

Birmingham, Alabama  
October 10, 1975

44-1740

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

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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.

3 - Bureau (44-38861)  
1 - Memphis (44-1987)  
① - Birmingham (44-1740)

LPB:hss

(5) *has*  
*LM*

44-1740-2224

*Ja J*

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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 15, 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 defence.

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

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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:

047

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 SUIT NO. 1000  
NORTHERN DISTRICT OF ALABAMA

R. MACEY TAYLOR

DEC 3 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 2<sup>nd</sup> 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. J. 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 55 PM '68  
NORTHERN DISTRICT OF ALABAMA  
BIRMINGHAM, ALA.

Commissioner's Docket No. 3

Case No. 86

UNITED STATES OF AMERICA

v

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, 19 68.

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

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

## RETURN

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

Date

, 19

Johnny M. Towns, U.S. Marhsle  
Northern District of Alabama  
By Bobbi Elmsmann, Deputy

10/10/75

AIRTEL

AIRMAIL - REGISTERED

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.

2 - Bureau (Encls. 3)  
2 - Memphis (44-1987)(Enc. 1)  
1 - Birmingham

LFB:hss

(5)

*Rob*  
*all*  
(Don't destroy)

*Brannon LFB*

44-1740-2225  
*Jo Jo*

(Mount Clipping in Space Below)

# Was reputation of FBI risked?

United Press International

WASHINGTON — Former Atty. Gen. Nicholas Katzenbach testified Wednesday that J. Edgar Hoover risked the reputation of the FBI — “his life’s work” — in a vendetta against Dr. Martin Luther King Jr.

Katzenbach told the Senate intelligence committee that when he was attorney general during 1965-66 he knew of telephone wiretaps against King by the FBI and once ordered a tap on King’s home phone ended.

But he said he learned later the FBI put electronic “bugs” in King’s hotel room without authorization and used other “unlawful and grossly improper” tactics against King.

The committee, investigating FBI harassment of King which allegedly continued for seven years until King was assassinated April 4, 1968, also was told Attorney General Robert F. Kennedy authorized telephone taps against King after Hoover insisted King was under Communist influence.

When questioned about three memos to him written by Hoover in 1965, giving what Katzenbach called “after-the-fact” notification of bugs in King’s hotel room, he said the memos contained initials “that appear to be mine” — but he said he could not recall the memos, and said he did not think he initialed them.

There was no explanation as to who else might have initialed the memos.

Katzenbach said Hoover held “conservative views” and as he “grew older and the country changed — for the worse, in his view — the intensity of those feelings and the frustrations at what was taking place grew.”

King criticized Hoover and the FBI, Katzenbach said, and Hoover’s “capitulation to personal pique stemming from public criticism of the FBI was particularly reprehensible and clearly contrary to the interests of Presidents Kennedy and Johnson, constitutional government and the nation.”

He drew a picture of Hoover: “National hero ... historical accident ... served too long ... overwhelming political power and political autonomy.”

But he said: “I would not have expected him to risk the bureau’s reputation — his life’s work — by resorting to unlawful or improper tactics.”

“His vendetta against Dr. King, if successful, could have led to a civil strife of frightening magnitude.”

Also testifying was Ramsey Clark who gave no specifics about what he may have known when he was attorney general in 1967-69, but said the FBI was trying “to destroy the desperately needed moral leadership of Martin Luther King.”

(Indicate page, name of newspaper, city and state.)

A-14

BIRMINGHAM POST-HERALD  
BIRMINGHAM, ALA.

Date: 12/14/75

Edition: FINAL

Author:

Editor: DUARD LE GRAND

Title: DR. MARTIN LUTHER  
KING, JR. *100-4896\**

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

*44-1740-2226*

SEARCHED <i>✓</i>	INDEXED <i>✓</i>
SERIALIZED <i>✓</i>	FILED <i>✓</i>
DEC 14 1975	
FBI - BIRMINGHAM	

*clb*

Birmingham, Alabama  
December 12, 1975

44-1740

**ASSASSINATION OF  
DR. MARTIN LUTHER KING, JR.  
CIVIL RIGHTS**

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On December 10, 1975, BH T-1, who has furnished insufficient information to establish his reliability, advised as follows:

Source furnished information regarding the assassination of Dr. Martin Luther King, Jr. He does not know whether this information is reliable or not but he first heard it several weeks before King was killed. He got this information from an individual named Dr. Prosch (phonetic). He said that Prosch showed him a rifle which Prosch had in the trunk of his car and told him the gun was to be used in a "big killing". Prosch said that the rifle was obtained from Aeromarine Company, Birmingham.

BH T-1 advised that after the assassination when Prosch was drinking, Prosch told source that King's assassination had been set up by King's associates, namely Dr. Abernathy, and that Prosch's job was to obtain the weapon to be used in the murder. Prosch told source that James Earl Ray was only a decoy in the murder. Prosch advised that the man responsible for lining up the killer(s) of King was Frank LaBerto (phonetic), an underworld figure in New Orleans, Louisiana and a friend of Prosch. LaBerto allegedly received \$265,000.00 for arranging King's murder and went to Detroit the day King was killed. LaBerto runs a truck stop in New Orleans named The Lake Pontchartrain Restaurant. Dr. Prosch used to formerly spend a lot of time at the Gulas Restaurant on Highway 78 East, Birmingham and that after James Earl Ray's picture was published in the newspaper, source said that he recognized Ray as an individual who use to meet Prosch at the Gulas Restaurant a couple of weeks before King was murdered.

4-Bureau  
1-USA, BH  
1 - New Orleans  
1-Detroit  
1-B'ham  
(44-1740)

CBS:blc

(8) *blc*

*44-1740-2227*

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SEARCHED \_\_\_\_\_ INDEXED \_\_\_\_\_  
SERIALIZED \_\_\_\_\_ FILED \_\_\_\_\_

*Stan Dery* *CHN*

ASSASSINATION OF  
DR. MARTIN LUTHER KING, JR.

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BH T-1 advised Prosch was a "gun nut" and that he has been convicted by Federal authorities on a firearms violation.

BH T-1 advised that he has not told anyone about this before because he did not think that any law enforcement agency would "touch" it.

