

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 07 1974

TELETYPE

NR 003 ME PLAIN

5:29 PM NITEL OCTOBER 7, 1974 JLC

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987) (P)

MURKIN

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

ASSISTANT ATTORNEY GENERAL HENRY HAILE, STATE ATTORNEY GENERAL'S OFFICE, NASHVILLE, TENN., HAS ADVISED THAT SUBJECT RAY TO BE GIVEN HEARING BEFORE JUDGE ROBERT M. MCRAE, JR., USDC, WDI, MEMPHIS, OCTOBER 22, 1974. EXPECTED TO TESTIFY FOR RAY ARE HERBERT I. MCDONALD, A BALLISTICS EXPERT FROM ITHACA, N. Y., AND HAROLD WEISBERG, AN AUTHOR WHO HAILE STATES HAS PREVIOUSLY FILED SUIT AGAINST FBI REGARDING ASSASSINATION OF PRESIDENT JFK.

EX-103, REC-75 44-38861-5966

MR. HAILE HAS REQUESTED THE BUREAU GIVE HIM ANY INFORMATION AVAILABLE WHICH WOULD ASSIST HIM IN CROSS EXAMINATION OF MCDONALD AND WEISBERG. HE WILL KEEP SOURCE OF SUCH INFORMATION STRICTLY CONFIDENTIAL BUT NEEDS ANY INFORMATION WHICH MIGHT HAVE A BEARING ON THEIR VERACITY, COMPETENCY, AND BIAS.

IF SUCH INFORMATION IS AVAILABLE TO THE BUREAU, IT IS RECOMMENDED THAT SAME BE FURNISHED CONFIDENTIALLY TO MR. HAILE AS SOON AS POSSIBLE.

END

OCT 11 1974

On 10/8/74 ASAC George Steel, AL, advised that indices negative concerning Herbert I. McDonald.

*Copy to SAC Memphis
6/11/74
JLC*

[Handwritten signature]

AIRTEL

10/11/74

To: SAC, Memphis (44-1987)

From: Director, FBI (44-38861) — 5966

MURKIN

1 - Mr. Lawn

EX-103

REC-75

ReMETeletype dated 10/7/74.

Enclosed are two copies each of two newspaper articles concerning Harold Weisberg. Also enclosed are two copies of a list of materials furnished to Harold Weisberg by the Civil Rights Division, U. S. Department of Justice, on 6/24/70, as a result of a civil action filed against the Department of Justice and the Department of State in which Weisberg demanded copies of all the legal papers which were employed in the extradition of James Earl Ray.

Bufiles reveal that Weisberg has written numerous letters requesting unsuccessfully that the Bureau make available to Weisberg certain records concerning captioned matter, as well as records concerning another unrelated investigation conducted by this Bureau.

A copy of enclosed material may be furnished to Henry Haile, State Attorney General's Office, Nashville, as requested in referenced communication.

Bufiles and indices Albany Division contain no information pertaining to Herbert I. McDonald, based upon available information.

Enclosures (6)

MAILED 20
OCT 11 1974
FBI

JCL:bap (4)

SEE NOTE PAGE TWO...

- Exec. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
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- Director Sec'y _____

ENCLOSURE

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Airtel to SAC, ME
RE: MURKIN -

NOTE: The Memphis Division advised in referenced communication that a hearing for James Earl Ray is scheduled on 10/22/74 to determine whether Ray was coerced into entering a guilty plea on 3/10/69 to the murder of Martin Luther King.

Attorney Henry Haile, State Attorney General's Office, Nashville, had requested that the Bureau furnish him, on a confidential basis, any information available which would assist him in determining the veracity, competency, and bias of 2 witnesses who will testify for Ray, Harold Weisberg, an author, and Herbert I. McDonald, a ballistics expert from Ithaca, New York. Memphis Division recommended that any pertinent information be made available to Haile.

A review of Bufiles reveals that Weisberg has written several books critical of the Warren Commission, the FBI, Secret Service, and various police agencies. Gleaned from these files are copies of two newspaper articles pertaining to Weisberg which might be of assistance to Attorney Haile in analyzing the credibility of Weisberg as a witness. The first is an article which appeared in the Montgomery County Sentinel, Thursday, December 15, 1966, entitled "'Whitewash' Author is Man on the Go," which makes reference to Weisberg's theory of an FBI, Secret Service coverup before the Warren Commission. The second article, which appeared in "The Evening Star," October 25, 1973, reveals that Weisberg had lost his bid before the U. S. Court of Appeals to gain access to FBI files pertaining to the John F. Kennedy assassination.

Bufiles also reveal that Weisberg was furnished all of the legal papers utilized in the extradition of Ray from Great Britain, including material submitted by the States of Tennessee and Missouri, affidavits from witnesses, as well as affidavits from Special Agents of the FBI linking Ray to the assassination. That Weisberg is in possession of this material might be of assistance to Attorney Haile in further assessing the credibility of Weisberg.

