

## HAROLD WEISBERG

7627 Old Receiver Rd.  
Frederick, MD 21702

6/14/98

Mr. Frederic Whitehurst  
c/o Mr. ~~John~~  
Kohn, Kohn & Calapinto  
3233 Massachusetts Ave., NW  
Washington, DC 20007

Dear Mr. Whitehurst,

What you have done and are doing is important for the FBI and more, for the country. I have had considerable experience with the FBI, with the Lab in particular, and the changes you indicate are needed are urgently needed.

Some of what I have learned may be of interest to you. This has to do with two of the more controversial crimes of our lifetimes.

When I was confronted with determined FBI perjury in FOIA lawsuits I decided that I would make an issue of <sup>perjury</sup> them as it is not done usually, not through the immune pleadings of counsel, but by putting myself under oath and myself subject to the penalties of perjury if I lied and, with this material, stated under oath that the Lab had lied to the court. They got away with the most usual of "defenses", telling that court that I could make those charges ad infinitum because I knew more about that case than the FBI did!

In several different forms in several of those FOIA lawsuits I attributed perjury to the FBI and all the judges merely accepted it, did nothing about what I swore was perjury or about my swearing to it.

It was with respect to the assassination of President Kennedy that the FBI Lab perjured itself to withhold nonexempt information from me. There is great controversy <sup>over</sup> ~~over~~ that case, most of it from people who know nothing about ~~it~~ it or those often referred to as conspiracy theorists. I've published a number of books on the subject and there is no theory in any of them. I have been critical of some Lab agents and of Warren Commission counsel but to this day - and mine was the first book, of 1965 - I have not had a call or a letter complaining that I had been unfair or inaccurate in anything I said about him.

Please excuse my typing. It cannot be any better. I'm 85, infirm, and I must keep my legs elevated when I type.

In an effort to make our system of justice work in the case of the assassination of Martin Luther King, Jr., I was able to provide James Earl Ray with counsel who did not have the conflicts of interest of those who did him in and I became the case investigator. I conducted the investigation for the successful habeas corpus petition and for the two weeks of evidentiary hearing that followed. I have transcripts of those hearings. It was in federal district court, in Memphis, in 1974. The corruption, the dishonesty in that case is beyond be-

lief! That some of those agents would attest as they did, @ne in particular, is hard to believe. In any event, and I am quite prepared to prove this with the office <sup>10/</sup>evidence or with unrefuted sworn testimony in the evidentiary hearing, James Earl Ray did not fire the shot that killed King and all involved in the investigation had to have ~~varying~~ varying degrees of understanding of this.

The crime was ~~physical~~ physical impossible as it was officially alleged, and that is sworn to and unrefuted. Not even disputed. In fact, there was no official FBI presence at that evidentiary hearing and no agent appeared to contradict anything attributed to any Lab agent.

Because the King family has asked that this be looked at, with the official decision pending, I think it would be a very good case for you to examine in terms of what the Lab did and did not do and did and did not say. If this interests you, you are welcome to access to all I have and to the use of our copier.

The FOIA lawsuit in which I obtained what of the FBI's relevant records I was able to get disclosed is CA 75-1996. The headquarters main file is 44-38861. I have it and those files of six or seven field offices, including Memphis. The lawsuit in which the FBI's defense against my allegation of perjury to the Lab was CA 75-226.

That was the first case filed under the 1974 amendments. In the legislative history Senator Edward Kennedy saw to it that the legislative history of the amending would be clear. <sup>My</sup> an earlier version of that same effort, to get the results of the scientific testing, was cited as requiring amending of the ~~investigatory~~ investigatory files exemption.

I filed about a dozen FOIA lawsuits and obtained about a third of a million pages that I have preserved as I received them. They will all be a permanent public archive at local Hood College, where some now are.

The acronym in the King case was MURKIN. It and related records come to about 80,000 pages. I do not have all the Lab and the Exhibits Section work but I do know about what I do not have and how some of it was corrupted to make the preconception seem possible when it was not possible at all.

Thanks for what you have done. It was important for the country and it was important for the FBI. *Courageous, too!*

Sincerely,

*Harold Weisberg*

Harold Weisberg