4. When questioned pertaining to any known associates, visitors, mail, and possible vehicles used by GALT the QUINTALS stated that during the month and a half that he resided at apartment #18, two (2) visitors only were seen visiting him and those were two (2) elderly women, approximately 40 to 42 years of age. The only description given of these two (2) women was that one had reddish brown hair and the other black hair. At this point the names Mrs. Rita STEEN, 5666 Franklin and Mary DENINNO, 5533 Hollywood Avenue, both from Los Angeles, California, were volunteered to QUINTAL in the event that these known associates of GALT were in fact the two women in question; however, neither name made any impression whatsoever on the QUINTALS. Upon further questioning Mr. QUINTAL stated that at the time subject rented the apartment GALT questioned him as to the price charged for parking a vehicle and when informed that it was $20.00 a month GALT stated that this figure was too high and asked QUINTAL where else he could park a car. QUINTAL informed him that he could either leave the car on the street in front of the apartment building or parking facilities were available at either a Shell or Esso Service Station down the block from this particular apartment building. It should be mentioned here that at no time did either Mr. or Mrs. QUINTAL observe a vehicle used by GALT. With regard to any mail received by GALT the QUINTALS stated that during the duration of his stay mail was received by him from two (2) sources only; letters from an unknown company in the U.S.A. and another one from Tip Top Tailors, St. Catherine Street, Montreal, P.Q. advising him that a suit he had purchased was ready for delivery. The only other piece of information concerning GALT that could be supplied was that GALT had informed Mrs. QUINTAL that he was employed by EXPO 67.

5. Mr. QUINTAL was questioned with regard to the lease alleged to be signed by GALT and stated quite emphatically that GALT had signed the lease and if his memory served him correctly an information sheet was attached to this document stating GALT's employment, past employment, past addresses, and two (2) relatives. These documents, according to QUINTAL, should either be in the safe or file cabinet on top of the safe in possession of the present superintendent of the apartment building or in possession of the owner of the building, Mr. M. ROTHMAN, 11 Holthman Road, Amstead, P.Q. No other information pertaining to GALT could be supplied by the QUINTALS at this time.

17 APR 68

6. This date, the aforementioned information was telephoned to Cst. ROUSSEAU, Montreal G.I.S. for their information.

7. Same date, the QUINTALS were once again contacted in an effort to ascertain additional information pertaining to GALT that may have been overlooked by them the previous evening. Mrs. QUINTAL stated that although she was not positively certain of the name of the company which wrote to GALT, she was of the opinion that the letter was from the technical company associated with some blind

..3

institution. When questioned pertaining to any telephone calls received by GALT the QUINTALS stated that the only phone available to him was a pay phone located in the hallway, and to the best of their knowledge one call only, a local call, was received by GALT. No long distance telephone calls were either received by him or placed by him. At this stage of the proceedings these persons were asked if they could supply a composite sketch of GALT to which they replied in the affirmative.

18 APR 68

8. This date, a further telephone call was received from Cst. MOUSSEAU, Montreal G.I.S. and he requested that the Wanted Flyer No. 442 issued by the F.B.I. dated 17 APR 68 be shown to the QUINTALS for a positive identification. MOUSSEAU also requested that QUINTAL supply the names of the persons occupying apartments 17 and 19; who the lease signed by GALT was turned over to; and who the rent was paid to.

9. Same date, the Wanted Flyer on GALT was shown to the QUINTALS who stated that this definitely was the man in question and there was no physical change in his appearance. The QUINTALS went on to say that an elderly gentleman by the name of Owen TINDALE was presently occupying apartment 19 and had been there for approximately thirteen (13) years. They could not supply the names of the occupants of apartment 17 nor 17A, however, they did state that this information should be in the possession of the present superintendent and janitor, a Mr. RACICOTT. With regard to the lease signed by GALT the QUINTALS once again emphatically confirmed that a lease was signed by GALT and was turned over to the owner of the building, Mr. H. ROTHMAN. The rent for the apartment was also turned over by QUINTAL to Mr. ROTHMAN.

10. The information supplied above was telephoned to S/Sgt. R. PRINCE, R.C.M.P. i/c G.I.S., Montreal, P.Q. for their information.

11. In view of the fact that this Detachment has no knowledge of the exact extent of the investigation presently being conducted by Montreal G.I.S. no further investigations have been conducted with regard to GALT nor has any of the aforementioned information been supplied to any of the U.S. agencies. May we please be advised if the information at hand should be disseminated to American agencies. In view of the fact that we are now in possession of a Wanted Flyer No. 442 issued on GALT and the QUINTALS have positively identified him as being the occupant of apartment 18 and a composite drawing is no longer required from them.

...4

Dr. Martin Luther KING
Assassination Of
Assistance to F.B.I.

12. A copy of this report has been forwarded direct to the N.C.O. i/c C.I.B. Montreal, P.Q. Extra copies attached hereto.

INSTRUCTIONS AWAITED

Cst.
R.G. Hartlen #20410.

(D.W.I.) S/Sgt.
i/c Detachment.

4/24/68

AIRTEL - REGISTERED

TO DIRECTOR, FBI

FROM LEGAT, OTTAWA (44-4)(P)

SUBJECT MURKIN
OO: MEMPHIS

Enclosed are three copies of RCMP "C" Division report April 19, 1968 with enclosures.

5 - Bureau (Encs.-12)
1 Liaison Direct
1 Memphis
1 - Ottawa

MLI:jl
(6)

1cc & 4 send to
ME via E/S
4-29-68 REL/ro

ROYAL CANADIAN MOUNTED POLICE - GENDARMERIE ROYALE DU CANADA

RCMP GRC 6880

C 237 REV. 1-4-66

OTHER FILE REFERENCES: REF. AUTRES DOSSIERS:	DIVISION "C"	DATE 19 APR 68	RCMP FILE REFERENCES: REF. DOSSIERS GRC:
	SUB-DIVISION - SOUS-DIVISION		68GIS 790-107
	DETACHMENT - DÉTACHEMENT Montreal C.I.S.		

RE: OBJET:

Martin Luther KING - Murder of
- Assistance to F.B.I. -

1. Further to this sections report dated the 18 APR 68, please be advised of the following:

17 APR 68

2. On the above noted date pictures of Galt were forwarded to this office and to Windsor Detachment by the F.B.I. in Washington. Following their press release a release was also made, on our part, to the Q.P.P. and M.C.P. for their information and assistance. Wanted circulors have been circulated to all Detachments and Police Forces in this Province by our C.I.S.

18 APR 68

3. On the above date the following information was received from Windsor Detachment: Positive identification of Galt was made by Quintal from the photo supplied by the F.B.I. Mr. Quintal was questioned with regards to a telephone in Galt's apt., Quintal advised that there never was a phone in the apartment and that he had to use a pay phone in the hall. The number of this phone is 532-0094. To Quintal's knowledge Galt never received or made any long distance phone calls from the apartment, and only one call was received, this is believed to be local.

4. Further questioning of Quintal revealed that all utilities were paid by the owner of the apartment building. This would exclude the possibility of obtaining any information from the various utilities. A complete report of the info contained in para. 3 and 4 is forthcoming from our Windsor Detachment.

5. Continued investigation in this area netted the following: At Harkay Apts. the room which was rented by Galt was checked. There was no phone, nor was there a plug for a phone. This would corroborate Quintal's statement. Attempts were made to interview anyone who resided close to Apt. 18. Apt. 17 was empty and there was no sign of anyone having lived there at the same time as Galt. Apartment 17A was occupied only on the 12 NOV 67, again this was not during the time Galt was there. Apartment 18 was rented by a person named DUNCAN on the 11 SEP 67 to the 18 NOV 67. However nothing could be obtained which would lead us to the identify of this person. It is highly unlikely any information could be obtained from this Duncan as he took up residence only 1 week after Galt had disappeared. The only person residing permanently at this apartment building was a Mr. O. Tindall. He is presently residing in apartment #19, as he was when Galt was living there. Tindall was interviewed, however, no information could be obtained.

(Cont'd on page 2)

ENCLOSURE

It should be noted that Tindall is an elderly gentleman who is hard of hearing and does not mix or associate with other people. He vaguely remembers someone living in the apartment but could not identify Galt or supply any further information.

6. Checks were made at all garages, parking lots, and other places where Galt may have rented space to park his car. Same met with negative results. Cst. Donnelle, who canvassed this area, exhibited Galt's photo to all garage owners and parking lot attendants within approximately a four block area with negative results. As there are no dry-cleaning establishments in the immediate area this possibility could not be canvassed. All grocery stores in this area were also canvassed and our subject's photo exhibited to the owners and clerks, however, again no results were obtained. With respect to Galt's vehicle it should be noted that in the area of Harkay Apts. there is almost unlimited street parking and this would eliminate the use of any parking lot.

