THESE PERSONS AS WELL AS A DETERMINATION
OF THEIR ASSOCIATES AND INDIVIDUALS MAKING FREQUENT CONTACT
WITH THEM.

~~REDACTED~~
~~REDACTED~~
~~REDACTED~~ YOU SHOULD MAKE THIS A CONTINUING PROJECT
UNTIL OTHERWISE ADVISED BY THE BUREAU. ~~REDACTED~~
~~REDACTED~~
~~REDACTED~~
~~REDACTED~~

IT WILL BE FULLY INCUMBENT UPON EACH OFFICE TO BE COMPLETELY
AWARE OF ANY SITUATION IN WHICH THE SUBJECT CONTACTS RELATIVES

1 - MEMPHIS

REL: ph

(6)

MAIL ROOM TELETYPE UNIT

REC-71

EX 109

19 MAY 2 1968

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION PAGE TWO...

MAY 1 1968

TELETYPE

TELETYPE TO SAC, CHICAGO
KANSAS CITY
ST. LOUIS
SPRINGFIELD

RE: MURKIN ..

OF THE SUBJECT. YOU SHOULD INSURE THAT EACH RELATIVE IS
ADEQUATELY COVERED TO POSSIBLY ASSIST IN THE SUBJECT'S
LOCATION AND APPREHENSION.

ARMED AND DANGEROUS.

AIRMAIL COPY TO MEMPHIS.

NOTE: In view of the fact subject could possibly contact
his relatives, the offices covering residence of relatives
requested to provide full coverage to provide any information
whatsoever that could lead to the subject's apprehension.

EXHIBIT 6

FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
COMMUNICATION SECTION

APR 26 1968

TELETYPE

FBI ST. LOUIS

FBI ST. LOUIS

1010PM URGENT 4-26-68 JLS

TO BUREAU, MEMPHIS, CHICAGO AND SPRINGFIELD

FROM ST. LOUIS (44-775)

MURKIN - SUMMARY

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

JOHN LARRY RAY, BROTHER OF SUBJECT, REINTERVIEWED. MORE COOPERATIVE. ADMITTED VISITING SUBJECT TWO OR THREE TIMES MSP. WAS IMPRISONED IN ILLINOIS PERIOD OF YEARS PRIOR TO SUBJECTS NINETEEN FIFTY NINE ARMED ROBBERY AND DENIED KNOWLEDGE OF SUBJECTS ACTIVITIES DURING SAME. AGAIN DENIED CONTACT WITH SUBJECT SINCE ESCAPE OR KNOWLEDGE OF HIS WHEREABOUTS.

████████████████████ EFFORTS DIRECTED TOWARD DEVELOPING LIQUOR PERMIT VIOLATION TO SERVE AS LEVER TO FORCE COOPERATION. SUPPLIERS OF GRAPEVINE TAVERN STATE DELIVERIES ARE COD AND PAID IN CASH BY WHO EVER IS ON DUTY. PUBLIC UTILITIES STATE BILLS PAID BY CASH OR MONEY ORDERS, NAME OF REMITTERS NOT YET KNOWN.

████████████████████ EMPLOYMENT ONE DAY MAY TWENTY EIGHT FIFTY EIGHT. ██████████ CLEN ECHO COUNTRY CLUB VERIFIED. ██████████

REC-110 44-38861-2243
SOCIAL SECURITY NUMBER

16 APR 29 1968
RESIDENCE

ONE NINE ONE THREE HICKORY. NOT RECALLED BY EMPLOYEES.

END PAGE ONE

~~COPY TEXT LINE FIFTEEN SHOULD BE SUBJECT'S,~~

~~TEXT LINE SIXTEEN SHOULD BE USED~~

66 MAY 3 1968

cc - Long

JLS

PAGE TWO

CL 44-775

COMMERCIAL BAKERIES UNABLE TO LOCATE RAY EMPLOYMENT TO DATE.

HIPPIE NEIGHBORHOODS NEGATIVE.

MOBERLY MO STATE TRAINING SCHOOL FOR MEN INMATE [REDACTED]

[REDACTED] STATED WHEN HE WAS AT MSP RAY INDICATED INTEREST IN LETTERS
[REDACTED] RECEIVED FROM MEXICO AND QUESTIONED REGARDING MEXICAN
ECONOMY AND ARMY STRUCTURE.

SUBJECT ARMED AND DANGEROUS.

END

GFM

FBI WASH DC

EXHIBIT 7

PLAINTEXT

May 2, 1968

TELETYPE

URGENT

1 - Mr. Long

TO: SAC, ST. LOUIS
FROM: DIRECTOR, FBI

MURKIN

ST. LOUIS WILL PROVIDE FULL COVERAGE AT THE GRAPEVINE TAVERN TO DETERMINE IF THE OWNER OR OPERATOR OF THE TAVERN IS POSSIBLY ENGAGED IN ANY ILLEGAL ACTIVITIES WHATSOEVER. ALONG THESE LINES, YOU SHOULD IMMEDIATELY ASCERTAIN IF THE TAVERN IS POSSIBLY LICENSED AND IS CONFORMING WITH PRESENT LAWS AND REGULATIONS GOVERNING THEM. THIS IS FOR THE PURPOSE OF DEVELOPING INFORMATION WHICH CAN BE UTILIZED IN CONNECTION WITH INTERVIEWS TO DETERMINE WHEREABOUTS OF SUBJECT. KANSAS CITY HAS ADVISED THAT SUBJECT RAY UTILIZED THE ALBERT PEPPER STATIONERY COMPANY, SEVEN ONE TWO A SHENANDOAH STREET, ST. LOUIS, MISSOURI, AS A MEANS OF GETTING MONEY OUT OF PERSON, ALLEGEDLY PURCHASING STATIONERY.

REC 5-4-68 8861 27
EX 93

MAY 3 1968

MEMPHIS

REL: dby (4)

SEE NOTE PAGE TWO

66 MAY 3 1968

COMMUNICATIONS SECTION
TELETYPE

TELETYPE TO SAC, ST. LOUIS

RE: MURKIN

[REDACTED]
[REDACTED] IF GRAND JURY IS NOT
IN SESSION TO SUBPOENA RECORDS, YOU SHOULD INSURE THAT REVIEW
OF RECORDS CAN BE ACCOMPLISHED WITH FULL SECURITY AND THE
BUREAU'S INTEREST WILL BE FULLY PROTECTED.

