FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 02 1976

TELETYPE

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

NR023 AT PLAIN

9:01 PM NITEL 3-2-76 HLF

TO: DIRECTOR, FBI (44-38861)

EL PASO (44-920)

MEMPHIS (44-1987)

FROM: ATLANTA (44-2386) (P)

MURKIN.

RE AT NITEL, FEB. 27, 1976.

ON MARCH 2, 1976, LEE CARROLL GODFREY WAS RECONTACTED AND ADVISED HE DID NOT KNOW A RALPH SETZER OR A RALPH SELTZER AND DID NOT MENTION EITHER NAME TO HIS BROTHER, TOM. LEE GODFREY TRAVELED TO ATLANTA ON WEEKEND OF FEB. 28, 1976, AND TALKED TO HIS BROTHER, ARNOLD RAY GODFREY. ARNOLD GODFREY RELATED HE DID NOT KNOW A RALPH SMITH AND WHEN LEE DESCRIBED THE INDIVIDUAL HE KNEW AS RALPH SMITH, ARNOLD SAID HE THOUGHT THE MAN'S NAME WAS JIM SMITH. HE DID NOT KNOW SMITH'S CURRENT WHEREABOUTS. ARNOLD SAID HE KNEW LEON AND CLAUDE POWELL ON SIGHT BUT DID NOT ASSOCIATE WITH EITHER ONE. HE DESCRIBED THEM AS DRUNKS. LEE SAID POWELL IS AND HAS ALWAYS BEEN AFRAID OF THE LAW WHICH IS THE REASON WHY HE IS NOT COOPERATING WITH THE FBI. LEE SAID ARNOLD DENIED ANY KNOWLEDGE OF THE ALLEGED

END PAGE ONE

REC-110 44-38861-6094

070-B
1-CRU
1-CRD
HWH: mlc
3/3/76

7 MAR 11 1976

84 MAR 17 1976

CONTRACT FOR MARTIN LUTHER KING, JR. OR ANYTHING RELATED TO THE BUREAU'S INVESTIGATION.

LEE CARROLL GODFREY SAID THAT WHILE INCARCERATED IN REIDSVILLE, GA., PENITENTIARY, DATE UNRECALLED, MARTIN LUTHER KING, JR., WAS ARRESTED FOR PARTICIPATING IN A DEMONSTRATION AND WAS PLACED IN A CELL ADJACENT TO GODFREY. LEE SAID HE TALKED TO KING FOR TWO DAYS PRIOR TO HIS RELEASE.

ATTEMPTS TO LOCATE CLAUDE POWELL, JR. ON MARCH 2, 1976, WERE NEGATIVE.

ATLANTA AT ATLANTA. WILL ATTEMPT TO LOCATE AND INTERVIEW CLAUDE POWELL, JR. AT HIS RESIDENCE.

END.

CMB FBIHQ ACK TKS

0-70 (Rev. 3-28-72)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

FILE COPY

UNITED STATES GOVERNMENT

Memorandum

TO : Assistant Attorney General

DATE: **March 3, 1976**
ATTN: MR. ROBERT A. MURPHY

FROM : Director, FBI

SUBJECT: **ASSASSINATION OF MARTIN LUTHER KING, JR.**

Reference is made to _____ memorandum dated _____ (your file _____).

There is enclosed one copy of the report of Special Agent _____ dated _____ at _____ .

A. ☐ This covers the preliminary investigation and no further action concerning a full investigation will be taken by this Bureau unless the Department so directs.

B. ☒ The investigation is continuing and you will be furnished copies of reports as they are received.

C. ☐ The investigation requested by you has now been completed. Unless advised to the contrary no further inquiries will be made by this Bureau.

D. ☐ Pursuant to instructions issued by the Department, no investigation will be conducted in this matter unless specifically directed by the Department.

E. ☐ Please advise whether you desire any further investigation.

F. ☐ This is submitted for your information and you will be advised of further developments.

G. ☐ This is submitted for your information and no further investigation will be conducted unless specifically requested by the Department.

H. ☐ This covers the receipt of a complaint and no further action will be taken by this Bureau unless the Department so directs.

Enc. **3**

NOTE: Enclosed are an El Paso Teletype dated 3/1/76, a St. Louis Teletype dated 3/2/76, and an Atlanta Teletype dated 3/2/76.

FILE COPY 6

FD-56 (Rev. 5-22-64)

FBI

Date: 3/3/76

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

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, EL PASO (44-920) (P)

MURKIN

McDonough

Enclosed for the Bureau are two copies of an FD-302 reflecting display of photographs to CLAUDE POWELL, JR., at Midland, Texas. Enclosed for Atlanta and Memphis is one copy each of the above FD-302.

870-B
1-CRD (Enc. 5)
1-CRD (Enc. 5)
HWH: mlm
3/8/76

REC-110

44-38861-6095

ENCLOSURE

(2) - Bureau (Enc. 2)
2 - Atlanta (44-2386) (Enc. 1)
2 - Memphis (44-1987) (Enc. 1)
2 - El Paso

FWN:mg
(8)

11 MAR 1976

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

GPO : 1970 O - 402-735

84 MAR 17 1976

RECEIVED
GENERAL INVESTIGATIVE
DIVISION 5030 J.E.H.

MAR 6 3 29 PM '76

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

REC'D-CIV RIGHTS
F B I

MAR 8 6 45 AM 1976

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 3/3/76

The following photographs were displayed to CLAUDE POWELL, JR., who was located at his place of employment where he was working as a carpenter:

1. TRAVIS MERLE PHILLIPS, Odessa Police Department (OPD), Number 7174.

2. BILLY GENE SHAFFER, OPD Number 16969

3. OPD Number 19806

4. BOBBY JOE SMITH

5. Composite photograph bearing Bureau File Number 44-38861, Atlanta File 44-2386.

After viewing the above,photographs, POWELL stated he would be unable to identify any one of these as being the individual who approached him and his brother, LEON POWELL, at Pete's Bar in Atlanta, Georgia, with the proposition of murdering MARTIN LUTHER KING, JR., POWELL again stated that he would be unable to recognize the individual should he ever meet him again.

Interviewed on 2/26/76 at Midland, Texas File # EP 44-920 ~~ME 44-1987~~

by SA FRANZ W. NENZEL:mg Date dictated 3/1/76

44-38861-6095

ENCLOSURE

9-70 (Rev. 3-28-72)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

FILE COPY

UNITED STATES GOVERNMENT

Memorandum

TO : Assistant Attorney General
Civil Rights Division

DATE: **March 8, 1976**
ATTN: MR. ROBERT A. MURPHY

FROM : Director, FBI

SUBJECT: **ASSASSINATION OF MARTIN LUTHER KING, JR.**

Reference is made to _____ memorandum dated _____ (your file _____).