It is noted that the "Birmingham News" for April 22, 1971 carried an article captioned, "Dr. Prosch indicted on gun charges". This article stated that Dr. Gus Joseph Prosch, Jr. was indicted by a Federal Grand Jury in Birmingham on three counts of Federal gun control violations. He was arrested at his home and charged with unregistered weapons and was released on \$10,000.00 bond.

On March 10, 1971, Gus Joseph Prosch, Jr. was sentenced in Federal Court in Birmingham to five years in custody of the Attorney General for illegal possession of unregistered firearms. He was also sentenced to two other five year terms to run concurrently with the first count.

12/12/75

AIRTEL

AIRMAIL

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, BIRMINGHAM (44-1740) (C)

MURKIN

Enclosed for the Bureau are the original and three copies of an LHM containing information received from a confidential source of the Birmingham Office relating to the assassination of Dr. MARTIN LUTHER KING, JR.

One copy of this LHM is being disseminated locally to the U. S. Attorney, Birmingham.

INFORMANTS

Identity of Source

File Where Located

BH T-1 is BH 1079-PCI

BH 137-2089

This informant was contacted on 4/18/74 and he said he would be willing to assist this Bureau on a confidential basis concerning violation of Federal and/or local laws that might come to this attention. It is noted that he has an extensive criminal record and is known to associate with much of the criminal element in the Birmingham area.

- 2 - Bureau (Enc. 4) (RM)
- 1 - Detroit (Enc. 1) (info) (RM)
- 1 - New Orleans (Enc. 1) (info) (RM)
- 1 - Birmingham

CBS:hkc

(5) *abc*

*all*

44-1740-2228 *Stanbery* *CRW*

SEARCHED \_\_\_\_\_ INDEXED \_\_\_\_\_  
SERIALIZED \_\_\_\_\_ FILED \_\_\_\_\_

BH 44-1740

In August, 1974, it was noted that this source had been contacted at least once each 30 days since April, 1974 and failed to furnish any information of value. SA MICHAEL R. HARTMAN noted at that time that it appeared that source had been attempting to gain information concerning current FBI investigations rather than furnishing information. Due to this fact, the informant's case was closed.

This informant's file was reopened recently when he was contacted in a routine investigation. He said that his son was currently under arrest for selling drugs and in connection with this, source said he would like to help his son in any way he could be providing information to the Federal Government. Since then, he has given some reliable information. This source has a criminal record and has been characterized by SA RALPH E. BUTLER, who had an 87 case against source in which he was prosecuted, as a "pathological liar".

UNITED STATES GOVERNMENT

## Memorandum

TO : SAC BIRHAM (137-2089)(P)

DATE: 12-10-75

FROM : SA Donald D. Grogan

SUBJECT: DM - 1079 - PCI

Dates of Contact 12-1-75	
File #s on which contacted (Use Titles if File #s not available or when CI provides positive information) 44-1740 Murkin	
Purpose and results of contact <input type="checkbox"/> NEGATIVE <input checked="" type="checkbox"/> POSITIVE <input type="checkbox"/> STATISTIC PCI advised that he has info re Martin Luther King assassination. He advised that he does not know if this information is reliable but he first heard this several weeks before King was killed from an individual named D. Prosch (ph). PCI stated that Prosch showed him a rifle Prosch had in the trunk of his car and told him the gun was to be used in a "big killing." Prosch told him the rifle had come from Aeromarine in BIRHAM. PCI advised that after the assassination, when Prosch was drinking, Prosch told him that King's	
<input type="checkbox"/> POSITIVE ASSIGNMENT GIVEN Has informant shown any indication of emotional instability, unreliability or furnishing false information? <u>no</u>	
<input checked="" type="checkbox"/> Informant certified that he has furnished all information obtained by him since last contact, including information concerning narcotics.	Coverage
PERSONAL DATA	SEARCHED SERIALIZED DEC 11 1975 FBI - BIRMINGHAM

B- 44-1740

1- 137-2089

1- 137-575-551

#4

44-1740-2229



assassination had been set up by King's associates, namely Dr. Abernathy, and that Prosch's job was to obtain the weapon to be used in the murder. Prosch advised PCI that James Earl Ray was only a decoy in the murder. Prosch advised PCI that the man responsible for lining up the killer(s) of King was Frank LaBarto, an underworld figure in New Orleans and a friend of Prosch. LaBarto allegedly received \$265,000 for arranging King's murder, and went to Detroit the day King was killed. PCI advised that LaBarto runs a truck stop in New Orleans named the Lake Pontchartrain restaurant. PCI advised that Dr. Prosch used to spend a lot of time at Gulas restaurant on 78 East and that after James Ray's picture was published in the paper, PCI stated that he recognized Ray as an individual who used to meet Prosch at Gulas Restaurant a couple of weeks before King was murdered. PCI advised that Prosch was a "gun nut," and that he had been federally convicted on a firearms violation.

PCI advised that he had not told anyone about this before because he didn't think any law enforcement agency would touch it.

**Indices Search Slip**  
FD-160 (Rev. 3-23-71)

TO: CHIEF CLERK

12/10/75

Martin Luther King, Jr.

Social Security Account #

### Aliases

Address

Birth Date

Birthplace

Race
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Sex	
-----	--

☐ Male  
☐ Female☐ Exact Spelling

☐ All References

☐ Main Subversive Case Files Only

☐ Subversive References Only

☐ Main Criminal Case Files Only

☐ Criminal References Only

☐ Main Subversive (If no Main, list all Subversive References)

☐ Main Criminal (If no Main, list all Criminal References)

☐ Restrict to Locality of[illegible]

Requested by

Squad	
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Extension
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File No.
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Searched by

12-10-25  
(date)

Consolidated by

(date)

Reviewed by

(date)

### File Review Symbols

I - Identical  
NI - Not identical

? - Not identifiable  
U - Unavailable reference

☆ GPO : 1971—O-423-290

44-1740-2230

SEARCHED	INDEXED
SERIALIZED	FILED

JUL 1964

FBI - WASHINGTON

100

**Indices Search Slip**  
FD-160 (Rev. 3-23-71)

TO: CHIEF CLERK

12/10/75

Subject Communist Influence in Racial

Social Security Account #

Aliases Watters

Sex	
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☐ Male  
☐ Female

☐ Exact Spelling

☐ All References

<input type="checkbox"/>	Main Subversive Case Files Only
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☐ Subversive References Only

