

(Mount Clipping in Space Below)

BY 3 ATLANTANS

Accuser Sued In King Probe

By JIM GRAY

Three Atlanta men accused by a convicted narcotics dealer of complicity in the 1968 slaying of Martin Luther King Jr. and exonerated this summer by Atlanta police have filed a \$3 million libel suit against their accuser and his mother.

Bayne S. Culley, Harold Eugene Purcell and Lawrence W. Meier claim in the Fulton County Superior Court action that 21-year-old Robert Byron Watson and his mother published "false, scandalous, malicious and defamatory" written statements they knew to be false.

Attached to the lawsuit are six pages allegedly written by young Watson. The narrative claims Watson overheard the men plotting the murder a week before it happened.

Watson's charges were turned over this summer to Atlanta Public Safety Commissioner Reginald Eaves by comedian Dick Gregory. Eaves announced "new evidence" and discounted FBI claims that it had already determined the allegations to be unfounded, but he conceded July 30 that Watson's claims "could not be substantiated."

The lawsuit claims Watson and his mother, Mrs. Robert Willard Watson, also falsely accused the three of international drug smuggling and

racketeering.

The plaintiffs' reputations have been irreparably injured, the suit says, and they have been "exposed to public hatred, contempt and ridicule with and amongst their neighbors and other good and worthy citizens."

Each plaintiff demands \$1 million in actual and punitive damages. Their lawyer swears in an affidavit that Watson is imprisoned at a federal prison in Kentucky after conviction for conspiracy to distribute cocaine.

The accusation by Watson claims he overheard the plot at Magellons artifact store in Buckhead. Watson claims he heard one man say he would shoot King in the head "and frame a jailbird just as they had Kennedy."

The Watson statement alleges that "assassins" and "syndicate" figures continually threatened him and his mother while they unsuccessfully tried to convince investigators of the truth of their charges.

"Ever since that time my mother and I have been threatened, victimized, and the objects of numerous dirty tricks by the federal government," the narrative claims.

The Atlanta Journal and Constitution
Page 6-A
September 1, 1975

47

(Mount Clipping in Space Below)

What is FBI hiding?

Atlanta official charges King murder cover-up

By Joel Aber

ATLANTA—New leads point to a conspiracy in the 1968 assassination of civil rights leader Rev. Martin Luther King, Jr., but the FBI and Justice Department have refused to pursue the evidence. So admitted Atlanta's public safety commissioner, Reginald Eaves, at a July 30 news conference.

A twenty-one-year-old Black Atlantan, Robert Watson, says he overheard two white men in Atlanta plotting to murder the civil rights leader one week before his assassination.

In 1971, Watson informed federal authorities of the incident. They failed to do anything.

In 1972, Watson was convicted on a drug charge that he asserts was part of a government frame-up to silence him.

Since that time, James Earl Ray, who originally confessed to being the sole plotter, demanded a new trial based on his contention that he actually acted in conspiracy with white Southerners. He was denied a new trial by a federal judge last February.

Recently, Eaves initiated an investigation into the assassination plot,

after comedian Dick Gregory relayed Watson's story to him.

During the investigation, Eaves issued a statement complaining that the FBI was impeding the investigation. "Our intelligence detectives to date have been denied access to the information the FBI now has in their files," he said. He noted that "local FBI officials here in Atlanta who normally cooperate with us seemed unwilling to share information concerning the case."

Eaves said his detectives had been able to gather information that proved Watson's story "to be about 95 percent accurate."

At the news conference Eaves toned down his criticism of the FBI and said that his investigation had "not substantiated" Watson's contention that the plot was based in Atlanta. But he admitted that Atlanta detectives have turned up unspecified "leads," apparently in Memphis.

Eaves said he would call on the Justice Department, Memphis authorities, and Representative Andrew Young (D-Ga.) to continue the investigation.

"The Militant"
Page 29.
September 5, 1975

Meanwhile the FBI has been forced to admit, for the first time, that it had been told Watson's story in 1971. FBI director Clarence Kelley said the story was groundless, but offered no explanation as to how the agency arrived at that conclusion, or why it then decided to keep its conclusion secret.

Clearly the FBI and other government agencies have a stake in impeding further investigation into King's murder. It might lead to embarrassing questions.

According to information released last March by *New York Times* reporter Nicholas Horrock, King was under continual harassment and surveillance by the FBI until the moment of his death. Horrock quotes one agent as saying the surveillance was so tight that King "couldn't wiggle."

It is now known, through the court-ordered release of secret FBI memos, that the harassment of King was part of the FBI's Cointelpro plot to destroy the Black movement. The questions arise: What is the FBI trying to cover up? Was it behind the plot to kill King?



Eli Finer

FBI says they heard story of plot to murder Martin Luther King, Jr., in 1971 but dismissed it as groundless.

CBS NEWS

A Division of Columbia Broadcasting System, Inc.
524 West 57 Street
New York, New York 10019
(212) 765-4321

Vigilante
5542

Assoc. Dir.	_____
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Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

© MURKIN

Dear Director Kelley:

September 5, 1975

Acting under the Freedom of Information Act, I request access to the following FBI documents relating to the assassination of Martin Luther King, Jr. in Memphis, Tennessee, April 4, 1968:

1. Bullet comparison photomicrographs of the evidence bullet and the test bullets made by your ballistics expert, Mr. Robert A. Frazier.
2. Results of laboratory examinations of the evidence bullet.
3. Results of the microscopic examination of the windowsill in the bathroom at 422½ Main Street, Memphis, from which the murder weapon was allegedly fired.
4. Photographic enlargements of the dent in the window-sill and of that part of the rifle which allegedly caused the dent.

I have seen your letter to my colleague, Mr. Haley, in response to his request in the matter of George Wallace and realize you are snowed under with FOIA requests. However, I would appreciate your expediting this as much as possible. Our program is scheduled for broadcast this fall.

Sincerely,

Ernest S. Leiser

Ernest S. Leiser
Senior Producer

44-38861-5993X

CBS News

EX 104

REC-48

94-4-925-828

Clarence M. Kelley
Director, Federal Bureau of Investigation
10th and Pennsylvania Aves., N.W.
Washington, D.C. 20535

SEP 8 1975

COLUMBIA BROADCASTING SYSTEM
524 West 57 Street
New York New York
10019

FOIA

Ack
3/75
Bancroft ML

ack Ernest S. Leiser

M

RECEIVED-DIRECTOR
F. B. I.

SEP 9 10 58 AM '75

SEP 9 3 49 PM '75

RECEIVED
FOIA SECTION

EX 104

F B I

Date: 9/2/75

9

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

Via AIRTEL _____
(Priority)

TO : DIRECTOR, FBI (44-38861)
FROM : SAC, CINCINNATI (157-1893) (P)
SUBJECT: MURKIN

Re ME airtel to the Bureau, 6/26/75.

Enclosed for the Bureau are six copies of LHM captioned "JAMES EARL RAY". Enclosed for Memphis are two copies of same LHM.

