

# Memorandum

TO : Assistant Attorney General  
Civil Rights Division

FROM : Director, FBI

DATE: December 21, 1976

SUBJECT: ASSASSINATION OF MARTIN LUTHER KING  
CIVIL RIGHTS

Reference is made to \_\_\_\_\_ memorandum dated \_\_\_\_\_  
(your file \_\_\_\_\_).

There is enclosed one copy of the report of Special Agent \_\_\_\_\_  
dated \_\_\_\_\_ at \_\_\_\_\_.

- A.  This covers the preliminary investigation and no further action concerning a full investigation will be taken by this Bureau unless the Department so directs.
- B.  The investigation is continuing and you will be furnished copies of reports as they are received.
- C.  The investigation requested by you has now been completed. Unless advised to the contrary no further inquiries will be made by this Bureau.
- D.  Pursuant to instructions issued by the Department, no investigation will be conducted in this matter unless specifically directed by the Department.
- E.  Please advise whether you desire any further investigation.
- F.  This is submitted for your information and you will be advised of further developments.
- G.  This is submitted for your information and no further investigation will be conducted unless specifically requested by the Department.
- H.  This covers the receipt of a complaint and no further action will be taken by this Bureau unless the Department so directs.

NOT RECORDED  
IN INVESTIGATION

NOTE: See attached.

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ASSASSINATION OF MARTIN LUTHER KING

NOTE: Enclosed are copies of memoranda from our Sacramento Office dated 12/15/76, from our Salt Lake City Office dated 12/6/76, and from our Kansas City Office dated 12/3/76, pertaining to an allegation made by [REDACTED]. Also enclosed are FBI Identification Records re [REDACTED] William Simponis, and Jimmie Wayne Ray. We are presently in the process of attempting to locate and interview Jimmie W. Ray re this [REDACTED] allegation. Mr. Fred G. Folsom, Jr., Office of Professional Responsibility (OFR), U. S. Department of Justice, has been advised.

Also enclosed is a copy of a teletype from Birmingham dated 12/3/76. Mr. Folsom was advised of this teletype. In addition, a memorandum dated 12/15/76 from our Birmingham Office is enclosed with copies of its enclosure, 3 photographs of Gus Joseph Prosch, Jr., and an artist's conception reportedly of John Willard. The enclosed photographs of Dr. Gus Prosch were obtained by the source from U. S. Secret Service at Birmingham and he identified the enclosed artist's conception as a newspaper or magazine representation of an individual who registered at the hotel in which Dr. King was killed, as John Willard, on 4/4/68. It is source's understanding that John Willard was never identified and he believes Willard could be identical with Dr. Gus Prosch who used the name John Willard in Birmingham, Alabama, in the early part of 1968.

The source explained his reluctance to talk to the FBI since he was convicted in an Interstate Transportation of Stolen Property case at Birmingham, Ala., in 1969 or 1970, which conviction was subsequently reversed in the 5th Circuit Court and cost the source a large amount of money to defend himself. He claims he was afraid to furnish the detailed information of the enclosed memorandum shortly after the assassination of Dr. King because he was afraid and at that time, or shortly after, he became involved in a variety of personal problems including his FBI case. Later, when he talked about this matter, people always "turned me off".

Source has not talked to any group from the U. S. Senate or House of Representatives, contrary to information furnished in enclosed Birmingham teletype of 12/3/76, but he has discussed this matter with U. S. Secret Service, Birmingham, Drug Enforcement Administration, Birmingham, and with an Assistant U. S. Attorney at Birmingham, Alabama.

THE CONFIDENTIAL SOURCE IS

[REDACTED] WHO ADVISED

ON 5/10/77 THAT HE CAN BE

IDENTIFIED TO THE NSCA AS

THE SOURCE OF THE INFORMATION

HE FURNISHED.

SEE BY TELETYPE 5/11/77

12/15/76

MR

ASSASSINATION OF MARTIN LUTHER KING

Reference is made to my memorandum dated 12/17/75 enclosing a memorandum dated 12/12/75, which previously set forth information from this Birmingham source.

