

*This is the beginning of what I sent, after which I sent  
him the X copies, with heading, that follow*

## PUBLIC GOOD FROM LITIGATION

The government states unequivocally that there has been no public good from this litigation. (pick up direct quotations)

The brief cites no proof. This is because the defendant has not addressed this issue and because it is diametrically opposite the unrefuted ~~XXXXX~~ contrary evidence in the case record.

¶ In order to make this appear to be credible, the requests itself is misrepresented and some of the most significant information disclosed that is of political nature is ignored entirely, although it takes up about two file drawers of space. These large disclosures consist of the headquarters and field office files on the sanitation-workers strike in support of which Dr. King was in Memphis when he was assassinated and the related files on the informal group of young blacks who called themselves after a TV program, "The Invaders."

Other Items of the request with which there was complaine also are entirely ignored in the government brief and this also is necessary to the misrepresentation that no public good flowed from this litigation.

The fact is that as a result of this litigation and it alone there has been extensive public use of the very information ignored in the brief but existing in the case record, where the defendant failed to address its significance in any manner. One example, responsive to the surveillance Items of the request and ignored entirely in the brief is the fact that the FBI knowingly and deliberately penetrated the defense of the accused assassin, James Earl Ray in ways that include at least two symbol informers. The pertinent files of one remain withheld despite my presenting a tape of the TV broadcast in which he went public. The files disclosed relating to the other, Oliver Patterson, were published from coast to coast in syndication by the St. Louis Post Dispatch, to which I provided them and based on which it prepared and printed ~~four~~ a series of four page-one articles.

The first information disclosed, pertaining to the results of FBI Laboratory

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examinations of alleged evidence, were considered of sufficient national importance for a black Member of Congress to arrange a press conference for me in a House office building for their disclosure and distribution. The entire conference was filmed by CBS-TV, which was preparing a "special," and it was covered extensively by other elements of the electronic media and the print press. These disclosures also earned coast to coast attention. The FBIHQ file copy of the UPI condensed reporting notes (accurately) that the Department had made untruthful statements.

In all instances all uses of the information disclosed to me and that I then made available to others preceded any uses I could have made myself. They were all used by those whose opinions and publications I could not influence in any way.

Other uses are scholarly uses, again no subject to influence by me and again before any such uses by me were possible.

Another use of the information disclosed to me is the later use of some of it by the House Select Committee on Assassinations. According to the FBI's own disclosed records it succeeded in withholding from this committee (and intended to) information it had already disclosed to me. The FBI had duplicate filing of some of these records. The "record" copies, the originals, are in the file on that committee, 62-117290. Duplicates, which are often poor copies, are in the other files listed on the November 29, 1976 internal memo attached hereto. This copy, disclosed to another requester, is more legible than the copy in the case record. (This also is true of the other two records attached at this point.)

The FBI's intent to withhold records pertaining to the assassination of President Kennedy that it was forced to disclose to me in other litigation also is stated in FBI records and the FBI succeeded in that withholding also, despite the fact that I had already been responsible for placing those records also in the public domain.

Special Agent (SA)

This first record was prepared by J.C. Lawn, ~~then a supervisor~~ who had been a supervisor in FBIHQ's Civil Rights Division assigned to the <sup>assassination</sup> investigation.

While I address this separately below, I here note that the brief claims that the so-called Lawn tickler, known to exist, was not located after search. The brief does not state that Lawn was asked if he could locate it ~~and~~ although according to FBI practise and procedure it should have been in his custody or control.

The second attached FBIHQ HSCA record, Ryan to Bassett, October 12, 1978, the first paragraph of which reflects the involvement of the FOIPA Branch, refers to the existence of relevant ticklers, in the plural. The government's brief represents that there are none other than the remant of one provided to me after it was claimed first not to exist and then not to have been located after search. Among other things, this makes it apparent that almsog five years ago, if not by other means, the FOIPA branch knew of the existence of sppropriate ticklers, withheld them, claimed they could not be located after search, and knew that in all respects this was untruthful.

The third attached FBIHQ HSCA record, of January 18, 1978, reflects that after initially withhold certain pertinent files from the HSCA and after being compelled to disclose them to me, they were made available to that committee. However, these are but a minor percentage of the additional records disclosed to me and withheld from the committee.

The brief misrepresents with regard to field office files disclosed to me. It pretends that they are duplicative and were disclosed because of the intense yearning of the FBI to disclose administratively. The truth is that they were denied and their disclosure was compelled.

This third HSCA record reflects that FBIHQ let the committee have only 34 sections of records pertaining to the King assassination from the Memphis files. Restricting myself to the files from which the FBI let the committee have records- and other Memphis records were disclosed to me in this litigation, these FBI records indicate that the committee had access to less than a sixth of the Memphis records disclosed in this litigation. There are 131 main file sections disclosed to me in this litigation and the subfiles reflected in the (incomplete but official)

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Bearing on the untruthfulness of the representation in the government's Brief (which I also address elsewhere) the Memphis inventory is explicit in reflecting that what it inventories as disclosed to me does not duplicate what was disclosed in the FBIHQ MURKIN file 44-38861.

The Memphis inventory is incomplete in respects other than its omission of Sub H, which was later provided to me. It was not included in what was made available to the committee. <sup>It</sup> is the evidence subfile.

When in this litigation I compelled the disclosure to me of more than the FBI provided to a committee of the Congress, I believe it is apparent that what was disclosed to me and not to the committee represents an extraordinary value to the public because of the significance of the case and of all records pertaining to FBI performance in the investigation of what was contemporaneously described as the most costly crime in our history.

While I deal with this also elsewhere, the non-duplicative field office records disclosed to me in this litigation fill six stuffed file drawers and include the records of seven field offices. The FBIHQ record reflecting disclosure to the committee do not include ~~any~~ the MURKIN records of the other field offices and only a small percentage of those of the Memphis field office.

Preparing a special and incomplete inventory of the Memphis MURKIN records at FBIHQ and then omitting such significant records as those relating to the evidence instead of providing the existing Memphis inventory which is not incomplete is the opposite of the pretendedly voluntary administrative disclosure of the government's brief and, in fact, complete compliance (which was claimed often through this litigation, each time the disclosure of additional records was compelled) was claimed prior to the disclosure of any field office records and after they were denied.

The preparation of a false inventory to hide the existence of the very evidence I requested in 1969, the case evidence, underscore the untruthfulness of the claim of the government's brief that in 1969 my requests were denied because those files were

then allegedly exempt under FOIA. As I show in detail below, in both aspects this is not true. They were not then exempt and that was not the reason given in FBI records that were withheld until this litigation. In fact, the FBI did not even bother to deny my requests. It never responded to me in any way. The actual explanation, approved by Director Hoover, is that the FBI need not respond to FOIA requests by those persons that for its own special reasons it did not like. Indeed, a special agent later assigned to process records disclosed in this litigation, T.N. Goble, a supposed Soviet expert who was described by other special agents in this litigation as a Harvard lawyer and a liberal, actually prepared a memorandum stating that this position, ignore those we do not like, is sanctioned by FOIA.

When some disclosure was compelled by this litigation, particularly records pertaining to the alleged evidence, my major but not exclusive interest, other reasons for not responding and continued withholding became apparent. What is revealed about the FBI's investigation and the alleged evidence is embarrassing to the FBI, as is other disclosures compelled in this litigation. I therefore begin with the representations of the evidence by the FBI and by the prosecution to which the FBI presented its work, including its Laboratory examinations. The FBI also had its own substitutions for evidence and other means by which it undertook to control developments and succeeded in controlling developments in the prosecution and thereafter, including in the 1973 evidentiary hearing in federal court in Memphis and since then. There also is considerable, albeit entirely incomplete, disclosure in this litigation of the FBI's related political activities.

"ote to JL. I'll follow with the crime and its investigation. Time to go to the dentist for the extraction.

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## The Crime and its investigation

While I am not a lawyer or an FBI special agent, I have knowledge and experiences the Department's lawyers and special agents do not have on this subject.

Contrary to the government's portrayal of me and my interests, my prior experiences include being a Senate investigator and editor, an investigative reporter and a (decorated) wartime intelligence analyst. While working for the Senate I prepared and helped others prepare for hearings. This included preparing the questions to be asked, the probable responses and the exhibits to be used as well as field investigations. Almost 50 years ago the Department borrowed me to work with it in an important prosecution of that period, the famous Harlan County, Kentucky, U.S. v Mary Helen et al. conspiracy case. While my major function was to ~~xxxx~~ advise and assist in the preparation of duces tecum subpoenas because of my subject-matter expertise, my other responsibilities ranged from being the official party's rumrunner in the Department's armored ~~xx~~ Buick to participating in plea bargaining. As I developed ~~xxx~~ sources within the Memphis prosecution and police in this case, I then had local sources neither the FBI nor the United States marshals developed. My local sources informed me accurately when and how the Mary Helen jury was fixed, how and by whom, the then head of the Criminal Division and his associates did not believe me, I asked to be relieved and returned to the Senate and I was, and too late the Department learned that the jury was fixed. In the matter of the King assassination, the information provided to me by sources inside the prosecution and police department enabled me to specify withholdings in this litigation and then to obtain that information after it was sworn not to exist. In O.S.S. my assignments outside my regular duties included picking up where the FBI and O.S.S.'s intelligence and counterintelligence components ~~xf~~ failed and obtaining the desired information. The first assignment General William Donovan had waiting for me when my security was cleared was the case of four men whose conviction had been upheld through all the channels of military justice. General Donovan believed they were not guilty.

less than two months later these men were freed. In my investigation and analysis I restricted myself to the existing records, <sup>and</sup> conducted no investigation. (That was known as the Paris case, after the sergeant in charge of the squad that had volunteered for a high-risk parachute drop behind Nazi lines.) Although I would not compare James Earl Ray with the brave men who had volunteered in the Paris case high-risk operation, there is a parallel in what the actual records disclose and in what the records in question actually mean and say, as compared with official representations of them.