There is enclosed one copy of the report of Special Agent _____ dated _____ at _____.

A. ☐ This covers the preliminary investigation and no further action concerning a full investigation will be taken by this Bureau unless the Department so directs.

B. ☒ The investigation is continuing and you will be furnished copies of reports as they are received.

C. ☐ The investigation requested by you has now been completed. Unless advised to the contrary no further inquiries will be made by this Bureau.

D. ☐ Pursuant to instructions issued by the Department, no investigation will be conducted in this matter unless specifically directed by the Department.

E. ☐ Please advise whether you desire any further investigation.

F. ☐ This is submitted for your information and you will be advised of further developments.

G. ☐ This is submitted for your information and no further investigation will be conducted unless specifically requested by the Department.

H. ☐ This covers the receipt of a complaint and no further action will be taken by this Bureau unless the Department so directs.

Enc. **5**

NOTE: Attached are copies of Atlanta teletypes dated 3/3/76, 3/4/76, and 3/5/76, and a copy of a St. Louis teletype dated 3/5/76.

Also attached is a copy of an FD-302 concerning Claude Powell, Jr. on 2/26/76 at Midland, Texas.

FILE COPY

Recording

Examining

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. J. B. Adams
1 - Mr. D. W. Moore, Jr.
1 - Mr. R. J. Gallagher
(Attn: H. N. Helterhoff)

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.

TO : Mr. T. W. Leavitt

DATE: 3/2/76

1 - Mr. T. W. Leavitt
1 - Mr. J. G. Deegan
1 - Mr. J. D. Powell

FROM : J. G. Deegan

SUBJECT: "NEWSDAY" ARTICLE CONCERNING INVADERS AND DR. MARTIN LUTHER KING, JR., DATED FEBRUARY 1, 1976

The purpose is to obtain approval for letter to the Attorney General advising him of the results of a review of FBI files in response to a "Newsday" article which infers that because of FBI and Memphis, Tennessee, Police Department infiltration of black youth group called the Invaders, the FBI was responsible for Dr. Martin Luther King's assassination.

The 2/1/76 issue of "Newsday" has an article captioned "FBI Tied To King's Return to Memphis" by Les Payne. This article alleges that the FBI through informants and the Memphis, Tennessee, Police Department through an undercover officer infiltrated a Memphis black youth group called the Invaders. The Invaders were particularly militant. On March 28, 1968, there was a march in Memphis led by Dr. Martin Luther King, Jr., in support of striking Memphis sanitation workers. Serious violence erupted during this march. Dr. King and his associates considered this violence a threat to Dr. King's reputation for leading nonviolent demonstrations. This fact was instrumental in Dr. King's return to Memphis in April, 1968, at which time he was assassinated.

44-38861-

A review of our files at FBIHQ and Memphis has determined that we had five informants providing coverage of the Invaders, but none of them were in a leadership position and none of them were involved in planning, inciting or participating in violence. Only one of these informants was ever a member of the Invaders.

The Memphis Police Department did have an undercover officer who was a member of the Invaders, but there is no indication that he was involved in the violence associated with the Invaders.

Enclosures - Sent 3-5-76

MAR 12 1976

157-8460

57 MAR 17 1976

JDP:lekk

(7)

CONTINUED - OVER

ORIGINAL FILED IN 157-1146-5

Memorandum to Mr. T. W. Leavitt
Re: "Newsday" Article Concerning
Invaders and Dr. Martin Luther
King, Jr., Dated February 1, 1976
157-8460

Attached letter provides details regarding the above to the Attorney General for his information.

ACTION:

That attached letter to the Attorney General be approved.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 03 1976

TELETYPE

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

NR018 AT PLAIN

9:06 PM NITEL MARCH 3, 1976 LAP

TO: DIRECTOR, FBI (44-38861)

EL PASO (44-920)

MEMPHIS (44-1987)

FROM: ATLANTA (44-2386) (P)

MURKIN.

REATNITEL, MARCH 2, 1976.

ON MARCH 3, 1976, JACKIE POWELL, CANBY LANE, DECATUR, GA., WAS CONTACTED AND ADVISED HER HUSBAND, CLAUDE POWELL, JR., IS RESIDING AT THAT RESIDENCE, HOWEVER HE IS NOT AT HOME AT PRESENT TIME. CLAUDE POWELL DOES NOT THINK HE WILL RETURN TO MIDLAND, TEX., AREA. CLAUDE POWELL HAS OBTAINED A JOB IN THE ATLANTA. GA., AREA, HOWEVER, SHE DOES NOT KNOW WHERE HE IS WORKING. JACKIE POWELL ADVISED SHE WOULD HAVE HER HUSBAND CONTACT THE FBI UPON HIS RETURN OR EARLY IN THE MORNING OF MARCH 4, 1976.

ATLANTA, AT ATLANTA, WILL LOCATE AND INTERVIEW CLAUDE POWELL, JR.

END

HOLD FOR TWO MORE

070-B
1-CRU (Enc 5)
1-CRO (Enc 5)
HWH: mlm
3/8/76

44-38861-6096

7 MAR 11 1976

84 MAR 17 1976

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 04 1976

TELETYPE

Assoc. Dir. ____
Dep.-A.D.-Adm. ____
Dep.-A.D.-Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
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Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

NRØ16 AT PLAIN

7:17 PM NITEL 3-4-76 HLF

TO: DIRECTOR, FBI (44-38861)

SAC, MEMPHIS (44-1987)

FROM: SAC, ATLANTA (44-2386) (P)

MURKIN.

RE AT NITEL, MARCH 3, 1976.

ON INSTANT DATE, CLAUDE POWELL, JR. HAS NOT CONTACTED THE ATLANTA OFFICE OF THE FBI AS HIS WIFE INDICATED HE WOULD ON MARCH 3, 1976. ATTEMPTS TO LOCATE EITHER CLAUDE POWELL OR JACKIE POWELL AT CANDY LANE, DECATUR, GA., ON THIS DATE WERE NEGATIVE. MESSAGES WERE LEFT AT THE RESIDENCES.

IT IS TO BE NOTED THAT THE POWELL RESIDENCE ON CANDY LANE DOES NOT HAVE A TELEPHONE.

