

False swearing related to rather than in C.A. 575-1996

HW 6/27/77

I do not intend the attached extra copies of Serials 2877 and 2879 for use Thursday. Not that if you want to you cannot.

This is a new aspect of FBI false swearing.

With Hitt the SAC and able to claim no personal knowledge, this is not new. Nor is hearsay affidavits.

Garner was a drunk.

My earlier notes show what did happen.

An agent or agents under cover rented Room 2 from Garner. When it was known that Garner would not be interrupting they took the hinges off the adjoining room and stole what was in it.

There is never a time the FBI can't find an agent who will produce precisely the affidavit required of him.

If he cares about what is good for him.

UNITED STATES GOVERNMENT

Memorandum

Tolson	_____
DeLoach	_____
Mohr	_____
Bishop	_____
Casper	_____
Callahan	_____
Conrad	_____
Felt	_____
Gale	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Soyars	_____
Tele. Room	_____
Holmes	_____
Gandy	_____

TO : Mr. DeLoach

DATE: May 15, 1970

FROM : A. Rosen

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. McGowan
- 1 - Mr. McDonough
- 1 - Mr. Bishop

SUBJECT: MURKIN

This is the case involving the murder of Martin Luther King, Jr. -

James Earl Ray, who is serving a 99-year sentence in a Tennessee State Prison on his guilty plea to the murder of King, on 4/15/70, filed a petition under the Tennessee "Post Conviction Relief Act" charging conflict of interest among his previous attorneys Arthur Hanes and Percy Foreman and writer William Bradford Huie; that he was deprived of full and free access to his attorney while in the Shelby County, Tennessee Jail and that the death of trial judge Preston Battle, deprived him of his right to a new trial.

On 5/7/70, an amended petition for Post Conviction Relief Act was filed in the Shelby County Criminal Court Clerk's office, Memphis, Tennessee, on behalf of Ray. Bernard Fensterwald, Jr., appears on this petition as one of Ray's attorneys. Fensterwald apparently replaced Attorney Robert W. Hill, Jr., of Chattanooga, Tennessee, and is reportedly the same Fensterwald who heads the private group called "National Committee to Investigate Assassinations" and who formerly worked for the Senate Judiciary Committee. He has clearly shown himself to be unscrupulous, untrustworthy and anti-FBI

In this amended petition it is alleged that the FBI conducted an illegal search and seizure of Ray's rental premises at 107 Fourteenth Street, Northeast, Atlanta, Georgia, and that the fruits of this search and seizure were introduced in evidence at Ray's trial. This undoubtedly refers to evidence voluntarily made available by Jimmie Delton Garner, manager of a rooming house at 107 Fourteenth Street, Northeast, Atlanta, which had been left there by a tenant known to him as Eric S. Galt who had vacated her room.

CRJ:jd
(7)

EX-112

REC 12

ACTION - 4 OVER

5877

6-6-70

56 MAY 20 1970

Rosen to DeLoach Memorandum
RE: MURKIN

ACTION:

1. It is recommended that SAC, Frank V. Hitt, Atlanta, be instructed to prepare an affidavit and furnish it to the Criminal Court of Shelby County, Tennessee, refuting this allegation in order that the record may be set straight.

2. SAC, Memphis will be instructed to advise Tennessee State Prosecutor of action being taken regarding this allegation.

Open

M

✓

WBS

F B I

Date: 5/22/70

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, ATLANTA (44-3386)(P)

SUBJECT: MURKIN

Re Bureau airtel, 5/18/70.

Enclosed for Bureau are three (3) copies of affidavit prepared by SAC, Atlanta in response to instructions in reairtel. In addition, enclosure to Atlanta in reairtel is attached. — *MURKIN CARD 4-11-70*

Original and two copies of above-described affidavit are enclosed for Memphis. Original should be furnished to Criminal Court, Shelby County, Tenn. by Memphis Office.

ENCLOSURE ATTACHED

ENCLOSURE

- 2 - Bureau (Enc. 4)
- 2 - Memphis (44-1987)(Enc. 3)
- 2 - Atlanta
- FVH:mal/lcc
- (6)

12 MAY 25 1970

64 JUN 4 1970
Special Agent in Charge

Sent _____ M Per _____

MEMORANDUM

Assistant Attorney General
CIVIL RIGHTS DIVISION

DATE: May 26, 1970

FROM : Director, FBI

SUBJECT: ASSASSINATION OF
MARTIN LUTHER KING, JR.
CIVIL RIGHTS

Handwritten initials: K/C

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 in-
quiries will be made by this Bureau.

D. Pursuant to instructions issued by the Depart-
ment, no investigation will be conducted in this matter unless
specifically directed by the Department.

E. Please advise whether you desire any further in-
vestigation.

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 re-
quested 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.

Enc. NOTE: Enclosed is a copy of amended petition of James Earl Ray and
a copy of an affidavit prepared by SAC Frank Hill relative to obtaining
evidence at rooming house in Atlanta. Copy of this affidavit is being
filed in Criminal Court, Shelby County, Tennessee.

Handwritten signature: JLG 6-9-70

May 22, 1970
Atlanta, Georgia

A F F I D A V I T

I, Frank V. Hitt, having been duly sworn, make the following statement to Jack Keith, Jr., who is qualified to administer oaths.

I am Special Agent in Charge of the Atlanta Division, Federal Bureau of Investigation (FBI), and occupied that position on April 15, 1968.

On April 15, 1968, in connection with the Civil Rights investigation following the murder of Martin Luther King, Jr., I instructed Special Agents of the FBI to interview James D. Garner, operator of a rooming house at 113 14th Street, N.E., Atlanta, Georgia.

On April 15, 1968, Garner advised these Special Agents that Eric S. Galt rented Room Number 2, 113 14th Street, N.E., Atlanta, Georgia, from March 24, 1968, to April 7, 1968. Garner stated Galt was offered an adjoining storage room in which to place his surplus belongings. This storage room had two doors, one off of the hall and one off of Room Number 2. Garner continued to utilize this room for storage while Galt was using it. Garner last saw Galt on March 31, 1968. On

April 5, 1968, Garner entered Room Number 2 to change the bed linen and found an undated note from Galt, which he destroyed, stating Galt had gone to Birmingham. The note further stated Galt had left his television set and would try to return for it in about one week. Galt left his key to Room Number 2 with the note.

Garner advised that Galt's rent expired April 7, 1968, and Galt had not returned to claim any of his belongings that he left behind. Garner stated after April 7, 1968, the exact date unknown, he had his employees clean Room Number 2 in order to rerent it.

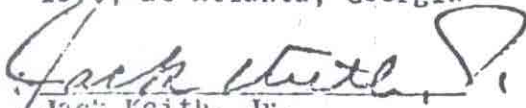
All items left by Galt were placed in the storage room according to Garner.

With Garner's consent and in Garner's presence, Agents searched the storage room, which was under Garner's care, custody and control as landlord. Several items which were located during this search were voluntarily turned over to Agents, by Garner, for transportation to and examination by the FBI Laboratory in Washington, D.C.



Frank V. Hitt
Special Agent in Charge
Atlanta Division, FBI

Sworn and subscribed before
me this 22nd day of May,
1970, at Atlanta, Georgia



Jack Keith, Jr.
Assistant Special Agent in Charge
Atlanta Division, FBI