Information furnished in enclosed LHM was obtained from records at the U. S. Court of Appeals, Sixth Circuit, Cincinnati, Ohio, by SC DWIGHT H. VOGEL.

Cincinnati will maintain contact with the U. S. Court of Appeals in this matter.

- 2 - Bureau (Enc. 6)
- 2 - Memphis (44-1987) (Enc. 2)
- 2 - Cincinnati

DHV:stn
(6)

ENCL. 6

REC 27

EX 104

44-38861-5993

1-CRD
1-CRU
070F
9/8/75
JCL/jet

SEP 5 1975

SIX

5 SEP 23 1975

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

RECEIVED
GENERAL INVESTIGATIVE
DIVISION

SEP 5 4 08 PM '75

F.B.I.
U.S. DEPT. OF JUSTICE

SEP 8 1975



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Cincinnati, Ohio

September 2, 1975

In Reply, Please Refer to
File No.

RE: JAMES EARL RAY

On September 2, 1975, Grace Keller, Chief, Deputy Clerk, United States Court of Appeals, Sixth Circuit, Cincinnati, Ohio, advised an employee of the Federal Bureau of Investigation that the appeal of the subject, James Earl Ray, was docketed in that court on July 7, 1975, under Docket Number 75-1795. The appeal resulted from a judgment handed down in the Western District of Tennessee, Western District, at Memphis by Judge Mc Rae on February 27, 1975, in Civil Case Number 74-166.

The following are the entries in Docket Number 75-1795:

July 7, 1975	<u>Certified Record</u> (Three volumes pleadings, fifteen volumes transcript) filed; and cause docketed.
July 11, 1975	<u>Supplemental Record</u> (One volume transcript) filed.
July 11, 1975	Appearance of Mr. Livingston for Appellant.
July 14, 1975	Appearance of Mr. Haynes, Jr. for Appellee.
July 14, 1975	Appearance of Mr. Fensterwald, Jr. for Appellant.
July 15, 1975	Appearance of Mr. Lesar for Appellant.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency

44-38861-5993
ENCLOSURE

RE: JAMES EARL RAY

July 31, 1975

Motion: Appellant's brief
to September 17, 1975
(Granted).

August 4, 1975

Opposition of Appellant's
motion for extension of time
to file brief.

F B I

Date: 9/11/75

12

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

Via AIRTEL _____
(Priority)

TO DIRECTOR, FBI (44-38861)
FROM SAC, CINCINNATI (157-1893) (P)
SUBJECT: MURKIN

Re CI airtel and LHM to the Bureau, 9/2/75.

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Information furnished in enclosed LHM was obtained from records at the U. S. Court of Appeals, Sixth Circuit, Cincinnati, Ohio, by SC DWIGHT H. VOGEL.

Cincinnati will maintain contact with the U. S. Court of Appeals in this matter.

- 2 - Bureau (Enc. 6)
- 2 - Memphis (44-1987) (Enc. 2) ST. 114
- 2 - Cincinnati

DHV:rbh
(6)

1-CRD
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9/15/75
EJM/jet

ENCLOSURE
3-d

REC-29

44-38861-5994

5 SEP 15 1975

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SEP 29 1975
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Approved: _____ Sent _____ M Per _____
Special Agent in Charge

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U. S. DEPT. OF JUSTICE

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F. B. I.
U. S. DEPT. OF JUSTICE

SEP 16 1975

REC-3



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Post Office Box 1277,
Cincinnati, Ohio 45201
September 11, 1975

Re: JAMES EARL RAY

On September 10, 1975, Grace Keller, Chief Deputy Clerk, United States Court of Appeals, Sixth Circuit, Cincinnati, Ohio, advised an employee of the Federal Bureau of Investigation, (FBI), that the following additional entry was recorded in Docket Number 75-1795:

September 4, 1975 Motion of Appellant for
an order directing court
reporter to expedite case
transcripts

This document contains neither
recommendations nor conclusions of
the FBI. It is the property of
the FBI and is loaned to your agency;
it and its contents are not to be
distributed outside your agency.

-1*-



44-38861-5994
ENCLOSURE

44-38861-5993X

EX-116
REC-69

~~44-4-925-828~~

October 7, 1975

ml

- 1 - Mr. Cochran
- 1 - Mr. Moore (Attn: Mr. Gunn)
- 1 - Mr. Gallagher
(Attn: Mr. Lawn)

Mr. Ernest S. Leiser
 CBS News
 524 West 57 Street
 New York, New York 10019

Dear Mr. Leiser:

This is in response to your Freedom of Information Act request dated September 5, 1975.

The information you request is exempt from disclosure pursuant to the provisions of Title 5, United States Code, Section 552 (b) (7) (A) and (B). These cited subsections relate respectively to investigatory records compiled for law enforcement purposes, the disclosure of which would interfere with enforcement proceedings; and information, the disclosure of which would deprive a person of a right to a fair trial or an impartial adjudication. These particular exemptions are cited since the case involving James Earl Ray is currently on appeal in the 6th Circuit Court of Appeals.

You have thirty days from receipt of this letter to appeal to the Attorney General for any denial contained herein. Appeals should be directed in writing to the Attorney General (Attention: Freedom of Information Appeals Unit), Washington, D. C. 20530. The envelope and letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Following the Attorney General's decision, judicial review is available in the district of your residence or principal place of business, or in the District of Columbia, where the records are situated.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

MAILED 7
 OCT 8 1975
 FBI

- 1 - The Deputy Attorney General - Enclosure
 Attention: Susan M. Hauser

mm
jav:cag (8)

NOTE: Reply coordinated with External Affairs and General Investigative Division.

MAIL ROOM TELETYPE UNIT

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
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- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

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CORRESPONDENCE REVIEW
FBI

REC-88
EX-112

F B I

Date: 9/15/75

25

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

Via AIRTEL _____
(Priority)

TO : DIRECTOR, FBI (44-38861)
FROM : SAC, CINCINNATI (157-1893) (P)
SUBJECT: MURKIN

Re CI airtel and LHM to the Bureau, 9/15/75.

Enclosed for the Bureau are six copies of an LHM captioned "JAMES EARL RAY". Enclosed for Memphis are two copies of the same LHM.

Information furnished in enclosed LHM was obtained from records at the U. S. Court of Appeals, Sixth Circuit, Cincinnati, Ohio, by SC DWIGHT H. VOGEL.

Cincinnati will maintain contact with the U. S. Court of Appeals in this matter.

- 2 - Bureau (Enc. 6)
- 2 - Memphis (44-1987) (Enc. 2)
- 2 - Cincinnati

DHV:rbh
(6)

ENCLOSURE

EX 103

REC 17

44-38861-5995

SEP 18 1975

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070F

9/19/75

JCL/jet

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

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GENERAL INVESTIGATIVE
DIVISION

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F. B. I.
DEPT OF JUSTICE

SEP 19 1975



In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Post Office Box 1277,
Cincinnati, Ohio 45201

September 15, 1975

Re: ~~JAMES EARL RAY~~ - U.S.A.