ATLANTA AT ATLANTA. WILL CONTINUE EFFORTS TO LOCATE AND INTERVIEW CLAUDE POWELL, JR.

END.

PLS HOLC

REC-110

44-38861-6097

070-B (Enc 5)
1-CRU (Enc 5)
1-CRO (Enc 5)
HWH: mlw
3/8/76

7 MAR 11 1976

84 MAR 17 1976

TELETYPE NOTE

FROM MOBILE AT MOBILE

7:17 PM MTEST 3-4-76 HLK

TO: DIRECTOR, FBI (44-38861)

SAC, MEMPHIS (44-1881)

FROM: SAC, ALABAMA (44-3386) (P)

WORKIN.

RE AT MTEST, MARCH 3, 1976.

ON INSTANT DATE, CLAUDE POWELL, JR., HAS NOT CONTACTED THE ALABAMA OFFICE OF THE FBI AS HIS WIFE INDICATED HE WOULD ON MARCH 2, 1976. ATTEMPTS TO LOCATE EITHER CLAUDE POWELL OR JACKIE POWELL AT CANDA LANE, DECATUR, GA., ON THIS DATE WERE NEGATIVE. MESSAGES WERE LEFT AT THE RESIDENCES.

IT IS TO BE NOTED THAT THE POWELL RESIDENCE ON CANDA LANE DOES NOT HAVE A TELEPHONE.

ALABAMA AT ALABAMA. WILL CONTINUE EFFORTS TO LOCATE AND INTERVIEW CLAUDE POWELL, JR.

END.

BLS HOLC

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 05 1976

TELETYPE

Assoc. Dir. ____
Dep.-A.D.-Adm. ____
Dep.-A.D.-Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
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Fil. & Com. ____
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Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

NR013 SL PLAIN

8:22 PM NITEL 3/5/76 KCP

TO DIRECTOR (44-38861)

ATLANTA (44-2386)

MEMPHIS (44-1987)

FROM ST. LOUIS (44-775) (RUC)

MURKIN

RE ATLANTA NITEL TO BUREAU FEBRUARY 26, 1976, BUTELCALL TO ST. LOUIS, MARCH 1, 1976; ST. LOUIS TEL TO BU, MARCH 2, 1976.

REVIEW MARCH 5, 1976, RECORDS MAINTAINED VETERAN'S ADMINISTRATION RECORDS PROCESSING CENTER (VARPC), ST. LOUIS, MO., INDICATED LEON POWELL, SERIAL NUMBER 14 478 523, SSAN 260 46 4181, FILED VA CLAIM JUNE 17, 1958, UNDER NUMBER C19 894 619, FOR OUTPATIENT DENTAL TREATMENT, ATLANTA, GA. CLAIM DENIED JULY 23, 1959, DUE TO APPLICATION NOT FILED PRIOR TO ONE YEAR OF SEPARATION FROM ACTIVE MILITARY SERVICE.

VA CLAIM FILED OCTOBER 14, 1969, UNDER SSAN 260 46 4181, WAS MADE BY VARPC AS A REQUEST TO NATIONAL PERSONNEL RECORDS CENTER (MILITARY BRANCH), ST. LOUIS, MO., FOR SERVICE NUMBER VERIFICATION OF POWELL. NO OTHER VA CLAIMS WERE LOCATED IN THE RECORDS.

REC-110 44-38861-6098

MEDICAL RECORDS CONTAINED NO ADDITIONAL INFORMATION IN REFERENCE TO PSYCHIATRIC COMPLAINTS.

7 MAR 11 1976

HIS DPOB SHOWN AS APRIL 27, 1935, TACCOA, GEORGIA.

END

070-B
1-CRU (Enc 5)
1-CRO (Enc 5)
HWH: mb
3/8/76

84 MAR 17 1976

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 05 1976

TELETYPE

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

NRØ15 AT PLAIH

9:19 PM NITEL 3-5-76 HLFW

TO: DIRECTOR, FBI (44-38861)

SAC, MEMPHIS (44-1987)

FROM: SAC, ATLANTA (44-2386) (P)

MURKIN.

RE AT NITEL, MARCH 4, 1976.

REPEATED ATTEMPTS TO CONTACT CLAUDE POWELL, JR., AT HIS ADDRESS CANDY LANE, DECATURE, GA., MN THIS DATE WERE NEGATIVE, MESSAGES WERE LEFT REPEATED TIMES AT THAT RESIDENCE. THERE HAS BEEN NO PHONE CALL RECEIVED BY THE ATLANTA OFFICE OF THE FBI FROM CLAUDE POWELL, JR.

ATLANTA. WILL MAKE EFFORTS TO LOCATE AND IHTERVIEW CLAUDE POWELL, JR. MN MARCH 6, 1976.

END.

PLS HOLD

REC-110

44-38861-6099

070-B
1-CRU(Enc.5)
1-CRO(Enc.5)
MNH. 3/8/76

7 MAR 11 1976

84 MAR 17 1976

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 0 8 1976

TELETYPE

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

NR017 AT PLAIN

7:06 PM NITEL 3-8-76 HLF

TO: FIRECTOR, FBI (44-38861)

SAC, MEMPHIS (44-1987)

SAC, EL PASO (44-920)

FROM: SAC, ATLANTA (44-2386) (P)

MURKIN.

RE AT NITEL, MARCH 5, 1976.

ON MARCH 8, 1976, CLAUDE POWELL, JR. CONTACED AND ADVISED HE WAS UNSURE WHETHER OR NOT PETE DAVIS PRESENT DURING INITIAL MEETING AT BAR. HE ADVISED INCIDENT HAPPENED QUITE A WHILE AGO AND UNABLE TO REMEMBER OR BE POSITIVE IF DAVIS PRESENT, HOWEVER, THINKS DAVIS WAS PRESENT AND ALSO THINKS THAT DAVIS OWNED BAR DURING MEETING. POWELL FURTHER ADVISED THAT HIS BROTHER, LEON, TOLD HIM ABOUT INITIAL CONTACT BETWEEN LEON POWELL AND RAY GODFREY IN REFERENCE TO ACTUAL CONTACT ABOUT ASSASSINATION OF MARTIN LUTHER KING. HE LEARNED OF THIS INITIAL CONTACT FROM LEON SHORTLY AFTER THE TIME THAT RALPH CAME AND APPROACHED BOTH HE AND LEON.

IN VIEW OF THE FACT THAT ALL INVESTIGATION HAS BEEN CONDUCTED IN THE ATLANTA DIVISION, ATLANTA NOT SENDING DAILY NITELS. ATLANTA WILL SUBMIT REPORT.