ARMED AND DANGEROUS.

AIRMAIL COPY TO MEMPHIS.

NOTE: Kansas City has advised that Ray has utilized the
Albert Pepper Stationery Company of St. Louis, Missouri,
as a means of getting money out of the prison.

[REDACTED]
St. Louis also being instructed to fully cover the Tavern
as owned and operated by subject's relatives and to ascertain
if illegal activities involved and to establish the Tavern
operating in compliance with regulations.

EXHIBIT 10

FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
COMMUNICATION SECTION

MAY 15 1968

TELETYPE

Mr. T
Mr. D
Mr. M
Mr. H
Mr. G
Mr. C
Mr. P
Mr. G
Mr. R
Mr. S
Mr. T
Mr. T
Tele. R
Miss H
Miss G

FBI WASH DC

FBI ST LOUIS

1126PM URGENT 5-14-68 JLS

TO DIRECTOR AND MEMPHIS

FROM ST. LOUIS
- MURKIN - SUMMARY

RE [REDACTED] RAY AND JAMES

LAOMA OWENS ENTER JEFFERSON-GRAVOIS BANK SL SUMMER SIXTYSEVEN.
CURSORY CHECK OF ALL CHECKING SAVINGS AND INSTALLMENT LOAN ACCOU
UNDER RAY NAME AND ALIASES AND JAMES LOAMA OWENS AT JEFFERSON-GRAVOIS
BANK SL BY BANK [REDACTED] TODAY UNPRODUCTIVE. CHECK IN DEPTH O
ALL BANK RECORDS, INCLDING SAFETY DEPOSIT BOXES, WILL BE MADE TOMORR

RE EX CONS [REDACTED] AND [REDACTED]

[REDACTED] TODAY ADVISED HE AND [REDACTED] VISITED [REDACTED]
[REDACTED] LAST NIGHT. ALLEGED [REDACTED] TOLD OF FBI INTERVIEW. BOTH
[REDACTED] AND [REDACTED] GAINED DEFINITE IMPRESSION [REDACTED] HAD HARBORED
RAY AFTER ESCAPE, THO [REDACTED] DID NOT ADMIT TO SUCH IN SO MANY WORDS.

RE [REDACTED] RREINTERVIEWED EXHAUSTIVELY. AGAI
DECLINED TO FURNISH SPECIFIC INFO RE DEEP SOUTH BANK ALLEGEDLY ROBBED
BY UN-NAMED MAN AND RAY, JUNE JULY SIXTYSEVEN, ON GROUND WANTED FEW
MORE DAYS TO DETERMINE IF SOMEONE ELSE AWARE OF SAME, SO HE WILL NOT
BE FINGERED AS SOURCE. INSISTED SAW ACCOUNT OF ROBBERY IN CHICAGO

END PAGE ONE

Handwritten notes:
SIX, cc, de
MP, No, om, RE
cc [unclear]
57 MAY 23 1968
EX-115

MAY 16 1968

Handwritten initials: JLS

PAGE TWO

SL 44-775

TRIBUNE, BUT NOW PLACES TIME AS MUCH AS MONTH FOLLOWING HIS RELEASE JUNE TWENTY THIRD. NOTE CG CHECK OF TRIBUNE WAS TO END JULY SIXTY-SEVEN. PLACES VISIT OF UN-NAMED MAN FEW DAYS OR WEEKS AFTER TRIBUNE ARTICLE. NOW CLAIMS MAN TOLD HIM ON FIRST VISIT RAY WAS ACCOMPLICE. PLACES SECOND VISIT WITHIN THREE OR FOUR WEEKS OF FIRST, INSTEAD OF SIX WEEKS AGO, AS ORIGINALLY STATED. NOW SAYS MAN JUST CAME FOR CUP OF COFFEE, SECOND VISIT, AND THAT RAY OR TWO HUNDRED FIFTY DOLLAR LOAN MADE ON PREVIOUS VISIT NOT MENTIONED. WHEN CONFRONTED WITH DISCREPANCIES STATED "AS I'VE TOLD YOU, MY BRAIN DON'T WORK RIGHT". STATED MAN MUST HAVE OBTAINED [REDACTED] ADDRESS FROM RAY AND RAY [REDACTED] NOW SAYS STATE LINE RIVER WAS MISSISSIPPI AND CITY WHERE BANK ROBBED ON EAST SIDE OF RIVER.

TOLD OF VISIT BY [REDACTED] WHO HE KNOWS AS [REDACTED] AND ANOTHER MAN LAST NIGHT. SAID [REDACTED] ASKED FOR FOOD MONEY. [REDACTED] GAVE HIM THREE OR FOUR DOLLARS. THEY TALKED OF RAY BEING RED HOT NOW AND BOTH MEN LEFT.

[REDACTED] EMPHATICALLY DENIED HARBORING RAY, OR KNOWING WHEREABOUTS SINCE ESCAPE. WHEN ADVISED OF REPORT RECEIVED RAY SEEN NEAR HIS RESIDENCE HE STATED IF HE WAS, HE NEVER CAME INSIDE OR CONTACTED HIM IN ANY WAY.

[REDACTED] CLOSED AS [REDACTED] UNRELIABLE. BEING CONSIDERED POSSIBLE HARBORER.

END PAGE TWO

PAGE THREE

SL 44-775

RE CAROL PEPPER SISTER.

CAROL PEPPER RE-INTERVIEWED TODAY. SPECIFICALLY DENIED CONTACT BY OR KNOWLEDGE OF RAY WHEREABOUT SINCE ESCAPE, OTHER THAN WHAT READ IN PAPERS AFTER START OF THIS CASE. SAYS BROTHER JERRY IS ONLY MEMBER OF FAMILY WHO HAS NOT MOVED SINCE ESCAPE, AND IS ONLY ONE WHOSE PRESENT MAILING ADDRESS KNOWN TO RAY. SAYS GRAPEVINE TAVERN BARELY MAKING EXPENSES AND MAY NOT CONTINUE.

RE JOHN LARRY RAY, BROTHER.

JOHN RAY ONLY PERSON OPERATING GRAPEVINE TAVERN TODAY AND COULD NOT BE INTERVIEWED BECAUSE OF CUSTOMERS.