After my book on the King assassination was published in 1972, absed entirely on the public domain, I became Ray's investigator. The published ( a subsidiary of the Dutton company) not I, sent Ray a copy of the manuscript. Unsolicitedly he contributed a pistscript. In it he accounted for his presence near Memphis the day before the assassination, a void in the allegations of the prosecution and in the FBI's tracing of his activities from the time he escaped from the Missouri State Penitentiary about a year earlier. Copies of this book were given to the defendant, but not by me. Illustrative of the state of defendant's records, the character of the investigation or both is the fact that although complete disclosure is claimed, even what Ray himself provided for that book is not reflected in any of the FBI's original or subsequent investigations and the records disclosed, allegedly including all those of the Department, do not include any request that the FBI investigate Ray's admissions, which are significant, particularly as they bear on the question of the existence of a conspiracy.

After I became Ray's investigator and while I was conducting the (successful) habeas corpus investigation I followed his leads and found and interviewed employees of the motel at which he was during this hiatus in the FBI's investigative records. They told me that the FBI had interviewed them because they recalled Ray's presence because of an usual event. However, none of the records disclosed in this litigation, in which complete compliance is claimed, include any reference to this part of the FBI's investigation.

(The DeSoto Motel at which he spent the second night before the assassination is only a short distance over the line of the corporate limits of Memphis, in Mississippi. It was known as a "hot-sheet joint." It was made up of alternating garages and rooms, with the time limit or rental of the garages about a quarter of the time permitted for the rental of the rooms, which had beds. Ray was originally in a garage ~~and there~~ but he did not bring a woman. The motel staff remember this and his request to be transferred to a room with a bed.)

As Ray's investigator I spent days on end with him inside maximum security jails, with members of his family and in interviewing prisoners who had knowledge of him or who had associated with him in the past.

During the preparations for the evidentiary hearing which was won as a result of my investigation, I participated in discovery by order of the federal court in Memphis (along with my counsel in this litigation), ~~examined~~ located, interviewed and recommended the use of most of the witnesses Ray presented, prepared much of the questioning of them, and helped Ray's counsel ~~cross~~ <sup>cross</sup> examine and rebut prosecution witnesses.

(Ray has never been tried.) He sought a trial and it was denied after his guilty plea that he claimed was coerced and he requested trial as soon as he fired his lawyer he claims coerced him, a matter of only a few days after that plea.)

In the course of this experience I personally examined nine cartons of FBI evidence then in the possession of the clerk of the court in Memphis, although it was and was labelled as FBI property. I regarded it as truly remarkable that none of all of this enormous amount of FBI evidence had a single FBI Laboratory report attached to it. My examination of that FBI property, however, enabled me to pinpoint where some of the information within my litigated request had not been provided and had not been returned to (or asked for by) the FBI, even though Ray had lost through all the channels of appeal. Included was the fruit of a denied "back bag job," an illegal search and seizure in Atlanta, pertinent in this litigation, raised before the district court and still withheld.



One of the ~~unusual~~ other than commonplace disclosures in this litigation only is that the Atlanta FBI did conduct a black bag job, after which, at the direction of FBIHQ the Atlanta Special Agent in Charge (SAC), swore falsely that there had not been any black bag job, and then, when disclosure of Atlanta files was compelled, they include full details of that illegal search and seizure, including an inventory of what the FBI stole, how it stole it and how it handled it outside regular channels to ~~get~~ deliver it to FBIHQ and the Laboratory.

All of this information is within my requests of more than a decade ago and almost all of it remains withheld. One such item, which I examined in the clerk's office in Memphis, is a marked-up map of New Orleans where Ray admits having had meetings with those who might be coconspirators only a few days before the assassination.

During my participation in discovery I also examined the pertinent files of the Memphis public defender, who had been assigned as Ray's cocounsel after his counsel, Percy Foreman, made a poverty claim. Those records largely confirmed my own prior investigation. These also included references to FBI interviews of the same alleged witnesses and indicated the existence of FBI interview reports.

What appeared to me to be exceptional is the fact that limited as it was the public defender's investigative reports were persuasively exculpatory and yet the public defender's office (the public defender was later appointed district attorney general and did not cooperate in this court-ordered discovery) participated in what Ray claims was his coerced guilty plea and the fact that the same witnesses had been interviewed by the FBI.

Prior to filing the requests in this litigation I knew from my personal interviews what witnesses who stated they had been interviewed by the FBI told me and the public defenders' files record they told that office.

In short, I was not engaged in either a fishing expedition or the pursuit of idle theorizing and conjectures when I filed this litigation.

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I also did not anticipate the stonewalling I faced, and stonewalling is not further a mere figure of speech, as will become apparent shortly, when I filed my April 15, 1975 request only a few days after the 1974 amendment of the investigatory files exemption was effective. I filed a simpler request because my comprehensive earlier request had been ignored, and when my April 15 request was also stonewalled I amended it to include the 1969 ignored requests.

Independently and then unknown to me CBS-TV filed a request that in part duplicated my request. Bearing intent to stonewall, when there was a Department/FBI conference on my request toward the end of 1975, the Department representative urged that the request be denied and then some legal justification for the denial be contrived. (His own memorandum is in the case record.) It was decided to make minimal disclosure to avoid being "clobbered" by CBS-TV and, simultaneously, my request was rewritten by the Department without consultation with me and over my strongly stated objections when I heard of it.

"Nonetheless, information bearing on the crime and its investigation that I believe is of considerable national and public importance was disclosed, to me in this litigation and not in any other way except later and in limited and partial duplication of the earlier disclosures to me. The FBI's actual records, which were withheld until I obtained them, do not conform to the official representations of them and instead of being incriminating the Laboratory reports are exculpatory. I believe this to be a major public value of this litigation.

The records disclosed to me in this litigation also reflect FBI political operations in political crimes, which the King assassination was, and how it undertakes to and succeeds in exercising control, even in spite of the Department and the Attorney General, regarded as its enemy by the FBI. (Examples follow)

The records disclosed to me in this litigation also disclose illegalities by the FBI and its ~~conduct of surveillance activities~~ <sup>electronic surveillances</sup> after permission <sup>was denied by</sup> of the Attorney General.

Not mentioned in the brief is the extensive FBI intrusion into and spying upon

private citizens engaged in perfectly proper political activities and not violating any federal law. The Memphis FBI had a cooperative domestic intelligence operation with the Memphis police and prosecutor that extended to interception and copying of Ray's defense records although it was represented to the local judge that no such things happened and they were specifically prohibited by him.

(Not disclosed in this litigation but obtained under discovery as Ray's investigator and in the case record is the ~~get~~ actual handbook for such violations prepared by the defendant for local authorities. Even after I provided copies of the records I obtained under discovery in Ray v Rose all pertinent copies from the defendant's files remain withheld.)

The defendant also provided affidavits in lieu of live witnesses in the Ray extradition and then decided upon a single live witness instead of his affidavit. This witness was a fingerprint examiner and could testify to and be cross-examined about nothing else. Records disclosed in this litigation reflect the fact that knowingly false affirmations were provided by this defendant in England to procure the Ray extradition.

The first records disclosed in this litigation are some of the results of these testing of alleged evidence by the FBI Laboratory. Examination of ~~these records~~ discloses that they are, records ~~which are~~ contrary to the representations of the brief, knowingly incomplete. These previously undisclosed records contradict the official representation of that evidence, claimed to be the basic evidence of the crime.

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Resistance to disclosure of any information, including what was entirely in the public domain, has characterized the defendant's efforts to frustrate my quest for its pertinent records. In 1970 I filed suit for the records used to extradict James Earl Ray from England because, from the press account of that proceeding, the FBI had remarkably little real evidence and none actually tying Ray to the crime. Although this information was made public in England, my request was ignored and my appeal was met with deliberate untruths by the Deputy Attorney General, who stated first, that there were no such records and second, if they existed they would be immune as investigative records. The State Department, a co-defendant, opted out by informing me that such records had been filed and that it had actually obtained the only copies of the British court, at the request of the Deputy, and had returned the only copies out of the ~~possess~~ defednant's possession to the defendant. When I was awarded a summary judgement and got to see the records, all these public records were classified "Secret" but they nonetheless were, eventually, shown to me and copies were provided. Later records disclosed in this litigation reflected the fact that despite Judge Cyrran's Order I was shown only some of those records and the rest remained withheld.

Another importance of the records disclosed in this litigation is their support or lack of support for the representations made by the government to obtain the extradition of James Earl Ray - who was charged with a political crime that, in order not to violate the extradition treaty, our government claimed was not a political crime. (The charged filed in Brimingham/to assert juriadiction of a murder is <sup>by the FBI</sup> conspiracy to violate the Civil Rights act, a political crime.)

