

Mr. David G. Flanders, Chief  
FOIA/PA Branch  
FBI  
Wash., D.C. 20535

8/10/79

Dear Mr. Flanders,

After reading your letter of the 7th and its enclosures, for which I thank you, I was prompted to check your citation to the HSCA hearings (8:74-507), for which I also thank you.

Under other circumstances the determination of the FBI would be admirable. Its determinations relating to a law that is supposed to assure the right of the people to know what their government does, reflected in your letter and enclosures, include not to adhere to the dictates of its supposed boss, the Attorney General or the Act or its own prior acts. It remains determined to withhold the public domain and not to correct itself.

The exemptions you have claimed are not necessary and are contrary to the 5/5/77 policy statement.

What you ignored when I appealed in my King case and continued to withhold is not, with FBI assent, disclosed by the HSCA.

The first record in your Attachment A is an unserialized Memphis teletype of 10/16/78. It cites the Jackson 4/18/68 ~~██████████~~ airtel to FBIHQ as reflecting an FBI investigation of the motels at Corinth, Miss., and finding no record of any registration by Ray or under any known ~~█~~ alias or under a license number that I may be wrong in thinking is not identical with his. While I don't doubt that this 1978 teletype reflects the 1968 investigation accurately from my recollection it is not complete. Later that year Huie received more information from Ray and the FBI thus received Ray's information. But it then decided not to check what it learned through Huie about Ray <sup>staying</sup> near Corinth on 4/1/68.

Then there is the official of the Alabama hotel association whose name you withhold. James Earl Ray knew his name although Ray was in Jail. How secret could it be and what need could there be for you to withhold it and claim 7C and D? Is this the FBI interpretation of the ~~██████████~~ 5/5/77 policy and the historical case determination of the Attorney General?

Next when it suits your purpose you do not withhold the names of police sources. Yet throughout the King FOIA case you have done precisely this and not changed on appeal.

Attachment B is of six pages. Yet the cover slip refers to the production of 91-27494 Serials 1 through 32. This is more than six pages.

Your letter does not state that these are all records relating to the Alton bank robbery and <sup>including</sup> those printed by the HSCA they are not. Nor are they all the records relating to the bank jobs the FBI theorized were Ray robberies. Those records have not



been provided although the HSCA had access to them and drew upon them. The FBI managed to include me in them but has not provided any copies under my PA request or under my appeals in both matters.

The hundreds of pages in Volume 8 were too much for me to read immediately so I made a spot check for evidence of prior and uncorrected FBI withholdings in C.A. 75-1996. In one record the names of two men arrested or named as suspects were withheld. They remain withheld even though the judge said they should not be. Now you release them, without asking HSCA to withhold them.

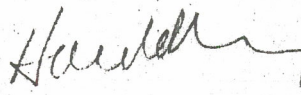
I also decided to spot ~~check~~ the first FBIHQ MURKIN records I saw against the copy provided to me. It is serial 4043. Sure enough you withheld from me in the case in court what you permitted the committee to disclose - public domain information to boot now that I can read it.

The name of Jack Gawron, deceased, was withheld consistently and remains withheld from many pages provided in C.A. 75-1996. I remember providing your unit with even his nick-name, "the cat man."

You also withhold the address of the Ray uncle, William Mayher (sic). Do you suppose that the phone book for Alton, or the city directory, don't include it, or that the various Ray's don't know it or that all the reporters and book writers who interviewed him do not? Yet this also was and remains withheld in C.A. 75-1996, long after appeal.

As usual, disclosure<sup>ure</sup> establishes there was neither need nor justification- that the FBI merely harasses requesters, particularly me, runs up cost statistics, and ignores directives and the law.

Sincerely



Harold Weisberg



Addendum of 8/13/79

I have been able to take a closer look at the records printed by HSCA and more about other requesters has come to mind.

The copies you sent are not the only copies you have provided to James Earl Ray. Also, you have provided a fairly substantial number of pages to Jerry Ray. Obviously the only real interest in Jerry Ray is that he is James' brother and the only real interest in James is as the assassin of Dr. King. I would appreciate copies of these records that you have not provided and not referred to.

In the 433 pages of FBI records printed in the cited volume there is but a single kind of withholding, the names of symbolled informants. All the other kinds of withholdings you have practised in C.A. 75-1996 <sup>confirmed</sup> and in other cases are not here. All those things the FBI swore to so many courts had to be withheld are not withheld. Not a single police name <sup>and</sup> ~~or~~ not a single bit of police information is withheld. Not any single FBI names is withheld. Not a single "source" is withheld.

If the FBI could release such information for publication there appears to be no basis for its withholding these kinds of information. Yet despite innumerable appeals over a long period of years the FBI persists in withholding such information from me. In C.A. 75-1996 the FBI has persisted in these kinds of withholdings even when the Court said otherwise.

As printed there may be earlier references to the FBI's interest in the Alton bank robbery in connection with James Earl Ray and his family and I know there are others printed later in this sequence. However, I call to your attention the 8/26/68 Springfield report on page 444. It states "Will continue to correlate investigation in this case with investigation under the Murkin caption to resolve any question concerning the complicity of JAMES EARL RAY in instant bank robbery."

On pages 451-3 the Alton case is under a MURKIN caption in the 5/29/68 Springfield to FBIHQ airtel referring to the call from Section Chief C.L.McGowan and No. 1 man J.G.Kelly, on May 24 and 29, respectively. These were "with regard to the possible connection between the MURKIN subject JAMES EARL RAY and the possibility of his involvement in the Bank of Alton robbery of July 13, 1967...<sup>been</sup> previously in contact with ... St. Louis office..." (There are other references to the Ray and St. Louis office involvements but my point here is that the Alton robbery is treated and regarded as part of MURKIN, and all relevant MURKIN records are to have been provided.)