7. Tip Top Tailors on St-Catherine St. was also approached concerning this matter. The Manager, Mr. Andre Lanthier was interviewed as well as the sales staff and Galt's photo was exhibited to them. Again no results were obtained. Mr. Lanthier was asked if there were any other of their stores in the proximity of Harkay and he advised that the only Branches were at Fairview Shopping Center in Beaconsfield and on Jean Talon in Montreal. A phone check was made to these stores by the Manager with negatige results, however, personal patrols to these stores will be made and Galt's photograph exhibited to the Managers and their sales staff.

8. Cst. Cartland interviewed the owner of Harkay Apts., Mr. H. Rothman. From Mr. Rothman the following information was received: he pays all utilities at Harkay Apts. Also there was never a phone in Apt. #18. A lease made out to and signed by Eric S. Galt was also obtained. The lease was dated the 19th day of July 1967 and was made out for the period of time between the 18 JUL 67 and the 18 JAN 68. The lease was made out for the sum of four hundred and fifty dollars, payable in seventy five dollar monthly payments commencing the 18 JUL 68. Also a payment of $75.00 was made for the period of 18 DEC 67 to 18 JAN 68 which was to be forfieted to the Lessor in the event the lease was broken. According to Rothman the subject, Galt, skipped out on the 2 SEP 67 thereby forfieting the $75.00 and also losing part of his monthly rent. The aforementioned was corroborated by Quintal in his interview with our members in Windsor. Mr. Rothman voluntarily handed over the original copy of the lease and same will be retained on our Section's File. Copies of lease are appended hereto. No further information of value could be obtained from Rothman. According to him there were no references or passed addresses or for that fact no information whatsoever given regarding Galt's past.

9. Further to press releases made by the F.B.I. and the composite picture which appeared in the Montreal Gazette on April 13th a Mr. Henri Magnan Jr. contacted this office and claimed he had information which would be of interest to us.

(Cont'd on page 3)

Mr. Magnan, District Sales Manager for Mack Truck Ltd., was interviewed at our office and he supplied the following information: On April the 1st and 2nd a Sales Meeting was held in Allan Town, Pennsylvania. During this convention he met a man named Stanley Segal who is employed by Mack Trucks in Portland, Oregon. According to Magnan this Segal answers to the physical description of Galt and he has the same silly smile. Segal did not strike Magnan as the salesman type as he was not a pleasant or outgoing type. Segal mentioned he had only been with company two months and claimed to have been a seaman prior to this. He stated he lost his boat on a trip to Alaska. Segal during the course of the conversation with Magnan claimed to have friends in the Toronto area however no names were mentioned.

10. As we had no photograph of Galt at the time of the interview Mr. Magnan could not be asked for positive identification. Mr. Magnan is presently in Nassau with his wife and is not expected to return until the first week in May. Upon his return he will be re-interviewed and asked for positive identification of Galt.

11. Investigations in this matter will be continued and a report submitted as soon as any new information is received. Copy sent direct to Windsor Detachment with attachment.

S.U.I.

Cst.
(G.W.J. Mousseau) 22870.
Montreal G.I.S. - C.I.B.

(J.D. P) S/Sgt.
i/c Mtl. G.I.S.

Martin Luther KING - Murder to
- Assistance to F.B.I. -

The COMMISSIONER, Ottawa:

Our File No. 68-C-190-19

1. FORWARDED for your information together with attachments.

2. This investigation was commenced as a result of a telephone conversation between Insp. MACAULEY, H.Q./Insp. DUCHESNEAU, "C" Div. Mtl., requesting that enquiries be conducted in this area in an effort to locate Eric Starvo GALT. It has been established that GALT did live at the Harkay Apts. in Montreal and he was positively identified by Mr. and Mrs. QUINTAL who were interviewed by members of our Windsor Detachment.

3. Mr. MAGNAN of this city contacted our office on the 13 APR 68 with regards to the composite picture which appeared in the Montreal Gazette on that date. He is presently in Nassau and will be re-interviewed on his return to this city. He will be shown GALT's photograph in an attempt to make positive identification in line with information that he gave to our investigating member.

3. Investigation is continuing and you will be further advised.

S.U.I.

MONTREAL
22-4-68

J.R. Duchesneau, Insp.
A/Officer i/c C.I.B.

The Montreal Star

THURSDAY, APRIL 18, 1968

Warrant issued

Witnesses doubt Galt killed King

United Press International

BIRMINGHAM, Ala., April 18 — Murder and conspiracy warrants have been issued for Eric Starvo Galt, a mysterious riverboat cook, merchant seaman and bartender accused in the assassination of Dr. Martin Luther King Jr.

Hunted: This photograph was released in Washington yesterday and identified by the FBI as Eric Starvo Galt. In the original picture, his eyes were closed. An artist painted them in for identification purposes.

The FBI charged Galt and his "alleged brother" in a warrant yesterday with conspiring to injure King, shot to death by a white sniper in Memphis, Tenn., April 4. Memphis police later filed a murder charge against Galt.

The FBI also released a photograph of Galt, 36, described as a "loner" with a "rural quality" in his voice. There was immediate conflict or uncertainty among witnesses who said they had seen Galt.

The picture — which had to have the eyes "opened" by an artist — brought uncertain responses from witnesses who were acquainted with Galt or saw the fleeing sniper.

"Unless he was wearing a wig or had a face lift or something, it's not the man I saw," said Charles Q. Stevens, who lives at the rooming house from which the fatal shot apparently was fired.

"The hair is too full and the face is too young," he said.

A source in Birmingham said the photograph was taken within the last three months, although the FBI did not specify when it was made. The photo was sharp contrast, making hair and features dark.

"It's very near, but I'm not sure," was the reaction of Peter Cherpes, owner of a Birmingham boarding house where an Eric Galt stayed from Aug. 26 to Oct. 7 last year.

"I don't r e a l l y know," Cherpes said. "It's so hard to tell. "His hair seemed to be lighter."

Undecided

The woman who runs the Memphis flophouse from where the killer shot King as the Negro leader stood on his motel balcony also was undecided about the picture. "I just don't know if it's him," said Mrs. Bessie Brewer.

In Atlanta, the cab driver reported driving Galt from a hippie neighborhood the night after King was slain said the FBI photograph "doesn't resemble" his passenger. "The man was younger and had shorter hair and a thinner face," the driver said.

But the FBI insisted the picture was of Galt. "It's him, all right," said Joseph H. Gamble, special agent in charge of the Birmingham FBI office. He said the photograph was taken this year, "in March, I think."

The FBI issued two pictures of Galt, also known as Harvey Lowmyer and John Willard. Galt's eyes were closed in one photo. The other featured eyes sketched in by an FBI artist.

The FBI complaint, filed in Birmingham, charged that Galt and an individual "whom he alleged to be his brother entered into a conspiracy" to harm King, and Galt purchased a rifle in Birmingham about March 30.

More pictures on the search for the slayer of Dr. Martin Luther King will be found on page 55.

The Montreal Star
THURSDAY, APRIL 18, 1968

AP Wirephotos

KNEW GALT AS STUDENT OF DANCING AND BARTENDING: Kathy Norton, a dance instructor, and Rod Arvidson, manager of a dance school at Long Beach, Calif., look at a picture of Eric Starvo Galt, the man accused of murder and conspiracy in connection with the killing of Dr. Luther King. They said Galt appeared to be a man of the same name who attended the dance school earlier this year. In photo at right, Tomas R. Lau, director of Los Angeles' International School of Bartending, tells reporters that Eric Starvo Galt was a student at the bartending school and graduated March 2.

LEASE

MR. Harkay Apartments

gives in rent to Mr. Eric D. Galt, herein known as tenant, of the same place, with promise to permit the said tenant to peaceably enjoy for the space of 6 months, beginning the ~~first~~ eighteenth day of July 1967 till the ~~first~~ eighteenth day of January 1968, the use of a certain dwelling situated on 2589 Notre Dame St E. ward

bearing the number 16-18 of the same street, also, all that pertains thereto, without exception or reverse; the said tenant declaring himself fully cognizant of same, and requiring no further designation thereof, and of being satisfied therewith.