☐ Main Criminal Case Files Only

Criminal References Only

	Main Subversive (If no Main, list all Subversive References)
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☐ Main Criminal (If no Main, list all Criminal References)

☐ Restrict to Locality of

Remarks

100-5150\*

File No.
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12-10-75  
(date)

(date)

(date)

I - Identical  
NI - Not identical

U - Unavailable reference

SEARCHED INDEXED  
SERIALIZED FILED  
FBI — BIRMINGHAM

**Indices Search Slip**  
FD-160 (Rev. 3-23-71)

TO: CHIEF CLERK	Date 12/10/75
Subject Martin Luther King Jr.	Social Security Account #
Aliases	

Address	Birth Date	Birthplace	Race	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
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<input type="checkbox"/> Exact Spelling	<input type="checkbox"/> Main Criminal Case Files Only	<input type="checkbox"/> Restrict to Locality of _____
<input type="checkbox"/> All References	<input type="checkbox"/> Criminal References Only	
<input type="checkbox"/> Main Subversive Case Files Only	<input type="checkbox"/> Main Subversive (If no Main, list all Subversive References)	
<input type="checkbox"/> Subversive References Only	<input type="checkbox"/> Main Criminal (If no Main, list all Criminal References)	

[illegible]

Requested by	Squad	Extension	File No.
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Searched by AK 12-10-25  
(date)

Consolidated by \_\_\_\_\_  
(date)

Reviewed by \_\_\_\_\_  
(date) \_\_\_\_\_

### File Review Symbols

I - Identical                      ? - Not identifiable  
NI - Not identical                U - Unavailable reference      ☆ GPO: 1971-O-423-290

44-1740-2232

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 1964	
FBI - BIRMINGHAM	

LFB

**Indices Search Slip**  
FD-160 (Rev. 3-23-71)

TO: CHIEF CLERK

Subject

Alberta Williams King

Date \_\_\_\_\_

12-10-75

Social Security Account #

## Aliases

Address

Birth Date

Birthplace

Race	
------	--

Sex	
-----	--

☐ Male☐ Female☐ Exact Spelling

## All References

☐ Main Subversive Case Files Only

☐ Subversive References Only

☐ Main Criminal Case Files Only

☐ Criminal References Only

☐ Main Subversive (If no Main, list all Subversive References)

☐ Main Criminal (If no Main, list all Criminal References)

☐ Restrict to Locality of

File &amp; Serial Number

Remarks

File &amp; Serial Number

Remarks

Requested by

Squad	
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Extension	
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File No.
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Searched by

12-10-75  
(date)

Consolidated by

(date)

Reviewed by

(date)

### File Review Symbols

I - Identical

? - Not identifiable

NI - Not identical

U - Unavailable reference

☆ GPO : 1971—O-423-290

SEARCHED INDEXED  
SERIALIZED FILED  
FBI — BIRMINGHAM

2025 RELEASE UNDER E.O. 14176

**Indices Search Slip**  
FD-160 (Rev. 3-23-71)

TO: CHIEF CLERK

Date

12-10-75

Subject

Parkin

Social Security Account #

## Aliases

Address

Birth Date

Birthplace	
------------	--

Race	
------	--

Sex	
-----	--

☐ Male  
☐ Female☐ Exact Spelling

☐ All References

Main Subversive Case Files Only

☐ Subversive References Only

☐ Main Criminal Case Files Only

☐ Criminal References Only

☐ Main Subversive (If no Main, list all Subversive References)

☐ Main Criminal (If no Main, list all Criminal References)

☐ Restrict to Locality of

File &amp; Serial Number

Remarks

File &amp; Serial Number

Remarks

44-1740\*

Requested by

Squad	
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Extension	
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File No.	
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Searched by

12-18-25  
(date)

Consolidated by

(date)

Reviewed by

(date)

### File Review Symbols

I - Identical

? - Not identifiable

NI - Not identical

U - Unavailable reference

☆ GPO : 1971—O-423-290

SEARCHED INDEXED  
SERIALIZED FILED  
JUN 1 1975  
FBI—BIRMINGHAM

12/16/75

AIRTEL

AIRMAIL

TO: DIRECTOR, FBI (44-38861)  
FROM: SAC, NEW ORLEANS (157-10673) (RUC)  
MURKIN

Re Birmingham airtel to the Bureau, 12/12/75.

For information of Memphis, referenced airtel and LHM furnished information from a Birmingham source, with whom insufficient information has been received to establish reliability, that indicated that MARTIN LUTHER KING's assassination was "lined up" by FRANK LABERTO (phonetic), an underworld figure in New Orleans.

FRANK LABERTO's connection in this matter was previously explored. Memphis airtel to New Orleans, 4/20/68, enclosed information received on 4/8/68, from JOHN MC FERREN, a Negro male, residing at Route 4, Box 133A, Somerville, Tennessee. On 4/4/68, MC FERREN picked up supplies for his grocery store at LLSL Produce Company, 814 Scott St., Memphis, Tennessee. While there, MC FERREN overheard a white male on the telephone say, "Kill the SOB on the balcony and get the job done. You will get your \$5,000." That person later said on the phone, "Don't come here. Go to New Orleans and get your money. You know my brother."

LLSL Produce Company was found to be operated by JAMES WILLIAM LATCH and FRANK CANILLA LIBERTO. FRANK LIBERTO had a brother, TONY, in New Orleans.

2 - Bureau  
② - Birmingham (44-1740)  
1 - Detroit (Info)  
1 - Memphis (Info)  
1 - New Orleans  
CHA:pd  
(7)

44-1740-2235

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 19 1975	
FBI - BIRMINGHAM	

*Stanberry* *CRB*

NO 157-10673

CHA:pd

Both LATCH and FRANK LIBERTO were interviewed by Memphis on 4/19/68, wherein both emphatically denied any knowledge of the identify of the individual responsible for KING's death. They both failed to identify photograph of JAMES EARL RAY. Both denied receiving any telephone call on 4/4/68.