I published an account of that extradition and an analysis of it in my 1972 book and again, atypically because of the claim of complete disclosure, there is no comment on this in any of the records disclosed by the FBI, the Civil Rights Division of any other component.

1 2  
My subject-matter credentials

At the time I ~~first~~ refiled my information requests in 1975 I had completed a major portion of another book on the assassination of Dr. King and its investigation based on my own work, the information I had developed and the transcripts of the 1973 evidentiary hearing. However, in that proceeding the case against Ray as the assassin had been rebutted without even an effort to refute the rebuttal by the State, which had disclosed the FBI's cooperation with it. I therefore wanted the information the defendant could provide not only for the completeness of the book but also to be fair to the defendant, not just the FBI. Serious questions of official untruthfulness and official misrepresentations existed and ~~was not~~ there was not even a pro forma effort to rebut them in ~~any~~ "emphis federal court.

~~XXXXXX~~ When I ~~first~~ refiled my information requests I was in a unique position to serve public interest as well as my own. (In honest non-fiction the two are actually inseparable. He who publishes an honest book on so major an event serves the public interest.) I had the knowledge obtained in preparing my 1972 book, the knowledge obtained in examining the records made available under discovery (this included the records of the clerks of both federal and local courts, the prosecution, the public defender, the records of the sheriff, among others. I had interviewed many witnesses who had been interviewed by the FBI and some who had not been, I had interviewed a number of prisoners in federal and state jails, I had had extensive access to the accused and his family, I had collected an exceptionally extensive file of newspaper stories from coast to coast and abroad (with the stories not uncommonly based on defendant's leaks) and had developed excellent local sources inside the prosecution and in the police department ranging from Ray's jailors to high rank. My sources also included ~~the press, local and other~~ <sup>reporters</sup> ~~and~~ both local and out-of-town who had actually covered the assassination itself. Also, I had no need to seek a conviction. I ~~thus~~ had credentials that were not equalled even by FBI case supervisors or any of the defendant's lawyers.

*although I am neither a lawyer nor an investigator with FBI training*

When I examined the laboratory records first made available and claimed to be complete when they were not I was able to assess them from the background of information I had and was able to inform the public promptly and fully with regard to their inadequacy and their real meaning and I did, by means of the press-conference in the House Office Building referred to above and by giving copies to the press and explaining their meaning.

The first thing that was apparent is that the disclosed records were entirely inadequate and incomplete. Tests that should have been made apparently had not been made and where tests had been made, all that was produced was self-serving paraphrases and interpretations. The first four items of my April 15, 1975 requests, for example, seek all the results of the relevant laboratory testing. The first ~~is~~ item seeks the results of all ballistics tests. No test firing record was disclosed. The second item requests all the results of all spectrographic and neutron/analyses. (NAA) Contrary to the representations of the government's brief this does include such records as the printouts of NAA and contrary to the representations of the government brief (about which more follows below) they did exist, they were acknowledged to exist by the FBI's laboratory witness during his deposition when he was deposed and they remain withheld. The third item pertains to laboratory tests made on the windowsill allegedly dented by Ray as he allegedly rested the muzzle of his rifle on it to kill Dr. King.

With regard to both kinds of analyses, prior to ~~my~~ refiling my information requests I had examined the evidence in question, had made a long study of these tests and their capabilities in connection with other FOIA litigation and had had consultations with accredited experts as Ray's investigator. When I saw the remnant of bullet recovered from the victim's body, I had ample reason to believe that it was at least a good specimen for comparison with retrieved bullet fired from the alleged death rifle, as the FBI called it. Ray's first counsel, a former FBI agent, told me that from his examination this was an excellent specimen. The expert I produced as

Ray's expert witness at the evidentiary hearing, previously unknown to me except as a college professor on such subjects and as an expert police witness, examined the remnant of bullet and the windowsill in my presence in the clerk of the court's office. Prior to his testimony he discussed his observations with me. At the hearing, no effort was made to refute his testimony with regard to either of these items of basic evidence.

He stated with regard to the remnant of bullet that it was an excellent specimen for comparison, with unique markings, ~~and~~ he stated with regard to the dent in the windowsill that it was not possible to identify the ~~class of~~ object that had caused it but there was little doubt that it was not caused by the muzzle of a rifle, certainly not by a rifle fired from that position.

But the incomplete FBI Laboratory records disclosed in this litigation state the opposite, that the dent could have been caused by the side of the muzzle. The FBI's records disclosed with regard to the bullet specimen repeat only what was stated in the FBI's affidavit used to obtain Ray's extradition, that there were insufficient marks for identification but that the bullet could have come from the ~~so-called Ray~~ rifle the purchase of which was traced to Ray because it imparted the same number of scorings on the bullet in firing and because the twist of the lands and grooves of the rifle barrel that create these scoring in rifle are the same as those of the Ray rifle. What that affidavit failed to state is that this is also true of a large percentage of the rifles ever manufactured.

No records of any FBI test firing of the Ray rifle were disclosed in this litigation, so, if this is true, the FBI did not even try to determine whether the fatal bullet had been fired from it. In and of itself, I believe this is important information for the public to know, with regard to the FBI and its testing and affirmations, ~~and~~ with regard to FBI procedures in general and with particular regard to its performance in investigating this terrible crime, perhaps the most costly in our history.

With regard to the other records pertaining to the FBI's Laboratory examination, the foregoing states a general truth, they are incomplete and do not support the representation of their results made officially.

The uncontested expert testimony at the evidentiary hearing is that given this particular specimen and that rifle, by recovering test-fired bullets and comparing them with the specimen it is possible to make positive identification, either positive or negative. It is possible for an accredited expert to state without equivocation whether the fatal bullet was fired from that rifle or was not fired from it. From its disclosed records and its representations in this litigation, the FBI did not fire the rifle to recover any specimens to make such a comparison.

Another standard test not made on this rifle is a simple test. It involves swabbing the barrel to determine whether a rifle had been fired since it was last cleaned. Ray had purchased that rifle only a few days earlier and it was a brand new rifle. Aside from the official claim that he had fired that one bullet in it, there is not even a claim that it had ever been fired. It was, from the official account and from the well-known facts relating to discovery of that rifle, impossible for it to have been cleaned after allegedly firing the fatal bullet. Nonetheless, this litigation establishes that this standard test was not made on that rifle.

Underscoring the significance of this is the fact that exactly this test was made by the FBI Laboratory on another rifle Ray had purchased new and returned without firing because it was of smaller caliber. The FBI retrieved that rifle and examined it. Its examination disclosed an encrustation of a preservative applied at the time of manufacture, cosmoline, and that this encrustation made it impossible to fire that rifle. Nonetheless, the FBI, knowing that rifle had never been fired and could have been, made the swab test on it and dutifully reported that the rifle that could not be fired had not been fired.

No less like a fairy tale is the results of the FBI's testing of the windowsill on which, in the official account of the crime, Ray rested the muzzle of the rifle



to fire it.

The window was double-hung. This means there were two windowsills, one outside the window, one inside of it. The alleged trajectory was downward. But only the inside half of the windowsill was removed and tested. This means that the rifle was allegedly pointed downward, from the inside half. How this could have happened without leaving a bullethole or at least some kind of path torn through the outside half is not apparent, but not only was the outer half not removed for testing, I examined it and there is no mark on it. Moreover, the disclosed FBI Laboratory report - like the rest of the records disclosed in this litigation but not in the prosecution - reveals that there is no trace of the firing of any weapon on the inside half of the windowsill and that such firing leaves deposits that were not on that windowsill.

With regard to alleged witnesses the ~~disclosed~~ FBI records disclosed in this litigation refute the defendant's representations made to the British court to extradict Ray and they refute the allegations made by the prosecution.

Another affidavit provided to the British court in substitution for a live Charles Quitman Stephens, witness was signed by an alcoholic derelict who had earlier made contrary public statements about the same matter, his alleged identification of Ray allegedly fleeing the scene of the crime. Affidavits were obtained from Stephens by both the FBI and the Civil Rights Division, in non case an affidavit prepared by Stephens himself and all three were produced in this litigation. The wording was carefully contrived to have Stephens appear to have made a positive identification, but prior to the execution of any affidavit he had, in fact, made a firm negative identification, telling both the FBI and reporters that the photograph of Ray he was shown was not that of the man he claimed to have seen.

Among the records claimed not to exist by the FBI in this litigation is any ~~repe~~ interview report of any interview with Stephens to examine that picture. Instead there is a single paraphrase of it in which it noneless is clear that Stephens

stated the very opposite of what the defendant's representatives included in the affidavit they got him to swear to and is the basis of Ray's extradition from England. Interviewed by CBS-TV the very day Ray was charged and shown the photograph Stephens was explicit and unequivocal in making a filmed negative identification, stating that the man he saw was not Ray. When I entered this into the case record, there was no effort to refute or deny it.