END.

PLS HOLD

REC-104 44-38861-6100

7 MAR 11 1976

6-70(B) ENC. 1
AAG, CRD
3-9-76 HNH/gwL

84 MAR 1 1 1976

RECEIVED
GENERAL INVESTIGATIVE
DIVISION 5050 J.E.H.
MAR 8 10 02 PM '76

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

REC'D-CIV RIGHTS
F B I
MAR 9 6 47 AM 1976

MAR 8 7 20 PM '76
RECEIVED
TELETYPE UNIT

AIRTEL

To: SAC, Atlanta (44-2386) 3/16/76

From: Director, FBI (44-38861)

1 - Mr. Helterhoff

MURKIN

ReButelcal 3/12/76.

For your information, as you were advised in reButelcal, Departmental Attorney Robert A. Murphy, Civil Rights Division (CRD), U. S. Department of Justice, advised that on 3/11/76, Arnold Ray Godfrey's Attorney, Jack V. Dorsey, informed Murphy that Godfrey feels he told the FBI everything, is innocent, and will not consent to any further interview and will not consent to a polygraph examination. Mr. Murphy told Godfrey's attorney that he would review this matter to determine whether it should be presented to a Federal Grand Jury (FGJ) and whether Godfrey will be called before the FGJ.

Mr. Murphy stated he would further review this matter to determine if there is any other logical investigation to be conducted and would advise if a decision is made to present this matter to an FGJ.

You will be advised of any pertinent developments including any decision by the CRD relative to an FGJ.

HNH:bap (4)

NOTE: This matter pertains to the assassination of Dr. Martin Luther King, Jr., on 4/4/68. Above refers to an allegation by Leon and Claude Powell that they were introduced by Godfrey to an unknown subject who offered them payment to kill Dr. King.

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

MAILED 11 MAR 16 1976 FBI

REC-23 44-38861-6101

EX-116

19 MAR 17 1976

MAIL ROOM ✓ TELETYPE UNIT

GPO 954-546

FD-36 (Rev. 2-14-74)

FBI

Date: 3/5/76

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

Via AIRTEL _____ (Precedence)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, CINCINNATI (157-1893) (P)

SUBJECT MURKIN

Re CI airtel and LHM to Bureau, 2/24/76.

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 the enclosed LHM was obtained from records at the U. S. Court of Appeals, Sixth Circuit, Cincinnati, Ohio, by SC LINDA F. FERGUSON.

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

ENCLOSURE

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

LFF/csf
(6)

070-f
1-CRU
1-CRD
HNH
3/9/76

REC-100

44-38861-6102

46

14 MAR 8 1976

Approved: _____ Special Agent in Charge

Sent _____ M Per _____

84 APR 7 1976

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Cincinnati, Ohio
March 5, 1976

RE: JAMES EARL RAY

On March 4, 1976, Betty Tibbles, Deputy Clerk, U. S. Court of Appeals, Sixth Circuit, Cincinnati, Ohio, advised an employee of the Federal Bureau of Investigation (FBI) that the following additional entries were recorded on docket #75-1795:

March 3, 1976	Order denying the Community Government Association leave to intervene.

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

44-38861-6102

ENCLOSURE

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Cincinnati, Ohio
March 5, 1976

RE: JAMES EARL RAY

On March 4, 1976, Betty Tibbles, Deputy Clerk, U. S. Court of Appeals, Sixth Circuit, Cincinnati, Ohio, advised an employee of the Federal Bureau of Investigation (FBI) that the following additional entries were recorded on docket #75-1795:

March 3, 1976	Order denying the Community Government Association leave to intervene.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
Cincinnati, Ohio
March 5, 1976

In Reply, Please Refer to File No.

RE: JAMES EARL RAY

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March 3, 1976 — Order denying the Community Government Association leave to intervene.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Cincinnati, Ohio
March 5, 1976

RE: JAMES EARL RAY

On March 4, 1976, Betty Tibbles, Deputy Clerk, U. S. Court of Appeals, Sixth Circuit, Cincinnati, Ohio, advised an employee of the Federal Bureau of Investigation (FBI) that the following additional entries were recorded on docket #75-1795:

March 3, 1976	Order denying the Community Government Association leave to intervene.

FD-36 (Rev. 2-14-74)

FBI

Date: 3/11/76

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

Via AIRTEL _____
(Precedence)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, EL PASO (44-920)(RUC)

SUBJECT: MURKIN

Re AT nitel to Bureau, 3/9/76.

In view of the fact that CLAUDE POWELL, JR. has returned to Atlanta, and all investigation has been completed by the El Paso Division, this matter is being RUC'd.

2 - Bureau
2 - Atlanta (44-2386)
2 - Memphis (44-1987)
1 - El Paso
FWN:pmg
(7)

REC-100

44-38861-6103

4-6

23 MAR 16 1976

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

84 APR 7 1976

GPO : 1975 O - 590-992

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

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. Gallagher

FROM : J. S. Peelman

SUBJECT: MURKIN

DATE: 3/16/76

1 - Mr Callahan
1 - Mr. Adams
1 - Mr. Gallagher
1 - Mr. O'Connell
1 - Mr. Peelman
1 - Mr. Helterhoff
1 - Mr. Moore
1 - Mr. Leavitt

HELTERHOFF

PURPOSE: To advise of the status of the investigation recently instituted to resolve an allegation by Leon Owen Powell and his brother, Claude Powell, Jr., that prior to the assassination of Dr. Martin Luther King, Jr., they were offered payment to murder King.

SYNOPSIS: This case pertains to the assassination of Dr. King on 4/4/68. James Earl Ray pled guilty to this murder and presently is in local confinement. You were advised in previous memoranda that we are conducting an investigation at the request of the Civil Rights Division (CRD), U. S. Department of Justice, to resolve the Powell allegation.

Leon Owen Powell claims he and his brother, Claude, while in Pete's Bar in Atlanta in November of 1967, were approached by a mutual friend, Ray Godfrey, who asked the Powells if they were interested in making $50,000. Godfrey stated he would put them in contact with an individual who would pay them to murder King. Approximately 1 week later, while at the same bar, the Powells were approached by a Ralph Last Name Unknown (LNU) who stated "I guess you know why I'm here." Ralph displayed what he said was $25,000 and then said "If you decide to take the job, there's $50,000 more when its completed." Leon stated that Claude then replied they needed time to think it over and Ralph stated "If your mind is not made up now, I can't do business with you." Leon stated neither he nor his brother were involved in King's murder. Leon also advised that Ralph never actually said money being offered was to kill King. Subsequently, however, Leon stated Ralph had only said "25" and there would be "50" when King was buried.