This present lease is moreover made for the sum of Four hundred & Fifty Dollars $450.00 dollars, in currency of this Province, for and during the said space of time with the said tenant, who promises to faithfully and duly pay or have disbursed to the said lessor, at his office, or to his legal representatives, by equal instalments of $75.00 dollars each, of which the first payment becomes due and payable on the ~~first~~ eighteenth day of July 1967 current, in advance, and thence consecutively from month to month until the expiration of the present lease. Under no consideration has the tenant the right to give up the present lease.

To suitably heat the premises let during the cold season. To keep in good order the water-pipes throughout their entire length, the drains or sewers, water-taps, sinks, water-closets, etc. The said tenant shall make no change in the said rented premises without the consent of the lessor. To satisfy all the requirements exacted by the police and corporation authorities for which tenants in general are responsible. To have at his own expense the chimneys swept, the yard kept clean, and any damage resulting from negligence in doing same to be at his own cost and peril. To permit the lessor during the month that shall precede the termination of this present lease the right to have said rented premises visited by such persons as may desire renting them, between nine o'clock in the morning and five in the evening, as also, in this connection, or in case of sale, to allow the lessor the right of posting a notice of same.

To furnish said rented premises according to law.

The said lessor shall not be held to make any repairs whatever, not even repairs required by law unless such repairs be herein stipulated.

The said lessor shall not be responsible for any damage, trouble or nuisance that the neighbors may cause said tenant, nor for any damage resulting from the fall of snow or icicles upon any one whomsoever, the said tenant being alone responsible for such damage. He shall not keep on the premises rented either pigeons, dogs or fowl, or other animals whatever, and under penalty of damages shall not saw or split wood in said dwelling. The yard is in common with the other tenants. The said tenant, besides, shall pay the water-tax. All repairs or improvements made in the said rented premises and made by the tenant shall remain after the expiration of the term of his lease without any indemnity from the said lessor.

It is stipulated that should the said tenant abandon the premises rented before the expiration of his lease, the said lessor may then take immediate possession and let them to his own profit by right of damages and indemnity, without prejudices to his claims and legal recourse against the said tenant for the rents due and coming due by virtue of this lease. During the term of this present lease, the tenant is to keep said premises in such repair as devolues upon a tenant, and to return at the expiration of the present lease in good condition, and without the lessor being compelled to give any notice to such effect.

The tenant assumes responsibility for any wilful or damage to the property caused by his negligence or carelessness. Payment of $75.00 from Dec 18 to Jan 18/68 Receipt issued by lessor to be forfeit by tenant in the event of his breaking the lease.

And after having read the same, the parties have signed the present.

Signed in duplicate, at Montreal this Nineteenth day of July 1967

Landlord H. Pothier

Tenant Eric D. Galt

2589 Notre Dame East Street
Apt 18

LEASE

From July 18-1967

To Jan. 18-1968

Dated July 19th 1967

Commencing the July 18 1967

Ending the 18 Jany 1968

GRANGER FRERES LTD., MONTREAL

ROYAL CANADIAN MOUNTED POLICE - GENDARMERIE ROYALE DU CANADA

C 237
REV. 1-4-66

GRC 6880

OTHER FILE REFERENCES: REF. AUTRES DOSSIERS:

DIVISION "C" | DATE 18 APR 68

SUB-DIVISION - SOUS-DIVISION

DETACHMENT - DETACHEMENT Montreal G.I.S.

RCMP FILE REFERENCES: REF. DOSSIERS GRC: 68GIS 790-107

RE: OBJET:

Martin Luther KING - Murder of
- Assistance to F.B.I. -

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
APR 22 1968
LEGAL ATTACHE, OTTAWA

(1)

13 APR 68

1. Further to F.B.I. request made on the above noted date, please be advised of the following.

2. Checks were made at the address where GALT reportedly had resided, 2589 Notre-Dame East, Montreal, P.Q. This address is for the "HARKAY" Apartments. The janitor at Harkay Apts, one Roland RACICOT, was interviewed. With his permission, a perusal of the room ledger was made. Although GALT's name did not appear on any room sheet, on the reverse side of page number 3 (which stands for room #3) was found the following: "Eric S. GALT, 507 Chestnut Street, Kansas City, Mo.". On the front appeared the names Mr. MECKLIN, SEPT 4 to OCT 4 - moved, also MANIA FEB 3 to MAR 3 - changed to Apt #4. The dates for MECKLIN are for 1967 and the dates for MANIA are for 1968. When further questioned with regards to the Register, leases and any other information, Mr. RACICOT informed me that he had taken over the job only at March 1st 1968. He informed me that the former janitor, Morris QUINTAL, was no longer in the area, but that his present whereabouts could be obtained from the Manager, one Harry ROTHMAN.

3. Mr. H. ROTHMAN, 11 Halthom Road, Hampstead, Quebec, phone 488-8525, was telephonically contacted at his office in Pont Viau, P.Q., at 669-1721. Mr. ROTHMAN informed me that Morris QUINTAL could be contacted c/o Hi Neighbour Floor Covering Inc., 557 Wyandotte, East, Windsor, Ontario. When questioned further, Mr. ROTHMAN sounded hesitant and unsure. He claimed he had no knowledge of any lease signed by GALT or any further information.

4. As a result of our conversation with ROTHMAN, Sgt. CARREAU of our "O" Division, Windsor Detachment, was contacted by phone. Itwas requested that QUINTAL be interviewed and any possible information concerning GALT be obtained.

16 APR 68

5. On the above date, newspaper clippings from "The Gazette" and "La Presse" along with a composite picture of GALT and the ledger sheet with GALT's name and a US address were forwarded by Air Canada to Windsor.

17 APR 68

6. On the above date, the results of the interview with QUINTAL were received from Cst. HARTLAND of Windsor Detachment. Same are as follows: the interview was held with QUINTAL at his residence at approximately Midnight of the 16-4-68. QUINTAL advises that GALT rented apartment 18 for approximately one to one and a half month from August to September 1967. QUINTAL believes a lease was signed and same should be

in the possession of ROTHMAN.

7. GALT's physical description as given by QUINTAL is as ~~follows: 5'6", 160 lbs, black hair combed backwards on an angle and not~~ receding. He has a light complexion, shallow face and gave the appearance of being thin. He appeared to be 32 to 35 years of age. QUINTAL advised he would recognize GALT if he ever saw him again.

8. During his stay at the Harkay Apts, GALT was a quiet man who kept to himself. He only had two visitors that were noted by QUINTAL. Both were female and were together. The only description of these subjects that could be obtained is that they were elderly women between 40 and 42 years of age and one had black hair and the other had reddish brown.

9. With respect to mail, only two letters were received during his stay. One was from a US address but no information was available regarding this letter. The other was from Tip Top Tailors here in Montreal. From the information obtained from QUINTAL, GALT had ordered a suit there and this was a notice to pick it up. This information is presently in the process of being verified.

10. GALT claimed to have been working at Expo '67. This possibility was checked with negative results. Mr. R. MADORE, Personnel Manager for the C.C.W.E., was interviewed; a check of his records was made for the name of GALT and also John WILLARD, Harvey LAWMEYER and Eric STERVO which are known aliases. As previously mentioned, these were non-resultant. Mr. J. TRAYNOR of Expo Security was also interviewed and the aforementioned names were again verified with the passes issued to Expo employees both full and part-time. Checked were the press passes (both permanent and temporary), the permanent work passes and the temporary work passes. Again, this met with negative results. This does not exclude the possibility that GALT was employed by a private concessionaire; however, these types used a blanket pass for their employees and without the name of the concession or concessionaire, it is impossible to trace.

11. The possibility that GALT was driving a car in this area was also covered. QUINTAL claimed GALT asked if there were any parking spaces at the apartment. When QUINTAL told him there were, however, that they were $20.00 a month, he declined. GALT asked if there were any other places for rent and he was referred to a local Shell and/or Esso Service Station. QUINTAL never saw the vehicle if there was one, therefore could add nothing further in this respect. Checks were made at Charlebois Shell, 2515 Notre-Dame East and at Michel Catala Texaco at 2508 Notre-Dame East with negative results. In either place, no receipts were given and due to the huge number of cars that were handled during this period, no one could recall either the subject or any particular auto with US plates. Enquiries along this line are being continued.

12. With respect to GALT's name and a US address appearing on the reverse side of Ledger sheet #3, QUINTAL could add nothing further. He did not know why they appeared there but is reasonably sure that this

RE: OBJET

Martin [redacted]ther KING - Murder of
- Assistance to F.B.I. -

13. When GALT left Harkay Apts, he said he had to return to the US to look after some sick relative. He left around the 2 SEPT 67 and in so doing, forfeited the deposit he had placed on the apartment. This amounted to approximately $90.00.