FBI reports disclosed in this litigation ~~reflect the fact~~ <sup>indicate that</sup> that at the time of the crime Stephens was ~~was~~ so drunk he had no idea what had happened. I located <sup>, James McCraw,</sup> a cab driver/who frequently drove Stephens to his liquor store and I learned from that driver that he had found Stephens very drunk, even for Stephens, so drunk that he refused to transport him. This driver was able to ~~pinpoint~~ pinpoint the time the only alleged eyewitness was so very drunk because, not having accepted the fare, he had to report this to his dispatcher and he asked for another run. Stephens told me and later swore at the evidentiary hearing, without any effort to refute <sup>his dispatcher reported the crime with</sup> him, that he had not yet picked up the replacement fare when a warning to all drivers to stay away from the scene of the crime was broadcast. Stephens also told me that the day after the crime the FBI, which had heard of what he could testify to from others at the scene of the crime who had seen McCraw, appeared at the offices of the company for which he drove and obtained his manifest, which recorded all his runs and their time and never returned it.

No records relating in any way to the foregoing were disclosed in this litigation, so I requested all records pertaining to McCraw and his manifest. Ultimately, it was claimed a search was made. This is reflected in the brief as follows:

pick up direct quote.

One of the important new disclosures pertaining to the FBI that were brought to light in this litigation is how the FBI can pretend to make a good-faith search with due diligence while avoiding the proper search. And, of course, the search had to be made in Memphis, not at FBIHQ. The FBI searched under McCraw's name when to

its knowledge- and as I also informed it - it had not obtained that manifest from McCraw and had not interviewed him so the manifest would not have been filed under his name. ~~Me~~ There is no attestation that any search was made under the name of the FBI's source, the dispatcher. Because the FBI knew it had not interviewed McCraw itk knew that any search under his name was would be unproductive, yet it made that search and not the corrrect search. (Other illustrations of this FBI device follow below. Its use was brought to light in this litigation and represents important information for the public.)

IN an effort to place Ray at the scene of the crime when the FBI had only one witness who could place him even in Memphis and then two hours before the crime, a witness who would not be used because he was in a psychiatric ward, the FB<sup>+</sup> traced the source of a number of objects found in a bundle ~~xxxxxx~~ d found on the sidewalk of Main Street, the street to the west of the one King was facing when he was killed. This included cans of beer, the paper csack in which they were and some toilet goods. Diligent and detailed FBI investigation located both the source of the beer and of the toilet items. In this investigation the FBI agents went past the <sup>u</sup>DeSoto Motel in which Ray spent the ~~xxxx~~ night of April 2 (the assassination was at y 6 p.m. the evening of April 4) regularly. The FBI also supposedly checked registrations at all nearby motels. The FBI's investigation disclosed the pursch these purchases <sup>FBI</sup> were made within easy walking distance of the DeSoto Motel. Yet the disclosed check of motels does not include the DeSoto, whose reputation was well-known locally, and those disclosed records also do not include the FBI's interviews with the maids I found readily and who ~~were willing to be interviewed~~ I interviewed. The matter was so well known at the <sup>u</sup>e Soto Motel that the new manager was aware of the ~~story~~ event and four years after the crime ~~introduced me~~ arranged for my interview.

No additional search was made after ~~xxx~~ I stated the foregoing under oath in thismlitigation and my attestations remain undenied.

This matter of Ray's presence at the DeSoto Motel, particularly because it

represents one of the few gaps in the FBI's reconstruction of his life for the previous year, and the FBI's failure to produce its relevant records in this litigation, have public significance in addition because this is one of the areas bearing on a conspiracy that was, from the disclosed records, never investigated by the FBI. ~~THE~~ Despite the conspiracy charge filed by the FBI, it always maintained that there had not been any conspiracy to assassinate Dr. King and its only disclosed investigations pertaining to the possibility of conspiracy were limited to where it was known no such evidence would be obtained.

However, during the period before the crime, the disclosed FBI records that were originally withheld and then were included in field office disclosures that were compelled. reflect the FBI's knowledge that while an escapee Ray was in touch with several criminals who from the investigation had no way of knowing where Ray was. Neither of these were investigated, according to the disclosed records, not even the one with an FBI symbol informer.

Another area relating to the possibility of a conspiracy has to do with the finding of the bundle referred to above, with the rifle inside of it. There are three different versions of the finding of the bundle, that of the police, that of the sheriff and that of the FBI. Two are not true. The version of the police, attested to in the voir dire by Inspector M N.E. Zachary and the version of the extradition, is that Zachary found the bundle outside Guy Canipe's second-hand record store. The bundle actually was found there, but as the FBI knew, it was found long before Zachary reached the scene of the crime. The sheriff's version is the truth: Lieutenant Judson Ghormley found the bundle because of an accident, an injury to his leg which prevented him from doing as the other police and sheriffs on a break did. The third and untruthful version is the FBI's.

Canipe's store was in the southern half of the pair of old buildings that together made up the flophouse from which in the official accounts Ray fired one shot from a rear bathroom window from which, across Mulberry Street, first street behind the

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Main Street flophouse, Dr. King was visible on the balcony of the Lorraine Motel. Next to Canipe's and running through to Mulberry Street was a parking lot and next to it and on the corner is a fire station. The police and sneriff'smen were onz a break in the fire station when the shot was fired. When the men rushed to the rear of the fire station, toward the Lorraine Motel, they came to a steep drop of more than eight feet. Ghormley did not drop to Mulberry Street and rush to the Lorraine. Instead he proceeded as rapidly as his leg permitted to Main Street and turned north on it. At Canipe's he found the bundle and immediately radioed a report of his finding to his headquarters.

The truth presented a major problem to a no-conspiracy solution to this assassination. The time at which Ghormley found it precluded Ray's firing the shot, making up that large and cumbersome bundle and getting to Canipe's in time to drop it and siappear without being seen by Ghormley. I produced Ghormley as witness at the 1973 evidentiary hearing and his testimony was not rebutted.

The FBI's reports eliminate this problem by having an entirely different person, Policeman Vernon Dolahite, find the bundle. The FBI's account of what Dolahite did from the time he heard the shot permits much time for Ray to have dropped that bundle and siappear without being seen.

The tapes of the recorded sheriff's and police broadcasts would disclose who found and reported finding the bundle and when. The FBI was required to ahve access to the police tape in connection with any entirely different matter, a citizens' band fake broadcast of a non-existing chase of the assassin. This the FBI did investigate. However, no tapes of any kind were prodced in this litigation in which all Memphis and Headquarters records are alleged to have been produced and no trancripts of any tapes. The disclosed FBI records therefore contain no contradiction of the FBI's account, which was proven to be ~~fx~~ an untrue account under oath in federal district court in Memphis.

These are not atypical illustrations of how the defendant functioned that

came to light in this litigation and are important for the people to know. The case record and appeals go into greater detail, with documentation, and there has not been any refutation. The purpose of such information in the case record had to do with searches not made and records not provided or otherwise accounted for.

This kind of otherwise unreported procedure in "solving" the crime and withholding pertinent records the existence of which was established was not limited to the FBI or the Civil Rights Division. It extended to other divisions. Although in this litigation denied the involvement of the Criminal Division, the case record includes the defendant's record which leave it without doubt that the Criminal Division, not CRD, handled the extradition. The Bureau of Prisons dictated the so-called "security" provisions for Ray and with it arranged for him to be kept "secure" from his ~~expts~~ jailors in a celling of which he was the only occupant by having him under constant closed-circuit TV with constantly connected microphones. His conferences with his counsel were monitored. His so "security" arrangements, as designed by this defendant, included instructions on intercepting and copying all his communications with his counsel. The pages from the handbook for his "security" are in the case record, along with copies of some of his intercepted communications -even with the judge, the same judge who ordered that this not be done.

Once FBIHQ learned about that order of the judge, it did not report these violations of Ray's rights, nor did it destroy the copies of Ray's intercepted communications forwarded by the Memphis office. It merely gave Memphis instruction on how not to get caught - by not accepting copies and instead providing the sense of the intercepted communications in reports.

All the foregoing is in the case record, is undisputed, yet the government's brief states unequivocally (without citation) that all components were searched and all records pertaining to the assassination were provided.

With further regard to the Bureau of prisons, whose records were not searched (and the case record holds no attestation to any search) its pertinent records also

include undisclosed records of which I have personal knowledge - permission for me as Ray's investigator to interview federal prisoners in its custody.

As a result of my work, as the case record reflects, the FBI was subjected to much criticism ~~for its~~ over its performance, some quite unfair and unreasonable. The illustrations I here provide are far ~~from~~ from complete, are in the case record, and are undenied. In pursuance of the public role into which I have been cast I also defended the FBI against unfair criticism at a time for it to have been included in the MURKIN file, where under FBI procedures its records of this belong. They are not there, which means that it also files MURKIN information elsewhere, again contrary to the entirely unsupported representations of the government's brief. On one occasion, when I was working in Dallas and was weakened by circulatory impairments, I flew from Dallas to New York to defend the FBI against untruthful charges against it made by persons like Mark Lane, who alleged it was responsible for the assassination of Dr. King.

The disclosed records contain the false charges against the FBI, along with some not false. Its defense is the admission, in the form of a claim, that it did not investigate the assassination of Dr. King and that all it did was conduct what it calls a UFAC case investigation, of Ray in unauthorized flight to avoid confinement. This litigation brought that FBI an admission to light. The disclosed records leave it without doubt that despite all the contrary publicity in fact the FBI did not investigate the crime. It merely investigated Ray, on the assumption that he alone assassinated Dr. King.