On September 15, 1975, Grace Keller, Chief Deputy Clerk, United States Court of Appeals, Sixth Circuit, Cincinnati, Ohio, advised an employee of the Federal Bureau of Investigation, (FBI), that the following additional entries were recorded in Docket Number 75-1795:

September 12, 1975	Motion: Appellant's Brief to September 27, 1975 (Final extension to September 27, 1975, Granted)
September 12, 1975	Opposition to appellant's motion for an order directing court reporter to expedite Ray Case transcripts

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

- 1* -



44-38861-5995
ENCLOSURE

F B I

Date: 9/30/75

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

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (44-38861)
FROM: SAC, CINCINNATI (157-1893) (P)
SUBJECT: MURKIN

McDonough

Re CI airtel and LHM to the Bureau, 9/15/75.

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Information furnished in enclosed LHM was obtained from records at the U. S. Court of Appeals, Sixth Circuit, Cincinnati, Ohio, by SC DWIGHT H. VOGEL.

Cincinnati will maintain contact with the U. S. Court of Appeals in this matter.

- 2 - Bureau (Enc. 6)
- 2 - Memphis (44-1987) (Enc. 2)
- 2 - Cincinnati

DHV:skm
(6)

ENCLOSURE

EX-108

REC-20 44-38861-5996

6 OCT 4 1975

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EJM/jet

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

5 OCT 15 1975

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GENERAL INVESTIGATIVE
DIVISION 5030 J.E.H.

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F. B. I.
U. S. DEPT. OF JUSTICE

OCT 6 1975

OCT 3 1975



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Cincinnati, Ohio
September 30, 1975

RE: JAMES EARL RAY

On September 30, 1975, Grace Keller, Chief Deputy Clerk, United States Court of Appeals, Sixth Circuit, Cincinnati, Ohio, advised an employee of the Federal Bureau of Investigation that the following additional entries were recorded in Docket Number 75-1795:

September 18, 1975	Opposition to Appellee's response
September 23, 1975	Motion of Appellant for leave to file brief in excess of seventy typewritten pages
September 23, 1975	Motion: Appellant's brief to October 4, 1975

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.



- 1* -

ENCLOSURE

44-38861-5996

AIRTEL

10/7/75

To: SAC, Memphis (44-1987)
From: Director, FBI (44-38861) 1 - Mr. McDonough

MURKIN

ReMEairtel 2/27/75, advising that Federal process was still outstanding in U. S. District Court, Birmingham. The Birmingham Office has advised that the Federal process was dismissed 12/2/71.

The Birmingham Office should submit LHM appropriately showing this dismissal for dissemination to the Civil Rights Division which has already been orally advised. Insure your files show the correct information on this aspect.

- 1 - SAC, Atlanta (INFO)
- 1 - SAC, Birmingham (INFO)

[Handwritten signature]

EX 103
REC-30

44-38861-5991

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FBI

15 OCT 8 1975

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- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

[Handwritten initials and signature]

55 MAR 4 1976

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UNITED STATES GOVERNMENT

Memorandum

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
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- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

- 1 - Mr. Adams
- 1 - Mr. Callahan

TO : Mr. Gallagher

DATE: 10/2/75

FROM : J. S. Peelman

- 1 - Mr. Gallagher
- 1 - Mr. O'Connell
- 1 - Mr. Peelman
- 1 - Mr. McDonough
- 1 - Mr. Mintz
- 1 - Mr. Moore
- 1 - Mr. Cochran

SUBJECT: MURKIN (44-38861)
WALSHOT (44-52576)

Mr. Peelman

Give to me when they come in -

With respect to information which could be the subject of discussion between Dan Rather and the Director concerning assassinations, the attached material is being submitted regarding the murder of Martin Luther King, Jr. (MURKIN) and the shooting of Governor George Wallace (WALSHOT).

MURKIN: Our jurisdiction in this case was based on Title 18, Section 241, U. S. Code, conspiracy to violate the civil rights of Martin Luther King, Jr., namely the right to travel interstate (King travelled to Memphis to engage in a demonstration scheduled for 4/8/68). He was killed 4/4/68.

James Earl Ray has an appeal pending before the 6th U. S. Circuit Court of Appeals on his guilty plea in state court for which he was sentenced to 99 years in prison. Ray in his appeal is claiming conflict of interest on part of his original attorneys resulting in inadequate representation. We have taken the position in this case from the outset that we could not discuss any details of the investigation until all judicial action has been completed.

It is noted that in a letter dated 7/23/75 to Mr. Ernest S. Leiser of CBS news, we advised him "in view of the appeal that is pending in this case, as well as the fact that a Federal civil rights charge remains outstanding against James Earl Ray, it will not be possible for us to furnish details of our investigation of the assassination of Dr. King." Birmingham Office has advised court records show the Federal process was dismissed 12/2/71 because the Department did not reply to motion for dismissal by Ray's attorney. Department did not advise us of the dismissal; however, they may not have been notified by U. S. Magistrate of final dismissal since dismissal was automatic after 10 days of filing of motion if no reply made. Mr. Leiser has been advised orally of dismissal which is being confirmed in writing.

UNRECORDED COPY FILED IN 44-52576-

Enclosures
EJM:bap (8)

DEPT ATTY STEPHEN HORN ADVISED OF

CONTINUED - OVER



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5 OCT 8 1975

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

6-3 pm

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DIRECTOR

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GENERAL INVESTIGATIVE
DIVISION 5030 J.E.H.

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F. B. I.

OCT 6 6 04 PM '75

OCT 3 8 31 AM '75

OCT 3 2 48 PM '75

F. B. I.
U. S. DEPT. OF JUSTICE

ASSOCIATE DIRECTOR

REC'D-CIV RIGHTS
F. B. I.

OCT 7 6 35 AM 1975

Memorandum to Mr. Gallagher
RE: MURKIN - WALSHOT

Mr. Rather may bring up the recent comments by Atlanta, Georgia, Public Safety Commissioner Reginald Eaves to the effect that based on information from Robert Byron Watson, additional investigation should be conducted in the King case. We had received the same information from Watson in 1971, and during interview at that time, he admitted it was entirely fabricated. The original information and current information pertaining to Watson, as well as results of recent Atlanta Police Department investigation of Watson's information, which developed no substantiation, has all been furnished to the Civil Rights Division of the Department and no further investigation has been requested. It is not felt the Director should comment on this other than to state that all of the information has been furnished to the Civil Rights Division for consideration.

Of additional interest is the fact that CBS filed a petition in state criminal court on 9/19/75, requesting that the firearms evidence in the MURKIN case be examined by an expert retained by them. On 9/26/75, the court denied the motion because judicial proceedings are still pending.

WALSHOT: In this case, Arthur Herman Bremer was convicted in state court of this assault and sentenced to 53 years imprisonment. His appeal went through state courts to the U. S. Supreme Court which refused to review his state conviction. Federal Civil Rights charges were then dismissed.