RE JERRY RAYNES, FATHER.

SOURCES AND SPOT CHECK DISCLOSED NO SIGNIFICANT ACTIVITY. FELLOW PRISONER INTERVIEWS AND LOOK ALIKE RESOLUTIONS CONTINUING. SUBJECT ARMED AND DANGEROUS.

END

BGM

FBI WASH DC

FP

NOV 12 15 32

FBI

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUNE 1 1968

TELETYPE

EXHIBIT 11

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

Handwritten: 8:10 PM 6/1/68

Handwritten: Mc [unclear] [unclear]

F

FBI WASH DC

FBI ST LOUIS

632PM URGENT 6-1-68 JLS

TO DIRECTOR AND MEMPHIS

MURKIN - SUMMARY

RE JERRY RAYNES, CAROL PEPPER, JOHN LARRY RAY.

SOURCES AND SPOT CHECKS DISCLOSED NO SIGNIFICANT ACTIVITY.

NO PERTINENT DEVELOPMENTS OTHER PHASES OF INVESTIGATION TODAY.

SUBJECT ARMED AND DANGEROUS.

END

GFH

FBI WASH DC

P

REC 11/14

4/30

EX 109

14 JUN 5 1968

Deleted Copy Sent John Larry Ray
by Letter 3/27/68
Per FOIA Request cy

54 JUN 13 1968

CC - [unclear]

[unclear]

EXHIBIT 18

5/3/68

PLAINTEXT

TELETYPE

URGENT

1 - Mr. McDonough

TO: SAC, ST. LOUIS (44-775)

FROM: DIRECTOR, FBI (44-38861) - 28-97

MURKIN

REURLET APRIL THIRTY LAST.

YOU ARE AUTHORIZED TO OBTAIN

[REDACTED] INDICATED

WHICH HAVE NOT BEEN PREVIOUSLY AUTHORIZED.

[REDACTED]

ARMED AND DANGEROUS. AIR MAIL TO MEMPHIS.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

MEMPHIS

MAY 3 1968

TELETYPE

EJM:cs
(4)

NOTE: In connection with investigation being conducted by St. Louis, that office requests authority to obtain information on [REDACTED]

[REDACTED] Portageville, Mo. [REDACTED] had been described as close associate of subject Ray and allegedly hid Ray out at time he escaped from Missouri State Penitentiary in April, 1967.

NOTE CONTINUED PAGE TWO...

MAIL ROOM [] TELETYPE UNIT []

NOTE CONTINUED:

She is landlady of [REDACTED], St. Louis, Missouri.
close friend of subject Ray. [REDACTED] former cell mate and alleged

[REDACTED] Jerry Raynes, Ray's father who resides
at Center, Missouri.

St. Louis also requested authority to obtain
similar data on [REDACTED] Albert and Carol Pepper (sister
and brother-in-law of subject) and on the Grapevine Tavern
owned by Carol Pepper but operated by John Larry Ray, subject's
brother. This coverage has previously been authorized by
Butel 4/30/68.

EXHIBIT 20

Memorandum

JUNE

TO : Mr. DeLoach
FROM : A. Rosen
SUBJECT: MURKIN

DATE: May 9, 1968

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. McGowan
- 1 - Mr. Long
- 1 - Mr. Conrad
- 1 - Mr. Gale

Tolson _____
 DeLoach _____
 Mohr _____
 Bishop _____
 Casper _____
 Callahan _____
 Conrad _____
 Felt _____
 Gale _____
 Rosen ✓
 Sullivan _____
 Tavel _____
 Trotter _____
 Tele. Room _____
 Holmes _____
 Gandy _____

Rosen
Malley

PURPOSE: To recommend the installation of a technical surveillance (TESUR) on the telephones of Albert and Carol Pepper, St. Louis, Missouri, and the telephone listed to the Grapevine Tavern in St. Louis, Missouri, owned by Carol Pepper, subject's sister, and operated by John Larry Ray, subject's brother, and the installation of a microphone surveillance at the residences of Carol Pepper, and John Larry Ray, and at the Grapevine Tavern. These installations could assist in the early apprehension of the subject, which could possibly be instrumental in reducing the stresses and tension placed on our national security subsequent to the death of Martin Luther King, Jr.

BACKGROUND: We are presently conducting exhaustive and extensive investigation to determine the present whereabouts of the subject James Earl Ray, who is one of the TEN MOST WANTED FUGITIVES. Although many hundreds of interviews have been conducted and leads run out, we have not been able to locate the subject nor have we located any person who can furnish us any information as to the subject's present whereabouts. It has been determined that Carol Pepper, the sister of the subject, and John Larry Ray, the brother of the subject, are the closest relatives to him. Carol is married to Albert Pepper and they reside at 2025 Belleview, St. Louis, Missouri, telephone number 645-2948. John Larry Ray resides at 1900 A Chefokee, St. Louis, Missouri, no telephone listed. Carol presently owns the Grapevine Tavern, 1982 Arsenal, St. Louis, Missouri, telephone number PR 6-9417. This tavern is operated by John Larry Ray.

John Larry Ray has expressed a cooperative attitude; however, it is felt that he is not giving us complete and accurate information. Carol Pepper refuses to submit to interview and is not cooperative. It is felt that if the subject telephones or personally contacts any of the relatives, it will most likely be Carol Pepper or brother John Larry Ray.

Enclosure *sent 5-13-68*

REC 11

CONTINUED - OVER

REL:ergery
MAY 3 1968

EX-102

11 MAY 22 1968

MAY 31 1968

3764
SPEC. MAIL RM

Memorandum to Mr. DeLoach
RE: MURKIN

RECOMMENDATION: That a technical surveillance be installed on the telephones of Albert and Carol Pepper and the Grapevine Tavern and a microphone surveillance be installed at the residences of Albert and Carol Pepper and John Larry Ray and at the Grapevine Tavern.

Attached for approval is a memorandum to the Attorney General requesting authority for this coverage.