44-38861

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ASSOCIATE DIRECTOR

Memorandum to Mr. Gallagher
RE: MURKIN

Claude Powell, Jr., was interviewed and although he also said a meeting did occur, his account differs from Leon's. He states meeting occurred in about March of 1968 and furnished other information which differed from Leon's.

Leon stated Pete Davis, the bar owner, observed the meeting. Claude also stated he thinks Davis was present at bar at time of alleged meeting. Our investigation showed that Pete Davis did not own the bar at time of alleged meeting.

Bureau polygraph examinations afforded to Leon and Claude Powell. Leon's examination was determined to be "inconclusive" and Claude's was determined to be "truthtelling."

Godfrey interviewed and denied any involvement. Godfrey recontacted as to whether he would take a polygraph examination and he referred Agents to his attorney. CRD contacted his attorney and his attorney subsequently advised CRD that Godfrey is innocent; however, will not consent to any further interview.

Other extensive investigation did not develop any information to substantiate this allegation and there is no indication it is in anyway connected with James Earl Ray.

CRD reviewing this matter to determine if it should be presented to a Federal Grand Jury (FGJ).

RECOMMENDATION: For information. We will continue to conduct any additional logical investigation requested by the CRD. You will be advised of any pertinent developments. You will be advised if the Department decides to present this matter to a FGJ.

APPROVED:
Assoc. Dir
Dep. AD Adm
Dep. AD Inv
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Rec. Mgmt.
Spec. Inv.
Training

Memorandum to Mr. Gallagher
RE: MURKIN

DETAILS: This case pertains to the assassination of Dr. Martin Luther King, Jr., on 4/4/68. James Earl Ray pled guilty to this murder and presently is in local confinement.

You were advised in previous memoranda that we are conducting an investigation at the request of the Civil Rights Division (CRD), U. S. Department of Justice, to resolve a recent allegation by Leon Owen Powell and his brother, Claude Powell, Jr., that prior to the assassination of Dr. King, they were offered payment to murder King.

INITIAL INTERVIEW AND POLYGRAPH EXAMINATION OF LEON OWEN POWELL: On 1/4/76, Leon Owen Powell advised he recently observed a documentary on television which disturbed his conscience, and felt he had to furnish the following information to the FBI:

Leon Owen Powell claims he and his brother, Claude Powell, Jr., while in Pete's Bar in Atlanta, in late October - early November, 1967, were approached by a mutual friend, Ray Godfrey, who asked the Powells if they were interested in making $50,000. Godfrey stated he would put them in contact with an individual who would pay them to murder King. The Powell brothers expressed interest in the contract to murder King and the conversation was terminated with Godfrey.

Approximately 1 week later, while at the same bar, the Powells were approached by an individual named Ralph (last name unknown) who Leon described as a white male, heavy set, 6'1" to 2", no accent, well-groomed, late 40s, well-spoken, and described as a "lawyer type." Ralph approached the Powell brothers, put his briefcase on the table and said, "I guess you know why I'm here." The Powell brothers nodded in assent and Ralph opened his briefcase displaying what he said was $25,000 and then said, "If you decide to take the job, there's $50,000 more when it's completed." Claude replied to Ralph that they needed time to think it over at which time Ralph stated, "If your mind is not made up now, I can't do business with you." Leon stated that Ralph never actually said the money being offered to them was to kill King. Leon stated neither he nor his brother were involved in the murder of King.

Leon Owen Powell also stated that the only other individuals aware of this meeting with Ralph (LNU) were his former wife, Annie Lois Compos and Pete Davis, owner of the bar. He stated Compos had no first-hand knowledge and she is aware of the facts as he described them to her. Davis observed Ralph (LNU) enter and exit the bar but had not entered into the conversation. The reason he believes he and his brother were contacted by Godfrey is because his brother, Claude, served 5 years for armed robbery and had a reputation for being an expert with a shotgun.

Leon Owen Powell furnished information for the preparation of an artist's conception of Ralph (LNU).

Leon Owen Powell was afforded a polygraph examination on 1/29/76. During pre-polygraph interview, Leon Owen Powell stated the meeting occurred in the fall of 1967. He said after the initial meet with Godfrey, Ralph (LNU) approached them in the bar a couple days later. Godfrey never mentioned the amount of money to be paid other than "big money." He advised while at the bar, someone stated King should be killed, and Claude made statement to the effect he would kill him for the right amount of money. When questioned during the polygraph about Ralph (LNU) saying he had $25,000 in the briefcase, Powell stated Ralph had only said "25," and there would be "50" when King was buried.

During the polygraph Powell appeared to have difficulty in breathing, and stated he was very nervous concerning the whole matter. The polygraph examination was determined to be "inconclusive."

Memorandum to Mr. Gallagher
RE: MURKIN

INITIAL INTERVIEW AND POLYGRAPH EXAMINATION OF CLAUDE POWELL, JR.: Claude Powell, Jr., was interviewed on 1/8/76 and although he also claims a payment offer was made to kill King, his account differs somewhat from that of Leon Owen Powell. Claude Powell, Jr., stated that three or four weeks prior to the murder of King, he and his brother, Leon, were seated in a booth in Pete's Bar in Atlanta. Ray Godfrey, a friend of Leon's, joined them in their booth and engaged in conversation with Leon. Claude paid no particular attention to what they were talking about.

Godfrey then left the booth and approximately ten to fifteen minutes later, an unknown subject (unsub), a white male, joined them in their booth. Claude described the unsub (does not remember a name) as a white male, 5'8", medium build, 150 pounds, early 30s, well-dressed, calm and cold in manner and very clean cut, a professional type, such as a lawyer, having no accent. The unsub placed an expensive-looking briefcase on the table. The unsub told them he wanted them to kill King and would pay $25,000 now and $25,000 when the job was done. The unsub then opened his briefcase, which was full of wrapped currency, some of which were in $100 denominations. Claude stated he was shocked, assumed it was some sort of a joke and he ignored the unsub. The unsub then closed his briefcase and departed. Claude Powell, Jr., stated he would not recognize the unsub and was unable to furnish information for an artist's conception.

On 1/19/76, Claude Powell, Jr., was afforded a Bureau polygraph examination at Midland, Texas. The polygraph examiner concluded that Claude Powell's response to certain questions indicated he is "truthtelling" in stating someone did, in fact, offer him and his brother $50,000 to kill Dr. King. Claude Powell's response to another question and his reactions following the answer indicate he has possible knowledge regarding the unidentified person who made the payment offer.