In response to inquiries, we have replied that FBI investigation of this matter disclosed no evidence of a conspiracy. We have furnished Jack Nelson, Chief of Washington Bureau of the "Los Angeles Times" answers to specific questions relating to the case, particularly with respect to alleged possible involvement of certain Watergate figures, namely, Gordon Liddy, Charles Colson and E. Howard Hunt, and circumstances surrounding the search and sealing off of Bremer's Milwaukee apartment. It is possible Mr. Rather may also pursue this avenue of inquiry.

ACTION: For information. Detailed write-ups attached covering these aspects.

5/13

Joe

Joe
K/

2
Joe

Joe

MURKIN
(44-38861)

SHOOTING OF MARTIN LUTHER KING, JR. BY JAMES EARL RAY

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

At approximately 6:03 p.m., on 4/4/68, while standing on the second-floor balcony of the Lorraine Hotel in Memphis, Martin Luther King, Jr., was shot and killed when struck by a single bullet. Minutes after the shooting, a white male, was observed as he dropped a bundle on the sidewalk near the scene of the crime and fled. Included in the abandoned articles was a rifle with a telescopic sight which was determined to have been purchased in Birmingham, Alabama, in March, 1968.

Investigation by FBI, Birmingham, revealed that on Friday, 3/29/68, a lone individual purchased a .243 caliber model 700 Remington rifle. The following day this individual returned this weapon, stated that his brother indicated that this weapon was not sufficient and instead purchased a Remington Model 760, .30-06 caliber rifle. This was the rifle recovered in Memphis immediately after the shooting of Dr. King.

Extensive investigation by this Bureau at that time determined the identity of the individual who purchased this weapon as Eric Starvo Galt.

On 4/16/68, the Attorney General authorized the filing of a complaint charging Galt with violation of T18, Section 241, for conspiring to interfere with the constitutional rights of Martin Luther King, Jr.

On 4/17/68, Federal process was obtained and Galt was charged with conspiracy in that he and an individual whom he alleged to be his brother, entered into a conspiracy in Birmingham on 3/29/68, by reason of their purchase of the rifle later used in the shooting of Martin Luther King, Jr.

On 4/19/68, the Attorney General announced that James Earl Ray had been identified through FBI identification records as the Eric Starvo Galt against whom a Federal complaint had been filed.

Ray was arrested on 6/8/68 in London and was extradited.

On March 10, 1969, in state court, Memphis, Tennessee, James Earl Ray entered a plea of guilty to charges of murder and received a 99 year sentence.

Federal process against Galt was dismissed on 12/2/71 by U. S. Commissioner Macy Taylor, Northern District of Alabama, based upon a motion filed by Ray's attorney, Bernard Fensterwald, Jr.

Ray appealed his conviction on grounds that he was not properly represented or counseled by his attorney at the time he entered his guilty plea in 1969. However, a Writ of Habeas Corpus was denied Ray in U. S. District Court, Western District of Tennessee, on 2/27/75.

An appeal of this judgment handed down in the Western District of Tennessee was filed on behalf of James Earl Ray in the U. S. Court of Appeals, 6th Circuit, Cincinnati, Ohio, on 7/7/75. This appeal remains pending.

On 9/19/75, CBS filed a petition in state court, Tennessee, requesting access to ballistics evidence used in the Ray trial which evidence was to be used in connection with a forthcoming documentary on Martin Luther King, Jr.

This petition was denied 9/26/75 on the basis of the fact that Ray's appeal for a new trial remains pending in the 6th Circuit Court of Appeals.

Recently Mr. Reginald Eaves, Commissioner of Public Safety, Atlanta, Georgia, requested that the Department of Justice reopen this investigation based upon information received by Eaves from Robert Byron Watson. Watson had previously furnished this same information to the Secret Service and to the FBI in 1971, and at that time during FBI interview, admitted that the information concerning his knowledge of a conspiracy was fabricated. The statement of Watson and the results of interview were furnished to the Department in 1971 and again in 1975 when received by the FBI, Atlanta, from Mr. Eaves. The Department was also furnished a copy of the results of the investigation conducted by the Atlanta Police Department at the request of Mr. Eaves pertaining to information furnished by Watson. This investigation failed to corroborate any conspiracy theory.

Extensive investigation by this Bureau indicated that Ray acted alone and no evidence of a conspiracy has ever been developed.

WALSHOT
(44-52576)

SHOOTING OF GOVERNOR WALLACE AND PROSECUTION OF BREMER:

Governor George C. Wallace was shot and seriously wounded by Arthur H. Bremer at approximately 4:00 p.m., May 15, 1972, after completing an address at a political rally at the Laurel Shopping Center, in Laurel, Maryland. Other victims of the shooting included Secret Service Agent Nicholas J. Zarvos (shot through the neck, bullet lodging in his jaw), Mrs. Dora Thompson (shot in the right calf), and Captain Eldred Cole Dothard, Alabama State Police (shot superficially in the lower abdomen).

We conducted an immediate intensive investigation, which included tracing Bremer's movements months before the shooting. This investigation concluded that Bremer had acted alone and was not part of a conspiracy.

Bremer was charged by a Federal Grand Jury with four counts: 1) Willfully injuring a Presidential candidate (Title 18, Section 245, U. S. Code (USC); 2) Assault of a Federal Officer (Title 18, Section 111, USC); 3) Transportation of a firearm in interstate commerce with the intent to commit a felony (Title 18, Section 924 (B), USC); and 4) Using a firearm to commit a felony (Title 18, Section 924 (C), USC).

He was also charged in a 24-count state indictment, the most serious charge being attempted murder.

On August 4, 1972, Bremer was found guilty in a Maryland state court on nine counts including: 1) Four counts of assault to commit murder; 2) Four counts of unlawfully using a handgun to commit a felony; and 3) One count of carrying a firearm in violation of Maryland law. Bremer received sentences on these counts totaling 63 years, to be served consecutively (later reduced to a 53-year term).

Bremer unsuccessfully appealed his conviction to the Maryland State Court of Appeals and the U. S. Supreme Court refused to review his conviction. Thereafter, Federal charges were dismissed on 6/25/74 and Bremer continues to serve his sentence in the Maryland State Penitentiary.

Enc.

CONSPIRACY THEORIES:

Every effort was made during our investigation to identify all persons in contact with Bremer prior to the shooting. There has been no indication that Watergate people or any others were involved with Bremer and the media has been so advised. However, the news media continues to advance speculations of a conspiracy theory. One effort has been an attempt to implicate the "Liddy - Hunt Watergate Group" in the shooting of Wallace by suggesting in July, 1973, that a CBS news film of the Wallace shooting depicted G. Gordon Liddy near Wallace. This film and other photographs were reviewed at the Bureau and it was concluded the man shown was not Liddy.