EJm
Chad
JK
R
JL

*It is doubtful that
A.G. will approve.
This could be of
great assistance.*

J

CK
J

UNITED STATES GOVERNMENT

EXHIBIT 21

Memorandum

TO : Mr. Mohr

DATE: May 10, 1968

FROM : J. J. Casper

SUBJECT: MURKIN

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Holmes	
Miss Gandy	

JUNE

pa

As shown in attached memorandum of May 9, 1968, from Mr. Rosen to Mr. DeLoach, consideration is given to microphone installations on certain properties of Albert and Carol Pepper. The proposal raises a question concerning the legality of any action taken against the subject of this case on the basis of information obtained from the microphones.

We believe these microphones can be installed and used without prejudicing the case against the subject. In a very recent decision of the United States District Court for the Southern District of New York, a listening device was installed on the premises of one Levine. Later, a subject named Granello, an associate of Levine, came up for trial and claimed that the listening device installed on Levine's premises, which was installed by trespass, was illegal as to him, Granello. It was not contended that any information obtained from the Levine microphone was used as evidence against Granello at trial either directly or as a lead. The court held that since Granello had no interest in the Levine premises, the monitor was not illegal as to him and he could not obtain a new trial or dismissal of the indictment. U.S. v. Granello, 280 F. Supp. 482 (1968).

Applied to instant case, this rule of law could work out in different ways. Assuming that the subject of this case is not on the premises to be surveilled by the means suggested, and has no possessory or other right in those premises, any information disclosed by the surveillance in some way, such as conversation among the Peppers, could be used to learn the whereabouts of the subject for purposes of arrest. The problem becomes somewhat more complicated, however, if the subject of this case made a telephone call to those premises and that telephone call were recorded and used as the basis for his apprehension. He then could claim that the surveillance violated his right of privacy in the telephone communication he made to that place, citing the Katz decision in the Supreme Court.

REC 11 44-38861-3763

- Enclosure
- 1 - Mr. DeLoach
 - 1 - Mr. Conrad
 - 1 - Mr. Gale
 - 1 - Mr. Rosen
 - 1 - Mr. Malley
 - 1 - Mr. McGowan
 - 1 - Mr. Long

31 MAY 22 1968

53-102

MAY 13 5 30 PM '68

↓

↓

"CONTINUED - OVER"

6 MAY 31 1968

Memorandum J. J. Casper to Mr. Mohr
RE: MARKIN

The worst that could happen in either of the above circumstances, however, - assuming that we follow the precautionary measures listed below - is that we illegally learn where the subject is located and thus are able to arrest him on that knowledge. The rule that comes into play here, established in the last century by the Supreme Court in Ker v. Illinois, 30 U.S. 347 (1886), is that an illegal arrest is no bar to prosecution. Wong Sun v. U.S., 371 U.S. 471 (1963); U.S. v. Hoffman, 385 F2d 501 (1967); Keegan v. U.S., 385 F2d 260 (1967). A person may be arrested unlawfully and actually kidnapped into the court having jurisdiction of the criminal case, yet the court still retains jurisdiction to try the person for the offense. The court would not allow the prosecution to use as evidence any information obtained through the illegal surveillance but the illegal surveillance would not taint the use of any other evidence obtained either before or after and which was gotten in a legal manner. Nor, to repeat, would the illegality of the arrest alone, resulting from whereabouts disclosed by unlawful surveillance, prevent the court from trying the subject for the offense.

If the action being considered is taken, we strongly suggest three precautionary measures, as follows:

(1) That all recordings be preserved intact. It may be necessary to disclose some of them to the court or even to the defense.

(2) That no use be made of any information obtained against anyone whatsoever or in any way whatsoever except for the single purpose of locating the subject in this case. As we well know by this time, evidence of the offense obtained in this manner is not admissible. It would not be admissible against the subject and it would not be admissible against the Peppers on a charge of harboring.

(3) Be aware that since this search and seizure is unconstitutional as to the Peppers, they have at least a theoretical cause of action for damages against those who installed the devices by trespass. Here again, however, if nothing learned by this surveillance is used against the Peppers in any way, their cause of action is diminished to the lowest possible degree, becoming that for a technical violation only rather than one of substantial harm to them. Moreover, in any such case the government of the United States should surely be willing to pick up the tab for any judgment had against those who installed the microphones.

RECOMMENDATION:

For information.

ad
h

R
John
AM

✓
↓ ↓ ↓
PLEASE SEE ATTACHED

EXHIBIT 22

ROUTED IN ENVELOPE

The Attorney General

JUNE

May 13, 1968

Director, FBI

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. McGowan
- 1 - Mr. Long

ASSASSINATION OF MARTIN LUTHER KING, JR.

James Earl Ray has been identified as the subject in the case involving the murder of Martin Luther King, Jr.

Extensive investigation has been conducted, and no information has been developed indicating his present whereabouts. In order to possibly assist in locating and apprehending the subject, it would be of extreme value to know if the subject has made any contact, either personal or by telephone, with his sister, Carol Pepper, as well as his brother, John Larry Ray.

Roz...

5-14-68
1 Xerox
From 202-910
NR

In view of the above, it is requested that you authorize installation of a technical surveillance at the residence of Carol Pepper and at the Grapevine Tavern, owned by Carol Pepper and operated by John Larry Ray. It is also requested that you authorize installation of microphone surveillance on the residences of Carol Pepper, John Larry Ray, as well as the Grapevine Tavern.

These installations could assist in the early apprehension of the subject, which could possibly be instrumental in reducing the stresses and tension placed on our national security subsequent to the death of Martin Luther King, Jr.

li

REL:vea
(7)

NOTE: See memorandum A. Rosen to Mr. DeLoach dated 5-9-68, caption "MURKIN," RE:org. 5-11-68

44-38861-3509

11 MAY 17 1968

SENT FROM D. O.
TIME
DATE
BY

[Handwritten signature]

6 MAY 21 1968

C.A. 78-0249
EXHIBIT 11

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

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

JUL 7

Dear Mr. Weisberg:

You appealed from the failure of the Federal Bureau of Investigation to respond within the time limits of the Act to your request for access to the worksheets utilized in processing its files on the assassination of President John F. Kennedy.

