

1. "ALLEGATION: There were marks on King's clothing which could not be matched to any possible effect of the bullet.

Weisberg did not say this and could not possibly have said it. On this occasion he gave away copies of what he had obtained. The so-called chemical analysis of a bullet composed of 12 elements showed only one, lead. Weisberg said that the presence of lead did not prove a bullet had caused the damage to the clothing or that the ~~xx~~ fatal bullet had.

2. "ALLEGATION: The FBI knew there was no mark on the windowsill from which Ray was said to have fired the rifle."

This is deliberate misquotation of the attached news story. There was more than one mark. The FBI deliberately omitted UPI's words and Weisberg's, "that could be matched to the rifle." The concluding words of the FBI'S "refutation" confirms this, "insufficient marks for identification were left on the board..."

3. "ALLEGATION: Weisberg stated that he had asked for the results of any spectrographic analysis of the bullet...and was told there was none."

The "Denial" confirms Weisberg's accuracy. It describes as "erroneous" the letter of the Deputy Attorney General, which it actually quotes. On 12/16 this is repeated in more detail, describing not what ^{Weisberg} said but what the DAG wrote as "erroneous." (on p.1, red)

The deliberateness is established in the last words of the UOI story which quote Weisberg as saying "Under his suit he obtained such an analysis."

Thus there is not even a hint of error or exaggeration in what the FBI says Weisberg said. 12/16/75, A, "The Department had issued a press release refuting a statement by Harold Weisberg that information received...was obtained as a result of a suit." The claim is that the decision to release was made earlier. No copy of this decision has been provided. Abundant contrary records have been, some already in the record. The requests date to six years earlier, the Items of the Complaint to eight months earlier. The entire second letter is devoted to proving the DAG's error. No Department release is attached. A UPI story only is, an add to an earlier story on King.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Gallagher *[Signature]*

FROM : J. S. Peelman *[Signature]*

SUBJECT: MURKIN

DATE: 12/12/75

- 1 - Mr. Adams
- 1 - Mr. Callahan
- 1 - Mr. Gallagher
- 1 - Mr. O'Connell
- 1 - Mr. Peelman
- 1 - Mr. Lawn
- 1 - Mr. Cochran
- 1 - Mr. Moore

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This is the case involving the murder of Martin Luther King, Jr., in Memphis, Tennessee, in April, 1968.

Attached is a copy of a UPI release dated 12/11/75, in which Harold Weisberg, an author who has written several books critical of the Warren Commission, the FBI, Secret Service, and various police agencies, alleged that law enforcement units "from Tennessee to the Department of Justice" hid evidence and "contrived the story that Ray was a "lone unassisted assassin." Weisberg made the following allegations pertaining to the FBI:

1

ALLEGATION: There were marks on King's clothing which could not be matched to any possible effect of the bullet.

FACT: Autopsy reports in describing the damage to the right side of the face of Dr. King where the single bullet struck indicated "... there was a large gaping wound."

In the autopsy report, Dr. J. T. Francisco describes the entrance wound by stating there was "... extensive excavating lesion affecting the right side of the face ... with a fracture of the right side of the mandible." (lower jaw).

The FBI Laboratory report dated 4/29/68 sets out the following information in relation to the examination of the clothing of Dr. King.

REL-9 *[Handwritten]* 6018

"There is a large hole in the right front portion of the collar of the shirt. The necktie has been forcibly torn apart in the right front-neck portion also. The object

44-38861

JCL:bap (9)

Enclosure

ENCLOSURE

CONTINUED - OVER

DEC 31 1975

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Memorandum to Mr. Gallagher
RE: MURKIN

or objects causing the damage were larger than a bullet of .30 caliber size and irregular in size as all of the yarns were broken, not cut. One or more segments of bone could not be eliminated as the cause of the damage."

2
ALLEGATION: The FBI knew there was no mark on the windowsill from which Ray was said to have fired the rifle.

FACT: Examination of the bathroom from which the shot was fired revealed that the bathroom window was jammed open to a height of about 3". Lt. J. D. Hamby, Homicide Bureau, Memphis Police Department, removed the windowsill because the sill "... appeared to have a recently made indentation."

The FBI Laboratory report of the examination of the windowsill dated 4/11/68, stated that the board bears a recent dent which could have been caused by a light blow from the muzzle of a weapon. The dent contains microscopic marks of the type which could be produced by the side of the barrel at the muzzle but insufficient marks for identification were left on the board due to the physical nature of the wood.

3
ALLEGATION: Weisberg stated that he had asked for the results of any spectrographic analysis of the bullet which killed Dr. King and was told there was none. Under his FOIA suit, he obtained such an analysis.

FACT: Under FOIA, Mr. Weisberg did request numerous material pertaining to this investigation, including the results of any spectrographic analyses.

The FBI denied this request by letter dated 6/27/75, and based this denial on the fact that James Earl Ray has an appeal pending in the U. S. 6th Circuit Court of Appeals. This denial was reversed by the Deputy Attorney General.

In his letter dated 12/1/75, Deputy Attorney General Tyler modified the denials for material by the FBI and stated, in error, that "... analyses were made only on the clothing of Dr. King at the time of his death."

3
The erroneous information furnished to Weisberg concerning the spectrographic analysis of the bullet came from the letter of the Deputy Attorney General to Weisberg and not from this Bureau.

ACTION: None. For information.

