

UNITED STATES GOVERNMENT

Memorandum

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
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- Training _____
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- Director Sec'y _____

TO : Mr. Cochran *JTC*

DATE: 3/2/76

FROM : J. J. McDermott *JJM*

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA)
OF JAMES H. LESAR

Handwritten: Handed over to...

Copies of letters of James H. Lesar dated 4/15/75, 12/29/75, 2/23/76, the Deputy Attorney General's (DAG) letter of 12/1/75, and SA J. W. Kilty's Laboratory addendum dated 11/14/75 are attached.

As indicated in the DAG's letter of 12/1/75, Lesar's request in his 4/15/75 letter numbered 1 and 6 were narrowly construed in the interest of saving his client undue expense. As Lesar indicates in his recent letters he desires to inspect the material within the scope of his requests 1 and 6 which has not been furnished him.

This request is currently in litigation and the Department of Justice has asked us to accommodate the 3/15/76 date for inspection, if reasonably possible.

RECOMMENDATION:

REG-59

Handwritten: 196-769-71X4

That the Laboratory Division accumulate the photographs of the scene of the Murkin and any ballistics tests conducted in the Murkin and advise SA Wiseman, Freedom of Information-Privacy Acts Section, Files and Communications Division, when they are ready for the requester's review.

Enclosures (5)

Handwritten: ENCL 5

1 - Mr. Mintz
Attention: Mr. Blake

1 - Mr. Cochran
Attention: Mr. Kilty

Handwritten: JTC

Handwritten: H/RS

Handwritten: J/atan

Handwritten: FBI

TLW:mjs (5)

(see LABORATORY ADDENDUM PAGE 2)

SEE ADDENDUM OF GENERAL INVESTIGATIVE DIVISION, PAGE 3.

JUL 13 1976



JWK

LABORATORY ADDENDUM, JWK:fdb (5) March 5, 1976

With testimony and work commitments already made, it is not possible to conduct a complete search of the MURKIN file and gather the pertinent information by March 15, 1976. A realistic date is March 22, 1976, and SA John W. Kilty will keep SA Wiseman advised concerning his progress in the file search. The Laboratory Division will be responsible for Item 1 in the request. The General Investigation Division should gather and evaluate the photographs of the scene as described in Item 6 of the request.

JWK

4.5.01

JWK

A search of the pertinent FBI files where reports of firearms examinations would be expected to be, revealed serial 432, a report with worksheet and notes, and serial 4762, a report with worksheets and notes. No other firearms examinations were located.

Agent time spent on this search was eight hours.

JWK

ADDENDUM GENERAL INVESTIGATIVE DIVISION HNH:bap 3/8/76

The FOI-PA Section should handle Item 6 of this "Freedom of Information Request" pertaining to all photographs from whatever source taken at the scene of the crime on 4/4 or 4/5/68.

Martin Luther King, Jr., was killed on 4/4/68 and a Civil Rights investigation was immediately instituted. Any photographs of the crime scene as requested would be located somewhere in our voluminous files either here at FBIHQ or in our Memphis Field Office, the office of origin, in the King civil rights case. The General Investigative Division has no intricate knowledge as to where these photographs are located in these voluminous files which were compiled nearly 8 years ago. The only way to retrieve these photographs would be for a complete file review. This file review is clearly a clerical function of the FOI-PA Section.

The General Investigative Division is referring this matter back to the FOI-PA Section. The FOI-PA Section will handle Item 6 of this request.

ejm ~~*[Signature]*~~ *GIRNA*

It appears that Items 1 through 4 of Lesar's letter of April 15, 1975, and all four items in Leiser's letter of September 5, 1975, are Laboratory matters.

Two copies of each item are being enclosed with this addendum.

The items are as follows:

- (1) Laboratory report dated April 17, 1968, which sets out results of firearms examinations mentioned in Lesar's and Leiser's letters.
- (2) Laboratory worksheet containing notes concerning the firearms examinations.
- (3) Laboratory report, worksheet and notes containing the results of spectrographic and neutron activation examinations of bullets.
- (4) Worksheet and notes concerning the spectrographic analyses of areas of clothing.
- (5) Worksheet and notes concerning the firearms examinations conducted on clothing.
- (6) Laboratory report, airtel, worksheet and notes concerning the examination of a portion of windowsill.
- (7) Laboratory report dated April 19, 1968, which lists items recovered during search of 1966 white Mustang.
- (8) Eleven photographs and photomicrographs of the windowsill area, the muzzle of a weapon and mechanism markings.

None of these items has been released to the public.

Item 4 in Lesar's letter asks for "the results of any scientific tests performed on the butts, ashes or other cigarette remains found in the white Mustang..." Review of the pertinent worksheets and reports has determined that no cigarette butts were recovered during the search of the Mustang. The report dated April 19, 1968, sets out the items that were recovered.

Twenty hours of agent time were utilized in this matter. The cost of printing the photographs is approximately \$20.00, which is the cost of 46 photostatics some of which are being retained for future requests. *196-709-71X4*
Also Kilty advised 11/20 - 664 photos are 3.00 per photo.