Questions were also raised regarding testimony by E. Howard Hunt before the Senate "Watergate" Select Committee that White House Counsel Charles Colson suggested Hunt search Bremer's apartment in Milwaukee following his attack on Wallace. We have interviewed both about this and Hunt maintains he was asked by Colson to go to Milwaukee and survey Bremer's apartment but he did not go. Colson stated he called Hunt on the evening of the shooting for the sole purpose of ascertaining Hunt's evaluation of Bremer as Hunt reportedly had a background in psychological evaluation. Both men denied any involvement and stated they do not know of any involvement by others at the White House or elsewhere. Regarding alleged FBI failure to promptly "seal off" Bremer's apartment, it was already occupied by a Secret Service Agent when our Agents reached the scene, but was later "sealed" when the White House ordered the FBI to assume complete control of the investigation.

The Director has previously responded to specific questions about our WALSHOT investigation and media speculations on conspiracy in a 1/21/75 letter to Jack Nelson, Chief, Washington Bureau, "Los Angeles Times." Since questions similar to those from Nelson may also be raised by the CBS representatives during discussions with the Director, there is attached for ready reference the 1/15/75 memorandum setting out questions from Nelson and our response.

F B I

Date: 10/10/75

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

Via AIRTEL AIRMAIL - REGISTERED
(Priority)

TO: DIRECTOR, FBI (44-38861)
FROM: SAC, BIRMINGHAM (44-1740)(RUC)
SUBJECT: MURKIN
CR
OO: MEMPHIS

Re Bureau airtel to Memphis, 10/7/75.

Enclosed for the Bureau are three copies of an LHM concerning captioned matter.

One copy of the LHM is enclosed for Memphis.

Information contained in the LHM was obtained by SC CHARLES E. NELSON, JR., on 10/1/75.

Me
ENCLOSURE

REC-3 44-38861-5999

OCT 14 1975

- 2 - Bureau (Encls. 3)
 - 2 - Memphis (44-1987)(Enc. 1)
 - 1 - Birmingham
- LPB:hss
(5)

1-CRD
1-CRU
D70G
10/15/75
EJM/jet

[Handwritten signature]

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

55 MAR 3 1976

RECEIVED
GENERAL INVESTIGATIVE
DIVISION

OCT 14 3 13 PM '75

F. B. I.
U. S. DEPT. OF JUSTICE

OCT 15 1975



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Birmingham, Alabama

October 10, 1975

In Reply, Please Refer to
File No. 44-1740

RE: JAMES EARL RAY, also known
as Eric Starvo Galt;
DR. MARTIN LUTHER KING, JR. -
VICTIM (Deceased)
CIVIL RIGHTS-CONSPIRACY

On October 1, 1975, Charles E. Brownlee, Deputy Clerk, United States District Court, Northern District of Alabama, Birmingham, Alabama, advised that court records reveal the following:

On November 19, 1971, Bernard Fensterwald, Jr., Washington, D.C., filed the following motion on behalf of James Earl Ray.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURE

44-38861-5999

UNITED STATES DISTRICT COURT
FOR THE

NORTHERN DISTRICT OF ALABAMA

FILED IN CLERK'S OFFICE
NORTHERN DISTRICT OF ALABAMA

NOV 19 1971

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT

Commissioner's Docket No. 3

Case No. 86

(1968)

Com. Proc. # 8442

.....
: United States of America
:

v.

Eric Starvo Galt
:
:

MOTION FOR DISMISSAL OF CHARGES OR
FOR SPEEDY TRIAL OF CHARGES.

1.) On April 17, 1968, one Joseph H. Gamble, Special Agent in Charge, FBI, Birmingham, Alabama, swore out a complaint against Eric Starvo Galt for violation of Section 241 of Title 18, U.S. Code, charging defendant Galt as follows:

That on or about March 29, 1968, at Birmingham in the Northern District of Alabama ERIC STARVO GALT did on or about March 29, 1968, at Birmingham, Alabama, in the Northern District of Alabama, Eric Starvo Galt and an individual whom he alleged to be his brother, entered into a conspiracy which continued until on or about April 5, 1968, to injure, oppress, threaten or intimidate Martin Luther King, Jr., a citizen of the United States, residing in Atlanta, Georgia, in the free exercise and enjoyment of his rights secured by the Constitution or Laws of the United States, namely the right to freely travel from State to State.

In furtherance of this conspiracy, Eric Starvo Galt did on or about March 30, 1968, purchase a rifle at Birmingham, Alabama, all in violation of Section 241, Title 18, U.S. Code.

AND THE COMPLAINANT STATES THAT THIS COMPLAINT IS BASED ON:

The purchase of the weapon used to carry out the conspiracy in Birmingham, Alabama, on or about March 29, 1968. Identification of the gun used by defendant found at the scene of the crime, and investigation conducted by the Federal Bureau of

Investigation.

And the complainant further states that he believes that Joseph H. Gamble, Special Agent in Charge, Federal Bureau of Investigation, Birmingham, Alabama are material witnesses in relation to this charge.

Said sworn complaint is appended as Exhibit 1 to this Motion.

2.) On the same day, April 17, 1968, and pursuant to the charge, a warrant of arrest for Eric Starvo Galt was issued by Mildred E. Sprague, U. S. Commissioner. Said Warrant is appended as Exhibit 2 to this Motion.

3.) On October 16, 1971, upon inquiry, William E. Davis, Clerk of Court, advised by letter that "these charges are still pending." ~~Said letter is appended as Exhibit 3 to this Motion.~~

4.) It is presumed that defendant Eric Starvo Galt is one and the same as James Earl Ray, now incarcerated in the Tennessee State Prison at Brushy Mountain, Tenn.

5.) Defendant denies (a) that he entered into any conspiracy with anyone, on or about March 29, 1968, or at any other time to injure, oppress, threaten or intimidate Martin Luther King, Jr., in the free exercise of any of his rights; (b) that he purchased a gun for that purpose, or (c) that he alone, or in concert with others, threatened to or did injure, oppress, or intimidate said Martin Luther King, Jr., in any regard whatever.

6.) Defendant alleges that plaintiff United States has known his exact whereabouts since June 8, 1968, and knows his exact whereabouts today: yet he has never been arrested or brought to trial.

7.) The Sixth Amendment to the U. S. Constitution provides as follows:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him, to have compulsory process for obtain-

ing witnesses in his favor, and to have the Assistance of Counsel for his defense.

8.) In the present case, defendant has been provided none of the procedural rights outlined in the above Amendment.

WHEREFORE, said defendant, Eric Starvo Galt, aka James Earl Ray, prays that this honorable court will either order a speedy and fair trial for him in Birmingham, Alabama, forthwith, with all of the attendant protections of the U.S. Constitution; or, alternatively, dismiss summarily the charges pending against him and quash the warrant for his further arrest.

BERNARD FENSTERWALD, JR.
905 16th Street, N.W.
Washington, D. C. 20006
202-347-3919
Attorney for Eric Starvo Galt, aka
James Earl Ray.