On 10/8/74, ASAC George Steel, Albany Division, advised that indices contain no reference to Herbert I. McDonald.

On 10/9/74, [REDACTED], Office of Legal Counsel, reviewed enclosed material and advised that this material could be furnished to Mr. Haile, State Attorney General's Office, Nashville, Tennessee.

Warren Commission Critic Weisberg
In the Limelight
'Whitewash' Author
Is Man on the Go

Harold Weisberg, Montgomery County's critic of the Warren Commission report, is a man on the go these days.

His pace has picked up steam since he published his second book, "Whitewash II: The FBI-Secret Service Cover-Up," early this month. Last week he spent four dawn to post-midnight days in New York, followed by a stopover in Philadelphia for a four-hour radio broadcast. This week he's off and

running again on a week-long trip through the mid-west and on to the West Coast. Stops include Chicago, Ill., Madison, Wisc., San Francisco, Calif. and Los Angeles, Calif. Weisberg's original book, "Whitewash: The Report on the Warren Report," was one of the first in the current rash of attacks on the commission and placed him in the international spotlight.

Cross Country
 "Since the first book was published in a general edition in May 1965, Weisberg has traveled across the country and appeared on national television programs as well as numerous participative radio shows in California, Ohio, Illinois and Pennsylvania.

He is confident his follow-up to the first volume will help sharpen the criticism of the Warren Commission and the aftermath of the Kennedy assassination.

"My second book brings me to a new point," he said last week at Coq d'Or, the light-town farm where he once raised geese. "It may sound innocuous but this dates everyone's work except my own."

"The turning point in the whole thing was my appearance on a television show in New York in July," declared Weisberg, puffing on a cigarette and squinting behind silver rimmed glasses.

"Four lawyers were lying in wait to tear me up. It was rough. It took me an hour and a half to teach them silence is golden," he laughed. "The sparks really flew."

Credibility Basis

"But that show laid the basis for credibility. It opened the eyes of the most influential minds in New York. People realized that those who say something is wrong are really seeking the sanctity of our

See WEISBERG on A7

44-21161-596

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Weisberg

Continued from Page 6

society. "I don't know how many are saying we must have the truth."

Weisberg attributes his success as a crime to "a rugged refusal to do anything but face reality and deal with nothing but fact. I'm the only one who's dealt extensively with the commission's findings," he added.

Convinced his first book "couldn't wait" until a publisher could be found to put it out, Weisberg financed the operation himself.

To date 22,500 books have been printed in four editions and Dell Publishing Co. has just come out with a paperback edition guaranteeing a minimum of one-quarter million on the first printing.

"Whitewash II" had 10,000 printed in the first edition, copies of which are being distributed to stores and individuals.

"A lot of people wrote ages ago and asked us to send the next book as soon as it was out," Weisberg explained. He estimated he has received over 3000 letters.

Many fans already are in line for the third book, "Whitewash III: The Archive," which is in the works, Weisberg added.

His current trip across the country is in the usual whirlwind fashion. The agenda is crowded with television and radio appearances, press conferences, speeches, seminars, bull sessions, autographing sessions and meetings with wholesalers.

"One morning I'm supposed to do a 5:30 TV appearance after a 3 a.m. radio show," Weisberg declared. "Can you imagine such a schedule? But I'll do it, too."

Interest Abroad

Weisberg is concentrating on the International as well as the national interest in the Kennedy assassination.

His first book is being distributed throughout the English-speaking world in the Dell edition.

It has been serialized in "Arriba," a newspaper in Madrid, Spain, and "Panorama," a large German magazine. An Italian publishing company has contracted for the book and is coming out with an Italian edition next month, Weisberg said.

Weisberg is satisfied that his doubts about the Warren Commission finally are reaching people. In addition he is delighted with the many new friends he has made through his books.

"Lil (his wife) and I have so many new friends now," he smiled, rubbing his close-cropped hair. "So many people have written us."

"People are wonderful," Weisberg declared. "At every point along the way there's been someone there waiting with a hand outstretched to help. People want to be helpful and that's what counts."

Montgomery County

Established 1855

Stay of Court Order

Author David Weisberg has lost his bid before the U.S. Court of Appeals here to gain access to FBI files on the assassination of former President John F. Kennedy.

In an 8-1 decision announced yesterday, the court upheld a lower court ruling that the FBI analysis of bullet fragments and scrapings from the assassination scene did not qualify for release to the public under the federal Freedom of Information Act.

A dissenting opinion was filed by Chief U.S. Appeals Court Judge David Bazelon. He said that without some mechanism for the public to look at the FBI analysis, "the public will have to rely entirely upon the Justice Department's opinion that the results of the . . . tests are adequately shown in the report of the Warren Commission."

Weisberg, who has written four books on the assassination, has maintained that the Warren Commission report was a "white-wash" and did not tell the full story behind the president's death.