Despite this, as was brought to light in this litigation, the FBI also undertook to control the case. It, not CRD, filed the civil-rights conspiracy charge against Ray. The Department, which did not learn until after the fact, that in order to control the FBI filed its charges not in Memphis, where the crime was committed, but in Birmingham. Its reason, disclosed in records brought to light in this litigation, is that it did not trust the United States Attorney in Memphis. The basis for its

conspiracy charge - and this is the literal fact - is that when he purchased the rifle Ray said it was to hunt deer with his brother in Wisconsin.

This litigation also brought to light the fact that despite all its publicity the FBI had nothing at all to do with Ray's capture. That was made possible by the Royal Canadian Mounted Police who did what FBIHQ refused to ask it to do when that was recommended to FBIHQ, search Canadian passport records. In its search of those records the Mounties learned that Ray had gotten a Canadian passport in the name of Ramon Sneyd. It was based on RCMP information that Scotland Yard recognized Ray and arrested him.

This litigation also brought to light the fact that the FBI avoided crime scene photographs taken by professional news photographers at the scene of the crime. Its files do not hold any of those I had no difficulty locating, not even when they were published and the FBI clipped those stories and pictures. When some such photographs, those taken by Joseph Houw and addressed elsewhere, were forced on the FBI, it made no use of them and when I requested them, denied it even had them. It even swore to having made a search in the file that reported where they were hidden and swore that its search disclosed that it did not have those photographs.

As the case record reflects, the contemporaneous news pictures are inconsistent with the FBI's solution.

The case record also reflects the fact that despite ~~and~~ its immediate entrance into the case the FBI did not take any crime scene pictures of its own for many months, when such pictures had no evidentiary value. It then took such pictures for the sole purpose of assisting its exhibits branch in making a mockup of the scene for the local prosecution.

The case record reflects other FBI means of exercising control over such case that are really political cases. Its means include ~~political means~~ <sup>publicity</sup> that ~~were~~ brought to light in this litigation during my effort to obtain pertinent and withheld information.



## FBI Publicity To Control Case

Item 7 of my April 15, 1975 requests seeks "all information, documents, or reports made available to any author or writer, including, but not limited to, Clay Blair, Jeremiah O'Leary, George McMillan, Gerold Frank, and William Bradford Huie." The case record reflects the fact that the FBI's attestations to this search was untruthful, that the search slips disclosed other references that not only were not checked, the defendant refused to check them, ~~ghat~~ the FBI had and still withholds such information, and that the listed writers were sycophantic or wrote in accord with the FBI's position on this subject.

It was on this subject, of what the FBI provided to those who would write as it desired and not to others, that a special hiding place for FBI propaganda activities - as distinguished from legitimate disclosure of news - came to light.

While the FBI stoutly denies it, the FBI leaks extensively and for its own purposes, which are often political. That it leaks and that it always swears it does not and has not are now beyond question.

The official in charge at the time in question and earlier was <sup>C</sup>artha DeLoach, who was third in the hierarchy. The division he headed was titled "Crime <sup>R</sup>esearch," an Orwellian designation for propaganda and leaking. Beginning in this litigation and then with records pertaining to the ~~assassination~~ investigation of the assassination of President Kennedy I have been able to establish that "crime records" pertaining to the media and not either crime or crime records are extensive and are hidden under the no less Orwellian classification of "94. Research Matters."

~~XXXX~~ Ordinarily FBI records have a first number that is the general classification, like 94, then a number that is the file number, and then a number that is the serial number. The 94s, however, have breakdowns of the file number and appear to be quite extensive.

DeLoach also handled legislative contacts and lobbying, according to records disclosed in this litigation and on the subject matter of the King assassination

22.  
investigation.

While as a general practise the FBI withholds duplicate filings under an assortment of claims to exemption (and did in this litigation) ~~it~~ and sometimes such withhold this information by off-center xeroxing, from time to time entries were not withheld. After this tirkky filing technique, which enables the FBI to claim to search and not ~~file~~ find responsive records because of this special name for the 94 classification of files and not produce the pertinent records it knows it has or even search them, became apparent in this litigation I began to compile a list of such files, as disclosed on the records provided to me by the FBI. This list totals 42, almost all of the media. It even has at least one 94 file on the late Chief Justice Warren and the Commission he headed and one on the admiral who had headed the Atomic Energy Commission.

There are 94 files on the three major TV networks and individual stations.

These are not the files of the press office. They are, supposedly, "crime records" files

There are separate files on TV broadcasters, including Dan rather, Carl Rowan, and news services, and agenc: William F. Buckley, Jr., Morgan Deatty,. There are numerous files on newspapers and magazines and news letters and similar services, with multiple files in some case, as the Readers Digest, which is pertinent in this litigation. There are multiple files on writers, like Jeremiah O'Leary, pertinent in this litigation, as he wrote for the "eaders Digest and for the Washington Star. There are files on lobbyists, correspondents and co,u columnists, And there are files on individual writers.

O'Leary is one of those listed in my Item 7 and there are at least two unsearched 94 files on him and the information provided to him, which is the subject of that Item. Gerold Frank and William Bradford Huie, both listed in Item 7, also are in 94 files the FBI has refused to search after I identified them. Although it has not been disclosed in this litigation, the FBI also must have at least one 94 required to be searched with regard to Clay Blair, who begins his sycophantic book for thanking the FBI for its help.

The MURKIN file, which I have read with care, exposes the FBI's fiction that all pertinent information is filed in it. So has O'Leary.

The information for which Blair thanked the FBI and even the fact of its disclosure to him is not included in the MURKIN file.

In this litigation the FBI attested that it gave no information at all to O'Leary and this had no copies to provide to me. The disclosed records themselves and O'Leary when he was considerably embarrassed expose this FBI attestation as both untruthful and known to be untruthful when it was attested to.

That the FBI engages in such practices is, I think, significant information for the general public, as are its propaganda activities and their consequences.  
in the media

O'Leary was one of those who had cozy deals with agencies like the FBI and CIA. He did them favors and they repaid him with their own favor and favors, including especially in this case

In this case they FBI provided him with the information he used in an article for the Readers Digest which had a major impact on the course of the criminal case against Ray, which also was disclosed in this litigation by one of those interceptions of Ray's communications that were known to and used by the FBI even though prohibited by the judge. The deal the FBI made with O'Leary persuaded Ray that he could not and would not get a fair trial and was influential in persuading him to enter the guilty plea that resulted in no trial and no judicial testing of the case the FBI had out together. It thus aborted the working of our judicial system and a judicial determination of fact.

As the FBI which attested that it had not given O'Leary anything at all recorded the deal it made to him, disclosed in this litigation, it gave him only what it refers to as public domain information and, in return he and the Readers Digest agreed to and did submit his article for editing by the FBI.

It happens that O'Leary rendered services to the FBI in Dallas during the early days of the investigation of the assassination of President Kennedy and there was

cross-filing in those files, which were disclosed after the MURKIN disclosures to me. Generally, reporters find ~~abhorrent~~ submission of their articles for the editing of any official abhorrent, particularly if the article is limited to what is in the public domain. O'Leary was considerable embarrassed by this disclosure. His explanation and justification are in the case record and are entirely under<sup>lined</sup>. It is that it made no difference that he submitted his <sup>the manuscript of</sup> article on <sup>Ray</sup> to the FBI prior to <sup>publication</sup> ~~submission~~ because the FBI provided him with all the information in it.

Thus, by O'Leary's account and the FBI's own files, it did provide information to O'Leary, it withheld that information in this litigation while claiming complete compliance with Item 7, and it and its counsel specifically refused to make any further search, especially in the 94 file which I identified, on the ground that was known to be spurious, that if it did not exist in MURKIN it did not exist at all.

As the case record reflects, again without denial or even comment of any kind, when Ray read O'Leary's article and realized the impact it would have, particularly on potential jurors, and knew that it was only one of many such articles, he wrote the judge and said that with such articles appearing there was no point in a trial and he might as well walk over and get sentenced. This letter is among those intercepted, before it was mailed, and xeroxed.

With regard to Frank, on whom there also is at least one 94 file the FBI ~~admits~~ ~~refused~~ refused even to look at after I identified it and its counsel refused to have searched, Frank's book discloses his access to and use of FBI records. When I alleged this the FBI engaged in one of its rigged investigations, limited to what would result in a denial and did nothing else, then denied that it had made any information available to Frank. It had its field office <sup>Memphis</sup> deny that it had let Frank have anything. Without doubt the denial of the field office is the truth. It also is irrelevant because the FBI knew very well that its records were leaked to Frank by the prosecution, which would not dare do such a thing without prior FBI approval. The case record also reflects this, without FBI denial or any comment at all.

A different kind of significance to the public is involved in the disclosed records pertaining to William Bradford Huie. (The FBI refused to make a real search but I obtained its withheld records by other and proper means outside this litigation.)

The case record reflects that Huie made a deal with Ray's then counsel, former FBI special agent Arthur Hanes, Sr., that in return for Huie paying Hanes, Hanes would turn over to Huie anything and everything he got from Ray. While Huie guised this as paying for Ray's defense, he actually assumed Ray's lone guilt and not only considered but swore that Ray double-crossed him by not giving him a confession. Not a penny of Huie's money went to Ray and in addition he also paid successor counsel, Percy Foreman, an additional \$10,000, of which not a penny went to Ray. (In fact, Foreman pled poverty and asked the judge to appoint the public defender as cocounsel, which was done over Ray's objections.) Huie even appeared before the Memphis grand jury to insist that Ray was both the lone assassin and a diuble-crosser. All this and more in the guise of providing Ray's defense.