There is no Pontchartrain Restaurant in New Orleans. New Orleans telephone and city directories, New Orleans PD arrest records, and computerized drivers' licenses for the State of Louisiana operated by the Louisiana State Police, all failed to reflect the name FRANK LIBERTO.

New Orleans is not undertaking any further investigation in this matter, UACB.



12/16/75

**AIRTEL**

**AIRMAIL**

**TO: DIRECTOR, FBI (44-38861)**  
**FROM: SAC, NEW ORLEANS (157-10673) (RUC)**  
**MURKIN**

**Re Birmingham airtel to the Bureau, 12/12/75.**

For information of Memphis, referenced airtel and LHM furnished information from a Birmingham source, with whom insufficient information has been received to establish reliability, that indicated that MARTIN LUTHER KING's assassination was "lined up" by FRANK LABERTO (phonetic), an underworld figure in New Orleans.

FRANK LABERTO's connection in this matter was previously explored. Memphis airtel to New Orleans, 4/20/68, enclosed information received on 4/8/68, from JOHN MC FERREN, a Negro male, residing at Route 4, Box 132A, Somerville, Tennessee. On 4/4/68, MC FERREN picked up supplies for his grocery store at L&L Produce Company, 814 Scott St., Memphis, Tennessee. While there, MC FERREN overheard a white male on the telephone say, "Kill the SOB on the balcony and get the job done. You will get your \$5,000." That person later said on the phone, "Don't come here. Go to New Orleans and get your money. You know my brother."

L&L Produce Company was found to be operated by JAMES WILLIAM LATCH and FRANK CAMILLA LIBERTO. FRANK LIBERTO had a brother, TONY, in New Orleans.

2 - Bureau  
② - Birmingham (44-1740)  
1 - Detroit (Info)  
1 - Memphis (Info)  
1 - New Orleans  
CHA:pd  
(7)

44-1740-2235

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 19 1975	
FBI - BIRMINGHAM	

K13

NO 157-10873

CHA:pd

Both LATCH and FRANK LIBERTO were interviewed by Memphis on 4/19/68, wherein both emphatically denied any knowledge of the identity of the individual responsible for KING's death. They both failed to identify photograph of JAMES EARL RAY. Both denied receiving any telephone call on 4/4/68.

There is no Pentechartrain Restaurant in New Orleans. New Orleans telephone and city directories, New Orleans PD arrest records, and computerized drivers' licenses for the State of Louisiana operated by the Louisiana State Police, all failed to reflect the name FRANK LIBERTO.

New Orleans is not undertaking any further investigation in this matter, UACB.

F B I

Date: 12/3/76

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

TELETYPE

PRIORITY

Via \_\_\_\_\_  
(Precedence)

FM BIRMINGHAM (44-1740) (C)  
TO DIRECTOR (44-38861) PRIORITY  
MEMPHIS (44-1987) PRIORITY

BT

E F T O

MURKIN

FRANK WINSETT (PROTECT), WHITE MALE, AGE 26, WHOSE RELIABILITY IS UNKNOWN, VISITED BIRMINGHAM OFFICE DECEMBER 3, 1976, AND EXPRESSED DESIRE TO FURNISH INFORMATION HELPFUL TO A RECENT BIRMINGHAM DIVISION BANK ROBBERY. HIS INFORMATION WAS NON-SPECIFIC AND THE BANK ROBBERY HAD BEEN SOLVED. HE ADVISED HE WAS A ONE-TIME UNSUCCESSFUL BUREAU APPLICANT-CLERK, AND DISCUSSED SOME LOCAL CRIMINAL CHARACTERS AND GAMBLERS GENERALLY, CLAIMING TO BE KNOWLEDGEABLE REGARDING SOME CRIMINAL PERSONALITIES.

HE THEN ADVISED HIS REAL REASON FOR COMING TO THE OFFICE WAS TO FURNISH THE FOLLOWING REGARDING THE MARTIN LUTHER KING, JR., ASSASSINATION.

A FRIEND, A WHITE MALE, WHOM HE WOULD NOT IDENTIFY, HAS

PJM/bsg  
*bsg*

Approved: \_\_\_\_\_

*K/ARF*  
Special Agent in Charge

Sent \_\_\_\_\_

*Dis 5<sup>51</sup>*  
*ME 6<sup>23</sup>*

P M

Per \_\_\_\_\_

GPO : 1975 O - 590-992

F B I

Date:

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via \_\_\_\_\_  
(Precedence)

PAGE TWO BH 44-1740 E F T O

INFORMATION THAT WILL OPEN WIDE THE MURKIN INVESTIGATION, AND THIS FRIEND IS IN CONTACT WITH A COMMITTEE OF THE UNITED STATES SENATE, FURNISHING INFORMATION REGARDING INDIVIDUALS KNOWN TO HIM WHO WERE INVOLVED. THIS INFORMATION SHOULD COME OUT (BE MADE PUBLIC) TO THE FBI AND TO THE PUBLIC IN THE NEXT WEEK. WINSETT CONVINCED HIS FRIEND, AFTER A LENGTHY DISCUSSION, THAT HE HAD NO CHOICE BUT REVEAL HIS KNOWLEDGE REGARDING THIS MATTER. THE FRIEND DID NOT AND WOULD NOT BRING THIS INFORMATION TO THE FBI BECAUSE OF A PAST CONVICTION IN AN FBI CASE (NATURE OF CRIME NOT SPECIFIED) IN WHICH THE FRIEND TOOK HIS CASE TO THE APPEALS COURT IN NEW ORLEANS AND HAD HIS CONVICTION OVERTURNED. THE COST TO HIS FRIEND WAS SUCH THAT HE WOULD NOT COME TO THE FBI WITH HIS INFORMATION.

THE FRIEND DISCUSSED THIS MATTER WITH AN UNNAMED FRIEND EMPLOYED BY THE U. S. SECRET SERVICE AND THEN DECIDED TO TAKE HIS INFORMATION TO THE U. S. SENATE.