CERTIFICATION OF SERVICE

I hereby certify that a copy of this motion was served on the U.S. Attorney in Birmingham, Alabama, by prepaid mail, this day of _____, 19_____.

BERNARD FENSTERWALD, JR.

RE: JAMES EARL RAY

On November 22, 1971, R. Macey Taylor, United States Magistrate, Northern District of Alabama (NDA), Birmingham, Alabama, advised the United States Attorney, NDA, Birmingham, that the motion had been filed. Mr. Taylor requested the United States make a written response to the motion within ten days of his letter.

On December 2, 1971, R. Macey Taylor, United States Magistrate, NDA, presented the following Examination, Report and Recommendation to the U. S. District Judge:

8442

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA

vs

ERIC STARVO GALT

)
)
)
)

Com. Docket #3 Case #86

Com. Proc. #8442

EXAMINATION, REPORT AND RECOMMENDATION TO THE
UNITED STATES DISTRICT JUDGE

This case has been referred to the United States Magistrate for examination, report and recommendation. The following is submitted:

On April 17, 1968, a complaint was filed before the U. S. Commissioner in Birmingham, Alabama by Joseph H. Gamble, Special Agent in charge, FBI, Birmingham, Alabama in which it was alleged that on or about March 29, 1968, Eric Starvo Galt and another entered into a conspiracy to injure or intimidate Martin Luther King, Jr. in the free exercise of his rights under the Constitution of the United States in violation of 18 U.S.C. 241. On April 17, 1968, a warrant was issued by the U. S. Commissioner in Birmingham, Alabama charging Eric Starvo Galt with violating 18 U.S.C. 241. This warrant was never served and is now and has been since it was issued, retained in the files of the U. S. Marshal, Birmingham, Alabama.

On November 19, 1971, Bernard Fensterwald, Jr., Washington, D. C. appeared as attorney for Eric Starvo Galt, also known as James Earl Ray, and filed a motion on behalf of the above named defendant for a dismissal of the complaint above referred to or a speedy trial of the charges contained in the warrant above referred to.

On November 22, 1971, the U. S. Magistrate requested the United States to make any response it chose to make to the motion filed on behalf of the defendant. No suggestion has been filed on behalf of the United States. It is the Magistrate's opinion that under the provisions of Rule 48-b, Federal Rules of Criminal Procedure, that the motion of the defendant is well taken. It is recommended that the defendant's motion be granted and that the complaint above referred to be dismissed.

Dated this 2nd day of December, 1971.

FILED IN OFFICE OF CLERK
NORTHERN DISTRICT OF ALABAMA

R. MACEY TAYLOR

DEC 8 1971

UNITED STATES MAGISTRATE

WILLIAM E. DAVIS
CLERK, U. S. DISTRICT COURT

-2-
O R D E R

The Court has examined the motion filed on behalf of the defendant and the Magistrate's report and recommendation. The Magistrate's recommendation is hereby adopted and approved. It is therefore ORDERED that the defendant's motion for dismissal of the complaint be and the same hereby is GRANTED. It is further ORDERED that the complaint issued by U. S. Commissioner, Mildred F. Sprague dated April 17, 1968, docket #3, case #86, be and the same hereby is DISMISSED. It is further ORDERED that the warrant of arrest issued by Commissioner Sprague dated April 17, 1968, Commissioner's docket #3, case #86 be returned unexecuted.

The Clerk is directed to furnish the U. S. Attorney, Birmingham, Alabama and the Honorable Bernard Fensterwald, Jr., 905-16th Street, N. W. Washington, D. C. 20006, with a copy of the Magistrate's report and this Order.

DONE this 2nd day of December, 1971.

UNITED STATES DISTRICT JUDGE

A TRUE COPY
WILLIAM E. DAVIS, CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

BY: M. F. Sprague

RE: JAMES EARL RAY

The following unexecuted warrant was returned to the U. S. District Court, NDA, Birmingham, Alabama, on December 6, 1971:

United States District Court

APR 17 1 56 PM '68

NORTHERN DISTRICT OF ALABAMA

BIRMINGHAM, ALA.

Marc

Commissioner's Docket No. 3

Case No. 86

UNITED STATES OF AMERICA

ERIC STARVO GALT

WARRANT OF ARREST

To ANY UNITED STATES MARSHAL
OR OTHER AUTHORIZED OFFICER 1.

You are hereby commanded to arrest **Eric Starvo Galt**, and bring him
here insert name of defendant or description
forthwith before the nearest available United States Commissioner to answer to a complaint charging him
with **conspiring to injure, oppress, threaten or intimidate Martin Luther King, Jr.**,
here describe offense charged in complaint
a citizen of the United States, residing in Atlanta, Ga., in the free exercise and
enjoyment of his rights secured by the Constitution or Laws of the United States,
namely the right to freely travel from State to State.

in violation of U.S.C. Title, 18, Section 241

RETURNED EXECUTED AND FILED
NORTHERN DISTRICT OF ALABAMA

Date April 17, 1968.

DEC 9 1971
Mildred F. Sprague
Mildred F. Sprague, United States Commissioner.
WILLIAM E. DAVIS, CLERK
UNITED STATES DISTRICT COURT

1. Here insert designation of officer to whom warrant is issued.

RETURN

Received 12-6-71, 19 at and executed by arrest of.
RETURNED WARRANT UNEXECUTED PER ORDER DATED 12-3-71

at Johnny M. Towns, U.S. Marshla

Date Northern District of Alabama

By *Bobbi Ehresmann*, Deputy

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Cochran

DATE: 9/24/75

FROM : M. J. Stack *MJS*

SUBJECT: ASSASSINATION OF
MARTIN LUTHER KING, JR.

- 1 - Mr. Cochran
- 1 - Mr. Stack
- 1 - Mr. Blackburn

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

On 9/24/75, Assistant Attorney General Jewett Miller, Memphis, Tennessee, telephonically contacted SA Bobby D. Blackburn of the Laboratory Division and advised that the Columbia Broadcasting System (CBS) had filed a petition on 9/19/75 in State Criminal Court requesting that the firearms evidence in the above case, previously examined in the FBI Laboratory by SA Robert A. Frazier (since retired) be re-examined by their expert Lowell W. Bradford of San Jose, California. This petition is to be heard in criminal court on 9/26/75.

Bradford has apparently filed an affidavit indicating that based on a photograph which he viewed of the bullet allegedly removed from King, he was of the opinion that sufficient individual microscopic marks were present to allow a determination to be made as to whether or not the bullet had been fired from the evidence weapon. Bradford placed an 80% probability that a positive determination could be reached if he were allowed to re-examine the evidence.

Assistant Attorney General Miller requested that he be put in contact with former SA Frazier in order to discuss the points brought forth in Bradford's affidavit regarding examination procedures.

The Memphis Office has been telephonically advised of the above information and a confirmatory teletype will be furnished Memphis 9/25/75.

