

UNITED STATES GOVERNMENT

Memorandum

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

TO : Mr. Decker *DBK*

DATE: 5-10-76

FROM : J. M. Powers *JMP/DBK*

SUBJECT: FREEDOM OF INFORMATION-PRIVACY ACTS REQUEST OF
JAMES H. LESAR, ESQ., REPRESENTATIVE HAROLD WEISBERG

cc
Enclosed for Administrative Division is a check in the amount of \$87, received from requester on May 5, 1976, for special search fees and reproduction costs. Attached, original and copies of receipt prepared for the benefit of the requester, a copy of which will be provided him by letter dated May 11, 1976. ✓

The check for \$87 is broken down as follows:

\$63 for nonroutine searches conducted by the Memphis Field Office as stated in Memphis airtel to Director dated 4-20-76;

\$9 for 3 8x10 color photographs of the death bullet in the assassination of Dr. Martin Luther King, Jr;

\$15 for 3 negatives of the color photograph of the death bullet.

Charges are in accordance with Title 28, Code of Federal Regulations, Section 16.9.

RECOMMENDATION:

None: For Information.

Enclosure

- 1 - Mr. Walsh - Enclosure
Attention: Mr. Groover
- 1 - Mr. Mintz
Attention: Mr. Blake
- 1 - Mr. Cochran
Attention: Mr. Avignone

EX-112
REC-53

111-51928-60
196-709-71X10
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Memorandum to Mr. J. B. Adams
Re: HAROLD WEISBERG v. UNITED
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(U.S.D.C., D.C.)
CIVIL ACTION NO. 75-1996

of these photographs to him and he should deal directly with that organization concerning same. Plaintiff's attorney furnished a check in the amount of \$87 in payment for material furnished on 5/5/76 and for search costs by our Memphis Division. At conclusion of meeting plaintiff repeated his belief that the FBI possessed additional material not furnished him which would be responsive to his request.

RECOMMENDATION:

That FOIPA Section, Records Management Division, promptly prepare letter to plaintiff furnishing receipt for check received and confirming results of meeting held 5/5/76. This should be accomplished prior to Wednesday, 5/12/76, as court status call is scheduled for that date. AUSA John Dugan, District of Columbia, should be in receipt of a copy of this communication prior to next court status call.

APPROVED:	Comp. Syst. _____	Laboratory _____
Assoc. Dir. _____	Ext. Affairs _____	Legal Coun. <u>MLD</u>
Dep. AD Adm. _____	Gen. Inv. _____	Plan. & Eval. _____
Dep. AD Inv. <u>2/10/76</u>	Ident. _____	Rec. Mgmt. <u>2/10/76</u>
Asst. Dir.: _____	Inspection _____	Spec. Inv. _____
Admin. _____	Intell. _____	Training _____

DETAILS:

On 5/5/76 plaintiff Harold Weisberg, his attorney, James Lesar, and a third individual identified as Mr. Paul Wurtzel, a friend of plaintiff who was driving for him on that date, appeared at FBIHQ to review material furnished by our Memphis Division concerning the investigation of the Martin Luther King, Jr. assassination pursuant to plaintiff's FOIA request of 4/15/75 which requested, in the main, photographs or sketches taken by the FBI or in our possession concerning that murder as well as certain scientific tests performed by our FBI Laboratory. On 3/23/76 (see my memorandum to Mr. Adams dated 3/25/76), a conference was held between

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plaintiff, his attorney, and FBI personnel to review documents deemed releasable pursuant to the FOIA. Plaintiff indicated the FBI possessed additional material, and we subsequently requested the Memphis Division to forward material falling within the scope of plaintiff's request for review. By airtel dated 4/9/76, Memphis furnished material found in their files concerning the above investigation. This consists of several categories of photographs as will be outlined hereinafter:

1. Forty-seven crime scene photographs taken by the Memphis Police Department on 4/5/68 at and in the vicinity of the Lorraine Motel, Memphis, Tennessee. This material was considered exempt from disclosure inasmuch as they were received from a confidential source pursuant to Title 5, United States Code, Section 552 (b) (7) (D). Current contact with Memphis Police Department disclosed that agency does not wish these photographs to be disclosed.
2. A set of 14 photographs of suspects in the King assassination investigation. Of these photographs Mr. Weisberg selected five that he desired copies of and this will be subsequently handled by FOIPA Section.
3. A set of aerial view negatives of the Lorraine Motel and vicinity taken in April of 1968 by United States Corps of Engineers personnel. Weisberg did not care to receive copies of any of the negatives reviewed.
4. A set of 107 photographs of the crime scene taken at and in the vicinity of the Lorraine Motel by Joseph Louw and furnished to the FBI by Life Magazine. Mr. Weisberg was allowed to review these photographs and he selected 15 that he wished copies of. Mr. Weisberg was advised these photographs were considered to be the property of Time, Inc., New York, and we had recently determined that organization retained control of these photographs and did not grant this Bureau authority

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to release desired copies. Mr. Weisberg volunteered that he was aware Time, Inc., possessed more photographs than he viewed as he had previously (at an unstated time) viewed same through the courtesy of Mr. Ralph Pollard of Life Magazine. He was merely advised that the 107 photographs were the only "Life" photographs in the FBI's possession.

Mr. Weisberg was advised the searching costs for locating the photographs was \$63. James Lesar, plaintiff's attorney, gave a check made out to the FBI in the amount of \$87 to cover the costs of this search and in addition, to cover the cost of additional material previously selected by Mr. Weisberg and presented to him on 5/5/76. These items are identified as three color photographs of Q64, which is the death bullet in the assassination of Dr. Martin Luther King, Jr., at \$3 each, and \$15 for three negatives of the color photographs of Q64 made to the specification of Harold Weisberg.

Mr. Weisberg strongly suggested that the scope of his request had not been complied with and that the material furnished him on 5/5/76 did not represent all material within his request contained in the records of the FBI. For example, he said he had a "receipt" indicating the transmission of documents from the Memphis Field Office to the Washington Field Office subsequent to the date that James Earl Ray plead guilty in the assassination of Dr. Martin Luther King, Jr., and Mr. Weisberg further stated he had no information to indicate these documents had been returned to the Memphis Field Office. Therefore, it is the contention of plaintiff that the Washington Field Office would necessarily have documents within the scope of his request which have not been identified and located through the search conducted at this point in his FOIA request. It should be noted that during previous meeting of 3/23/76, plaintiff made identical claims during which time he was advised that we would very much appreciate receiving the information in his possession which would help us locate other material responsive to his request. He had offered to furnish this information orally, but refused

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to give a written statement containing so-called "leads" to the location of the material desired. During our 5/5/76 meeting, described above, he was reminded we would appreciate receiving a written statement which would assist us in locating material that Mr. Weisberg claims we possess and that we have been unable to locate to date. Mr. Weisberg stated he felt it was the burden of the FBI to locate the material and not his responsibility.