14. There is a possibility that the two women mentioned in paragraph 7 of this report would be Mrs. Rita STEEN, 5666 Franklin, Los Angeles, California and Mary DENINNO, 5533 Hollywood, Los Angeles, California. According to QUINTAL, these women and GALT had a party in his room. The next morning, one left and the other stayed on with GALT for a few days.

15. Record checks were made with both the Q.P.P. and M.C.P.; however, same met with negative results. A check of the surrounding area was made on the 13 APR 67 however with no results.

16. A photo of GALT is being forwarded by the F.B.I. to our Windsor Detachment for QUINTAL's identification. Also, it is requested that QUINTAL supply us with the names of any persons who resided in apartments #17 and #19 while GALT resided at the Harkay Apt.

17. Investigations in this matter are still being conducted at Tip Top Tailors, with the Manager of Harkay Apts and with QUINTAL. Various parking facilities in the area of the apartment are also being checked.

18. All leads will therefore be looked into as soon as possible with a further report to be submitted. A copy of this report is sent to Windsor Det.

S.U.I.

G.W.J. Mousseau Cst.
(G.W.J. Mousseau) #22870
Montreal G.I.S.

[redacted]

(J.D. PRINCE) S/SGT
i/c Montreal G.I.S.

The C.O. "O" TORONTO:

Our File No. 68-C-190-19

1. FORWARDED for your information together with composite picture of suspect. Copy of this report sent direct to Windsor Detachment. Composite picture of GALT forwarded to Windsor Detachment via Air Canada on 16 APR 68.

S.U.I.

MONTREAL
18-4-68

J.R. Duchesneau, Insp.
A/Officer i/c C.I.B.

The COMMISSIONER, Ottawa

1. FORWARDED for your information together with composite picture of suspect.

2. Investigation in this matter is continuing and you will be kept informed.

S.U.I.

MONTREAL
18-4-68

J.R. Duchesneau, Insp.
A/Officer i/c C.I.B.

No dissemination

MURKIN - FOIA

14

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☑ REVIEWED 6/30/77 mer
no excisions necessary

☐ EXCISED & XEROXED

☐ OTHER _____

☑ COMPLETED 6/30/77 mer

MURKIN
FOIA

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Date 6/21/77

The following material has been reproduced for excising and review at FBIHQ by representatives of the House Select Committee on Assassinations:

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Mr. J. B. Adams 6/1/76

Legal Counsel

HAROLD WEISBERG v. U. S.
DEPARTMENT OF JUSTICE
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-1996

PURPOSE:

To recommend approval of attached affidavit.

SYNOPSIS:

On 5/18/76, the Court indicated that by 6/2/76 we should file an affidavit stating why we have not yet processed plaintiff's 12/23/75 FOIA request and also stating when we expect to process this request. Attached affidavit supplies this information.

RECOMMENDATION:

That approval be given for the immediate hand-delivery of the original and appropriate number of copies of attached affidavit to AUSA John Dugan, District of Columbia, for filing with the court by 6/2/76.

Enclosure

1 - Mr. Gallagher
Attn: Mr. Heiterhoff
1 - Mr. Decker
Attn: Mr. Smith
1 - Mr. Moore
Attn: Mr. Gunn
1 - Mr. Mintz
1 - Mr. Blake

PTB:lsy
(6)

CONTINUED - OVER

Memorandum to Mr. J. B. Adams
Re: Harold Weisberg v. U. S.
Department of Justice
(U.S.D.C., D.C.)
Civil Action No. 75-1996

DETAILS:

On 5/18/76, the Court indicated that by 6/2/76 we should file an affidavit stating why we have not yet processed plaintiff's 12/23/75 request for 28 categories of information concerning our investigation of the Martin Luther King, Jr. assassination and also advising when we expect to process it. Attached affidavit of Special Agent Donald L. Smith, FOIPA Section, Records Management Division, furnishes this information, and is to be utilized by AUSA Dugan in filing a motion to dismiss or, in the alternative, grant a stay in the proceedings to allow the FBI time to process plaintiff's request.

Mr. J. E. Adams 6/2/76

Legal Counsel

HAROLD WEISBERG v. U.S.
DEPARTMENT OF JUSTICE
(U.S.D.C., D.C.)
CIVIL ACTION NO. 75-1996

PURPOSE:

To recommend approval of attached affidavit.

SYNOPSIS:

On 5/18/76, the Court indicated that by 6/2/76 we should file an affidavit setting forth our compliance with plaintiff's 4/15/75 FOIA request. Attached affidavit sets forth our method of compliance with the request.

RECOMMENDATION:

That approval be given for immediate hand-delivery of the original and appropriate number of copies of attached affidavit to AUSA John Dugan, District of Columbia, for filing with the court.

Enclosure

1 - Mr. Cochran
Attn: Mr. Kilty
1 - Mr. Gallagher
Attn: Mr. Helterhoff
1 - Mr. Decker
Attn: Mr. Wiseman
1 - Mr. Moore
Attn: Mr. Gunn
1 - Mr. Mintz
1 - Mr. Blake

PTB:lsy
(7)

CONTINUED - OVER

Memorandum to Mr. J. B. Adams
Re: Harold Weisberg v. U. S.
Department of Justice
(U.S.D.C., D.C.)
Civil Action No. 75-1996

DETAILS:

On 5/18/76, the Court indicated that by 6/2/76 we should file an affidavit setting forth our method of compliance with plaintiff's 4/15/75 request for seven categories of material pertaining to our investigation of the Martin Luther King, Jr. assassination. Attached affidavit of Special Agent Thomas L. Wiseman of the FOIPA Section, Records Management Division, sets forth our complete compliance with plaintiff's 4/15/75 request, and is to be used in support of a motion to be filed by AUSA Dugan for dismissal or, in the alternative, summary judgment as to plaintiff's 4/15/75 request.

Mr. J. B. Adams 5/13/76

Legal Counsel

HAROLD WEISBERG v.
U. S. DEPARTMENT OF JUSTICE
(U.S.D.C., D. C.)
CIVIL ACTION NO. 75-1996

PURPOSE: To advise of receipt of attached letter from Time Incorporated.

SYNOPSIS: Attached letter from Richard M. Seamon, Director of Editorial Services, Time Incorporated, was received on 5/11/76, and states that Time Incorporated has no objection to allowing plaintiff to review 107 photographs pertaining to the King assassination which had been furnished the FBI by Life Magazine and which were located in our Memphis office, but that if plaintiff desired copies of them he should contact Mr. Seamon. Plaintiff was allowed to view these photographs at FBIHQ on 5/5/76 and advised that if he desired any copies he should direct his request to Time Incorporated.

RECOMMENDATION: None. For information.

DETAILS: Plaintiff, who instituted captioned litigation in connection with his FOIA request for certain categories of records concerning the Martin Luther King, Jr., assassination, was furnished all none exempted records located at FBIHQ within the scope of his request. He indicated that the FBI would possess other records which would be responsive to his request, and in order to insure that we had completely complied with his request, we voluntarily searched the Memphis office for any additional material which would be responsive to the request.

Enclosure
1 - Mr. Decker
Attn: Mr. Wiseman
1 - Mr. Gallagher
Attn: Mr. Helterhoff
1 - Mr. Moore
Attn: Mr. Gunn
1 - Mr. Mintz
1 - IPAL (Blake)
PTB:rmc

Memorandum to Mr. J. B. Adams
Re: Harold Weisberg v. U. S. Department of Justice
(U.S.D.C., D. C.), Civil Action No. 75-1996

107 photographs which had been taken by a photographer for Life Magazine and which were furnished by Life to the FBI were located in the Memphis office, and we contacted Time Incorporated to ascertain if they would have any objection to our allowing plaintiff to view these photographs, some of which had been published in Life Magazine in 1968. Mr. Seamon advised that they would have no objection to plaintiff viewing these photographs, but that if plaintiff desired copies of them he should contact Mr. Seamon, and not attempt to obtain copies from the FBI. Attached letter, which requires no acknowledgment, is a written confirmation of the 5/4/76 telephone conversation between Mr. Harry Johnston, Legal Department, Time Incorporated, New York, New York and SA Parle Thomas Blake of the Legal Counsel Division, in which Mr. Johnston advised that he would interpose no objection to plaintiff being allowed to view these photographs but that they were protected by statutory and common law copyright. Mr. Johnston stated that even if the FBI was ordered by the court to release copies of these photographs to plaintiff, plaintiff would be prohibited from publishing them by the copyright protection. He stated that a letter confirming this would be sent to the Director over Mr. Seamon's signature. Plaintiff was allowed to view these photographs at FBIHQ on 5/5/76 and advised that if he desired any copies he should direct his request to Time Incorporated.