RECOMMENDATION:

That former SA Frazier be contacted and advised of the above and given the telephone number of Assistant Attorney General Miller in Memphis, Tennessee. Telephone number (901) 528-3100.

- 1 - Mr. Callahan
- 1 - Mr. Adams
- 1 - Mr. Jenkins
- 1 - Each Assistant Director

BDB:bms
(18)

XEROX
OCT 24 1975

OCT 31 1975

REC-9

44-38861-6000

McSpurgh

15 OCT 7 1975

Jm

TJJ
12K

Jim

Former SA Robert A. Frazier was contacted and advised of the above and given the telephone number of Mr. Miller.

SEVEN

SIX

10/1/75

(7)

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ASSOCIATE DIRECTOR

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

6:24 P.M. NITEL SEPTEMBER 29, 1975 KJW
TO DIRECTOR (44-38861)
FROM MEMPHIS (44-1987) (C)

SEP 29 1975
TELETYPE

Stacks MD
Blackburn
Cunningham
TK

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	_____
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

ATTENTION FIREARMS IDENTIFICATION UNIT

MURKIN

Mr. Stambaugh

RE BUREAU TELETYPE TO MEMPHIS, SEPT. 25, 1975.

ON SEPT. 26, 1975, A HEARING REGARDING A PETITION FILED BY CBS, INC., REQUESTING ACCESS TO BALLISTICS EVIDENCE USED IN CAPTIONED CASE WAS HEARD BY JUDGE WILLIAM H. WILLIAMS, DIVISION III, SHELBY COUNTY CRIMINAL COURT, MEMPHIS, TENNESSEE. NEWTON P. ALLEN, ATTORNEY FOR CBS, ADVISED THAT THE EVIDENCE IS BEING SOUGHT IN CONNECTION WITH A DOCUMENTARY ON THE ASSIGNATION OF DR. MARTIN LUTHER KING, TO BE BROADCAST ON NOVEMBER 30, 1975. HE CONTINUED THAT THE FBI REPORT PREPARED BY MR. FRAYSER WAS INCONCLUSIVE BECAUSE HE REPORTED THAT DUE TO DISTORTIONS ON THE BULLET IT WAS NOT POSSIBLE TO SAY THAT THE BULLET REMOVED FROM DR. KING'S BODY WAS FIRED FROM THE WEAPON FOUND AT THE SCENE. CBS BELIEVES THAT A FURTHER EXAMINATION BY AN EXPERT CAN THROW FURTHER LIGHT ON THIS EVIDENCE. HE BASED THE PETITION ON FACT CBS IS CONDUCTING AN INQUIRY INTO FUNCTIONS AND OPERATIONS OF THE GOVERNMENT,

Doc Stambaugh

P

REC-18

44-3886/600

22 OCT 21 1975

70 OCT 31 1975

FO

6:45 pm
WJS

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GENERAL INVESTIGATIVE
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U. S. DEPT. OF JUSTICE

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OCT 16 10 09 AM '75

F. B. I.
LABORATORY DIVISION

AN INSPIRA INTO EMISSIONS AND OBSERVATIONS OF THE
EVIDENCE. HE BASED THE PETITION ON FACTS IN CONDUCTIVE
EXAMINATION BY AN EXPERT CAN INFROM EVIDENCE LIGHT ON THIS
THE WEAPON FOUND AT THE SCENE. ONE BELIEVES THAT A BULLET
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DUE TO DISTORTIONS ON THE BULLET IT WAS NOT POSSIBLE TO SAY
BY MR. BRAYDEN WAS INCONCLUSIVE BECAUSE HE REPORTED THAT
NOVEMBER 20, 1969. HE CONTINUED THAT THE FBI WEAPON PRESERVED
IDENTIFICATION OF DR. MARTIN LUTHER KING TO BE BROADCAST ON
IS BEING SOUGHT IN CONNECTION WITH A DOCUMENTARY ON THE
MEMORIAL B. ALLEN. WITNESSES FOR ONE ADVISED THAT THE EVIDENCE
III. SHELVA COUNTY CRIMINAL COURT, MEMPHIS, TENNESSEE.
CAPTIONED CASE WAS HEARD BY JUDGE WILLIAM H. WILLIAMS. DIVISION
BY ONE INC. ACCESS TO BALLISTICS EVIDENCE USED IN
ON SEPTEMBER 20, 1969, A NEWSITEM REGARDING A PETITION MIGHT
BE REFERRED RELIABLE TO MEMPHIS, SEPTEMBER 22, 1969.

MURKIN

ATTENTION FIVEWAYS IDENTIFICATION UNIT

FROM MEMPHIS (44-1981) (C)

TO DIRECTOR (44-38861)

8:34 P.M. WILEY SEPTEMBER 20, 1969 KLM

MR. DEAN WE BVAIA

TELETYPE

SEP 22 1969

COMMUNICATIONS SECTION

.PAGE TWO ME 44-1987

INCLUDING THE JUDICIARY AND THAT THE FIRST AMENDMENT PROVIDES CBS AND OTHER NEWS MEDIA THE RIGHT TO INSPECT THIS EVIDENCE.

JEWETT MILLER, ASSISTANT STATE ATTORNEY GENERAL, MEMPHIS, ARGUED THAT EXHIBITS IN THE COURSE OF A TRIAL ARE NOT AND DO NOT BECOME PART OF THE PUBLIC RECORD. HE ALSO ARGUED THAT FURTHER EXAMINATION AND PUBLIC REPORTS ON SUCH EXAMINATION WOULD PREJUDICE ANY NEW TRIAL GRANTED TO JAMES EARL RAY.

JUDGE WILLIAMS DENIED THE PETITION BECAUSE RAY'S APPEAL FOR A NEW TRIAL IS PENDING BEFORE U. S. SIXTH CIRCUIT COURT OF APPEALS IN CINCINNATI, OHIO, AT THE PRESENT TIME. HE COMMENTED THAT THE BALLISTICS EVIDENCE IS NOT A PUBLIC RECORD BUT IT IS PROPERTY SUBJECT TO CONDITIONS AND AT THE PROPER TIME FORENSIC TESTS MAY BE PERFORMED.

JEWETT MILLER ADVISED SA BURL F. JOHNSON THAT HE ANTICIPATES THAT CBS WILL APPEAL JUDGE WILLIAMS' RULING.
END.

HOLD

CC - Gen

HOLD

END

CIPHERS THAT GRS WILL APPEAL JUDGE WILLIAMS, RULING.

RECEIVED
JEP 20 9 13 PM '77
FBI
LABORATORY DIVISION

JEWETT MILLER ADVISED SA HURL F. JOHNSON THAT HE ANTI-
TIME FORENSIC TESTS MAY BE PERFORMED.