The F.B.I. has now released excised copies of the worksheets to you. As I explained to you in our recent telephone conversation, only those excisions were to be made from the worksheets which were necessary to preclude compromising material which had been excised from the underlying records themselves. Those excisions were of classified information, informant file numbers and material the release of which would reveal the identities of confidential sources, or disclose investigative techniques. 5 U.S.C. 552(b)(1), (2), (7)(D) and (7)(E). In addition, 5 U.S.C. 552(b)(7)(C) was cited by the Bureau to protect the identities of Special Agents, the names of authors of citizen complaint letters, and certain intimate and/or derogatory information about third parties. A member of my staff reviewed the worksheets prior to their release and determined that only those excisions had been made which were in fact necessary to be compatible with the excisions made from the actual records. Accordingly, I am affirming the initial action in this case. The classified materials have been referred to the Department Review Committee for determination whether they warrant continued classification under Executive Order 11652. You will be notified if the Committee's final decision results in the declassification of any information.

Finally, please be assured that my action on this appeal encompasses only the Kennedy assassination worksheets themselves and the excisions made from them. It does not purport to affirm

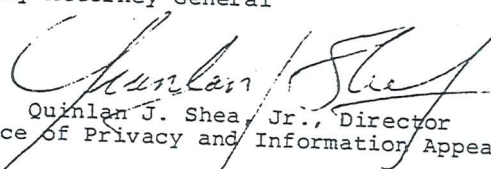
the excisions made from the underlying documents. As I stated in my letter to you of February 21, 1978, I am treating your letter of January 19 as a protective appeal encompassing any particular Kennedy assassination records which you may ultimately decide to appeal. As you already know, this Office would prefer to address any possible issues in the released Kennedy records in the context of specific exemptions and specific documents.

Judicial review of my action on this appeal is available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia, which is also where the worksheets you seek are located.

Sincerely,

Benjamin R. Civiletti
Deputy Attorney General

By:


Quinlan J. Shea, Jr., Director
Office of Privacy and Information Appeals

cc: James H. Lesar, Esquire

C.A. 78-0249
Exhibit 12A

Assassination of President John F. Kennedy

SECRET

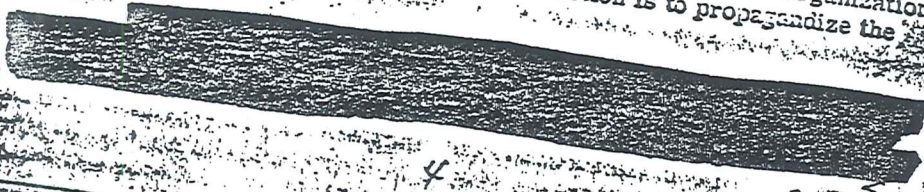
Oswald was interviewed by Special Agents of this Bureau at Fort Worth, Texas, on June 26, 1962, at which time he was curt, sullen and arrogant. He declined to answer questions as to why he made the trip to Russia or his experiences while there. He indicated that he had been employed as a sheet metal worker in a television factory and admired the Russian form of Government. He claimed familiarity with the theories of Karl Marx, but denied being a member of the Communist Party or having renounced his United States citizenship. According to Oswald, the Soviets never attempted to obtain information from him nor did he make any deals with the Soviets in order to obtain permission to return to the United States. He disclaimed any affiliation with Soviet intelligence.

Upon reinterview on August 16, 1962, he acknowledged recently visiting the Soviet Embassy in Washington, D. C., but indicated his visit was solely to register his wife's current address as required by Soviet law. He again denied requesting revocation of his United States citizenship or allegiance to the Soviet Government.

According to information developed by this Bureau, Oswald was arrested on August 9, 1963, for disturbing the peace in New Orleans, Louisiana, as a result of distributing a pamphlet for an organization known as "Fair Play for Cuba." He pleaded guilty and elected to pay a fine of \$10.

Oswald was interviewed on August 10, 1962, at which time he indicated he was unemployed and had been in New Orleans for approximately four months. While there he read literature distributed by the Fair Play for Cuba Committee which he considered not to be communist dominated or controlled. He corresponded with the Committee at 799 Broadway, New York City, and paid a \$5.00 membership fee. He received a membership card in the New Orleans chapter dated June 6, 1963, signed A. J. Hicell.

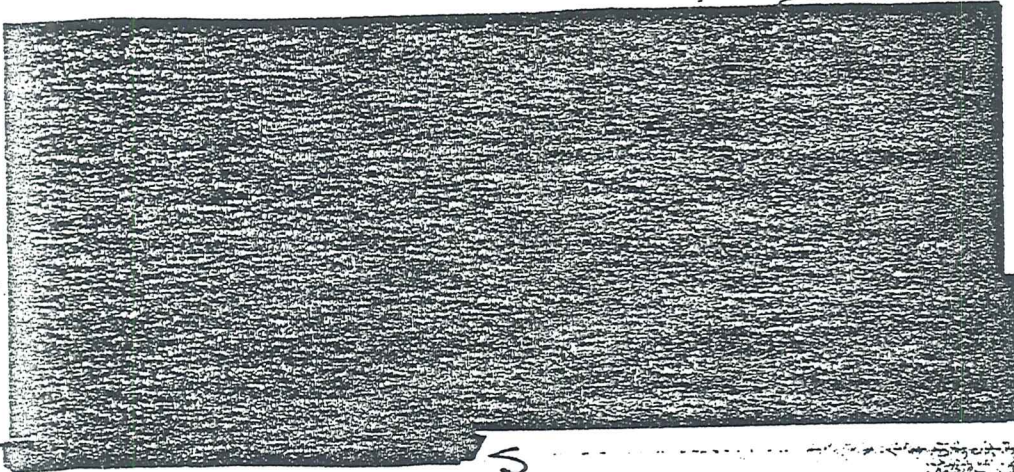
The Fair Play for Cuba Committee is a pro-Castro organization founded during the Spring of 1960, whose function is to propagandize the Castro regime.



SECRET

Assassination of President John F. Kennedy

SECRET



Oswald during previous interviews with FBI Agents claimed to have married his wife, Marina Nikoleavna Oswald, nee Pruzakova, at Minsk, Russia, on April 30, 1961. He likewise claimed an American passport, number D392526, issued at New Orleans, Louisiana, on June 25, 1963, for proposed travel of three months to one year as a tourist to England, France, Germany, Holland, USSR, Finland, Italy, and Poland. He indicated an intention to depart from New Orleans during the latter part of 1963.

Additional information developed by this Bureau indicated one Lee Oswald during September, 1962, was a subscriber to "The Worker" an east coast communist newspaper.

