

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 <sup>Weisberg</sup> 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, 4, "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.

FBI-King Section 81 Serials 5806-5850 45 docs 151 pp released

5809 Dir forwards to GED a copy of a statement allegedly made by Ray but made by Jerry. It does not give the source. I know from the time it happened this was Barry Serafin, who almost immediately was promoted from St. Louis and KMOX-TV to CBS-TV Washington News Bureau. Jerry let S have a xerox and then, he told me, destroyed his own original. There will be more on this, including the copy. In 5810 there is ~~witheh~~ withholding that has to be of this source, 7 (C)&(D) being claimed. A copy of the statement is attached to 5811, which has the same exemption claims and the same kind of withholdings

5817 These publicity-hungry types actually did legal research to argue that there was no precedent for a claim of prejudicial publicity in the appeals stage, ignoring the fact that appeal if successful leads to trial. In the end they come to this. J.J.Casper wrote this to Mohr, who passed it to DeLoach, who noted "I agree - before this case gets muddied up by journalistic vultures and King supporters." The only place above DeL was Tolson. There is a note below Tolson's signed 916 that says "I think we should wait to see whether Ray gains a new trial." Under it Hoover wrote "I concur." What lead to this follows in sequence as 5818. On 9/2/69, which coincides with efforts to get Ray a trial and cases in court to this end, C.L.Trotter wrote Mohr that they just had to get the great work of the FBI out to the E people, like "some very excellent fingerprint identification techniques," like Hoover rather than Bertillon did that. Rosen and GID discouraged and suggested limiting to what had been testified to in open court. (Which is what Hoover clobbered Bonebrake over!) Crime Records (T.E.Bishop) disagreed, saying in different words that Ray had the exercise of many legal rights ahead of him yet. Bishop added a hand note of further agreement, saying that the longer they hold off the more they lose the public relations in this. To the Crime Records opinion Hoover added a note "Have we any legal support of this?" Then below TEB's note he wrote "I agree with Rosen's Div." Here is a different picture of Hoover and the Gen. Inv. Div. They, regardless of what prompted them, and not for the first time in this case, stood for the preservation of rights over those who sought to promote the FBI. They could have feared bad reaction against the FBI but I think they could have arranged detachment. (Similar case B'ham indictment.) There is a 2-page addendum of "Interesting Identification that as a matter of proof and fact is irrelevant, all hinging on a non-connection of Ray with the shooting. Basic is the presumption that this was established. The last paragraph on the first page addresses the deliberate falsity of the Wiseman swearing about "other suspects" and Dugan's deception of the court on this: "...and other evidence had been compared during the eleven days following the murder with approximately 400 suspects...."

Third from last graf page 2 is real gasser: "Another phase of the investigation led to Canada and there, following an exhaustive search of passport applications, it was determined that Ray had obtained a passport under the name of" Sneyd. No mention of by whom, inferring to the uninformed reader all this by the FBI. And the funny part is that the Bureau originally rejected field office requests that the Canadian passport files be checked.... It even ~~xxx~~ pretends that copies of its Identification Order led to Ray's arrest. It had nothing to do with that arrest, which came from what the Mounties supplied, the passport records, Sneyd's (Sneya).

Carried forward in 5819, "It is noted that the RCMP was only instrumental in the identification and location of the fugitive suspect..."

(Note for writing: whether or not Ray shot King, limited solely to catching him, is a single FBI agent had merely checked the existing fingerprint files until those matching the ones found in Memphis were encountered and if the FBI had then made those fingerprint records available, with these two things, the simple if time-consuming print check and the release is 100% of what the FBI had to do with Ray's apprehension, not until two months later.

5828 can be the source of the Ray silliness of having been caught up in a military-left conspiracy. Here is comes from Hanes. Also 5829. Also 5842, 5843

5834 is the first reference to me. It appears to be based a source not supplied, a Dept.

Int. Sec. Div letter dated 10/15/69. It also cannot reflect the purpose of my visit to ISD, which was one time only. I have the records.

The first record, probably 5834--serial missing last two digits, is the 10-21-69 EJM:jmv airtel for Director to Savannah and Memphis with MURKIN files only indicated.

The 10/15/69 letter is not attached as the airtel says it is. Not in what was given me. The first graf on me refers to my books as "#most critical of the Bureau," the greatest of sins. It has a biased and less than accurate reference to my having been fired and rehired by State and then resigning.

And then it refers to my FOIA request on this subject, saying "It was approved that his letter not be ~~acknowledged~~ acknowledged."

It accurately describes Stoner as then one of Ray's lawyers and "a notorious segregationist," which is not an exaggeration.

The attached note orders the Savannah office (of origin on Stoner and NSRP) to "be alert for any additional information along these lines from any source..." which can mean only intrusion in Ray's legal rights and mine under the First Amendment, whether by informant or illegal interception of communications.