TIME
INCORPORATED

EDITORIAL SERVICES

TIME & LIFE BUILDING
ROCKEFELLER CENTER
NEW YORK 10020
JUDSON 6-1212

May 6, 1976

The Hon. Clarence M. Kelley, Director
Federal Bureau of Investigation
Washington, D. C. 20535

Dear Mr. Kelley:

I am writing to you in connection with my recent telephone conversation with Mr. Thomas Blake. Mr. Blake informed me that a Mr. Weissberg has requested, pursuant to the Freedom of Information Act, access to certain photographs taken by Mr. Joseph Louw in Memphis, Tennessee, in April of 1968.

These 107 photographs pertain to events and circumstances surrounding the death of Martin Luther King and were lent by Time Incorporated to the Federal Bureau of Investigation in connection with its investigation of that matter. Several of the photographs were published in LIFE magazine in 1968.

Time Incorporated has no objection at all to allowing Mr. Weissberg to examine these photographs. However, as copyright proprietor and agent for Mr. Louw, we must insist that no copies of these photographs be made or turned over to the applicant. The photographs are protected by statutory and common law copyright and any unauthorized copying of them would infringe these rights.

Yours very truly,

Richard M. Seamon

Richard M. Seamon
Director

Mr. J. B. Adams 5/7/76

Legal Counsel

HAROLD WEISBERG v. UNITED
STATES DEPARTMENT OF JUSTICE
(U.S.D.C., D.C.)
CIVIL ACTION NO. 75-1996

PURPOSE:

This is to advise of results of 5/5/76 meeting between plaintiff, his attorney, and Special Agents Thomas L. Wiseman, FOIPA Section, Records Management Division, and Philip C. Hogen, Legal Counsel Division.

SYNOPSIS:

At 5/5/76 meeting between plaintiff and FBI representatives, he reviewed material located by our Memphis Division which is considered to be within the scope of plaintiff's FOIA request of 4/15/75. Certain available items were selected by plaintiff, these being photographs; he was advised a number of photographs were not available to him as they were exempt from disclosure pursuant to Title 5, United States Code, Section 552 (b)(7)(C) and (b)(7)(D). He was allowed to review a set of photographs owned by Time, Inc. There were 107 photographs involved. He desired to obtain copies of 15 of these photographs. Weisberg was further advised Time, Inc., directed the FBI that we should not release copies

CONTINUED - OVER

1 - Mr. Cochran
Attn: Mr. Kilty
1 - Mr. Gallagher
Attn: Mr. Helterhoff
1 - Mr. Decker
Attn: Mr. Wiseman
1 - Mr. Moore
Attn: Mr. Gunn
1 - Mr. Mintz
1 - Mr. Blake

PCM:lsy
(7)

of these photographs to him and he should deal directly with that organization concerning same. Plaintiff's attorney furnished a check in the amount of $87 in payment for material furnished on 5/5/76 and for search costs by our Memphis Division. At conclusion of meeting plaintiff repeated his belief that the FBI possessed additional material not furnished him which would be responsive to his request.

RECOMMENDATION:

That FOIPA Section, Records Management Division, promptly prepare letter to plaintiff furnishing receipt for check received and confirming results of meeting held 5/5/76. This should be accomplished prior to Wednesday, 5/12/76, as court status call is scheduled for that date. AUSA John Dugan, District of Columbia, should be in receipt of a copy of this communication prior to next court status call.

DETAILS:

On 5/5/76 plaintiff Harold Weisberg, his attorney, James Lesar, and a third individual identified as Mr. Paul Hurtzel, a friend of plaintiff who was driving for him on that date, appeared at FBIHQ to review material furnished by our Memphis Division concerning the investigation of the Martin Luther King, Jr. assassination pursuant to plaintiff's FOIA request of 4/15/75 which requested, in the main, photographs or sketches taken by the FBI or in our possession concerning that murder as well as certain scientific tests performed by our FBI Laboratory. On 3/23/76 (see my memorandum to Mr. Adams dated 3/25/76), a conference was held between

plaintiff, his attorney, and FBI personnel to review documents deemed releasable pursuant to the FOIA. Plaintiff indicated the FBI possessed additional material, and we subsequently requested the Memphis Division to forward material falling within the scope of plaintiff's request for review. By airtel dated 4/9/76, Memphis furnished material found in their files concerning the above investigation. This consists of several categories of photographs as will be outlined hereinafter:

1. Forty-seven crime scene photographs taken by the Memphis Police Department on 4/5/68 at and in the vicinity of the Lorraine Motel, Memphis, Tennessee. This material was considered exempt from disclosure inasmuch as they were received from a confidential source pursuant to Title 5, United States Code, Section 552 (b)(7)(D). Current contact with Memphis Police Department disclosed that agency does not wish these photographs to be disclosed.

2. A set of 14 photographs of suspects in the King assassination investigation. Of these photographs Mr. Weisberg selected five that he desired copies of and this will be subsequently handled by FOIPA Section.

3. A set of aerial view negatives of the Lorraine Motel and vicinity taken in April of 1968 by United States Corps of Engineers personnel. Weisberg did not care to receive copies of any of the negatives reviewed.

4. A set of 107 photographs of the crime scene taken at and in the vicinity of the Lorrain Motel by Joseph Louw and furnished to the FBI by Life Magazine. Mr. Weisberg was allowed to review these photographs and he selected 15 that he wished copies of. Mr. Weisberg was advised these photographs were considered to be the property of Time, Inc., New York, and we had recently determined that organization retained control of these photographs and did not grant this Bureau authority

to release desired copies. Mr. Weisberg volunteered that he was aware Time, Inc., possessed more photographs than he viewed as he had previously (at an unstated time) viewed same through the coutesy of Mr. Ralph Pollard of Life Magazine. He was merely advised that the 107 photographs were the only "Life" photographs in the FBI's possession.

Mr. Weisberg was advised the searching costs for locating the photographs was $63. James Lesar, plaintiff's attorney, gave a check made out to the FBI in the amount of $87 to cover the costs of this search and in addition, to cover the cost of additional material previously selected by Mr. Weisberg and presented to him on 5/5/76. These items are identified as three color photographs of Q64, which is the death bullet in the assassination of Dr. Martin Luther King, Jr., at $3 each, and $15 for three negatives of the color photographs of Q64 made to the specification of Harold Weisberg.

Mr. Weisberg strongly suggested that the scope of his request had not been complied with and that the material furnished him on 5/5/76 did not represent all material within his request contained in the records of the FBI. For example, he said he had a "receipt" indicating the transmission of documents from the Memphis Field Office to the Washington Field Office subsequent to the date that James Earl Ray plead guilty in the assassination of Dr. Martin Luther King, Jr., and Mr. Weisberg further stated he had no information to indicate these documents had been returned to the Memphis Field Office. Therefore, it is the contention of plaintiff that the Washington Field Office would necessarily have documents within the scope of his request which have not been identified and located through the search conducted at this point in his FOIA request. It should be noted that during previous meeting of 3/23/76, plaintiff made identical claims during which time he was advised that we would very much appreciate receiving the information in his possession which would help us locate other material responsive to his request. He had offered to furnish this information orally, but refused

to give a written statement containing so-called "leads" to the location of the material desired. During our 5/5/76 meeting, described above, he was reminded we would appreciate receiving a written statement which would assist us in locating material that Mr. Weisberg claims we possess and that we have been unable to locate to date. Mr. Weisberg stated he felt it was the burden of the FBI to locate the material and not his responsibility.

Mr. J. B. Adams 4/21/76

Legal Counsel

HAROLD WEISBERG v.
U. S. DEPARTMENT OF JUSTICE
(U.S.D.C., D. C.)
CIVIL ACTION NO. 75-1996

PURPOSE:

To recommend that attached affidavit be approved.

SYNOPSIS:

Attached affidavit of SA Thomas L. Wiseman, FOIPA Section, Records Management Division, explains our method of compliance with plaintiff's FOIA request for Murkin material, and is to be utilized in support of defendant's opposition to plaintiff's motion to compel answers to interrogatories, which must be filed on 4/21/76.

RECOMMENDATION:

That the original and seven copies of attached affidavit be approved for immediate hand-delivery to AUSA for the District of Columbia John Dugan, who is handling the litigation of this matter, and that one copy also be furnished to Departmental Attorney Richard Greenspan.