WINSETT WAS THE SUBJECT OF A BUAP - CLERK CASE IN BIRMINGHAM IN 1967 UNDER THE NAME FRANKIE SIDNEY WINSETT, DOB   , AND HE WAS NOT RECOMMENDED FOR EMPLOYMENT BECAUSE HIS FAMILY DOCTOR DESCRIBED HIM AS "EMOTIONALLY UNSTABLE".

BIRMINGHAM CONDUCTING NO FURTHER INVESTIGATION UACB.

BT.

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent in Charge

GPO : 1975 O - 590-992

BH0700 3382351

PP HQ ME

DE BH

P 032332Z DEC 76

FM BIRMINGHAM (44-1740) (C)

TO DIRECTOR (44-38861) PRIORITY

MEMPHIS (44-1987) PRIORITY

BT

E F T O

MURKIN

FRANK WINSETT (PROTECT), WHITE MALE, AGE 26, WHOSE RELIABILITY IS UNKNOWN, VISITED BIRMINGHAM OFFICE DECEMBER 3, 1976, AND EXPRESSED DESIRE TO FURNISH INFORMATION HELPFUL TO A RECENT BIRMINGHAM DIVISION BANK ROBBERY. HIS INFORMATION WAS NON-SPECIFIC AND THE BANK ROBBERY HAD BEEN SOLVED. HE ADVISED HE WAS A ONE-TIME UNSUCCESSFUL BUREAU APPLICANT-CLERK, AND DISCUSSED SOME LOCAL CRIMINAL CHARACTERS AND GAMBLERS GENERALLY, CLAIMING TO BE KNOWLEDGEABLE REGARDING SOME CRIMINAL PERSONALITIES.

HE THEN ADVISED HIS REAL REASON FOR COMING TO THE OFFICE WAS TO FURNISH THE FOLLOWING REGARDING THE MARTIN LUTHER KING, JR., ASSASSINATION.

A FRIEND, A WHITE MALE, WHOM HE WOULD NOT IDENTIFY, HAS

44-1740-2236  
EA  
SERIAL  
*[Signature]*

PAGE TWO BH 44-1740 E F T O

INFORMATION THAT WILL OPEN WIDE THE MURKIN INVESTIGATION, AND THIS FRIEND IS IN CONTACT WITH A COMMITTEE OF THE UNITED STATES SENATE, FURNISHING INFORMATION REGARDING INDIVIDUALS KNOWN TO HIM WHO WERE INVOLVED. THIS INFORMATION SHOULD COME OUT (BE MADE PUBLIC) TO THE FBI AND TO THE PUBLIC IN THE NEXT WEEK. WINSETT CONVINCED HIS FRIEND, AFTER A LENGTHY DISCUSSION, THAT HE HAD NO CHOICE BUT REVEAL HIS KNOWLEDGE REGARDING THIS MATTER. THE FRIEND DID NOT AND WOULD NOT BRING THIS INFORMATION TO THE FBI BECAUSE OF A PAST CONVICTION IN AN FBI CASE (NATURE OF CRIME NOT SPECIFIED) IN WHICH THE FRIEND TOOK HIS CASE TO THE APPEALS COURT IN NEW ORLEANS AND HAD HIS CONVICTION OVERTURNED. THE COST TO HIS FRIEND WAS SUCH THAT HE WOULD NOT COME TO THE FBI WITH HIS INFORMATION.

THE FRIEND DISCUSSED THIS MATTER WITH AN UNNAMED FRIEND EMPLOYED BY THE U. S. SECRET SERVICE AND THEN DECIDED TO TAKE HIS INFORMATION TO THE U. S. SENATE.

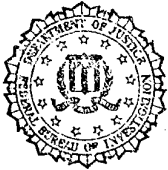
WINSETT WAS THE SUBJECT OF A SUAP - CLERK CASE IN BIRMINGHAM IN 1967 UNDER THE NAME FRANKIE SIDNEY WINSETT, DOB , AND HE WAS NOT RECOMMENDED FOR EMPLOYMENT

PAGE THREE BH 44-1740 E F T O

BECAUSE HIS FAMILY DOCTOR DESCRIBED HIM AS "EMOTIONALLY  
UNSTABLE".

BIRMINGHAM CONDUCTING NO FURTHER INVESTIGATION UACB.

BT.



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Birmingham, Alabama

December 15, 1976

In Reply, Please Refer to  
File No.

RE: ASSASSINATION OF DR. MARTIN  
LUTHER KING, JR.,  
CIVIL RIGHTS

On December 14, 1976, BH T-1, who has furnished insufficient information to establish his reliability, furnished the following information:

Source met Dr. Gus Prosch, M.D., for the first time in late 1967 or possibly January, 1968, at Gulas' Restaurant and Lounge on Highway 78 East, Birmingham, Alabama. Prosch had just moved to Birmingham from northern Alabama, possibly Albertville, and was "down and out and bitter" since his wife had run off with another man and he had suffered financial reverses. Prosch and the source became regular drinking partners at Gulas' and on occasions the source loaned Prosch money, perhaps \$20 at a time. At this time, Prosch did not want people to know his identity, probably since he was a doctor, and he used the name John Willard and often introduced himself to people at Gulas' as John Willard. In early 1968 Prosch was setting up a medical practice in Birmingham.

In approximately February, 1968, at Gulas', Prosch introduced a friend of his to the source and this man's name was Frank Liberto (Phonetic). The source saw Frank Liberto at Gulas' with Prosch in February or March, 1968, usually on a weekend, as many as six or seven times. He described Frank Liberto (Phonetic) as a white male, in his late thirties, or early forties at the time, six feet tall, 190 pounds, dark complexioned, with a full head of black hair and dark eyes. Liberto was well built, well dressed, and a nice looking man. The source learned that Liberto owned an unnamed truck stop on Lake Pontchartrain in New Orleans and Prosch described him to the source as the head of the Greek Mafia in New Orleans.

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.

44-1710-2237  
SEARCHED INDEXED  
SERIALIZED FILED



ASSASSINATION OF DR. MARTIN  
LUTHER KING, JR.,  
CIVIL RIGHTS

Source never saw Liberto drive an automobile and did not know if he came to Birmingham in a car or by plane. On most occasions, when he saw Liberto with Prosch at Gulas', Liberto had one or two male companions in his company. His impression was that Liberto's companions were body guards and/or underlings.

