FPOT 3/13/70

Local Author Files Suit Against U.S. Government

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Local author Harold Weisberg filed suit against the U.S. Government Wednesday claiming that the State and Justice Departments had violated the 1968 "freedom of information act" in witholding information concerning the extradition trial in Britain of James Earl Ray.

Weisberg commented Wednesday that affidavits used in the trial were deliberately withheld from him since they contained information which would possibly contradict the promise of proof concerning the Martin Luther King murder made by the prosecutor at the Memphis proceedings.

Weisberg, who has written an as yet unpublished book about the James Earl Ray case entitled "Coup D'Etat" said he had sought to see the affidavits which he claimed backed the basic thesis of the book, that there was no clear-cut evidence that Ray was Martin Luther King's assassin.

He said that the Justice Department and the Bow Street Magistrate's Court in Britain both claimed that they had no copies. He said, however, that State Department officials said that copies of the affidavits had been sent to the Justice Department.

Weisberg commented further on the lack of records at the Bow Street Magistrate Court in Britain, saying that the normal procedure in public trials is for records to be kept.

The affidavits used in the extradition trial were originally compiled by the Justice Department, certified, and sent to the State Department and from there to the British authorities, Weisberg said. He commented that he found the claim by Justice Department authorities that they had no copies of the affidavits highly unusual since these documents had to be certified before being sent to the British authorities.

He quoted a letter which he said had been sent to him by State Department Assistant Legal Advisor J. Edward Lyerly, in commenting on what he felt was the unusualness of the British authorities having no records of the trial.

"Affidavits submitted to a foreign court in support of a request for extradition become part of the records of that court.

He also took issue with a statement which he said was made in a letter to him from Deputy Attorney General Richard Kleindienst that the affidavits would not at any rate have been made available to him since they would be part of an immune investigative file.

He said that the "Freedom of Information Act" made most files not involving an investigation available to the public. The claim that the affidavits in question were part of an investigative file "is complete nonsense, because they are the evidence of the Bow Street Court," Weisberg remarked.

Suit was filed in the Federal District Court in Washington.

Weisberg has written and published four books concerning the assassination of John F. Kennedy and the later investigation of the assassination. These books, are "Whitewash," "Whitewash II," "Photographic Whitewash," and "Oswald in New Orleans."