Enclosure

1 - Mr. Cochran
Attn: Mr. Kilty
1 - Mr. Gallagher
Attn: Mr. Helterhoff
1 - Mr. McDermott
Attn: Mr. Wiseman
1 - Mr. Mintz
1 - FOIA Litigation Unit
(Blake)

PTB:rmc
(6)

(CONTINUED - OVER)

Memorandum to Mr. J. B. Adams
Re: Harold Weisberg v. U. S. Department of Justice
(U.S.D.C., D. C.), Civil Action No. 75-1996

DETAILS:

By memorandum from Legal Counsel to Mr. Adams dated 3/10/76, we furnished answers to plaintiff's First Set of Interrogatories, as well as objections to answering portions of these interrogatories. Plaintiff subsequently filed a motion to compel answers to the interrogatories, supported by a lengthy affidavit in which he attacks our method of compliance with his FOIA request and our answers to his interrogatories. Attached affidavit, the preparation of which has been coordianted between SA Wiseman, SA Parle Thomas Blake of Legal Counsel Division and AUSA Dugan, will be utilized in support of defendant's opposition to plaintiff's motion to compel, and must be filed by 4/21/76.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff

v.

Civil Action No.
75-1996

UNITED STATES DEPARTMENT
OF JUSTICE,

Defendant

AFFIDAVIT OF THOMAS L. WISEMAN

I, Thomas L. Wiseman, being duly sworn, depose and say as follows:

I I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned in a supervisory capacity to the Freedom of Information - Privacy Acts (FOIPA) Section at FBI Headquarters (FBIHQ), Washington, D. C.

II Due to the nature of my official duties, I am familiar with the procedures we follow in processing Freedom of Information Act (FOIA) requests received at FBIHQ, and our full compliance with plaintiff's April 15, 1975, FOIA request. I am familiar with Plaintiff's First Set of Interrogatories, which deal with our response to his April 15, 1975, request, having answered same. I have read and am also familiar with the contents of plaintiff's affidavit dated March 23, 1976, which also concerns our methods of complying with his April 15, 1975, request and our answers to the interrogatories.

III The purpose of this affidavit, which is submitted with the affidavit of Special Agent John W. Kilty, is to set forth the pertinent facts concerning the allegations made in plaintiff's affidavit and to correct the erroneous statements he has made therein. In the interest of brevity, I am attempting to limit my responses to only those of plaintiff's allegations which bear any relevance to this litigation.

If, in the opinion of the Court, other allegations made by plaintiff are relevant to the issues presented here, a supplemental affidavit will be submitted which will furnish the Court the correct information concerning these allegations. Further, my affidavit treats only our method of compliance with plaintiff's FOIA requests. The allegations plaintiff has made regarding the general area of our Laboratory procedures, which I honestly do not believe are the proper subject of this litigation, are dealt with in the affidavit of Special Agent Kilty, since they are within his area of expertise.

IV The subparagraphs listed below are numbered to correspond to the paragraphs in plaintiff's March 23, 1976, affidavit:

1-22 These allegations are irrelevant to this litigation, and therefore no factual correction of them is deemed necessary.

23 The proper use of interrogatories and the proper subject matter of FOIA litigation are for the Court to determine, and it is therefore not deemed necessary to speculate on these matters in an affidavit.

24 The subject matter of this allegation is not within my personal knowledge.

25 Plaintiff's unsubstantiated characterization of Defendant's Answer to Plaintiff's First Set of Interrogatories is incorrect. Regarding plaintiff's claim in the last sentence of this allegation that he has "personal knowledge of documents which (he has) requested from the Department of Justice but which have not been yet given (him)," he has made this same claim in another FOIA suit with which I am familiar that he has filed against the Government. He has made this same claim in letters with which I am familiar that he has written to the Department of Justice and the FBI. He has made this same claim in meetings which I have attended or have knowledge of, that have been arranged by the FBI in an attempt to identify and comply with his various FOIA

requests. He has never, to my knowledge, offered factual support for these claims. On March 23, 1976, the day plaintiff executed his affidavit, representatives of the FBI, whose services were desperately needed elsewhere in connection with their official duties, spent an entire afternoon with plaintiff and his attorney, furnishing plaintiff additional material he had requested, and attempting to explain it to plaintiff. At this meeting, which was the latest of those arranged between representatives of the FBI and plaintiff and/or his attorney, in which we have gone far beyond what is required by the FOIA in order to resolve plaintiff's various questions and requests, he once again claimed to possess "proof" that he had not been furnished all material he had requested. He was told, as he has been told in the past, that we would welcome any documentary assistance from him which would enable us to more completely comply with his request. As in past meetings, this offer was made several times during the March 23, 1976, meeting, but each time plaintiff would move to another subject, or make some further claim which had no basis in fact. Again, as in past meetings, plaintiff made his offer to immediately furnish his "proof" orally. Again, as in the past, we explained to him that we are receiving FOIA requests at a rate in excess of 55 per day, and it is impossible, because of the tremendous administrative problems involved, to respond to oral requests. We again invited him to furnish any written material which would assist our personnel who conduct the searches of our records, in locating any additional records he feels we possess which would be responsive to his request. We have never received any sort of written assistance containing this "information" plaintiff claims would direct us to other records.

26 Plaintiff is correct in his allegation that the answers to the interrogatories do not describe the search which was made for the documents he requested nor state who made

that search. This is so because the interrogatories do not request this information. In response to plaintiff's allegation that the answers do not state they are based upon all information available from all FBI files pertaining to the assassination of Dr. King, I reiterate that the interrogatories did not request this information, which in any event would seem to be self-evident. However, for the information of the Court, the answers are of course based upon all information available in the files we reviewed. We conducted a complete and thorough search of all central records located at FBIHQ concerning the King assassination. We conducted the same search in response to plaintiff's request and interrogatories that we utilize in our own day-to-day retrieval of necessary information in connection with our normal duties, which, because of our uniform reporting rules and filing procedures, enable us to be certain that we maintain, in one centralized location, all pertinent information in possession of the FBI deemed worthy of retention which has been acquired in the course of fulfilling our investigative responsibilities. In view of this, I believe it would be extremely unreasonable to assume the FOIA requires the FBI, in order to respond to each of the 13,875 requests we received in 1975, each of which is at least as equally legitimate as plaintiff's, must conduct a search of the files of each of our 59 Field Offices. If this were to be required, I believe, based upon my knowledge and experience, that the FBI might as well be closed down, because our remaining resources would be completely inadequate to perform the official duties Congress has imposed upon us. However, with respect to plaintiff's FOIA request, we have once again gone beyond what we feel is required by the FOIA and have instituted a search of the files of our Memphis Field Office in order to ensure that we have furnished all releasable material in our possession which is in any manner within the scope of his request. The Memphis Office is the only logical remaining repository of information which would be responsive to plaintiff's request,

inasmuch as it was in Memphis that Dr. King was killed, and our Memphis Field Office had primary responsibility for the investigation. As plaintiff and his attorney were advised in Court over three weeks ago, any releasable material located in this search which is within the scope of plaintiff's request will be furnished him in the very near future. The final sentence of Paragraph 26 of plaintiff's affidavit alleges that I do not state that my answers to plaintiff's interrogatories "are based on information contained in files belonging to or in the custody or possession of the Department of Justice's Criminal, Civil, and Civil Rights Divisions." Plaintiff is entirely correct in this allegation, inasmuch as I, as a Special Agent of the FBI, supervising a search of FBI files, cannot swear to what information is contained in files other than the FBI's. As I stated above, and as I stated in the answer to Interrogatory No. 25, the files searched were FBIHQ files.

27 The first sentence of Paragraph 27, containing plaintiff's recollection of plaintiff's attorney's recollection of what I allegedly told plaintiff's attorney, is incorrect. Special Agent Kilty, who is assigned to the FBI Laboratory, personally conducted the review necessary to respond to certain categories of plaintiff's request, primarily those dealing with Laboratory matters. I, in my supervisory capacity in the FOIPA Section of FBIHQ, am responsible for the overall supervision of the processing of plaintiff's request, and therefore am the only representative of the FBI who is legally competent to answer plaintiff's interrogatories. The last sentence of Paragraph 27, to which the Court's attention is respectfully drawn for a further understanding of the problems we have encountered in this case, and as another example of the type of statement plaintiff swears to, requires no factual response beyond denial.

28 Although plaintiff is in error as to the number of interrogatories which were not responded to, and he errs further in alleging that Deputy Attorney General

Tyler's December 1, 1975, letter "redefined" plaintiff's request and required a new information request, he properly states our position that the interrogatories are directed at information outside the scope of his FOIA request, and also properly states the fact that he did not give written assurance that he would pay the fees for the special search necessary to locate the additional records.