SECRET

[From a 5-page FBI memo dated November 23, 1963. This copy sent from Hoover to Rowley (Secret Service) on November 23, 1963, given Secret Service control number 104, and released by the Secret Service, without deletions, sometime before March 7, 1977. PLH]

C.A. 78-0249

EXHIBIT 12B

Assassination of President John F. Kennedy

Oswald was interviewed by Special Agents of this Bureau at Fort Worth, Texas, on June 26, 1962, at which time he was curt, sullen and arrogant. He declined to answer questions as to why he made the trip to Russia or his experiences while there. He indicated that he had been employed as a sheet metal worker in a television factory and admired the Russian form of Government. He claimed familiarity with the theories of Karl Marx, but denied being a member of the Communist Party or having renounced his United States citizenship. According to Oswald, the Soviets never attempted to obtain information from him nor did he make any deals with the Soviets in order to obtain permission to return to the United States. He disclaimed any affiliation with Soviet intelligence.

Upon reinterview on August 16, 1962, he acknowledged recently visiting the Soviet Embassy in Washington, D. C., but indicated his visit was solely to register his wife's current address as required by Soviet law. He again denied requesting revocation of his United States citizenship or allegiance to the Soviet Government.

According to information developed by this Bureau, Oswald was arrested on August 9, 1963, for disturbing the peace in New Orleans, Louisiana, as a result of distributing a pamphlet for an organization known as "Fair Play for Cuba." He pleaded guilty and elected to pay a fine of \$10.

Oswald was interviewed on August 10, 1962, at which time he indicated he was unemployed and had been in New Orleans for approximately four months. While there he read literature distributed by the Fair Play for Cuba Committee which he considered not to be communist dominated or controlled. He corresponded with the Committee at 729 Broadway, New York City, and paid a \$5.00 membership fee. He received a membership card in the New Orleans chapter dated June 6, 1963, signed A. J. Hidell.

The Fair Play for Cuba Committee is a pro-Castro organization founded during the Spring of 1960, whose function is to propagandize the Castro regime.

The Central Intelligence Agency advised that on October 1, 1963, an extremely sensitive source had reported that an individual identified himself as Lee Oswald, who contacted the Soviet Embassy in Mexico City

PLH ITEM # 464

Assassination of President John F. Kennedy

inquiring as to any messages. Special Agents of this Bureau, who have conversed with Oswald in Dallas, Texas, have observed photographs of the individual referred to above and have listened to a recording of his voice. These Special Agents are of the opinion that the above-referred-to individual was not Lee Harvey Oswald.

A highly confidential source of this Bureau advised that an individual identifying himself as Oswald on November 18, 1963, was in contact with the Soviet Embassy in Washington, D. C., at which time he referred to a recent meeting with Comrade Kestlin at the Soviet Embassy in Mexico City. This individual indicated that he originally intended to visit the Embassy in Havana, Cuba, where he would have had time to complete his business, but that he had been unable to do so. He furnished his address as Box 625, Dallas, Texas, and claimed to be the husband of Marina Nikolovna Oswald, a Soviet citizen and sister of Audrey Marina Oswald, born October 20, 1963, at Dallas, Texas.

Oswald during previous interviews with FBI Agents claimed to have married his wife, Marina Nikolovna Oswald, nee Fruschkova, at Minsk, Russia, on April 20, 1961. He likewise claimed an American passport, number D002526, issued at New Orleans, Louisiana, on June 25, 1963, for proposed travel of three months to one year as a tourist to England, France, Germany, Holland, USSR, Finland, Italy, and Poland. He indicated an intention to depart from New Orleans during the latter part of 1963.

Additional information developed by this Bureau indicated one Lee Oswald during September, 1962, was a subscriber to "The Worker" an east coast communist newspaper.

PLH ITEM # 464

C.A. 78-0249
EXHIBIT 13A

RECEIVED 7. 8 63
FROM ~~XXXXXXXXXX~~
TO The Worker
26 W. 13th St
NEW YORK 10, NY

CHANGE OF ADDRESS
NOTICE TO
CORRESPONDENTS
POD Form 3573
MAY 1959

[The deleted information is

CSNY - 48 .S

I got this from the Archives
years ago. See PLH/AIB #463.]

PLH

54(R) PLH ITEM # 505

C.A. 78-0249
EXHIBIT 13B

FBI EXH.
D-21

NAME ↑	LEE H. OSWALD TELEPHONE NO.
OLD ADDRESS ↑	HOUSE NO. AND STREET, APT. NO., OR BOX OR R. D. NO. (In care of), 4907 MAGAZINE ST. CITY, ZONE, AND STATE
NEW ADDRESS ↑	NEW ORLEANS, LA. HOUSE NO. AND STREET, APT. NO., OR BOX OR R. D. NO. (In care of) P.O. Box 30061 CITY, ZONE, AND STATE NEW ORLEANS, LA.
SIGN HERE ↑ 25-16-7218-2	EFFECTIVE DATE Lee H. Oswald JUNE 15

RECEIVED 7 8 63
FROM CSNY - 48'S
TO The Worker
26 W. 32nd ST
NEW YORK 10, NY (D-21)

CHANGE OF ADDRESS
NOTICE TO
CORRESPONDENTS
PO Form 3573
MAY 1963

I got this from the Archives long ago. According to Jim Kostman, FBI Item 105-82555-54R includes this card, with part of the FBI's notation of the source deleted.
Paul L. Hoch 1/1/78

PLH ITEM # 463
(FBI) # ~~546~~
PULSED 117

RECEIVED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AUG 1 1978

JAMES F. DAVEY, Clerk

.....	:
HAROLD WEISBERG,	:
	:
Plaintiff,	:
	:
v.	:
	:
CLARENCE M. KELLEY, et al.,	:
	:
Defendants.	:
.....	:

Civil Action No. 78-0249

AFFIDAVIT

My name is Harold Weisberg, I reside at Route 12, Frederick, Maryland. I am the plaintiff in this case.

1. In my affidavit of July 10, 1978, I state that many of the claims to exemptions in the worksheets in question are spurious, are based on the underlying records where they are not warranted, and that the claim to an alleged need to withhold the names of FBI Special Agents (SAs) to protect them from harassment and in order not to impair their efficiency is a knowing and deliberate falsehood, particularly for anyone who reviewed the underlying records and alleged first-person knowledge.