Huie then tried to use the information he obtained from Ray, as the records disclosed in this litigation state explicitly, to obtain further information from the FBI. It had its own dislike of Huie over his earlier writing, which was not complimentary, and refused to have anything to do with his offer. It also didn't have to because it obtained that information anyway. Thus the FBI received every word the accused wrote and followed it up. The MURKIN records reflect that this was the most valuable information the FBI received by any means, including its own investigations. It ~~was~~ merely followed up on what Ray wrote for Huie and thus retraced Ray's ~~escape~~ life from the time he escaped from the Missouri State Penitentiary a year earlier.

Moreover, Huie's writings, which were in the FBI's files and ~~are in~~ were disclosed in this litigation, actually portray Ray as guilty. So also did both Hanes and Foreman, who were paid by Huie, Ray's ostensible defender, to write articles portraying their supposed client as guilty when he claimed he was not guilty.

This litigation thus resulted in the disclosure of the consequences of a wealthy

writer being able to but the rights to and be able to dictate the "defense." One illustration of the earliest consequences of this is that when <sup>the</sup>anes did not get payment from Hue until Ray was back in the United States, <sup>the</sup>anes counselled <sup>Ray</sup> against appeal of his extradition even though political crimes are not within and are specifically outside of the extradition treaty,

With further regard to Item 7, my first boozs book consists almost entirely of what was published in the newspapers and magazines. The source of much of that information, often attributed, was the FBI. By what it let out it had enormous impact on the public mind, including potential jurors. Examination of the MURKIN file discloses that some of this was to hide the reality, that the FBI did not, on its own, ever get close to Ray, despite conducting what the defendant proclaimed as its greatest manhunt to that time.

One of the more titilating and at the same time ridiculous FBI adventures in new management was its Ayn Rand theory - that Ray had taken his Eric Starvo Galt alias directly from her writing, therefore he was also an Ayn Rand aficionado and subscribed to her philosophy. By reversing her character "Stavro" the FBI came up with "Starvo," even though the merest glance at the signature of the real Eric Starvo Galt makes it apparent that Ray had misread the abbreviation, with small circles instead of dots, St. V. (for St. Vincent) and thus read "Starvo.  
reprinted  
(The signature was published and I republished it from the newspapers.)

FBIHQ set a crew of agents to work reading and analyzing every word Rand had  
and totally wasted  
written. The prepared long analyses, all at considerable expense, which were then leaked.

Mine is a study of how our insutitions worked in time of crisis and thereafter, and how the FBI worked is basic in it. My request for copies of the information it disclosed to other does not state and does not suggest "secret" information. Public domain information, which provided Blair with his book, me with mine, and O'Leary with his article, is information, yet to this day there has been no FBI

compliance. Nor has there been a real search. (With regard to search, SAs Thomas Wiseman of the FOIPA branch and John Kilty of the Laboratory swore in contradiction of each other, Wiseman swearing that Kilty had made searches Kilty not only had not made but wrote Wiseman he could not make. Even after this record was obtained and after both men swore in contradiction of each other, no effort was made either to relieve the false swearing or to make a genuine search. Yet the government's brief alleges that no bad faith has been demonstrated, an untruth that I address in more detail elsewhere.)

The FBI was leaking on all levels, in the field and at FBIHQ. Some of the information and misinformation is duplicated in the MURKIN file, like its Rand fantasy. What is not in this or any other disclosed files is what Item 7<sup>1</sup>/<sub>2</sub> seeks. Reporters who were not sworn to secrecy discussed their conferences with the FBI with me, but none of this is recoded in what is disclosed.

Blair and Frank quote the FBI's records directly. O'Leary states that the FBI provided him with all the material for his article. Yet the FBI claims that it provided no information and at the same time refuses to search the file in which it will find this "research" and records pertaining to its activities. The search slips the FBI produced during Wiseman's deposition include citations of 94 files. I requested that they be searched and even FBI counsel refused this on the spurious claim that if it were relevant it would be in the MURKIN files, where it isn't.

Perhaps it is correct that all such information belongs in the MURKIN file, but none of it is there, that it exists was established beyond question in the litigation, and appeals director Shea informed the FBI that information was pertinent not by how it was filed or misfiled but by subject matter. (No further searches or disclosures were made after he sent his memo to the FBI.)

This is not the only illustration of withholding what is proven to exist by tricky filing and/or misfiling and refusal to provide what search established exists. Other examples appear elsewhere.

In a few instances there was no tricky fail filing and there was disclosure. (Another, (One, relating to the inventories of field office King records, is dealt with elsewhere.) When it was approved that Dr. King be ridiculed over his alleged conduct during a riot the week before he was assassinated, the FBI did disclose this, along with what had been prepared for leaking and illustrations of use by the press. Dr. King had been taken away by the police, who feared for his safety and what could ensue if he were harmed. Instead of the hotel the King party requested, the police, whose judgement was excellent on this, took the King party to ~~the~~ a white-owned motel removed from the scene of the disturbances. Although the FBI's disclosed contemporaneous records are explicit on this, the FBI had the press needle Dr. King for not patronizing a black-owned motel (which is where he was assassinated and always stayed when he was in Memphis). <sup>It</sup>s leak was turned into a crto cartoon in the Memphis papers. it portrayed a cowed andngrofelling King being carried away, under the caption, "Chicken a la King."

The FBI's own disclosed redords reveal that this is its practise not only with me (and probably other FOIA requesters) but with internal investigations and those of the Congress. One standard means important for the people to know and disclosed in this litigation is to transmit a directive that appears to ~~be~~ order a "no-stones-returned" search but actually limits the search to the files it lists. I received in this litigation, after years of perseverance, what the FBI did not provide to either the <sup>Department's</sup> internal investigation or the HSCA.

In this connection, this litigation also disclosed how ~~the~~ FBIHQ can frustrate searches, including for the internal investigators, by using the field offices as its memory holes. An aspect of this is discussed in connection with the field-office inventories. which, in 404 pages of listings managed not to ibclude a single one of the enormous collection of tapes of the wiretapping and bugging of Dr. King and his associates. This also is significant information for the people to know. <sup>It</sup> received extensive coverage in the press when <sup>it</sup> provided it to the Jack Anderson



In this case the FBI has not yet recovered from Memphis and offered the nine cartons made available to the prosecution although Ray's appeals ended years ago. If it has, then it remains hidden in the Memphis field office. No record provided reflects either its retrieval or a request for it after I informed the FBI where this information is. The files can thus be searched and it can be attested that the information does not exist or cannot be located.

#### Disclosure of FBI political activities and domestic intelligence operations

In pretending that nothing of value to the public resulted from this ~~lit~~ (q (1975) litigation the government's brief, for all its length, manages to make no reference at all to two of the major files disclosed in this litigation after there were initially withheld and despite their inclusion in my request. These are the files on the strike of the garbage workers in Memphis, the strike in support of which Dr. King was there to be assassinated there, and the files on the ~~group~~ informal group of young Memphis blacks calling themselves "The Invaders," after a TV program.

brief

Contrary to the pretense of the appeal that after I received the MURKON records nothing of significance was disclosed, these are significant records that since have been used in colleges and scholarly writings. They have been used in two colleges for honors papers, which require the time of a major subject for a year plus a thesis.

These disclosed records reveal the cooperative arrangements the FBI had with the Memphis police where no federal violation existed and where the real purposes were political and include extensive domestic intelligence, even intrusions into private lives and efforts to harm those the FBI did not like.

They also disclose FBI racism, this long after ~~the~~ Director Hoover called Dr. King the biggest liar in the country for alleging racism.

The Memphis agents who handled these political matters, for example, referred ~~to~~ <sup>adult</sup> black <sup>men</sup> as "boy" and even "monkey faced."

Where the FBI did not approve of some of the private and legal activities of those it considered militant (such as seeking equality of opportunity in employment and education) the FBI conducted investigations to identify the business<sup>es</sup> and employment of parents and other relatives and, where there was public employment, got the word around in an undisguised attempt to exert pressure and induce loss of employment.

The FBI received informers and spies reports from the police and, contrary to its claim that it cannot and does not disclose what it receives from other police agencies, disclosed them extensively in this litigation.

The FBI's local symbol informers included the three top officials of the NAACP. *14504*  
black

Its anti-black intelligence extended also to the schools, where it had sources of information on students engaged in such as alleged subversions as seeking better employment and educational opportunities in the community.

In addition to ~~the~~ regular informers, symbol informers to the FBI, the local police had three officers, one undercover, spying on Dr. King in Memphis. One so thoroughly penetrated the King party that he provided its transportation. <sup>local</sup> He also is the first person to reach the body ~~of King~~ Dr. King's after he was shot.

This combined and disclosed ~~in~~ domestic intelligence in Memphis extended even to the meetings of the city council. (This is duplicated in the disclosed Oliver Patterson records. Patterson also was a symbol FBI informer.) Who said what about what ~~is~~ at city council meetings is in the disclosed records in this litigation.

The FBI made extensive distribution of this kind of domestic intelligence ~~xxxx~~ information, particularly to military intelligence organizations. (Hiding this kind of information is one of the purposes of FBI withholding of distribution notations on disclosed records. ~~Nonetheless~~)

An ~~xxxx~~ indication of the enormous extent of the FBI's domestic spying and record keeping is in ~~xxxx~~ duplicate filings of these kinds of records in as many as 150 different files.