- The Washington Post _____
- Times Herald _____
- The Evening Star (Washington) _____
- The Sunday Star (Washington) _____
- Daily News (New York) _____
- Sunday News (New York) _____
- New York Post _____
- The New York Times _____
- The Daily World _____
- The New Leader _____
- The Wall Street Journal _____
- The National Observer _____
- People's World _____

Date **OCT 25 1973**

44-38861-5966
ENCLOSURE

I. Material Submitted by the States
of Tennessee and Missouri

" A. Application for Requisition for International
Extradition for James Earl Ray executed by the Governor
of the State of Tennessee and directed to the Secretary
of State of the United States.

B. Petition for Application for Requisition in
International Extradition of James Earl Ray addressed to
the Governor of the State of Tennessee by Phil M. Canale,
Jr., District Attorney General, 15th Judicial District,
State of Tennessee (attaching various other documents
described below).

C. Affidavit of Dr. J. T. Francisco, pathologist,
attesting to the cause of death of Martin Luther King and
attaching autopsy report.

D. Affidavit of Robert V. Wenzler, with exhibits,
stating results of survey of area where Martin Luther King
was killed.

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E. Affidavit of Guy Warren Canipe, Sr., Memphis storekeeper, with exhibits, concerning his finding of a package with the murder weapon in it.

F. Affidavit of Inspector N. E. Zachary, Memphis Police Officer, with exhibits, regarding his on-the-scene investigation immediately following the murder and his discovery of various physical evidence.

G. Affidavit of Captain R. L. Williams, Memphis Police Officer, regarding inspection of Ray's room in boarding house and discovery of physical evidence there.

H. Affidavit of Cordra York, Sr., Memphis sporting goods dealer, regarding identity of binoculars.

I. Affidavit of James D. Hamby, Memphis Police Officer, regarding recovery of bullet from Martin Luther King's body during autopsy.

J. Copy of Tennessee indictment of James Earl Ray for murder of Martin Luther King.

K. Certified copy of death certificate of Martin Luther King.

L. Certified copy of autopsy report on Martin Luther King.

M. Certified copy of sections of Tennessee laws.

N. Certificate of Fred T. Wilkinson, Director of the Missouri Department of Corrections, of Missouri criminal record of Ray.

O. Certificate of James H. McAteer, Missouri Clerk of Court, describing record of conviction and sentence of Ray.

P. Certificate of James C. Kirkpatrick, Missouri Secretary of State, setting forth Missouri statutes.

Q. Affidavit of Fred T. Wilkinson, Director of Missouri Department of Corrections, regarding criminal record of Ray and certifying that fingerprints and photographs attached to his prior certification were those of Ray.

II. Material From Private Persons
Accumulated by the Department
of Justice

A. Affidavit of Donald F. Wood, gun salesman, Birmingham, Alabama, stating he sold weapon to man in attached photograph (Ray).

B. Affidavit of Charles Quitman Stephens, resident of boarding house from which shot was fired, describing Ray's activities in boarding house.

C. Affidavit of James H. Laue, friend of King, who was also an employee of the Community Relations Service of the Justice Department, who was in the next room from King, describing shot and discovery of King's body.

D. Affidavit of Henrietta Hagenaster, hotel clerk, regarding hotel registration of Ray in Memphis.

E. Affidavit of John Webster DeShazo, customer in Birmingham gun store, identifying attached photograph of Ray as man he saw purchase gun.

F. Affidavit of Tomas Reyes Lau, bartending school operator, identifying attached photograph of Ray as pupil he had under alias of Eric Stavro Galt.

G. Affidavit of Anna Christine Kelly, Memphis hotel clerk, regarding Ray's registration at hotel.

III. Material Prepared by the Department
of Justice for the Signature of FBI
Personnel

A. Affidavit of Lyndal L. Shaneyfelt, FBI Agent and Photographic Expert, comparing photographs of James Earl Ray under various aliases and identifying him as the same person.

B. Affidavit of George J. Bonebrake, FBI Agent and Fingerprint Expert, comparing fingerprints on murder weapon and binoculars with Ray's fingerprints and identifying them as the same (attaching fingerprint cards as exhibits).

C. Affidavit of Robert A. Frazier, FBI Agent and Ballistics Expert, comparing murder bullet with weapon and establishing that bullet came from that or a similar weapon.

D. Affidavit of Robert G. Jensen, FBI Agent in Memphis, describing weapons and physical evidence turned over to him by Memphis Police.

E. Affidavit of Robert G. Jensen, FBI Agent in Memphis, with exhibits, describing registration card of Eric S. Galt (Ray) at hotel.

F. Affidavit of James H. Mortimer, FBI Agent and Handwriting Specialist, with handwriting exhibits, identifying signature on hotel registration card as same as documents at bartending school.

G. Affidavit of Theodore J. A'Hearn, FBI Agent in Los Angeles, regarding Lau's identification of photographs of Galt (Ray).