What appears to be 5835 also just manages to have the last two digits removed in copying. It is the 10/21/69 EJM;jld memo for Director to the Assistant Director, ISD, responding to the 10/15/69. It refers only to what Stoner had told me, that the FBI offered him ~~me~~ \$25,000 to kill King (Stoner has repeated the story and has a credible means of identifying the source of his offer as an FBI informant.) The memo concludes there is no basis for this.

5836 refers to a Phoenix letter to Bureau, is a KC LEM, relating to a Leavenworth prisoner.

5837 is the JCH;lfm (Joe Hester?) airtel of 10/27/69 to Director attaching a carbon of the letter signed by ~~Frank~~ Jensen saying there is no basis to what Stoner said.

5838 is the Rosen to DeLoach LEM of EJM:jmv headed MURKIN, 10/20/69. Note that in time this precedes the serials above.

It begins with a false statement each of the two parts of which is false. The first is that I was interviewed by a Department attorney at my request. The second part of this is what is inherent, not stated, that this was the purpose of my being there. The second false statement is that "This is obviously an attempt ~~to~~ by Weosberg and Stoner to discredit the Bureau.

It then goes into the distorted reflections of my writing and me and the State matter, concluding with a pointed suggestion that the keeping of files on me be hidden, "(This is a public source data, article in 'Washington Post' 11-18-47.)" (Parenthetically and probably to hide the source of the defamatory leak, the original source, the old ~~Times-Herald~~ Herald, is not given) It repeats there was approval not to respond to my April 1969 FOIA request and at the end of the graf has "(100-35138)" which is probably the file on me.

The reason given for not interviewing wither one of us it our alleged backgrounds. "hich is also a way of avoiding any specifics Stoner might have had. Hoover OKed all.

(Although mine are earlier documents relating to Ray's efforts to get the extradition documents follow.)

Now what really happened is nothing like this and is not in any way suggested in this. Obviously ISD was not of jurisdiction in the Ray/King case. Criminal, perhaps CRD, were, as of any knowledge I could have had then. I'd not have gone to the FBI with such a story but to them, if anybody.

Lil and I had driven to Washington. Our first stop, early in the morning, was the Vogel mansion on about 31 St off Woodland Drive. We were friends with Louis and Diana, who cared for Mrs. Vogel, then well into her 80s. There had been a news story about arrests in a plot against ~~anti~~ anti. I was discussing this with Louis. As best I recall he suggested I should call DJ. If not I did it on my own. In any event, the operator referred me to ~~BJ~~ as I recall Criminal and I was told I'd be called back. I was, by ISD. Or told who to call there.

call in ISD. I was then asked to go to what I think is the Triangle Bldg on 9th where it has offices on the west side of the floor in which that particular office was. I think they made it for the afternoon.

I had told Louis of the coincidence of my having interviewed to plotters of a Haiti invasion who were so open they allowed me to tape it and made open phone calls and spoke in response to others in my presence. These were two of the anti-Castro soldier-of-fortune types who figure in the Warren files, Gerald Patrick Hemming and Lawrence Howard. (It was my second taped interview with Howard.)

I recall that rather than inviting myself in I offered my files, including the tapes, all of which were non-confidential. Instead I was asked to go in. I did ask for a copy of the charges filed in that case. It is not unlikely that during conversation the call that Stoner had made from Baltimore airport may well have come up. Especially if the lawyer asked me what I was doing or anything about my work - how indeed would I have conducted such interviews before the Department filed charges. (Stoner tells that story often. I saw and heard it on a St. Louis TV talk show I've referred to earlier in these notes.)

The lawyer was quite excited. Why not-proof of conspiracy/and plotting?

(Hemming claims a CIA past and then claimed CIA support in that venture, including a plane or planes.)

So this lawyer asks if he can come up Monday. I think that was a Friday. I say of course. He says "Good! I'll see you Monday."

He did not. Nobody ever did. But under date of 10/13/69 signed by John H. Davitt for J. Walter Yeagley, ISD, is a short letter saying nothing about this FBI stuff, only "reference is made to your recent conversation with Mr. James P. Morris of this Division" and enclosing a copy of the indictment in United States v. Rene Leon, et al.

In getting the records out it turns out that what I said about NSRP is exactly the opposite of what the FBI says: that the NSRP was framing the FBI.

5841- both of these of the same serial- relate to the keeping from me of the evidence introduced into open court in the trial of an American plus the admission that they were Ray's as a matter of right and denied to him. What the British court really did is surrender its records to FBI agents who gave them to Canale. Only after my FOIA efforts did State retrieve them from Canale.

5842, number incomplete but has to be this, does not match worksheet descriptions. Date.

5846 the McRae stuff referred to earlier. Not threats. Further refs in 5848.