This was included in his 1981 book, "The FBI and Martin Luther King, Jr." by Professor David J. Garrow. He inscribed a copy to me, "with deepest thanks for your valuable help." The uses made by others of the information disclosed in this litigation is another of the public benefits. Many others have used this information. The disclosed records include the identifications of some of the writers who did.

Records disclosed to me in these files - I emphasize ignored in the brief - include detailed spying on political campaigns, particularly of blacks running for Congress.

Reports on Dr. King's private ~~Dr. King's~~ meetings with local people, including these young blacks, are included in these disclosed records.

Where Dr. King met with whites, particular white woman, the FBI followed them around the country, including a Florida vacation, to spy on what it imagined they were up to.

White ministers who supported black efforts to improve employment and educational opportunities, particularly those who also spoke out for peace, were the subject of extensive attention, investigation and report distribution by the FBI, which attempted to label them as "communists."

The records disclosed in this litigation establish that <sup>it</sup> ~~the FBI~~ ignored actual violations of federal law, as with military deserters, in order to persist in its purely domestic intelligence operations.

Political considerations outweighed law enforcement to the FBI.

Consistent with having police spies act as its spies, the FBI covered up for the police in what the records disclosed in this case was a murder by the police. This was,

for a time, an inflammatory matter in Memphis. The story of the police was palpably false and the disclosed FBI records reflect that a young black named Payne was unarmed and presented no threat when the police killed him. (This is consistent with the FBI's being and remaining the beneficiary of the wrongful and judicially prohibited spying on the prisoner Ray and his legal defense. The disclosed records report the FBI's awareness that the judge had prohibited the activity which the prosecutor and police both denied.)

There is virtually no element of black life in Memphis that is not included in this domestic intelligence. It extended to the high schools and colleges, the churches, *the press* political and civic organizations, even to the bed.

One of the importances to the public, aside from the disclosure of improper activities by the FBI, is the reflection of the enormous costs of these activities and the diversion of manpower from criminal investigations. Much if not most of the MURKIN records, for example, are not relevant to the crime and the more irrelevant the more time and paper was devoted to them. With the elaborate cost record-keeping insisted on by FBIHQ, even over the objections of the field offices, an impressive and largely irrelevant statistics were compiled and used as a reflection of the FBI's alleged investigation of the crime and was regularly reported by the FBI for this purpose.

The FBI's political activities extend to its critics, like me. One of its fabricated defamations of me is that I conspired with the notorious racist J.B. Stoner to defame it. It also alleged falsely that I sought an interview with a Department lawyer for this purpose. The actuality is that the Criminal Division asked me to go to the Internal Security Division because I had interviewed those who boasted of their violations of the neutrality act and there was such a prosecution then pending. The request for the interview was the Department's, not mine. While I was there I also reported what Stoner had told me that could embarrass the FBI, that the racist police in Alabama was making available to Stoner the FBI's reports it was providing to the police. No further attention was paid to the actuality after the FBI disseminated this fabrication.

The disclosed files also reflect the fact that FBIHQ sent to its Memphis office, with instructions to disseminate it to the local officials, some of its information on me that was contrived to defame me. What the disclosed records do not include is what the FBI disclosed to the local official who visited it before the 1973 evidentiary hearing. I met with him in Washington and he told me he was going over to see the FBI. Thereafter, in Memphis, he was so inflamed that he actually threatened to "get" me, out of the blue and in the presence of others. (More on such disclosures appears in connection with surveillances.)

20  
I had then conducted the successful habeas corpus investigation and was Ray's investigator for the pending evidentiary hearing.

Also political is the disclosure in this litigation of FBI records reflecting that its highest echelon praised those who were insubordinate, insolent and arrogant to the attorney general himself. The generation of ~~falsehood~~ self-serving and misleading records of this nature is included under surveillances.

FBI Ticklers also are political

After denying that it existed and then claiming it could not ~~find~~ be found, after I provided information to the appeals office it did locate one of the FBI's major - and extensive - ticklers in this case, the so-called Long tickler. When it was produced it had been gutted - long after my requests were received. What remains, however, reflects that the kind of information the FBI requires to have at its fingertips is far from all related to the crime. It included prejudicial information of no use in prosecution but of considerable potential for other and prejudicial

What remained  
uses. ~~It~~ held information that could be used includes what could be used for intimidation and pressure and for propaganda. This tickler also held significant information that contrary to the pretenses of the brief is not in the MURKIN file. It held part of a spurious FBI conspiracy investigation in which it pretended that Ray's brothers robbed banks (and remained impoverished) to finance him. The records pertaining to the assassination investigation that are not in the MURKIN files reflect both electronic surveillance ~~that was~~ permission for which was refused by the attorney general and filing information about me in not fewer than five bank-robbery files. FBIHQ and field office ~~291~~ "91" files hold information developed in and pertinent to the investigation that is not in the MURKIN file and even after I provided copies of the records establishing this, from the Long tickler, no search was made and no additional records were processed for disclosure.

21  
Surveillances - and how the FBI Attests to <sup>making</sup> Searches it has not made.

Two items of my request ask for all records of any kind relating in any way to any form of surveillance on enumerated persons who include all members of the Ray family and all those associated with his defense. The FBI's response, although it claims complete compliance, is limited to the claim that my counsel and <sup>electronic</sup> I were not the "subject" of FBI surveillances. When I pointed out that the request is not limited to us, to us as subjects of surveillances or to electronic surveillances or to what was conducted by the FBI itself, while ~~it~~ claiming complete compliance the FBI made no further searches and disclosed no further records.

<sup>incomplete</sup>  
The bank-robbery records included in the gutted Long tickler reflect the fact that despite the refusal of the attorney general to grant permission for it, Jerry Ray's phone calls to me were intercepted. They also report physical surveillance of him by the FBI itself. Yet no additional searches were made.

Bernard Fensterwald, Jr., is listed in these items. The FBI disclosed a record in which its field offices are directed to discontinue electronic surveillance of him and another lawyer but when I produced this ~~no additional surveillances were~~ and the report of an FBI symbol informer who reported on him, no additional searches (Informants are included in this item.) were made and no additional records were processed for disclosure.

James Earl Ray is included but no search of any kind was reported. Aside from the disclosure of ~~surveillance of~~ even his ~~consultations~~ with and communications with counsel (his consultations were covered electronically) as the case record reflects without contradiction, an FBI informer was placed in the same cell with Ray when he was in Memphis for the evidentiary hearing. No search of any kind was reported after I provided this information.

J.B. Stoner, once Ray's counsel, is included in these items. No search of any kind was reported, even after searches were made to comply with Stoner's request and even after those records were provided to him. That he was surveilled is dealt with in connection with the field office inventories.

Although the only searches claimed to have been made are of the subjects of electronic surveillances, the FBI knows very well and has disclosed in other litigation that it also indexes those who are overheard and those who are mentioned, both included in the request.

Stoner and the Rays were under surveillance by not fewer than two FBI symbol informers, as the uncontested case record reflects. Both informers informed on the Ray defense and had members of the Ray family also under surveillance. Both went public and confessed by the FBI still made no search to comply until after I produced a privacy waiver by one, Olive Oliver Patterson. FBI counsel asked me to provide the appearance of the other on St. Louis TV in which he confessed to his spying and I did, but there was no search and not even a request for a privacy waiver.

The disclosed Patterson records refer to others not provided, I requested them, appealed the denial, and received nothing else, not even an explanation. I also filed a request and a waiver for the records pertaining to Patterson's woman companion and received not even an acknowledgement.

Patterson spied on the Rays and the Ray defense from St. Louis to Florida, including at Stoner's Georgia headquarters. He also spied on and intruded into local political affairs, even zoning matters.

This litigation disclosed such FBI activities through informers and the fact that contrary to its claim never to disclose the identity of its informers to anyone, in this case, over his written objections, the FBI identified Patterson to the HSCA, which then used him as its spy on the Rays. (It also disclosed other informers in this litigation when that disclosure served FBI purposes and then refused to make any search at all to comply with this item. One FBI symbol informer took Jerry Ray to bed to obtain and report information from him.

The Patterson records, among those ignored by the brief and produced long after full compliance had been attested to, have considerable public importance. When I provided them to the St. Louis Post Dispatch it resulted in ~~four~~ a series of four



front-page stories in that paper, which also syndicated them nationally, largely because of the reflection of FBI intrusion into local political affairs through its informer. There also was ancillary uses that reached another large segment of the public, including TV and radio.

Early in this litigation the FBI requested permission to surveil the Ray family electronically. Its stated objective was to learn where James Earl Ray had fled. What it did not report in seeking permission from the attorney general is that Ray did not even know how to reach any members of his family other than brother Jerry, it had been that long since he had seen any of them. In seeking this permission the FBI spelled out that if it were caught it might interfere with the prosecution, but it denied that the prosecution would be influenced; that it would violate the constitutional rights of the family; that if caught a civil suit for damages would be lost; and it then insisted that regardless of any costs, the electronic surveillance was worth it. All of this is disclosed in this litigation, along with the FBI's self-serving insolence when it withdrew its request several months later - and after it had conducted these surveillances anyway and hid them by not filing any results or indication of them in the MURKIN file. (The bank-robbery files referred to above do not include the records of these surveillances. They include only some of the information and the proof that they were conducted.) The most likely place to look for them is indicated in connection with the inventories, which first disclosed how the FBI hides ~~the~~ such records. The ~~ex~~ previously undisclosed extent of the FBI's spying on Dr. King also is disclosed in those inventories.)

