

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 undependable 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.

HD1472 1512119 BH0152 1512119

PP HQ

DE BH

P 3121 5Z MAY 77

MAY 31 5 25 PM '77

RECEIVED
FEDERAL BUREAU
OF INVESTIGATION
COMMUNICATIONS SECTION

Assoc. Inv.	
Dep. AD Adm.	
Dep. AD Inv.	
Asst. Dir.:	
Adm. Serv.	
Crim. Inv.	
Fin. & Pers.	
Ident.	
Insp.	
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

1-0-10 AHS Comm. (MAY 31 1977)
(Encl. on 1)
H.A. (11) 6/1/77

20 JUN 13 1977
6224

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 BZING FURNISHED MEMPHIS AND NEW ORLEANS.

BT.

FBI

Date: 3/30/77

Transmit the following in _____

(Type in plaintext or code)

via 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]

ST-106
REC-7

44-2016-2025
22 APR 1 1977
1205

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

Approved: *KIAA*
APR 11 1977. Special Agent in Charge

Sent _____ M Per _____

File Copy

UNITED STATES GOVERNMENT

Memorandum

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

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~~ *a teletype*
dated 5/31/77 at Birmingham, Alabama.

- 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.

NOT RECORDED

JUN 14 1977

SEE NOTE PAGE TWO . . .

Enc. (1)
- Assistant Attorney General
Civil Rights Division (Enclosure 1)

1 - Office of Professional Responsibility, USDJ
(Enclosure 1)

UN 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 980192 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 (44-33861) PRIORITY
SI

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. MCYNIHAN THAT HE CAN
BE IDENTIFIED TO THE HAC AS THE SOURCE OF THE INFORMATION HE
FURNISHED. HE FURNISHED THE FOLLOWING INFORMATION GRATUITOUSLY:

HE IS DISENCHANTIZED 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] PUTS HIMSELF OUT TO MAKE THESE CONTACTS.

DISAPPROVES OF ALL THE TV PUBLICITY THE NAC RECEIVED IN BIRMINGHAM, ALABAMA, AND MEMPHIS, TENNESSEE, A FEW WEEKS AGO, AND AGAIN BELIEVES THEY ARE "TOO POLITICAL."

THROUGH THE NAC, HE HAS MET MARK LANE. HAS NO USE FOR LANE AND ARGUED WITH HIM ON THE OCCASION WHEN THEY MET.

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 INTERVIEWED HER APPROXIMATELY THREE WEEKS AGO.

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