At sometime in February, 1968, Prosch started showing affluence and definitely had money. Prosch was intensely interested in guns of all kinds and always had pistols on his person. The source believed that Prosch and Liberto had some kind of a gun deal in operation.

On or about March 15, 1968, the source was at Gulas' Restaurant with Prosch and Liberto. Looking out the window to the parking lot he observed a grey colored car park and a black man came from the car to the restaurant. He recognized this individual as the Rev. (First Name Unknown) Shuttleworth, a black male, personally known to the source at the time, as very active in civil rights matters at the time. Rev. Shuttleworth sent a message into the restaurant and Dr. Prosch and Frank Liberto left the restaurant and went out to the car that Rev. Shuttleworth had returned to. Prosch and Liberto got into the back of this car and Shuttleworth was in the front along with another black male whom the source recognized as Dr. Ralph Abernathy, who was also well known to the source. These four men sat in the car for a period of approximately one hour and during this time the source, at a corner booth in Gulas', observed them through the window. Prosch and Liberto returned to the restaurant and the car with Shuttleworth and Abernathy drove off. Prosch and Liberto said nothing regarding this meeting and the source wondered but did not ask any questions.

Shortly after this meeting, possibly a week later, Dr. Prosch came to Gulas' with another white male and introduced this individual to the source as Mr. Gault. The source could not remember the first name used. He described Gault as a white male, in his 30's, approximately 5'10", 160 pounds, neat in appearance (work clothes) and respectable. On this occasion Prosch, Liberto and Gault had a private conversation.

ASSASSINATION OF DR. MARTIN  
LUTHER KING, JR.,  
CIVIL RIGHTS

When the conversation broke up, Gault left Gulas' Restaurant and Prosch and Liberto stayed on and continued drinking. They made no comment whatever regarding their conversation with Gault. The source later came to know, from the newspapers and publicity, that the man introduced to him as Gault was James Earl Ray, and the source saw Gault on two occasions only in Birmingham.

Approximately one week later the source again observed a meeting between Dr. Prosch and Frank Liberto on the one hand and Dr. Abernathy and Rev. Shuttleworth on the other. The meeting took place at the same location, the parking lot of Gulas' Restaurant, and these four men sat in the same car for a period probably in excess of one hour. The black men left in their car and Prosch and Liberto returned to the restaurant but said nothing regarding the meeting.

A few nights later, again at Gulas' Restaurant, probably very late in March, 1968, Liberto was at Gulas' Restaurant when Dr. Prosch brought Gault to the restaurant for the second time. These three had a private conversation and Gault left the restaurant by himself. Nothing was said by Prosch or Liberto regarding this conversation. Source believes this was the last occasion that he saw Frank Liberto in Birmingham, Alabama.

On April 3, 1968, the source met Dr. Prosch at the bar in Gulas' at about 4:15 P.M. Prosch had been drinking quite a bit and the source had a drink. Prosch then took the source for a ride in his new car, a red Cadillac convertible with a white top. Prosch drove him around some and they went to the Aeromarine Company at the Birmingham Airport. Prosch went into Aeromarine leaving the source in the car. After ten minutes, he came out with a wooden crate approximately four feet by ten inches by eight inches, and put it in the trunk of the Cadillac. They drove back to Gulas' Restaurant and parked the car on the lot.

When they got out of the car, Prosch took the source to the rear of his car and told him he wanted to show him something. He opened the trunk and pried the top off the wooden box which contained a rifle. He talked about the rifle

ASSASSINATION OF DR. MARTIN  
LUTHER KING, JR.,  
CIVIL RIGHTS

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and then told the source that this was the rifle that was going "to kill Martin Luther King". This was a bolt-action rifle, with a short clip and no scope.

Still standing behind the car on the parking lot, Prosch told the source that Dr. Abernathy and Rev. Shuttleworth had bought a contract for \$265,000 to have Martin Luther King killed. They felt that King had gone soft with his non-violence and the money coming into the SCLC and civil rights movement had fallen off considerably. The civil rights movement was coming to a halt and King was no longer effective but was very popular. They believed that if he were killed, he would become a martyr and the money would come flowing in to advance the civil rights movement and to influence Congressional sentiment to enact into law civil rights bills that were being held up.

Prosch said that Frank Liberto had gone on to Detroit and Gault had purchased another gun. Gault was to be the "decoy" to take the heat off the man who would do the killing. Prosch said Gault was to lay his gun down after he saw the killer leave the building. Then Gault was to meet Frank Liberto in Detroit and get the rest of his money and the necessary papers to get out of the country. This whole conversation took place on the parking lot near Dr. Prosch's car. Prosch and the source went into Gulas' and drank until 9:00 or 10:00 PM, at which time each went home for the night. This source has not seen Prosch since that night.

On April 4, 1968, the source was present at his place of business in Birmingham the whole day and had a business meeting at the Parliament House Hotel in Birmingham in the early evening with business associates. It was at this location that the source learned that Martin Luther King, Jr., had been killed on that day in Memphis, Tennessee. He tried to put what he knew out of his mind and was afraid to talk to anyone at the time regarding this matter.

Source followed the newspaper publicity and accounts regarding the killing at the time it occurred and has been interested in them ever since. Over the years he has commented to many people that he did not believe that James Earl Ray killed Dr. King. Recently, he became even more interested when he learned of the renewed interest on the part of the Congress and their intent to conduct investigations regarding assassinations. He also recently read

ASSASSINATION OF DR. MARTIN  
LUTHER KING, JR.,  
CIVIL RIGHTS

for the first time the alleged fact that a person using the name John Willard registered at 3:30 PM on April 4, 1968 at the hotel in Memphis where Dr. King was staying and it was his understanding that the landlady or hotel clerk could not identify James Earl Ray as identical with John Willard. Source believes that John Willard could be identical with Dr. Gus Prosch who used that name in early 1968 in Birmingham, Alabama. The source also believes that the bullet taken from Dr. King was not identified as having come from the rifle picked up at or near the scene of the assassination.