2. Since July 10 I have had an opportunity to review claims to exemptions noted on the worksheets and to compare them with underlying records.

3. I find that the most common claim to "national security" under (b)(1) is in fact for records clearly identifiable with a matter that is within the public domain, that was all over the newspapers, radio and television newscasts in November 1976, and was published and public knowledge several years earlier.

4. I find that under techniques and methods that have to be "protected" one claim is to the oldest known in the intelligence business, going back to Joshua's blowing of his trumpet at the walls of Jericho: pretext.

5. I find that on one occasion where techniques and methods were not excised in the underlying records FBIHQ directed the Dallas Field Office to take the "con man" approach to Marina Oswald in order to set her up for a direct threat to deport her to get her to "cooperate." Alternatively, for "cooperation" she was to be


enriched and granted citizenship, as she was enriched and was granted citizenship when she did "cooperate." Here techniques and methods were not for either a law enforcement or a national security purpose, neither of which is alleged by the respondent in any event.

6. I find that the FBI has disclosed the names, addresses and home phone numbers of each and every SA assigned to the Dallas Field Office at the time in question. If there were, as long experience shows there is not, any prospect of such harassment, then contrary to its representations to this Court the FBIHQ is guaranteeing it by making these identical records available to anyone who wants to use its public reading room.

7. The names of all these agents are included in three separate released records, attached as Exhibits 1, 2 and 3. Exhibit 1 breaks the agents on duty on the day the President was killed into two listings, those assigned to the Dallas headquarters and those assigned to its residencies. Exhibit 2 specifies whether these agents did or did not see the parade that day. Exhibit 3 provides their addresses and phone numbers.

8. These records reached me two months after the affidavit I believe was falsely sworn was executed.


9. The fact is that in the processing of most of the underlying records the names of agents were not withheld. At a time that appears to coincide with a renewed FBI effort against FOIA with the Congress, those who executed the worksheets and processed the records began to excise virtually all FBI names, willy-nilly. This includes the names of the agents who executed the worksheets. As a result of this withholding, on appeal I have not been able to specify the name of the agent who recorded his entries both upside down and backward. I submitted the appeal by sending a copy of one such set of his worksheets. Even the pagination of his worksheets is backward. How this FBI SA knew in advance exactly how many worksheet pages would be required for each volume remains a mystery. On his worksheets serials with lowest numbers are on the worksheets with the highest numbers and it all comes out to the even worksheet page in each and every instance. One can conjecture a different kind of harassment and a rewriting of the worksheets after they were completed to harass me and for other purposes I do not believe to be within the purposes of the Act.


HAROLD WEISBERG

FREDERICK COUNTY, MARYLAND

Before me this 14TH day of July 1978 Deponent Harold Weisberg
has appeared and signed this affidavit, first having sworn that the statements
made therein are true.

My commission expires 7-1-82


NOTARY PUBLIC IN AND FOR
FREDERICK COUNTY, MARYLAND

C.A. 78-0249
EXHIBIT I

HEADQUARTERS
AGENTS

RESIDENT
AGENTS

Abernathy	✓	Hosty	✓	Albert	✓	Horton, U.	✓
Alton	✓	Howe	✓	Brewer	✓	Jenkins	✓
Anderson	✓	Kuykendall	✓	Drinkley	✓	Jennings	✓
Anderton	✓	Lee	✓	Brown, A.	✓	Knutzer	✓
Barrett	✓	Lish	✓	Carr	✓	Larson	✓
Bookhout	✓	Loeffler	✓	Cartor	✓	Lester	✓
Brown, C.	✓	Nealey	✓	Cavanaugh	✓	LOGG	✓
Brown, H.	✓	Newsom	✓	Cesare	✓	Mabrey	✓
Clark	✓	Odum	✓	Copeland	✓	Madland	✓
Clements	✓	Perryman	✓	Cotton	✓	Manning	✓
Drain	✓	Pinkston	✓	Davis	✓	Myers	✓
Eckenrode	✓	Robertson	✓	Dorris	✓	O'Malley	✓
Ellington	✓	Shanklin	✓	Drake	✓	Priester	✓
Gemberling	✓	Swinford	✓	Elliott	✓	Propst	✓
Griffin	✓	Thompson	✓	French	✓	Rabideau	✓
Hall	✓	Underhill	✓	Galger	✓	Redshaw	✓
Hanley	✓	Williams	✓	Grandy	✓	Schott	✓
Harrison, R.	✓	Wilson	✓	Haloy	✓	Stephens	✓
Holtman	✓	Wulff	✓	Harrison, D.	✓	Stevens	✓
Horton, E.	✓						
				Units-(P.W.)	✓		

11-22-63

Memorandum

C.A. 78-0249
EXHIBIT 2

TO : SAC, DALLAS (89-43) DATE: 1/4/67

FROM : SA MANNING C. CLEMENTS

SUBJECT: ASSASSINATION OF PRESIDENT
JOHN FITZGERALD KENNEDY
DALLAS, TEXAS, 11/22/63
MISCELLANEOUS - INFORMATION CONCERNING

Re Bureau Radiogram, 12/22/66.

Attached are the following:

- Xerox copy of page 1, Dallas Personnel as of 11/22/63;
- " " " #1 Register for 11/22/63
- Document showing attendance, AL, etc., 11/22/63

Attached are memoranda from SA's assigned to Dallas in headquarters city, as of 11/22/63, plus memos from RA's who were in Dallas on that day. Where no memo appears, a footnote explains basis therefore.