Serial 5902

NON-COMPLIANCE

Throughout the records obtained to now there is a persisting misrepresentation of an urgent need to protect the FBI from total ruin by complying with Mr. Weisberg's G.A.718-70, which was limited to the confiscated records of the British court that ordered James Earl Ray's extraditions.

These court records were refused under the investigatory-file exemption.

When some were held back Mr. Weisberg was awarded a summary judgment.

Here the Assistant Attorney General describes these records as "only of the original documents filed on behalf of the States of Tennessee and Missouri in the extradition proceedings in the British Court."

The proceedings of a court were described as investigatory files, as they have been recently in a letter from Mr. Shaheen to me. These are the transcripts of the 1974 Ray evidentiary hearing.

FBI-King Section 84 Serials 5932-unrecorded after 5989 279 pp released

5936 Out of the blues, for no apparent reason, Memphis files a LHM on the 3/28 march and riot with an airtel emphasizing he was not registered at the Rivermont. It invokes 7(C) and (D) to withhold public information

5937 is another example of a ~~filed~~ field record with no explanation to this point. In its 4/26/74 airtel Memphis denied making any information available to any writers.

(These seem to correlate with a defense at evid. hrg.)

5938 begins series same time frame re McMillan.

5944 McMillan lets FBI know prosecution made FBI files available.

5946 It appears the FBI knew for it worked around this problem by asking the wrong person, John Carlisle. It was Dayer who leaked to Frank.

5947 is beginning of "Cliff" story. The name is withheld for all the world as though it was not on CBS TV and all the papers. Claim to both C and D

5949 Livingston-Stanley Sagal interview 5/24/74

5951- Gaines story. Note WFO

5966 is on Haile's request for info on McDonald and me. That on the 7th of October this was known to anyone has to be the result of electronic surveillance or tapping unless McDonnell told them. McDonald for McDonnell also indicative of this.

10/11/74 airtel director to Memphis

Relevant in this case and denied in this Court is graf that Bufiles reveal that Weisberg has written numerous letters requesting unsuccessfully that the Bureau make available to Weisberg records concerning captioned matter." and another matter.

The enclosure relating to me is not provided.

Page 2 repeats I am to be witness and McDonald, of Ithaca is. Office of Legal ~~Counsel~~ Counsel approved giving records on me. It and the FBI actually gave Haile an outdated ~~story~~ story on a court of appeals decision in the first spectro case after the Congress had amended the law citing that as the first of four cases- and did not tell Haile this.

~~5971~~ 5970 C.L. McGowan didn't know in 1974 that the B'ham indictment was dismissed in 1971. Also WFO 5972

5979 In t is same section the well-known name of Robert Byron Watson is not masked. 5980 is Atlanta airtel covering volumatry 42-page, single-spaced statement of Watson, released with withholdings of names. Compare with Department, which withheld all in its entirety. And many of names known publicly, thanks to Watson, his mother and Dick Gregory et al. 5983 refers to Watson's confession he made it all up.

5984 is first if CBS records- their contact with Jensen, who told FBI

5985 refers to Watson statement to Dept we did not get, best my recollection, from Dept. 5985 withholds names of Atlanta police captain, others, all public.

While the FBI kept prodding the WFO and other FOs to find out what the Ray legal situation was re: appeals, hearings, etc., and court clerks to keep up to date there is no single reference to the evidentiary hearing, where the FBI really was on trial. If these records were not in this file they certainly agree and we now know by other means that the Dept. had transcripts. This indicates withholding by not searching the correct files.

"Bufiles reveal that Weisberg has written numerous letters requesting unsuccessfully that the Bureau make available to Weisberg certain records concerning captioned matter, as well as records concerning another unrelated investigation."

This leaves no doubt that the FBI had received and had ignored Mr. Weisberg's "numerous" request and deliberately ignored them and those relating to the JFK assassination while indicating otherwise to this Court.

The mark on the first page attached, the teletype, indicated<sup>5</sup> what almost certainly was the result of electronic surveillance. Chief counsel was abroad. The defense was pro se and unfinanced. Mr. Weisberg and I discussed these possibilities by phone after our return from discovery in Memphis a few days earlier. One possibility was for Mr. Weisberg to testify to the results of his investigation. Mr. Weisberg recommended that we ask professor Herbert McDonnell not Ma Donald to be our expert in criminalistics. When I agreed by phone Mr. Weisberg arranged this also by phone. He never saw Professor McDonnell until he took him to the office of the clerk of the court/in Memphis to make his examination.

Further bearing on this is the fact that October 7, 1974 was a Monday. It was the first working day he and I were back from Memphis, Mr. Weisberg working at his home on his work and I working in Washington on mine.

The first mark on the next page indicates the degree of interest the FBI has in Mr. Weisberg when it saves a minor article from a small country weekly of more than a decade ago. The second is prejudicial and dishonest. Then the Congress had amended FOIA, with that case the first of four cited as requiring the amendments. That this is omitted might not have been helpful to the State AG on cross examination.