The source knows that Dr. Prosch picked up a rifle at Aeromarine on April 3, 1968 and he does not believe there is any record at Aeromarine of the sale of this rifle. This rifle, purchased by Prosch, was a bolt-action type rifle and an artist's drawing, that the source saw in a newspaper somewhere, depicting the rifle found at the scene of the assassination as a bolt-action weapon. The source's understanding is that the second rifle purchased by James Earl Ray using the name Harvey (Last Name Unknown) at Aeromarine in Birmingham, Alabama, was a Remington, Model 760, 30.06 caliber pump action rifle and the source believes that the previously described Remington rifle was probably used for the actual killing. In the second week of December, 1976, the source was told when he discussed Gus Prosch with an individual in Birmingham, that Prosch and his associates were storing guns in Birmingham, Alabama, in 1968 in connection with a gun running operation and that the gun that killed Dr. King was shipped out of the country to Costa Rica.

FBI

Date: 12/15/76

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

Via AIRTEL

AIRMAIL

(Precedence)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, BIRMINGHAM (44-1740) (RUC)

MURKIN  
CR  
(OO: ME)

Re Birmingham teletype to Bureau and Memphis dated 12/3/76; and Birmingham airtel to Bureau, Detroit and New Orleans on 12/12/75.

Enclosed for the Bureau are the original and three (3) copies of an LHM; for Memphis two (2) copies; and one (1) copy each to Detroit and New Orleans. Also enclosed for the Bureau and Memphis are three (3) photographs of Dr. GUS JOSEPH PROSCH, JR., and one (1) photo of an artist's conception.

The source of the information furnished by FRANK WINSETT (PROTECT) in referenced teletype of 12/3/76 has been identified as a former PCI of the Birmingham Division. This former PCI is identical with the source in referenced Birmingham airtel of 12/12/75. His case is closed in Birmingham and he was last contacted as a PCI in February, 1976.

This source has functioned for the past year as an informant for DEA, Birmingham, and U. S. Secret Service, Birmingham, and has discussed captioned matter with representatives of both agencies. DEA advised on 12/14/76 that his narcotics information is accurate and reliable and both agencies have pending investigations in which he is furnishing worthwhile information on a continuing basis.

4 - Bureau (44-38861) (Enc. 8)  
2 - Memphis (44-1987) (Enc. 6)  
1 - New Orleans (157-10673) (INFO) (Enc. 1)  
1 - Detroit (Enc. 1) (INFO)  
② - Birmingham (1 - 44-1740)  
PJM:bhn (10) (1 - 137-2089)

44-1740-2238  
SEARCHED INDEXED  
SERIALIZED FILED

Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_

M Per \_\_\_\_\_

BH 44-1740

On 12/14/76, this source was interviewed by SA PATRICK J. MOYNIHAN of the Birmingham Office at the DEA Office in Birmingham in the presence of DEA Agent LARRY HAHN. The source did not desire to come to the FBI Office for interview and explained his reluctance to talk to the FBI since he was convicted in an ITSP case at Birmingham, Ala., in 1969 or 1970, which conviction was subsequently reversed in the 5th Circuit Court and cost the source a large amount of money to defend himself. He claims he was afraid to furnish the detailed information of the enclosed LHM shortly after the assassination of Dr. KING because he was afraid and at that time, or shortly after, he became involved in a variety of personal problems including his FBI case. Later, when he talked about this matter, people always "turned me off".

Source has not talked to any group from the U. S. Senate or House of Representatives, contrary to information furnished in referenced Birmingham teletype of 12/3/76, but he has discussed this matter with U. S. Secret Service, Birmingham, DEA, Birmingham, and with an Assistant U. S. Attorney at Birmingham, Alabama. *but Henry*

The enclosed photographs of Dr. GUS PROSCH were obtained by the source from U. S. Secret Service at Birmingham and he identified the enclosed artist's conception as a newspaper or magazine representation of an individual who registered at the hotel in which Dr. KING was killed, as JOHN WILLARD, on 4/4/68. It is source's understanding that JOHN WILLARD was never identified and he believes WILLARD could be identical with Dr. GUS PROSCH who used the name JOHN WILLARD in Birmingham, Alabama, in the early part of 1968.

Memphis should give this matter due consideration and furnish the Bureau any comments or recommendations. No further investigation is being conducted at Birmingham UACB.

This former PCI expressed fear for his life and does not want his identity revealed.

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, BIRMINGHAM (44-1740) (P)

DATE: 12/20/76

FROM : SA PATRICK J. MOYNIHAN

SUBJECT: MURKIN  
CR  
(OO: ME)

Re Birmingham airtel to Bureau, 12/15/76, in which information is furnished from former BH 1079-PCI.

The following is set forth for information purposes since it does not appear in referenced airtel and LHM.

The last paragraph of Page 2 of LHM refers to the source's introduction to a Mr. GAULT and a private conversation between PROSCH, LIBERTO and GAULT. The source advised that the waitresses and bartender at Gulas should have seen these people together and possibly they were also seen by BILL BARNES, a Birmingham PD Detective, who was a drinking partner of the source in early 1968 and frequently in Gulas at the time.

The source was operating Economy Press, Inc., on 12th Avenue North, Birmingham, in March and April, 1968, and knew many of the black people involved in the civil rights movement because he had performed printing for them and for some of the organizations. The source's activity on April 4, 1968, leading up to his learning that Dr. KING had been killed are ~~are~~ <sup>synopsized</sup> on Page 4, Paragraph 4, of the LHM. Details of his activities that date, 4/4/68, are set out hereafter, since they were obtained at the time of interview but were not germane to the LHM or to the cover airtel.

On 4/4/68, the source had a business appointment at his Economy Press Co. Office with people from the Trans World Insurance Company. He was to do printing work for them in connection with this new company and in connection with the issue of stock certificates. There was a tentative arrangement in which the source would be paid in stock of the company, and possibly become a director. Mr. HAL DODSON, a security salesman of Montgomery, Ala., and people unrecalled from Trans World were together throughout the day at his company and he was occupied in this manner. FRANKLIN ROOSEVELT, Jr. was to be present later in the day as he was to



5010-108

PJM/bhn  
(1)

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

44-1740-2240

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FBI - BIRMINGHAM	

ALB

BH 44-1740

become a Director or the President of this company. The source, HAL DOWSON, and others involved met with FRANKLIN ROOSEVELT, JR. at about 5:00 PM on 4/4/68 at a big suite in the Parliament House where they had some drinks and were again involved in discussions regarding the Trans World Insurance Company and the stock issue. It was at this location that they heard black people crying and screaming in the corridor and determined that MARTIN LUTHER KING had been killed. This information shocked those present and FRANKLIN ROOSEVELT, JR. departed immediately for the airport to return to Miami. The source went home at this time.