29 On December 3, 1975, before we were notified by the Department of Justice that plaintiff had instituted this litigation, we furnished plaintiff's attorney, pursuant to plaintiff's FOIA request, 18 photographs and 73 pages of records, much of which was FBI Laboratory material setting forth the results of very complicated examinations which would require even an expert a great deal of time to review, digest, and comprehend. Yet, plaintiff admits in this allegation that as soon as he received this material he wrote Attorney General Levi and informed him that the FBI had not complied with his request. The attention of the Court is respectfully drawn to his December 4, 1975, letter (attached as Exhibit K to plaintiff's affidavit), in which plaintiff claims that the United States Department of Justice, the FBI, numerous and unnamed "Tennessee authorities" (presumably law enforcement and prosecutive officials connected with the James Earl Ray case) and even by implication, the Columbia Broadcasting System, have engaged in a conspiracy to keep James Earl Ray "in jail for the rest of his life when the FBI had and suppressed proof that he did not kill Dr. King." I cannot comprehend how any reasonable construction or interpretation of the FOIA could possibly result in a belief that a claim of this sort is the proper subject of litigation involving the FOIA.

30 This allegation is correct, and no further response is deemed necessary other than again respectfully drawing the Court's attention to the entirety of plaintiff's December 7, 1975, letter, a copy of which is attached to his affidavit as Exhibit L.

31 The first sentence of plaintiff's Paragraph 31 is incorrect. Deputy Attorney General Tyler did not "rewrite" plaintiff's request so as to "suppress the vital information" plaintiff allegedly seeks. Deputy Attorney General Tyler's December 1, 1975, letter states "... I have decided to ... grant access to every existing written document, photograph and sketch which I consider to be within the scope of Mr. Weisberg's request." The body of the letter goes on to describe the complete release being made of all records located falling within the various categories of plaintiff's FOIA request. The latter portion of the letter could not be more clear. Mr. Tyler states that he has not included the results of ballistic tests performed on rifles other than the one owned by Mr. Ray. The letter then states, as directly as possible:

> "If Mr. Weisberg wishes access to them, he should make a specific written request to Director Kelley, Attention: Special Agent Thomas Wiseman, agreeing to pay both the costs of reproduction and the special search fees which will be necessary to locate and identify the same as provided by 28 C.F.R. 16.9(b)(6). In addition, in an effort to save your client considerable expense, I have construed Item No. 6 so as not to encompass the several hundred photographs in Bureau files of Dr. King's clothes, the inside of the room rented by Mr. Ray, or various items of furniture and personal property. If Mr. Weisberg, does, in fact, wish copies of these photographs, he should make a further request for them and agree to pay the reproduction and special search costs which will be involved."

Plaintiff and his attorney did write letters to defendant in December of 1975, complaining that plaintiff had not been furnished all records he felt the FBI should possess which would be within the scope of his request. However, none of these letters complied with Mr. Tyler's clear and simple directions that plaintiff provide written assurance he would pay the fees for the necessary searches. It is plaintiff, not the Department

of Justice or the FBI, who has been on notice since receipt of Mr. Tyler's letter of December 1, 1975, and yet he did not provide this assurance until nearly three months later, when by plaintiff's attorney's letter of February 23, 1976, these assurances were finally furnished.

32 Plaintiff is correct in his belief that several facts must be considered in order to judge whether the FBI and plaintiff have acted properly regarding plaintiff's FOIA requests. Plaintiff's allegation that Mr. Tyler's insistence on written assurance that the special search fees would be paid was "merely a pretext to deny and delay" his access to records is without merit. There was no "pretext to deny:" Mr. Tyler's December 1, 1975, letter could not have more clearly stated the fact that he would be given these records if he would agree in writing to pay for the search necessary to locate them. There was no "pretext to delay:" The sheer volume of thousands upon thousands of requests we have received has been more than sufficient to cause numerous delays in our responses to these requests; we have no reason to invent "pretexts" to cause us additional problems, by "delaying" access to records which are in fact subsequently furnished.

33 This paragraph is irrelevant to this litigation. Again, we have enough administrative problems in complying with the FOIA, and cannot afford to conduct special searches at everyone's request, only to find after we have conducted these searches that, if a requester is not satisfied with the results thereof, he refuses to pay for the time it took to conduct this search. This would even further delay our responses to the thousands of legitimate requests we receive.

34 Plaintiff correctly alleges that all initial special search fees were waived, but I do not believe our prior accomodation to plaintiff has any relevance to the issue plaintiff is raising here. Mr. Tyler's December 1, 1975, letter sets forth his discretionary decision to waive the special search fees for

the material furnished, and to require assurance that the reproduction and special search costs for any additional material plaintiff indicates he desires will be paid. Plaintiff admits that he promptly prepaid the 25 percent of estimated special search fees required by him by the Department of Justice Civil Rights Division, while at the same time arguing that it was burdensome for him to furnish the written assurance of payment which Mr. Tyler asked of him, when a prepayment was not even required. He promptly paid $80 to the Civil Rights Division, yet delayed for nearly three months furnishing us the written assurances requested, and then alleges that it is we who acted improperly.

35 All parties agree that plaintiff's attorney advised the Department of Justice and the FBI in his December 29, 1975, letter, as well as other letters, that plaintiff "wanted all the documents which Mr. Tyler had 'eliminated' from (his) original request." But in none of these letters did plaintiff or his attorney agree to pay for the search necessary to locate the documents, which was clearly requested in Mr. Tyler's letter of December 1, 1975. The attention of the Court is respectfully drawn to the second sentence of plaintiff's Paragraph 35 in which he states, "in the months that followed, Mr. Wiseman did not phone or write my attorney and remind him that he could not process my renewed request until he had received a written assurance of my willingness to pay the search fees and copying costs." Mr. Tyler's December 1, 1975, letter, states this; also, with the voluminous amount of requests which I am required to supervise the processing of, I know of no provision in the FOIA which additionally requires me to remind plaintiff's attorney of the contents of a letter which was sent from Mr. Tyler to plaintiff's attorney, nor of any provisions which require me to ensure that neither plaintiff nor his attorney are guilty of forgetfulness or negligence. By the above-quoted sentence, plaintiff admits that he was put on notice that written assurance was required; any further argument he makes on this point is

irrelevant. Subsection (c) of 28 C.F.R. 16.9, from which plaintiff cites, states in part: "... the requester shall be notified of the amount of the anticipated fee or such portion thereof as can be readily estimated. In such cases, a request will not be deemed to have been received until the requester is notified of the anticipated cost and agrees to bear it." (Emphasis supplied.) We advised him in our letter of March 9, 1976, that we were "unable to furnish an estimate of the special search fees which must be incurred," and neither plaintiff nor his attorney objected to this in any conversations with representatives of the defendant that I am aware of, and the fees were finally paid without protest at the March 23, 1976, meeting. Subsection (e) of 28 C.F.R. 16.9, from which plaintiff also cites, refers to advance deposits only, and is irrelevant since, as I stated above, in an attempt to further accomodate plaintiff we had requested no advance deposit, but only a written assurance that he would pay.

36 Plaintiff is again avoiding the basic issue here, which has been discussed in previous paragraphs. He was requested to provide written assurance he would pay the necessary special search fees; he did not do so. In an attempt to assist plaintiff in avoiding payment for material which Mr. Tyler felt he would really not be interested in, Mr. Tyler gave plaintiff simple directions to follow if he really wanted this material. Plaintiff waited nearly three months to comply with these directions. Once he complied, we advised him in eight working days that we were searching for the additional material, and in fact made it available to him two weeks later, at his convenience. Thus, were it not for plaintiff's delay, for the time necessary to write a one sentence letter plaintiff could have reviewed all this material before the end of 1975, and the Court and both parties to this litigation could have been saved a great deal of time and effort.

37 As I have attempted to explain, no letters written by anyone in the Department of Justice or the FBI have "denied (plaintiff) access to materials which were within the scope of (his) initial request." In response to plaintiff's allegation

further on in Paragraph 37, concerning the point of whether the FBI had any doubt about his willingness to pay for any special search fees, one additional fact should be brought to the attention of the Court: On December 22, 1975, plaintiff's attorney called me and indicated that he expected us to initiate and complete this special search in one day, and to have the material available to plaintiff on December 23, 1975. Not only did plaintiff's attorney fail to give me even an oral promise during this conversation that the special search fees would be paid, but he indicated that he was not even sure that he would pay the $22.10 reproduction charges for the material we had already furnished him nearly three weeks prior to that conversation. Although the $22.10 fee was finally paid, with the thousands upon thousands of requests we must process, we cannot afford to make an exception to the law in a case like this when at one point the requester's attorney has expressed doubt as to whether he will pay properly assessed charges for material already furnished him. The final sentence of plaintiff's Paragraph 37 once again alleges that Mr. Tyler denied plaintiff access to these records. This is false. Mr. Tyler told him the records would be furnished him, and they were in fact furnished nearly one month ago.