Name	Saw Parade	Did Not
ABERNATHY, JOE B.		X
ALMON, JOHN V.		X
ANDERSON, ROBERT J. (S.F.)		X
ANDERTON, JAMES W.	X	
BARRETT, ROBERT M. (BH)		X
BOOKHOUT, JAMES W.	X	
BROWN, CHARLES T., JR.		X
BROWN, W. HARLAN (1)		X
CLEMENTS, MANNING C.	X	
DRAIN, VINCENT E.		X
ECKENRODE, RAYMOND C.		X
ELLINGTON, ALFRED C.	X	
GENBERLING, ROBERT P.	X	
GRIFFIN, WILL HAYDEN		X
HALL, C. RAY (MI)		X
HANLEY, JOSEPH J.		X
HARRISON, RICHARD E. (2)		X

Handwritten: 89-43-5613
 12-1-67
 12-1-67
 12-1-67

Stamp: 89-43-5613
 SEARCHED
 SERIALIZED
 INDEXED
 FILED
 1967
 - DALLAS

MCC leg
(1)



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

DL 89-43

<u>Name</u>	<u>Saw Parade</u>	<u>Did Not</u>
HEITMAN, WALLACE R.		X
HORTON, EMORY E.		X
HOSTY, JAMES P. (KC)	X	
RUYKENDALL, EDWIN D.		X
LEE, IVAN D. (CO) (3)		X
LISH, ROBERT C.		X
NEELEY, ALFRED D.		X
NEWSOM, MILTON D.	X	
ODUM, BARDWELL D.		X
PERRYMAN, CURTIN L. (4)		X
PINKSTON, NAT A.	X	
ROBERTSON, LEO L. (5)		X
SWINFORD, JAMES W. (NYC)	X	
THOMPSON, GASTON C.		X
UNDERHILL, CARL E. (AT)		X
WILLIAMS, J. DOYLE		X
WILSON, GARY S. (JK)		X
WULFF, PAUL E.	X	
HALEY, EARLE (Ft. Worth)		X
O'MALEY, THOMAS W. (Amarillo)	X	
SHANKLIN, J. GORDON		X
CLARK, KYLE G. (CG)	X	
LOEFFLER, JOSEPH J.		X
HOWE, KENNETH C. (SE)		X

- Footnote: (1) Retired, 3142 Satsuma, CH 7-7816; employed Safeway Stores, 9111 Garland Road, DA 7-8211.
- (2) Resigned, 9016 Hackney Lane, DI 8-6895; Attorney, 1025 Elm, RI 1-6881.
- (3) Assigned Dallas 11/22/63, but in-service Washington, D.C. to 9:00 PM.
- (4) Assigned Dallas, 11/22/63, but on Special out of Dallas to 8:45 PM.
- (5) Assigned Dallas, 11/22/63, but on road trip out of Dallas.

MEMO, ALL EMPLOYEES

November 22, 1967

EMPLOYEES, DALLAS DIVISION

OFFICE: 12th Floor, 1114 Commerce St., Dallas, Texas 75202 TEL: RI 1-1211
NAME ADDRESS TELEPHONE

SUPERVISORY STAFF:

Shanklin, J. Gordon, SAC	6419 Preston Rd., Apt. 8	LA 1-5831
Clark, Kyle G., ASAC	6250 Kenwood	TA 7-4754
Loeffler, Joseph J. #1 Supv.	10433 Sinclair	DA 7-7561
Howe, Kenneth C. #2 Supv.	3816 Bryn Mawr	EM 8-5969

HEADQUARTERS AGENTS:

2.	Abernathy, Joe B.	4150 Willow Grove Rd.	FL 2-5760
4.	Almon, John V.	11360 Gatewood	DA 8-1133
3.	Anderson, Robert J.	1734 Loree	DA 7-5317
4.	Anderton, James W.	8871 Liptonshire Dr.	DI 8-4215
1.	Barrett, Robert M.	3314 San Marcus St.	BR 9-5887
2.	Bookhout, James W.	7048 Cornelia Lane	TA 3-5846
1.	Bray, Allan D. (On transfer in from New Agents' Training)		
1.	Brown, Charles T., Jr.	916 Beechwood Dr. RICHARDSON	AD 5-3016
4.	Brown, W. Harlan	3142 Satsuma Dr.	CH 7-7816
4.	Butler, Robert P. (On transfer in from Denver) 8660 Jay Ave. S. AD 1-14		
1.	Clements, Manning C.	3736 Glencoe, Apt. 104	TA 4-4354
1.	Drain, Vincent E. J.	5031 Cedar Springs, Apt. 101	LA 6-C210
3.	Eckenrode, Raymond C.	11027 Genetta	BR 9-7135
3.	Ellington, Alfred C.	613 Aqua Drive	DA 7-0058
3.	Gemberling, Robt. P.	7106 Clomson Dr.	DI 8-3906
3.	Griffin, Will Hayden	3228 Perryton	FE 7-7440
2.	Hall, C. Ray	6542 Ellsworth	TA 3-5616
2.	Hanley, Joseph J.	2014 W. Five Mile Parkway	FE 9-9896
2.	Harrison, Richard E.	9016 Hackney Lane	DI 8-6895
4.	Heitman, Wallace R.	1110 Elizabeth Lane, RICHARDSON	AD 5-0926
3.	Horton, Emory E.	807 Blue Lake Circle, RICHARDSON	AD 5-8662
4.	Hosty, James P., Jr.	11018 Genetta	BR 9-4084
4.	Kuykendall, Edwin D.	7428 Wentwood Dr.	EM 1-5803
1.	Lee, Ivan D.	9640 Livenshire Dr.	DI 8-0373
3.	Lish, Robert C.	6930 Kenwood	TA 4-387C
4.	Neeley, Alfred D.	7403 Centenary	EM 1-4574
2.	Newsom, Milton L.	605 Greenleaf Dr., RICHARDSON	AD 5-6492
4.	Odum, Bardwell D.	8727 Fawn Dr.	DI 8-3165
2.	Perryman, Curtis L.	8118 Garland Rd.	DA 7-1393
2.	Pinkston, Nat. A.	2106 Van Cleave	FR 1-8325
1.	Robertson, Leo L.	3533 Greenbrier Dr.	EM 8-5780
1.	Swinford, James W.	7216 Gaston Ave., Apt. 123	DA 7-4491
3.	Thompson, Gaston C.	6312 Overlook Dr.	EV 1-2011
2.	Underhill, Carl E.	3711 Cragmont	LA 8-9876
3.	Williams, J. Doyle	3307 Lancelot Dr. 89-03-0612	FL 2-6472
1.	Wilson, Gary S.	3309 Santa Teresa	BR 9-1509
3.	Wulff, Paul E.	4159 Willow Grove Rd.	FL 1-0929

Number by name indicates supervisory desk to which Agent assigned.

All addresses at Dallas unless name of city set out in address.

H. J. ... (1-10-67) 717-5751

Spill, in ...