Memorandum to Mr. Gallagher
RE: MURKIN

REINTERVIEWS OF THE POWELLS RE DISCREPANCIES: On 2/5/76, Claude Powell, Jr., and on 2/10/76, Leon Owen Powell, were reinterviewed re discrepancies in their versions of this alleged incident. Leon now says meeting was definitely in November, 1967. (Claude initially stated meeting was 3 or 4 weeks prior to actual King assassination which would put this meeting about March of 1968.) Leon stated he did not have any contact with Godfrey re assassination when Claude not present. (Claude said he later learned Godfrey made an initial contact with Leon approximately 1 week prior to the unsubs' proposition to murder King, but he did not know anything about the meeting at Pete's Bar until the unsub made the offer, nor did he have any prior knowledge of what transpired between Godfrey and Leon.) Leon states that Godfrey is more Claude's friend than his. (Claude says Godfrey better friend of Leon's.) Leon initially stated Pete Davis (since deceased), the bar owner, observed Ralph (LNU) enter and exit the bar. Claude also stated that he thinks Davis was present during the alleged meeting and also thinks that Davis owned the bar. Our investigation showed Pete Davis did not own the bar at the time of the alleged meeting. Leon now states he recalls the name of the bar was Bill Bailey's, although it is still called Pete's by the oldtimers. He now cannot recall who was in the bar at the time of alleged incident. Their sketches of the interior of Pete's Bar are also different.

INTERVIEWS OF RELATIVES OF LEON OWEN POWELL AND CLAUDE POWELL, JR.: Annie Lois Compos, former wife of Leon Owen Powell, after some prompting, remembered an incident wherein Leon told her an individual had contacted his brother and him regarding the murder of King. Leon told her that the man had a suitcase full of money and wanted them to murder King. She stated Leon was very intoxicated when relating the story to her after the King assassination. She stated that numerous times while Leon was drunk, he would talk about various killings and killers.

Jackie Powell, wife of Claude, advised the only time she heard about an incident involving an offer of money to assassinate King was when her husband mentioned it to her after King had been assassinated. Claude told her he had been offered a sum of money to assassinate King but refused the contract. She stated she has been married to Claude for 20 years and the whole story, in her mind, is a fabrication by her husband, Claude, and his alcoholic brother, Leon. She stated she felt the Government was wasting its time and she was sure the whole story is a fabrication.

Other relatives advised Leon and Claude have a drinking problem.

PETE'S BAR: Leon stated the meeting occurred at Pete's Bar in Atlanta in late October - early November of 1967, then stated the meeting occurred in the Fall of 1967 and finally stated the meeting definitely occurred at Pete's Bar in November of 1967.

Claude stated the meeting occurred at Pete's Bar 3 or 4 weeks prior to the actual assassination of King on 4/4/68, which would put the meeting about March of 1968.

Leon stated that Pete Davis, owner of the bar, observed Ralph (LNU) enter and exit the bar but had not entered into the conversation. Claude also stated that he thinks Davis was present during the alleged meeting and also thinks that Davis owned the bar.

Our investigation determined that Pete Davis died of cancer in May of 1975 and was not associated with Pete's Bar at any of the times the alleged meeting occurred.

Investigation determined Pete's Bar was actually Bill Bailey's Bar at the time of the alleged meeting. Interviews of former employees of Bill Bailey's Bar reflected no information to substantiate that the meeting ever occurred, and no information developed to identify Ralph (LNU).

CONTINUED - OVER

INTERVIEWS AND POLYGRAPH EXAMINATION OF ARNOLD RAY GODFREY: Ray Godfrey has been fully identified as Arnold Ray Godfrey and was interviewed on 1/13/76. He advised that he did not talk with either of the Powells re the assassination of King nor did he introduce anyone to them re the assassination of King. He denied all knowledge of any assassination plot re King.

When Godfrey was interviewed on 1/13/76, he agreed to submit to a polygraph. When he was contacted re the polygraph on 1/16/76, however, Godfrey stated "I am innocent" and then advised he did not wish to take any polygraph examination and did not wish to talk to the FBI any further. He stated if the FBI needs any further information, they should contact his attorney.

OTHER INVESTIGATION: Extensive additional investigation was conducted including interviews of other relatives, associates, etc., of Leon and Claude Powell's and of Godfrey's. No information was developed during this extensive investigation to substantiate this allegation and no information was developed indicating this allegation was in anyway connected with James Earl Ray.

CIVIL RIGHTS DIVISION: The results of our investigation have been closely coordinated with the Civil Rights Division.

On 2/27/76, Mr. Robert A. Murphy, Chief, Criminal Section, CRD, advised it appeared all logical investigation had been conducted and he would contact Godfrey's attorney to determine if Godfrey would be made available for further interview, including a polygraph examination, in an attempt to further resolve this matter.

On 3/11/76, Mr. Murphy advised that Godfrey's attorney informed him that Godfrey feels he told the FBI everything, is innocent, and will not consent to any further interview and will not consent to a polygraph examination. Mr. Murphy told Godfrey's attorney that he would review this matter to determine whether it should be presented to a Federal Grand Jury and whether Godfrey will be called before the Federal Grand Jury.

Mr. Murphy stated he would further review this matter to determine if there is any other logical investigation to be conducted and would advise if a decision is made to present this matter to a Federal Grand Jury.

SJ

AIRTEL

3/31/76

To: SAC, Memphis

From: Director, FBI (44-38861)

Subject: MURKIN

HAROLD WEISBERG V.
U. S. DEPARTMENT OF JUSTICE
USDC, D. C.
CIVIL ACTION NO. 75-1996

Re telephone conversation from SA Parle Thomas Blake of Legal Counsel to SA Joseph Hester of Memphis Field Office 3/26/76.

Enclosed for Memphis is a copy of plaintiff's original request dated 4/15/75, copy of letter dated 12/1/75 to plaintiff's attorney from the Deputy Attorney General, copy of letter dated 12/29/75 to the Deputy Attorney General from plaintiff's attorney, and copy of letter dated 2/23/76 to SA Thomas L. Wiseman of FOIPA Section, Division 4, from plaintiff's attorney.