38 I am unaware of any "gratuitous merging" of plaintiff's request with a later one filed by CBS News. Plaintiff is correct in his allegation "... that Director Kelley's March 9 letter did not deny my attorney's statement that he knows of at least two Freedom of Information lawsuits where well-known millionaires have not been charged a cent by the Department of Justice for searching for records requested by them." We do not have the time, nor does the FOIA require us, to attempt to respond to these sort of claims. What we have done, and what the FOIA does require, is to make every reasonable effort to comply completely with plaintiff's FOIA requests. At our March 23, 1976, conference with plaintiff, referred to earlier in my affidavit, plaintiff again mentioned two millionaires, but either could or

would not provide details concerning this irrelevant issue. From my own personal knowledge, I can state that I know of no cases fitting those which he describes here, although if they did exist they would be meaningless to this litigation. With regard to plaintiff's allegation concerning "four years of costly litigation over records which the FBI now claims never existed," the complaint in this case was filed November 28, 1975. I cannot claim knowledge of what records exist or do not exist in our millions of files, and can only do so after a specific file has been searched pursuant to a specific request. Plaintiff was advised in Mr. Tyler's December 1, 1975, letter that he was being furnished all records located pursuant to his request, and I agree with plaintiff that the case should have been mooted then.

39 . This paragraph is irrelevant, with the possible exception of the last sentence. The additional ballistic tests and photographs had not been compiled at the time of Mr. Tyler's letter of December 1, 1975, and Mr. Tyler's statements concerning them were simply rough estimates of the amount of material falling within these categories presumed to be located in FBIHQ files. The actual amount of records falling within these categories is somewhat smaller, as plaintiff is aware, since he reviewed these records at the March 23, 1976, meeting.

40 As I stated earlier, the affidavit of Special Agent Kilty, submitted herewith, sets out the scientific data we have already attempted to explain to plaintiff at our half-day meeting with him on March 23, 1976. In response to Paragraph 40 of plaintiff's affidavit, please refer to Special Agent Kilty's affidavit.

41 The case plaintiff cites in this paragraph, in which the United States District Court for the District of Columbia granted the Government's motion to dismiss as moot on July 15, 1975, is irrelevant to this litigation. We are not in court to compare the FBI's investigative procedures with whatever

methods plaintiff would use to investigate the assassination of a President, nor do we wish to engage in a "battle of scientific experts" in an FOIA suit. In response to plaintiff's "documentary proof" claim in the last sentence of his Paragraph 41, as I have stated earlier, we have given plaintiff numerous opportunities to assist us in locating records identifiable with the subject matter of his requests by furnishing us written information, but he has never done so.

42 This paragraph is irrelevant to this litigation. As I stated earlier, if the Court desires the facts surrounding plaintiff's allegations concerning our processing of plaintiff's request for material concerning the assassination of President Kennedy, for its information in judging plaintiff's good faith in this litigation, we will provide them.

43 Please refer to Special Agent Kilty's affidavit for the correct information concerning this allegation. We are not in court to convict or acquit James Earl Ray; we are here to prove we have complied with plaintiff's FOIA requests.

44 Aside from the fact that plaintiff's request was never effectively received until he sent his letter dated February 23, 1976, finally agreeing to pay the special search fees, no further response is deemed necessary to this allegation. Plaintiff has been furnished the results of all firearms examinations conducted in this case, with the material which did not involve the "death bullet" or "Mr. Ray's rifle" having been furnished him at the March 23, 1976, meeting.

45 As demonstrated in Paragraph 44, supra, the allegations made in Paragraph 45 are false. Plaintiff has been furnished all notes and reports which were generated in the FBI Laboratory during examinations of the "death bullet" and "Mr. Ray's rifle." Exactly what plaintiff is referring to when he alleges that he has been given "no reports and no complete tests or test results" is not known.

46 As plaintiff has been advised in meetings and correspondence, he has been furnished all material within the scope of his request. It is thus ipso facto that we have not conducted tests falling within the scope of his request of April 15, 1975, which have not been given to plaintiff. Therefore, he is in as good a position as the FBI "to list the tests or examinations performed on the King assassination evidence," and I believe it would be mere harassment to require us to do this again. Further, I fail to understand how stating the dates of these examinations would lead to a determination as to "whether or not the defendant has complied with (his) request." Please refer to Special Agent Kilty's affidavit for further correct information concerning this allegation.

47 Plaintiff's unsubstantiated allegations concerning the FBI's report-writing procedures are false. Also, as I stated above, I know of no rational reason why the dates of examinations would assist in a determination as to whether plaintiff has been given authentic copies of the documents he requested, even if his false allegations were true. Please refer to Special Agent Kilty's affidavit for further correct information concerning this allegation.

48 As stated previously, plaintiff has been given the results of all ballistic tests, including those examinations which did not involve the "death bullet" or "Mr. Ray's rifle," the results of which were furnished plaintiff on the day he executed his affidavit.

49 Please refer to Special Agent Kilty's affidavit for the correct information concerning this allegation.

50 Since plaintiff has been furnished all material concerning all ballistic examinations conducted, he already possesses the information he asks for in his fifth interrogatory. As explained above and in Special Agent Kilty's affidavit, the dates of these examinations are meaningless. I continue to assert the exemption contained in Title 5, United States Code, Section 552 (b)(7)(C), to protect the identity of persons conducting these

examinations inasmuch as this is exempt from mandatory disclosure as it would constitute an unwarranted invasion of personal privacy.

51 The repetitious allegations plaintiff makes in this paragraph have been dealt with in my immediately preceeding paragraphs. With respect to the last sentence in plaintiff's Paragraph 51, I believe that since we are now in litigation, it is for the Court to determine whether we have completely complied with his requests for all ballistic examinations, and it is for the very purpose of protecting our personnel from the time-consuming activities plaintiff admits to planning in his last sentence that I have asserted the (b)(7)(C) (privacy) exemption concerning their names. The FOIA does not require the FBI to release names of its personnel to assist a plaintiff in taking depositions, nor, as the Court is aware, are these names necessary.

52 The proper interpretation of the (b)(7)(C) (privacy) exemption is left to the Court; I do not feel it is proper to attempt to set out law instead of facts in an affidavit, but I believe that plaintiff's interpretation of the (b)(7)(C) exemption is obviously incorrect. The latter portion of plaintiff's Paragraph 52, in which the manner of our past compliance with other FOIA requests plaintiff has submitted to the FBI is alleged, is irrelevant to this litigation. I am familiar with plaintiff's prior FOIA request for Kennedy assassination material. I believe it is pertinent to note that, in dismissing plaintiff's suit (which plaintiff cites in his Paragraph 52), the Honorable John H. Pratt, United States District Court Judge, stated:

> "Well, I have spend a good deal of time going over the papers that were filed in this case, and I am satisfied in my own mind that there has been a good-faith effort on the part of the Government, and that the Government has complied substantially with its obligations under the Freedom of Information Act.

"Accordingly, I am going to grant the Government's motion to dismiss this matter as moot.

"Mr. Lesar, you are familiar with going to the Court of Appeals, and you may have some gentlemen there who will tell me I am wrong. They have done this before.

"But let me say parenthetically, that you don't get cooperation from people by calling them liars and kicking them in the face. And I should think that you and Mr. Weisberg would have learned that by this time.

"I think the Government has been oppressed by a lot of the requests, which I think are completely above and beyond anything that you are entitled to. I don't think the Government is required in this type of a case to go out and take depositions of people and get affidavits from everybody under the sun.

"I think that in relying on Mr. Kilty for two affidavits and also on the gentleman from the Atomic Energy Commission, they did all that they were required to do."

53 Plaintiff's speculations as to our motives are incorrect and improper. In response, the Court is respectfully referred to Paragraph 51 of my affidavit.

54 In addition to my previous discussion concerning plaintiff's previous paragraphs, please refer to Special Agent Kilty's affidavit for further correct information concerning this allegation.

55 No factual response is deemed necessary to this allegation.

56 No factual response is deemed necessary to this allegation, other than noting that once again plaintiff claims to possess "evidence" without giving factual support for same.

57 No factual response is deemed necessary to this allegation.