BUT IT IS PROPERLY SUBJECT TO CONDITIONS AND AT THE PROPER
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JUDGE WILLIAMS DENIED THE PETITION BECAUSE RAY'S APPEAL

EARL RAY

FBI UNIT
7 29 PM '77

EXAMINATION WOULD PREJUDICE ANY NEW TRIAL GRANTED TO JAMES
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MEMPHIS, ARGUED THAT EXHIBITS IN THE COURSE OF A TRIAL ARE

JEWETT MILLER, ASSISTANT STATE ATTORNEY GENERAL.

EVIDENCE.

VIDES CBS AND OTHER NEWS MEDIA THE RIGHT TO INSPECT THIS
INCLUDING THE JUDICIARY AND THAT THE FIRST AMENDMENT PRO-

PAGE TWO ME 44-1087

UNITED STATES GOVERNMENT

Memorandum

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

TO : Mr. Cochran

DATE: 11/3/75

FROM : J. J. McDermott

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA) REQUEST OF
JIM LESAR AND ERNEST S. LEISER OF CBS NEWS

Re letter of Jim Lesar dated April 15, 1975, and
September 5, 1975, letter of Ernest S. Leiser, copies
attached.

Captioned requesters have appealed the denial
of requested information regarding documents relating to
the assassination of Martin Luther King, Jr., in Memphis,
Tennessee. To fully evaluate the legality of withholding
the requested information under the FOIA, the U. S.
Department of Justice, Freedom of Information Appeals Unit,
has requested the Bureau to gather information pertinent
to the requests.

Captioned requests are being handled concurrently
by the Department of Justice, Freedom of Information Appeals
Unit, and due to time pressures in this matter, it is
requested the following recommendations be handled as
expeditiously as possible.

RECOMMENDATIONS:

EX-116

REC-69

44-38861-6002X

The Laboratory Division forward to the FOIPA
Section, Files and Communications Division, the requested
documents with any comments and/or recommendations,
particularly those which would concern the dissemination
of Bureau information or information which has been the
subject of affidavits or court testimony.

7 MAR 2 1976

Total agent time utilized, direct cost of
service and preparation and material relating to the
reproduction, be furnished.

Enc. 2

ENCLOSURE

TLW:ms (3)

See Laboratory Addendum, page 2.



5010-108

MAY 04 1976

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

RECEIVED
APR 28 11 05 AM '76
FBI
LABORATORY DIVISION

RECEIVED
NOV 4 9 40 AM '75
FBI
LABORATORY DIVISION

BEC-88

CBS NEWS

A Division of Columbia Broadcasting System, Inc.
524 West 57 Street
New York, New York 10019
(212) 765-4321

Dear Director Kelley:

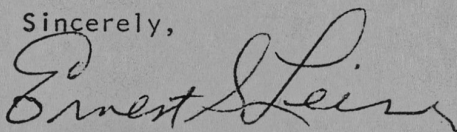
September 5, 1975

Acting under the Freedom of Information Act, I request access to the following FBI documents relating to the assassination of Martin Luther King, Jr. in Memphis, Tennessee, April 4, 1968:

1. Bullet comparison photomicrographs of the evidence bullet and the test bullets made by your ballistics expert, Mr. Robert A. Frazier.
2. Results of laboratory examinations of the evidence bullet.
3. Results of the microscopic examination of the windowsill in the bathroom at 422 $\frac{1}{2}$ Main Street, Memphis, from which the murder weapon was allegedly fired.
4. Photographic enlargements of the dent in the windowsill and of that part of the rifle which allegedly caused the dent.

I have seen your letter to my colleague, Mr. Haley, in response to his request in the matter of George Wallace and realize you are snowed under with FOIA requests. However, I would appreciate your expediting this as much as possible. Our program is scheduled for broadcast this fall.

Sincerely,



Ernest S. Leiser
Senior Producer

Clarence M. Kelley
Director, Federal Bureau of Investigation
10th and Pennsylvania Aves., N.W.
Washington, D.C. 20535

44-38861-6002
ENCLOSURE

JAMES H. LESAR
ATTORNEY AT LAW
1231 FOURTH STREET, S. W.
WASHINGTON, D. C. 20024
TELEPHONE (202) 484-6023

RECEIVED
OFFICE OF THE

APR 13 10 07 AM '75

DEPUTY
APR 15 1975 GENERAL

FREEDOM OF INFORMATION REQUEST

The Deputy Attorney General
U. S. Department of Justice
Washington, D. C. 20531

Dear Sir:

On behalf of Mr. Harold Weisberg I am requesting disclosure of the following information on the assassination of Dr. Martin Luther King, Jr.:

1. The results of any ballistics tests.
2. The results of any spectrographic or neutron activation analyses.
3. The results of any scientific tests made on the dent in the windowsill of the bathroom window from which Dr. King was allegedly shot.
4. The results of any scientific tests performed on the butts, ashes or other cigarette remains found in the white Mustang abandoned in Atlanta after Dr. King's assassination and all reports made in regard to said cigarette remains.
5. All photographs or sketches of any suspects in the assassination of Dr. King.
6. All photographs from whatever source taken at the scene of the crime on April 4th or April 5th, 1968. *April 68
rept.*
7. All information, documents, or reports made available to any author or writer, including but not limited to Clay Blair, Jeremiah O'Leary, George McMillan, Gerold Frank, and William Bradford Huie.

This request for disclosure is made under the Freedom of Information Act, 5 U.S.C. §552, as amended by Public Law 93-502, 88 Stat. 1561.

Sincerely yours,

Jim Lesar
Jim Lesar

ENCLOSURE

44-38861-6002X

It appears that Items 1 through 4 of Lesar's letter of April 15, 1975, and all four items in Leiser's letter of September 5, 1975, are Laboratory matters.

Two copies of each item are being enclosed with this addendum.

The items are as follows:

- (1) Laboratory report dated April 17, 1968, which sets out results of firearms examinations mentioned in Lesar's and Leiser's letters.
- ✓ (2) Laboratory worksheet containing notes concerning the firearms examinations.
- ✓ (3) Laboratory report, worksheet and notes containing the results of spectrographic and neutron activation examinations of bullets.
- (4) Worksheet and notes concerning the spectrographic analyses of areas of clothing.
- (5) Worksheet and notes concerning the firearms examinations conducted on clothing.
- (6) Laboratory report, airtel, worksheet and notes concerning the examination of a portion of windowsill.
- (7) Laboratory report dated April 19, 1968, which lists items recovered during search of 1966 white Mustang.
- (8) Eleven photographs and photomicrographs of the windowsill area, the muzzle of a weapon and mechanism markings.

None of these items has been released to the public.

Item 4 in Lesar's letter asks for "the results of any scientific tests performed on the butts, ashes or other cigarette remains found in the white Mustang..." Review of the pertinent worksheets and reports has determined that no cigarette butts were recovered during the search of the Mustang. The report dated April 19, 1968, sets out the items that were recovered.

Twenty hours of agent time were utilized in this matter. The cost of printing the photographs is approximately \$20.00,

which is the cost of 48 photographs some of which are being retained for future requests. This is \$.40 per photograph.
- John Kilty advised 11/20 - 464 photos are \$ 3.00 per. JW