On 3/23/76 plaintiff and his attorney reviewed at FBIHQ material located through a search of Bufiles deemed pertinent to plaintiff's request. During the course of reviewing this material, plaintiff strongly indicated his belief that he had not been shown all material in possession of the FBI falling within the scope of his request. Plaintiff was advised that FBIHQ files were searched and that pertinent information concerning an investigation is channeled to FBIHQ. Plaintiff stated that he had "knowledge" of

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FBI

Enclosures (4)

ENCLOSURE

EX-110

REC-36 44-38861-6105

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1 - Legal Counsel
Attn: Mr. Blake
1 - Mr. Gallagher
Attn: Mr. Helterhoff
1 - Mr. Cochran
Attn: Mr. Kilty
TLW:dkb
(7)

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
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Ext. Affairs
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Training
Legal Coun.
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Director Sec'y

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additional photographs, etc., that must be in the Field Office files if they are not contained in FBIHQ files.

The referenced telephone call to Memphis indicated the possibility that Memphis files may contain some photographs, etc., which were not forwarded to FBIHQ.

In order to insure that we have completely complied with plaintiff's request, Memphis is requested to locate any material in its possession not previously furnished to FBIHQ which might be within the scope of plaintiff's request. The results of this review must be furnished to FOIPA Section, Records Management Division, by April 12, 1976. Any questions concerning this review may be resolved by contacting SA Thomas L. Wiseman, FOIPA Section.

NOTE: See memo from Legal Counsel to Mr. Adams, captioned as above, dated 3/25/76, which recommended that plaintiff be advised FBI would voluntarily search its Memphis Field Office in order to completely comply with his FOIA reqest.

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

April 15, 1975

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.

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

ENCLOSURE

44-38861-6105

DEC 1 1975

Mr. James H. Lesar, Esquire
1231 Fourth Street, S.W.
Washington, D.C. 20024

Dear Mr. Lesar:

This is in further response to the pending administrative appeal under the Freedom of Information Act filed by you on behalf of your client, Mr. Harold Weisberg, from the denial by Director Clarence M. Kelley of the Federal Bureau of Investigation of Mr. Weisberg's request for specific records and photographs relating to the assassination of Dr. Martin Luther King, Jr.

After careful consideration of this appeal, I have decided to modify Director Kelley's action in this case and to grant access to every existing written document, photograph and sketch which I consider to be within the scope of Mr. Weisberg's request. Minor excisions have been made from the documents to delete purely internal agency markings and distribution notations, as well as the names of Bureau personnel. In my opinion, the matter so excised is not appropriate for discretionary release.

The results of all "ballistics tests" [item number 1 of Mr. Weisberg's request], as performed on either the death bullet or Mr. Ray's rifle, are included with the materials to be released. "Spectrographic or neutron activation analyses" [item number 2 of the request] were made only on the clothing worn by Dr. King at the time of his death. All eight pages pertaining to such tests will be released. The results of all "scientific tests made on the dent in the windowsill (sic)" [item number 3 of the request] are available for release to your client, including both written reports and photographs of the window sill and rifle barrel. All "photographs or sketches of any suspects in the assassination" [item number 5 of the request] are to be released. These photos and

[redacted]

cc: Federal Bureau of Investigation [redacted]

ENCLOSURE

44-38861-6105

sketches portray only Mr. Ray, as there never were any other suspects in the case. It may be that the Department has no photographs "taken at the scene of the crime" [item number 6 of the request], in the sense your client uses the phrase. To the limited extent that we have photographic and other materials that depict physical conditions or events, they will be released to Mr. Weisberg. In the event that the non-photographic materials are of no interest to him, they may be returned.

The Department of Justice never received any "butts, ashes or other cigarette remains" from the "white Mustang abandoned in Atlanta," and for that reason did not perform any scientific tests thereon [item number 2 of Mr. Weisberg's request]. A two page schedule of all evidence acquired from the Mustang is included, without charge, in the package to be released. Similarly, as to item number 7 of the request, no "information, documents, or reports made available to any author or writer" can be identified as such in our records. To avoid any misunderstanding, I wish to advise you that no release of any materials relating to the death of Dr. King has been made to any person other than law enforcement or prosecutive authorities, except for the so-called "extradition papers" which were shown in 1970 to Bernard Fensterwald, Jr., Esquire, then the attorney for your client Mr. Weisberg, and which are in the public domain. In 1971 these same papers were made available to another person not named in item number 7, who may or may not be a writer. In any event, if Mr. Weisberg wishes access to the extradition papers, his written request in that respect should be addressed to the attention of the Freedom of Information and Privacy Unit in my Office. Based on the foregoing facts, I have concluded that there are no records within the scope of either item number 4 or item number 7 of Mr. Weisberg's request. There can, of course, be no denial of access where there is no record; there can be no appeal where there has been no denial of access.

In adjudicating this appeal as to item number 1 of Mr. Weisberg's request for "results of any ballistics tests," I have not included as matters for consideration the results of a great number of ballistics tests performed on rifles other than the one owned by Mr. Ray. 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 number 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.

Your client will now be furnished seventy-one pages of material for which the charge is ten cents per page, the two-page schedule of evidence at no charge, fifteen black and white photographs at their reproduction cost of forty cents each and three color photographs at their reproduction cost of three dollars each. Please remit $22.10 to the F.B.I. headquarters office, Washington, D. C. 20537, attention Special Agent Wiseman, specifying whether you wish the materials mailed or held for you to pick up. As a matter of my discretion, I am waiving $80.00 in special search fees which could be charged for non-clerical work in connection with this request and another one for many of the same materials.

Because of the nominal excisions of agency markings and the names of agents, I am required to advise you that if Mr. Weisberg is dissatisfied with my action on this appeal, judicial review thereof is available to him in the United States District Court for the judicial district in which he resides, or in which he has his principal place of business, or in the District of Columbia, which is also where the records he seeks are located.

Very truly yours,

Harold R. Tyler, Jr.
Deputy Attorney General

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

December 29, 1975

Mr. Harold Tyler, Jr.
Deputy Attorney General
U. S. Department of Justice
Washington, D. C. 20530

Dear Mr. Tyler:

Your letter of December 1, 1975, is apparently intended to give the appearance of good faith compliance with Mr. Harold Weisberg's April 15, 1975, request for the disclosure of certain records pertaining to the assassination of Dr. Martin Luther King, Jr. Unfortunately, this is achieved by rephrasing Mr. Weisberg's request so as to exclude most of the records sought.

