

2/12/71

Dear Bud,

Glad the tip on Minuteman threat vs King got something a bit better than Jones' book. While this is undoubtedly covered by one of the FOI exemptions on investigative files, I'd not assume there is no prospect of getting anything. I suggest a letter to Mitchell saying you'd prefer not to explore the possibilities Jencks might hold, and you have no doubt that he'd want to hide his source unless it has since become public, and you agree it is proper that he should, but because you and Bob do represent Ray, hows about old Buddybuddy Mitchel filtering what they have to eliminate anything that could identify the source and giving you the rest. Someday you might have use for your letter and for his rejection. And remember, they do not always say "no".

Meanwhile, I have two Minuteman sources of my own. I've asked both. I've had a negative response from the first. He is less resourceful, but he is better situated than the other.

I'd also suggest a polite inquiry of Janes, who just may know more.

HW

United States Department of Justice

UNITED STATES ATTORNEY

WESTERN DISTRICT OF MISSOURI
549 UNITED STATES COURT HOUSE
KANSAS CITY, MO. 64106

February 1, 1971

Mr. Bernard Fensterwald, Jr.
Attorney at Law
905 Sixteenth Street, N. W.
Washington, D. C. 20005

Dear Mr. Fensterwald:

This will refer to your letter of January 11, 1971, requesting a copy of the motion filed in April, 1968, in the Court of Appeals for the Eighth Circuit in the case of United States v. Robert Bolivar DePugh, et al.

I am enclosing herewith a copy of the motion together with a copy of the suggestions in support of the motion and a copy of the certificate in support of the motion.

I regret to advise you that I cannot provide any information except for that which is contained in the motion and supporting pleadings.

Warm personal regards.

Yours very truly,

BERT C. HURN
United States Attorney

By

Calvin K. Hamilton
CALVIN K. HAMILTON
First Assistant
United States Attorney

CKH:mh
Enclosures

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

ROBERT BOLIVAR DePUGH,
Appellant,

v.

UNITED STATES OF AMERICA,
Appellee.

No. 18732

WALTER P. PEYSON,
Appellant,

v.

UNITED STATES OF AMERICA,
Appellee.

No. 18733

TROY HAUGHTON,
Appellant,

v.

UNITED STATES OF AMERICA,
Appellee.

No. 18772

CERTIFICATE IN SUPPORT OF THE
MOTION OF THE UNITED STATES OF AMERICA
TO REMOVE CASES FROM THE DOCKET

Comes now Anthony P. Nugent, Jr., Assistant United States Attorney for the Western District of Missouri, and certifies that Robert Bolivar DePugh and Walter Patrick Peyson, appellants herein, are now fugitives from justice for whom warrants of arrest have been issued by the United States District Court for the Western District of Washington, Northern Division. There is pending in that court at this time an indictment in which appellants are accused of conspiring with others to commit offenses against the United States, that is, violations of section 2113(a) and (d) of

Title 18, United States Code. Appended hereto and made a part hereof is a photocopy of aforesaid indictment.

The United States is informed and believes that the Federal Bureau of Investigation has continuously and diligently searched for said appellants in all of their usual places of abode to no avail. The Federal Bureau of Investigation has received information indicating appellants DePugh and Peyson may be in Canada.

Appellants DePugh and Peyson themselves have declared themselves to be "fugitives from injustice" and have publicly stated their intent to evade capture and return to the control of the court. Attached hereto and made a part hereof are the following:

1. Photocopy of a letter received by Harry Jones, Jr., reporter for the Kansas City Star, in the handwriting and over the signature of Robert Bolivar DePugh, on stationery headed by the term "'Minutemen' Underground Headquarters".
2. A four-page typed document entitled "Underground News Bulletin No. 1" received on March 19, 1968, by aforesaid Harry Jones, Jr., bearing the signature of Robert B. DePugh.
3. A letter in the handwriting and over the signature of appellant Walter Patrick Peyson dated March 10, 1968, on aforesaid stationery headed "'Minutemen' Underground Headquarters". (Attached thereto was another copy of aforesaid "Underground News Bulletin No. 1".)

Information has been received by the United States Government from an informant of apparent reliability, to the effect that appellant DePugh has issued orders to other Minutemen that, if he goes to jail, certain persons connected with his prosecution and others are to be assassinated, including Martin Luther King. This information was received prior

to the assassination of Martin Luther King.

As for appellant Haughton, the United States Attorney has been informed by J. Whitfield Moody, his appointed attorney, that he has not seen or heard from Mr. Haughton since about one week after his appointment and that Mrs. Haughton professes to believe that Mr. Haughton is dead.

CALVIN K. HAMILTON
United States Attorney

By

ANTHONY P. NUGENT, JR.
Assistant U. S. Attorney

I hereby certify that on this 17th day of April, 1968, copies of the foregoing were mailed to J. Whitfield Moody, Esq., and John J. Cosgrove, Esq., The Legal Aid and Defender Society, 1029 Oak St., Kansas City, Missouri, attorneys for appellant Troy Haughton; to William J. Gilwee, Esq., Argyle Bldg., Kansas City, Missouri, Albert L. Rendlen, Esq., 108 North 3rd St., Hannibal, Missouri, and Charles B. Blackmar, Esq., 7305 Maryland, St. Louis, Missouri, attorneys for appellants Robert Bolivar DePugh and Walter P. Peyson.

ANTHONY P. NUGENT, JR.
Assistant U. S. Attorney