As the committee prints them there are earlier illustrations of what follows. I call this one to your attention because without making a careful comparison it appears to be the first Springfield office request for a hair and fibers micro examination of the year after the Alton robbery. (page 460). Also please note that Laboratory <sup>number</sup> gtries of case and file (that are and remain withheld in C.A. 75-1996 are not withheld in these records the FBI knew were to be published, my understanding is were published with



the FBI's assent. There is reference to other such identifications, which are necessary to anyone using these records, of other and earlier evidence submitted to the Lab, again with Lab number and other identifiers not withheld. This includes alleged Alton bank robbery evidence, like the clothing abandoned by the alleged robbers.

There may be other references in the printed records to the clothing and similar materials believed to be evidence. The first I noted is the FD 302 of 8/22/67, on page 209. ~~Of~~ all the clothing listed only one has the size given, ~~of~~ the Hickock Pioneer belt, size 32. Shirts trousers, jackets and hats of different kinds all usually have sizes in them and the Lab can provide this information ~~if~~ not included on the specimens.

Other, similar ~~reports~~ reports by the same SA James H. Yalvington all have the same omissions (pages 219-20, 221-2, 223, 4, 225-6, 227-8, 229-30, 480, 485, 486, 489, 491, 495.)

A section on "Laboratory Examinations" begins of page 233.

In not a single one of these many records is any other size provided.

Based on my personal observations of all the Ray brothers a size 32 belt <sup>seem to</sup> be too small for them. If I cannot be <sup>about this,</sup> and am not certain <sup>whether</sup> the sizes of the other clothing would have been helpful to the FBI and <sup>then</sup> to others in determining ~~if~~ this recovered clothing would have fit any of the Ray brothers. (You may not know it but clothing much too small for James was found in the Mustang auto he abandoned in Atlanta.)

While this can suggest the existence of other and withheld records it can also reflect the FBI's knowledge that the recovered clothing did not fit the Rays. <sup>later</sup> The hair and fibre examination <sup>mag</sup>thted no Ray specimens.

Above in referring to the alleged checking of Corinth, Miss., motels I noted that there came a time when the FBI decided ~~other~~ than is reflected in the record you have just provided. ~~One~~ such illustration, conveniently, is published on pages 660-1.

The record you have just provided, which is only one of the relevant records, is the Jackson 10/16/78 teletype. It cites only its 4/18/68 teletype, both to FBIHQ. The printed one, one of those I recalled above, ~~is~~ an airtel of 3/14/69. It does not represent a check of all motels, only of unspecified and unidentified motels near Corinth. With regard to learning what Huie had learned from Ray it declined to conduct even the easy and minimal search and investigation (page 661) "since it is not believed that it is of any particular importance to establish whether or not JAMES EARL RAY stayed over night at Corinth on 4/2/68..."

This is inconsistent with reality and with the nature of the FBI's diligent <sup>time</sup> bulldogging of all the known irrelevancies on which it could invest and tabulate <sup>and cost</sup> time records knowing in advance that there would be no relevance.

One of the obvious importances would be the time of checking <sup>to be</sup> if Ray was <sup>placed</sup> personally in Atlanta that morning, there being a limit to the speed at which he could have driven that distance.

Consistent with this <sup>is</sup> lack of interest in where Ray spent the two days before he



checked into a Memphis motel on 4/3/68.

I checked out what Ray told me about the next night, 4/2<sup>He was at</sup>, a so-called "hot sheet" joint closer to Memphis than Corinth, which <sup>also</sup> is not far away from Memphis. Two maids and the manager place Ray at the DeSoto Motel, now about 3/4 of a mile below the expanded Memphis city limits. These people recall the FBI being there and making this check. I <sup>have</sup> ~~received~~ no record indicating this, took it up on a number of occasions with SA John Harting and others and when that yielded no records appealed the denial.

For your information, this place, the DeSoto Motel, is on the wrong side of Memphis for one coming from either Atlanta, the FBI's account, or Birmingham, Ray's account, but is ideally suited for a rendezvous ~~for~~ with someone coming up from New Orleans, where Ray is known to have had several contacts with others.

For your information also, because I presume you lack detailed knowledge of the FBI's investigation, it determined that both beer (which Ray reportedly does not prefer) and the bag in which the beer was came from any easy walk from this DeSoto Motel. The beer and the bag were included in the bundle the FBI claims Ray dropped on the street in Memphis.

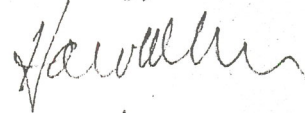
Supposedly the FBI's detailed tracing of Ray was the greatest manhunt in its history. It did great amounts of work in foreign countries, where the crime was not admitted, even tracing down and interviewed the whores with whom Ray associated. Relevance to the crime is not apparent. Compared with where Ray was, what he did and with whom he may have met the few days before the crime, there is room for disagreement with the FBI's view that the whores are relevant and where Ray was just before the crime is not relevant.

There is still a other gap in these records. The FBI did not come up with its checking at the one motel in question in Corinth. If in fact it did check that motel, the single one in the area not on the main road that Ray would have taken from Atlanta to Memphis, it did not provide the records of that check.

Your people appear to have considerable familiarity with the HSCA Volume 8 because they cite most of its pages. They therefore should have been aware of the name of the motel because its co-owner and co-manager, Freddie Phillips, testified beginning on page 57. The name of the Motel is the Southern Motel. I do not recall the relevant records having been ~~provided~~ provided.

By a copy to Mr. Shea I am appealing all the (continuing) denials as well as those you may ~~describe~~ describe as new ones.

Sincerely,



Harold Weisberg