

Court May Read Secret CIA Data

On JFK Killing

By *Richard L. Hall*

U.S. District Court Judge John J. Sirica indicated yesterday he may appoint a court official to read Central Intelligence Agency documents on the assassination of John F. Kennedy that the agency is trying to keep secret.

The judge made the suggestion after lawyer Bernard F. Fensterwald argued that he had been denied much of the material on the assassination that he had requested under the Freedom of Information Act.

Fensterwald has sued the CIA for all its information on five persons, including Lee Harvey Oswald, the man the Warren Commission said shot Kennedy. Jack Ruby, who in turn killed Oswald, also is one of the five.

Fensterwald has asked for papers on the CIA's investigation of David Ferrie, an airplane pilot who was a chief suspect in an investigation of the Kennedy death conducted in New Orleans. Ferrie is dead.

He also asked for the CIA's files on Sylvia Duran, a Mexican Communist and the only person to testify that Oswald had been in Mexico just before the Nov. 22, 1963 assassination.

Sylvia Odio, a Cuban woman, who said that two Cubans and Oswald met with her in Dallas just before the murder, is the fifth figure in Fensterwald's request.

Fensterwald complained that, since he made his request for the files on April 3, 1975, he has received about 25 per cent of the records and another 25 per cent have not been supplied. He told Sirica the remaining 50 per cent are "so badly distorted by deletions to be worthless."

He asked the judge to look at the papers himself in private to determine the validity of the agency's claim that national security prevents disclosure.

Sirica indicated he might appoint a special master to review the documents. A special master is usually a private attorney appointed by the court to carry out a specific assignment.

Jack Anderson and Les Whitten

FBI Targeted Break-In at Ray King

The FBI, which used electronic skulduggery in an effort to discredit Martin Luther King Jr., tried to employ similar illegal tactics to catch his murderer.

Long-buried FBI documents reveal that then-director J. Edgar Hoover personally approved a break-in and illegal electronic bugging aimed at innocent relatives of James Earl Ray, who was later convicted of killing King.

For years Hoover had conducted a vicious smear campaign against King. The FBI had peddled malicious anti-King stories to the press and had sent doctored tapes concerning King's personal life to his wife. When King was slain in 1968, whispers about possible FBI involvement put Hoover under great pressure to find the assassin.

While FBI agents were hot on Ray's trail, a May 10, 1968, memo, prepared for top Hoover aide J.P. Mohr, outlined elaborate illegal plans to catch the murderer.

As part of the overall investigation, code-named MURKIN — an acronym for murder and King — a memo was written which declared, "Consideration is given to microphone installations on certain properties of Albert and Carol Pepper," the brother-in-law and sister of James Earl Ray.

"The proposal," cautioned the memo, "raises a question concerning the legality of any action taken against the subject of this case on the basis of information obtained from the microphones." If Ray called the Peppers and the bugged conversation were used to arrest him, the memo said, Ray "then could claim that the surveillance violated his right of privacy." This

could prejudice the court case against him.

But if certain precautions were taken, the memo continued, "the worst that could happen" is that the arrest would be declared illegal. Using tortured logic, the document insisted that Ray could still be convicted despite the FBI lawbreaking.

The FBI plotters bluntly admitted that the whole scheme was unconstitutional and a "technical violation" of the law. "Be aware," the memo warned, "that since this search and seizure is unconstitutional as to the Peppers, they have at least a theoretical cause of action for damages against those who installed the [bugging] devices by trespass."

If the Peppers sued the FBI and won, the memo insisted, the taxpayers would "pick up the tab for any judgment." Hoover and six other FBI officials also initialed their approval on the memo.

We have been unable to determine whether the FBI actually bugged or burglarized the Pepper home. Indeed, assassinations expert Harold Weisberg has developed evidence indicating the Justice Department vetoed the plan. But inside sources insist the FBI did use dubious and possibly illegal means to capture Ray.

Footnote: The FBI has acknowledged that abuses occurred in the past. Since 1973, however, most have been halted. We were unable to reach the Peppers.

Public Accounting—Consulting firms with close ties to the oil industry have been formulating energy policy for the government.

The Department of Energy has asked Price Waterhouse and Co. to develop a contingency plan for gasoline rationing. The firm is the accountant for a number of major oil companies. No other company was allowed to compete for the \$528,000 contract.

Not surprisingly, the firm is studying an emergency gas rationing plan that would rely on oil company credit cards. This has angered the independent gas dealers who have no credit cards and fear they will be squeezed out.

Another consulting firm, R. Schriver and Associates, was awarded a \$70,000 contract, also without competitive bidding. The firm is supposed to devise a system to force oil companies to disclose the profits of their individual operations, such as exploration, refining and marketing.

The firm was founded by Richard Schriver, a former Exxon official, and it has also done work for some oil companies. A spokesman insisted, however, that the firm has not worked for the oil industry in recent years.

An Energy Department spokesman, meanwhile, told us there was no bidding for the contracts because the projects were behind schedule. "Anyone who knows anything about the oil business is going to have done work for the major oil companies," he insisted.

The Senate Judiciary Antitrust Subcommittee, chaired by Sen. Edward M. Kennedy (D-Mass.), however, is investigating whether industry consultants are producing a biased energy policy.

Footnote: Price Waterhouse did not return our calls.