The truth is that this litigation brought to light much information about the FBI and its activities and practises that bare of enormous public interest and importance. It is in the case record and it is entirely misrepresented in the government's brief, which represents that it does not exist.

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Gallagher *(initials)*

DATE: 11/29/76

FROM : J. S. Peelman

SUBJECT: REQUEST TO MAINTAIN PERTINENT  
KENNEDY - KING FILES IN  
ROOM 4436, JEH  
CONGRESSIONAL INQUIRY UNIT

- 1 - Mr. Gallagher
- 1 - Mr. Ingram
- 1 - Mr. Peelman
- 1 - Mr. Lawn
- 1 - Mr. Decker
- 1 - Mr. William L. Bailey

Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir.: \_\_\_\_\_  
 Adm. Serv. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
 Fin. & Pers. \_\_\_\_\_  
 Gen. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Inspection \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Plan. & Eval. \_\_\_\_\_  
 Rec. Mgnt. \_\_\_\_\_  
 Spec. Inv. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director Sec'y \_\_\_\_\_

PURPOSE: To request authority to maintain those files relating to the assassinations of Martin Luther King, Jr., and John F. Kennedy in Room 4436, JEH, in order to respond to access requests from the House Select Committee on Assassinations as approved by the Office of Legislative Affairs, U. S. Department of Justice.

RECOMMENDATION: That authority be granted to maintain pertinent Kennedy - King files as set out below in Room 4436.

APPROVED: \_\_\_\_\_

Director.....	Adm. Serv.....	Legal Coun.....
Assoc. Dir.....	Ext. Affairs.....	Plan. & Insp.....
Dep. AD Adm.....	Fin. & Pers.....	Rec. Mgnt.....
Dep. AD Inv.....	Gen. Inv.....	S. & T. Serv.....
	Ident.....	Spec. Inv.....
	Intell.....	Training.....

DETAILS: The Congressional Inquiry Unit was formed to respond to the anticipated requests from the House Select Committee on Assassinations. In order to respond expeditiously to these requests and to prepare excised material for access to this committee, it is necessary that files pertinent to the inquiries of the House Select Committee be maintained in Room 4436, JEH. These files are identified as follows:

- 44-38861 "Murkin" *REC-104*
- 62-109060 "Assassinations of JFK" *62-117290-8*
- 62-109090 "Liaison with Warren Commission" *DEC 1 1976*
- 105-82555 "Lee Harvey Oswald"

The retention of these files would be temporary until such time as the requirements of the House Select Committee are met, at which time the files would be returned to the Records Management Division.

JCL:sas (11)

DEC 1 1976

(SEE ADDENDUM PAGE 2)

- 1 - 44-38861
- 1 - 62-109060
- 1 - 62-109090
- 1 - 105-82555



UNRECORDED COPY

1 - Mr. Foster

January 18, 1978

HOUSE SELECT COMMITTEE ON ASSASSINATIONS  
U. S. HOUSE OF REPRESENTATIVES (HSCA)

Reference is made to letter to the Attorney General from G. Robert Blakey, Chief Counsel and Director, HSCA, dated December 20, 1977, which requested, [REDACTED] HSCA

Reference is also made to letter to the Attorney General from G. Robert Blakey, dated October 18, 1977, requesting [REDACTED] HSCA

This letter is to confirm that, in partial response to the above requests, the below-listed files were delivered to HSCA representatives Lance Svendsen and Oliver Champion on January 13, 1978, at FBI Headquarters:

(1) Jack Ruby, aka, Lee Harvey Oswald, aka - Victim (deceased) (file 44-24016) Sections 1 through 40.

(2) Memphis Field Office files, concerning investigation into the assassination of Martin Luther King, Jr., (MURKIN) 44-1987, Sections 1 through 7.

44-1987 - 1A, Sections 1 through 11

44-1987 - Sub, Sections 1 and 2

44-1987 - Sub A, Sections 1 through 7

44-1987 - Sub B, Sections 1 through 7

Total Sections - 34

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

Processing of the remaining sections of the above files is continuing and you will be advised regarding delivery of additional material.

JTA:sas  
(5) sas  
DR/ky

SEE NOTE PAGE TWO

ENCLOSURE

MAIL ROOM  TELETYPE UNIT

62-117290-509X

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

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

# Memorandum

TO : Mr. Bassett *HNB/RS*

DATE: 10-12-78

FROM : D. Ryan *DR*

- 1 - Mr. Adams
- 1 - Mr. McDermott
- 1 - Mr. Bassett
- 1 - Mr. Awe
- 1 - Mr. Bresson
- 1 - Mr. Ryan
- 1 - Mr. Foster
- 1 - Mr. Giaquinto *Yester*

SUBJECT: HOUSE SELECT COMMITTEE ON ASSASSINATIONS  
U. S. HOUSE OF REPRESENTATIVES (HSCA)

**PURPOSE:** To advise that captioned Committee is expected to conclude its work regarding the John F. Kennedy-Martin Luther King, Jr., assassinations probe and cease operations on or about December 31, 1978. Additionally, this memorandum is being submitted in order to solicit responses from the Disclosure Section, Freedom of Information-Privacy Act (FOIPA) Branch, and Records Systems Section, Records Branch, regarding their respective positions as to the disposition of the voluminous material prepared for the HSCA.

**DETAILS:** The HSCA was formed in September, 1976, by the Ninety-fourth Congress to "study the circumstances surrounding the details of John F. Kennedy and Martin Luther King, Jr., and any others the Select Committee shall determine." Subsequent to the formation of the HSCA, the Congressional Inquiry Unit (CIU) was formed at FBI Headquarters to process requests submitted by the Committee for pertinent FBI material.

To date, the CIU has processed two hundred eighty-three (283) requests from the Committee providing them with both Bureau and field office material pertinent to these assassination probes. The material, which includes sensitive ELSUR logs, highly classified security files, appropriate tickler files and a separate index system, is currently stored in approximately sixty (60) file cabinets located within the CIU's secure but temporary office space in Room 8988.

Mr. G. Robert Blakey, Chief Counsel and Director, HSCA, has advised the Committee will conclude its public hearings this November, issue its report soon thereafter, and, as mandated by Congress, will conclude its business on or about December 31, 1978. With the dissolution of the HSCA and the expected dissolution of the CIU, the subject of the proper disposition of the voluminous material prepared for the Committee needs to be addressed. Therefore, the CIU is setting forth the following recommendation.

EX-122

REC-80 *62-117270-1277*

JSG:prf  
(9)

CONTINUED - OVER

ADDENDUM OF THE RECORDS MANAGEMENT DIVISION PAGE 3



DEC 15 1978

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

*Yester*

NOV 8 1978

REV.

DOUGLASS

FBI

Memorandum D. Ryan to Mr. Bassett  
Re: HOUSE SELECT COMMITTEE ON ASSASSINATIONS  
U.S. HOUSE OF REPRESENTATIVES (HSCA)

ADDENDUM: FOIPA BRANCH  
RECORDS MANAGEMENT DIVISION

*rb*  
THB:tdp 10/31/78

An informal survey of the material prepared for the House Select Committee on Assassinations (HSCA) by the Congressional Inquiry Unit was conducted on 10/27/78 by Section Chief Bresson of Disclosure Section, FOIPA Branch, along with SAs John A. Hartingh and John C. Hall, Legal Counsel Division. It was observed the material includes voluminous records which are not pertinent to the Kennedy-King assassinations, i.e., extensive ELSUR logs and other file material concerning organized crime figures, as well as certain extremist organization files.

FOIPA Branch is currently involved in litigation regarding both the Kennedy and King cases. An issue concerning scope of our searches is still unsettled; however, with regard to King, the scope issue is about to become the focus of a hearing to be held soon in U.S. District Court, Washington, D.C. It is anticipated that Quinlan J. Shea, Director, Information and Privacy Appeals Office, Department of Justice, will furnish an affidavit in essence stating that his appeal review considered the scope issue and he is satisfied the searches conducted and records thereby retrieved for review are within the confines of the FOIA request.

On 10/27/78 the matter of our retention of copies of the material furnished HSCA was discussed with Shea. He is aware that a significant portion of record material furnished the Committee in response to specific inquiries has not been considered by us to be within the scope of the FOIA request. In this regard we have, in the past, made available to the FOIA litigant in this matter documents which were publicized by the Committee, and which would not have been included in the FOIA processed material. Shea concurs that production of records for the Committee does not, in itself however, bring those records within the scope confines of the FOIA litigation, and is prepared to uphold our FOIA searches which utilized the indices to retrieve the main case files regarding the assassinations and closely related main files both at FBIHQ and selected field divisions.

Memorandum D. Ryan to Mr. Bassett  
Re: HOUSE SELECT COMMITTEE ON ASSASSINATIONS  
U.S. HOUSE OF REPRESENTATIVES (HSCA)

ADDENDUM: FOIPA BRANCH  
RECORDS MANAGEMENT DIVISION

*THB*  
THB:tdp 10/31/78

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