For example, Mr. Weisberg's April 15 request specified that he wants the results of any ballistics tests performed in connection with the investigation into Dr. King's assassination. Yet you restated his request in a manner which excludes all ballistics tests except those performed on the bullet removed from Dr. King and the rifle placed at the scene of the crime. However, as his request clearly states, Mr. Weisberg wants all ballistics tests and reports, not just those performed on the murder bullet and the rifle placed at the scene.

In response to Mr. Weisberg's request for the ballistics evidence, you provided him with three distorted color photographs of the bullet removed from Dr. King. Mr. Weisberg wants all photographs taken for ballistics purposes, including all photographs taken with the aid of a comparison microscope and all blowups of any photograph.

With respect to Mr. Weisberg's request for all photographs taken at the scene of the crime, Mr. Weisberg defines this term broadly to include all of the buildings and areas in the immediate vicinity of the crime site. It would include, for example, photographs taken of or at the Lorraine Motel, Canipe's Amusement Center, the parking lot, the fire station, the rooming house at 418 1/2 to 422 1/2 S. Main Street, and any areas in between or adjacent thereto. It also includes photographs of the interior of any of these buildings and of any objects found in them.

When I spoke with Mr. Volney Brown two or three months ago, he said that the Department would have no objection to a procedure which would allow Mr. Weisberg to examine these photographs first, then

ENCLOSURE 44-38861-6105

select which ones, if any, he wishes to have copied for him. This, of course, will save everybody time and money.

I would appreciate it if this examination of the King assassination materials could be arranged for the earliest possible mutually convenient date. Mr. Weisberg is suffering from a serious case of phlebitis and no longer travels to Washington as frequently as he did in the past. This is why I phoned Mr. Wiseman on December 22nd to ask if he could arrange for Mr. Weisberg to view the photographs of the scene of the crime and the excluded ballistics materials on the afternoon of December 23rd when Mr. Weisberg was coming to D.C. for a medical appointment. Mr. Wiseman informed me, however, that the FBI agent responsible for assembling the King assassination documents had told him that it would not possible to reassemble them in time for Mr. Weisberg's visit the following afternoon. Hopefully, Mr. Weisberg's examination of these materials can be arranged to coincide with his next trip to D.C.

With respect to the ballistics materials sought by Mr. Weisberg, he has asked me to inform you that as of this date he has still not received the results of the ballistics comparisons which the FBI did perform. He further states that, notwithstanding Mr. Shea's letter of December 23, 1975, what has been provided him of the spectrographic and neutron activation analyses is incomplete and does not meet the normal standards for such tests.

You state that the photographs and sketches of suspects in the assassination of Dr. King portray only James Earl Ray "as there never were any other suspects in the case." If you are not already aware of it, I think you should be informed that on April 17, 1968, FBI Special Agent Joseph H. Gamble filed a conspiracy complaint with the U.S. Commissioner in Birmingham, Alabama. If, as you say, there never were any other suspects in the case, doesn't this constitute abuse of process?

I should also inform you that Mr. Weisberg and I have seen a sketch of at least one other suspect in the murder of Dr. King. In view of this, I suggest that you have the FBI make a further check of its files to see if it cannot find additional photographs and sketches of suspects in the assassination of Dr. King.

In reply to Mr. Weisberg's request for "all information, documents, or reports made available to any author or writer," you state that no information, documents, or reports made available to any author or writer "can be identified as such in our records." Assuming this to be true, it still dodges the issue by the use of semantics. As I indicated to Mr. Volney Brown when we spoke about this a couple of months ago, I think it is relatively simple for you

to ascertain what materials are included within this request if you will just make a few inquiries of the appropriate authors, writers, and FBI officials.

The alternative, of course, is to proceed to take depositions and testimony from these officials and writers and let the district court determine the matter. I think this is unnecessary, since the fact that FBI materials were made available to writers and authors is incontestible. I note, for example, that in his book The Strange Case of James Earl Ray, Clay Blair, Jr. thanks the FBI for its assistance. In addition, Mr. Weisberg informs me that some of the writers listed in his information request have copies of such evidence as the autopsy photographs which have been denied James Earl Ray's defense and that they have flashed FBI reports on the King assassination in order to impress people. Moreover, one of the writers mentioned in Mr. Weisberg's request has obtained copies of the bank records of Ray's sister, Carol Pepper.

In closing, let me apologize for the delay in responding to your letter. I work entirely alone. I have no secretary or law clerk to assist me and must of necessity do my own typing and filing. Recently I have been very pressed for time and this accounts for the delay. However, Mr. Weisberg did write both you and Attorney General Levi about these and other matters soon after he received a copy of your letter and I trust you paid him close attention.

Sincerely yours,

Jim Lesar

Jim Lesar

cc: Attorney General Edward H. Levi
FBI Director Clarence Kelley
FBI Special Agent Thomas Wiseman

Team 10

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

February 23, 1976

Mr. Thomas Wiseman
Information and Privacy Unit
Federal Bureau of Investigation
Washington, D. C. 20537

Dear Mr. Wiseman:

On December 22, 1975, I phoned to ask if you could arrange for Mr. Harold Weisberg to view the photographs of the scene of Dr. King's murder and the ballistics materials he had requested the following afternoon, December 23rd, when he was coming to D.C. for a medical appointment. You told me that the FBI agent responsible for assembling the King assassination documents said that it would not be possible to reassemble them in time for Mr. Weisberg to see them on December 23rd. This was the only reason given for his not being able to inspect these records on that date.

Subsequently, on December 29, 1975, I wrote Deputy Attorney General Harold Tyler a letter in which I expressed the hope that Mr. Weisberg's examination of the requested materials could be arranged to coincide with his next trip to D.C. because he suffers from a serious case of phlebitis which makes it inadvisible for him to travel frequently. Copies of this letter were sent to you and FBI Director Clarence Kelley. I received no response.

After the calendar call on February 5, 1976, Mr. Weisberg and I met briefly with Assistant United States Attorney John Dugan and sought to enlist his good offices in arranging for Mr. Weisberg's inspection of your records to coincide with his next trip to D.C.

Today I called to ask that you arrange for Mr. Weisberg to examine these materials when he comes to Washington this Thursday, February 26th. However, you called to my attention a statement in Mr. Tyler's December 1, 1975, letter to me which required that Mr. Weisberg agree to pay the "reproduction and special search costs" if he wanted the photographs which he had in fact requested. You said, correctly, that Mr. Weisberg had not written you agreeing to pay these costs.

Shortly afterwards, Mr. Dugan called. He told me that you would not institute the "search" for these photographs until you received Mr. Weisberg's written agreement to pay the search costs. He also informed me that you could not have the requested materials ready by this Thursday.

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