In both the 12/12/75 memorandum and the 12/15/76 memorandum, source infers the implication of Reverend Abernathy. As reported in a Memphis report dated 4/17/68 furnished by my memorandum 5/6/68 Reverend Ralph David Abernathy was interviewed on 4/4/68. Abernathy was with King in the motel at the time of his death and Abernathy stated he was unable to suggest any suspects or to provide any other information which might assist in identifying King's killer.

In this 12/12/75 source refers to a Frank LaBerto (phonetic), an underworld figure in New Orleans, La., who runs a truck stop in New Orleans named the Lake Pontchartrain Restaurant. In this 12/15/76 memorandum, source refers to a Frank Liberto who owned an unnamed truck stop on Lake Pontchartrain, and was described as head of the Greek Mafia in New Orleans.

You are referred to my memorandum 11/27/68, wherein Frank Camilla Liberto employed as president of the LL&L Produce Company, Memphis, Tennessee, was interviewed concerning an allegation made by John McFerren who had overheard a threatening remark at the LL&L Produce Company. Liberto was interviewed on 4/19/68 as set forth in my memorandum dated 11/27/68 and he emphatically denied having any knowledge of the identity of the person responsible for the death of King on 4/4/68. New Orleans members of the family of Frank Liberto, Memphis, Tennessee, previously stated they had no knowledge of any disparaging remarks made by Liberto in regards to King as set forth in a New Orleans report dated 4/29/68, furnished by my memorandum 5/20/68. New Orleans Office advised in December, 1975, that there is no Pontchartrain Restaurant in New Orleans.

In the enclosed memorandum dated 12/15/76, the source advised he recently read for the first time the alleged fact that a person using the name John Willard registered at 3:30 p.m. on 4/4/68 at the hotel in Memphis where King was staying and it was his understanding that the landlady or hotel clerk could not identify James Earl Ray as identical with John Willard. As previously reported in a Memphis report dated 6/10/68, an individual using the

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name John Willard rented Room 5-B at 422 1/2 South Main Street, Memphis, between 3:00 p.m. and 3:30 p.m. 4/4/68, which was not the motel where King was staying.

The source also advised in this Birmingham memorandum dated 12/15/76, that he believes that the bullet taken from King was not identified as having come from the rifle picked up at or near the scene of the assassination. As previously reported in this Memphis report dated 6/10/68, the bullet removed from the body of Dr. Martin Luther King was examined by the FBI Laboratory. It was determined that the bullet is a .30 caliber metal jacketed "soft point" sporting type bullet of Remington-Peters manufacture which could have been fired from the recovered Remington 30-06 rifle. The bullet was distorted due to mutilation and insufficient marks of value for identification remain on this bullet. Therefore, it was not possible to determine whether or not the bullet removed from the body of King had been fired from the recovered Remington rifle bearing the fingerprint of James Earl Ray, FBI Number 405 942 G.

The source advised in this Birmingham memorandum 12/15/76, that the rifle purchased by Prosch was a bolt-action type rifle and an artist's drawing, that the source saw in a newspaper somewhere, depicting the rifle found at the scene of the assassination as a bolt-action weapon. This is incorrect in that the recovered Remington rifle model 760, was a slide action rifle as set forth in Memphis report dated 4/30/68, as furnished by my memorandum dated 5/20/68.

Also enclosed for your information are copies of a Birmingham memorandum dated 3/18/71 (furnished to the Civil Rights Division 3/24/71) and a Birmingham memorandum dated 11/22/71, both concerning an investigation of Prosch re possible association with the Minutemen.

Our Memphis Office is also analyzing the information furnished in this Birmingham memorandum dated 12/15/76, and you will be advised. The Office of Professional Responsibility, U. S. Department of Justice, is also being advised.

UNIT STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Sacramento, California

December 15, 1976

MURKIN

On December 2, 1976, [redacted] West Sacramento, California, telephone [redacted] telephonically contacted the Sacramento FBI office and furnished information which he considered might be pertinent to the investigation of the murder of Martin Luther King, Jr.

On December 7, 1976, [redacted] was interviewed at [redacted] Sacramento, California, where he was employed on that date. Results of that interview are set forth:

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.



Artist sketch of suspect.