[Handwritten initials: J, PL, JG, and others]

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UP-050

(KING ASSASSINATION)

WASHINGTON (UPI) -- A PRIVATE INVESTIGATOR WHO SUED TO OBTAIN DOCUMENTS UNDER THE FREEDOM OF INFORMATION ACT SAID TODAY THEY SHOW FEDERAL OFFICIALS LIED AND CONTRADICTED THEMSELVES ABOUT THE ASSASSINATION OF MARTIN LUTHER KING JR.

THE CIVIL RIGHTS LEADER WAS SLAIN IN 1968 IN MEMPHIS. JAMES EARL RAY PLEADED GUILTY IN 1969 TO THE SLAYING AND WAS SENTENCED TO 99 YEARS IN PRISON.

HAROLD WEISBERG, WHO SAID HE HAS INVESTIGATED THE SLAYING FOR SEVEN YEARS, CHARGED THAT LAW ENFORCEMENT UNITS "FROM TENNESSEE TO THE DEPARTMENT OF JUSTICE" HID EVIDENCE AND "CONTRIVED" THE STORY THAT RAY WAS A "LONE, UNASSISTED ASSASSIN."

UNDER THE NEW FREEDOM OF INFORMATION ACT, WEISBERG SUED THE JUSTICE DEPARTMENT AND OBTAINED SOME OF THE KING CASE EVIDENCE.

AT A NEWS CONFERENCE TODAY, ARRANGED BY REP. JOHN CONYERS JR., D-MICH., WEISBERG SAID HE FOUND A REPORT THAT MARKS ON KING'S CLOTHING COULD NOT BE MATCHED TO ANY POSSIBLE EFFECT OF THE BULLET THAT WAS SAID TO HAVE KILLED KING. WEISBERG CHARGED THE FBI KNEW THERE WAS NO MARK ON THE WINDOWSILL, FROM WHICH RAY WAS SAID TO HAVE FIRED, THAT COULD BE MATCHED TO THE RIFLE.

WEISBERG ALLEGED THAT HE ASKED FOR ANY SPECTROGRAPHIC ANALYSIS, WHICH WOULD HAVE SHOWN THE EXACT MAKEUP OF THE SUSPECTED DEATH BULLET, AND WAS TOLD THERE WAS NONE. UNDER HIS SUIT HE OBTAINED SUCH AN ANALYSIS, HE SAID.

UPI 12-11 11:47 AES

*Memo to
Mr. Gallagher
12/11/78
Jalberg*

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Gallagher *gd*
FROM : J. S. Peelman *JP*

- 1 - Mr. Callahan
- 1 - Mr. Adams
- 1 - Mr. Gallagher
- DATE: 12/16/75
- 1 - Mr. O'Connell
- 1 - Mr. Peelman
- 1 - Mr. Lawn

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SUBJECT: MURKIN

This is the case involving the murder of Martin Luther King, Jr., in Memphis, Tennessee, in April, 1968.

Reference is made to a previous memorandum dated 12/12/75, captioned as above, which set out and refuted allegations made by Harold Weisberg, against the FBI in reference to captioned investigation, based upon material furnished him under the Freedom of Information Act (FOIA).

One of these allegations involved information Weisberg received in a letter from Deputy Attorney General Tyler which indicated erroneously that the FBI Laboratory did not conduct spectrographic analyses of the fatal bullet.

On 12/16/75, Departmental Attorney Volney Brown, FOIA Section, Department of Justice, advised SA [redacted], General Investigative Division, that the Department had issued a press release dated 12/11/75 refuting a statement by Harold Weisberg that information received by Weisberg pertaining to this investigation was obtained as a result of a suit. (A copy of that release is attached.)

Additionally, Mr. Brown stated that information furnished to Weisberg in the Deputy Attorney General's letter dated 12/1/75, was incorrect. Brown advised that a letter is being prepared to be forwarded to Weisberg acknowledging that erroneous information had been furnished and that the FBI Laboratory did in fact conduct spectrographic analyses of the fatal bullet, copies of which analyses have been furnished to Weisberg under his FOIA request. A copy of this letter to Weisberg will be forwarded to this Bureau.

In view of the fact that the Department is preparing a letter correcting the misinformation previously furnished to Weisberg, it does not appear that a letter from this Bureau to the Department pointing out this misinformation is warranted.

ACTION: None. For information.

12 DEC 31 1975

Enc. 44-38861

JCL/pwl)

ENCLOSURE

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UP-134

R B

ADD 1 KING INVESTIGATION, WASHINGTON (UP-050)

A JUSTICE DEPARTMENT SPOKESMAN SAID WEISBERG WAS WRONG IN THINKING HE GOT THE MATERIAL AS A RESULT OF HIS SUIT. HE SAID DEPUTY ATTORNEY GENERAL HAROLD R. TYLER JR. MADE THE DECISION THREE DAYS BEFORE HE HEARD ABOUT THE SUIT.

WEISBERG FILED THE SUIT ON NOV. 28 BUT THE U.S. ATTORNEY DID NOT GET A NOTICE OF THE SUIT UNTIL DEC. 1 AND THE JUSTICE DEPARTMENT CRIMINAL DIVISION, ON DEC. 2, THE SPOKESMAN SAID. HE SAID TYLER WAS NOT TOLD UNTIL DEC. 3.

UPI 12-11 05:52 PES

Memo. Rehnman to Gallagher

12-14-75

JL/pwl

[Handwritten initials]

WASHINGTON CAPITAL NEWS SERVICE

ENCLOSURE

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