The source believes he spent the day following the assassination, 4/5/68, at his place of business where EDDIE UPSHAW, a black male, and later possibly a member of or involved in the Black Liberation Front in Birmingham, came to him requesting that he print photographs of MARTIN LUTHER KING for the purpose of selling such. Right after the assassination, the source did in fact print such photographs, approximately 10,000 in the first week and these were sold in Alabama for a dollar a piece. Source received \$10 a photo for his work. Salesmen, used by EDDIE UPSHAW, in this enterprise, rented cars to travel in the State and the source furnished EDDIE UPSHAW with his own American Express card for the purpose of renting these cars. Shortly after this time the source became involved in the 87 case, referred to in the referenced airtel.

Source advised that after having had a good bit to drink, he returned to his home on the evening of 4/3/68, following the incident wherein Dr. PROSCH had showed him the rifle and told him of the forthcoming killing of Dr. KING. The source said he did not believe that he had told this story to his wife when he arrived home that night, 4/3/68, but, in conversation with his wife at a later time, she told him that he had mentioned some of these facts to her at that time.

The source advised that the only person that he has discussed this matter with in detail, shortly after it happened, was Mrs. PAUL (POLLY) JOURNEY, who was his secretary at the printing operation in 1968 and a close confidant. She is deceased, having passed in approximately 1973. The source has a son, MARK DAVIS, who is and has been working for some time at Aeromarine in Birmingham and MARK is familiar with the people employed there. He has heard and discussed with them various aspects of the purchase of guns by JAMES EARL



BH 44-1740

RAY back in 1968 and in turn has discussed this and these matters with his father, the source.

As a result, the source advised that Dr. GUS PROSCH purchased the rifle at Aeromarine on 4/3/68 and it is his understanding that there is no record of the sale of the rifle from Aeromarine on 4/1, 2, or 3/68. His son did not review those records, but received this information from the wife of GARY (LNU), who handles records at Aeromarine. He identified GARY LNU, as a white male, possibly 35, a big fat guy, who has worked at Aeromarine since before 1968 and is the individual who affixed the scope on the second gun purchased by JAMES EARL RAY. Source has heard that there is a slip of paper in the records dated 4-68 with the notation "invoice missing". The source understands that when RAY, using his alias, returned the first rifle he purchased at Aeromarine, he commented that it was not big enough to do the job. All of his information from Aeromarine has been obtained through his son and is hearsay. The source says there is a record at Aeromarine on 4/5/68 reflecting that PROSCH bought a Colt AR 15 and later PROSCH bought many guns from this source.

Page 5 in the last paragraph of the LHM contains information that a friend of the source told him that the gun that killed Mr. KING was shipped out of the country to Costa Rica. This source identified this individual who furnished this information to him in December, 1976, as OSCAR KENT. KENT is a well known hoodlum in Birmingham, presently on \$75,000 bond for a murder. KENT told the source that, following 1968, he became a good friend of Dr. GUS PROSCH, and KENT claimed the gun used to kill KING was shipped out of this country to Costa Rica.

The source resides at 2029 Valleydale Road, Birmingham, 35244 in Shelby County, and his home phone is 822-7492.

12/20/76

**AIRTEL**

**TO: DIRECTOR, FBI (44-38861)**

**FROM: SAC, MEMPHIS (44-1987)(P)**

**SUBJECT: MURKIN**

**OO: MEMPHIS**

Re Birmingham airtel to Bureau and LHM, both bearing date 12/15/76.

It is obvious from reading referenced LHM that the Birmingham source of this information has done some research on the murder of Dr. KING, however, he may simply have read one of the numerous books written on the subject. Memphis will research the KING case and will attempt to discover information to either prove or disprove allegations made by this source.

2-Bureau  
2-Birmingham  
2-Memphis  
JCH:bc  
(6)

44-1740-224

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 21 1976	
FBI - BIRMINGHAM	

12/29/76

AIRTEL

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987)(P)

SUBJECT: MURKIN

OO: MEMPHIS

Re Birmingham airtel to Bureau and LHM, both bearing date 12/15/76.

It is obvious from reading referenced LHM that the Birmingham source of this information has done some research on the murder of Dr. KING, however, he may simply have read one of the numerous books written on the subject. Memphis will research the KING case and will attempt to discover information to either prove or disprove allegations made by this source.

2-Bureau  
2-Birmingham  
1-Memphis  
JCH:bc  
(6)

44-1740-2241

SEARCHED	INDEXED
SERIALIZED	FILED
1976	
FBI - BIRMINGHAM	
McGinnis	
(Pye)	

SAC, BIRMINGHAM (44-1740)

1/14/77

SA PATRICK J. MOYNIHAN

MURKIN

MORRIS DAVIS was in telephonic contact with the writer on 1/3/77 and furnished the following information:

In the course of his continuing efforts with DEA, Birmingham, he has visited the Wrought Iron Lounge in Mountain Brook, Alabama, which is allegedly owned and/or operated by OSCAR KENT.

While there recently, he met a dancer, TIFFANY (LNU), a white female between age 22 and 25, 5'6", 110 - 115 pounds, blond, slender, shapely, and not particularly pretty. He learned that she is from New Orleans, Louisiana, and in a conversation with her he mentioned the name FRANK LIBERTO (Phonetic). TIFFANY said she knew and had dated FRANK LIBERTO and she described him accurately to DAVIS. She indicated that he is still in New Orleans and still has the truck stop.

PJM:jam  
(2)  
*jam*

44-1740-2242

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 14 1977	
FBI - BIRMINGHAM	

*1/14/77*

3/3/77


AIRTEL

AIRMAIL

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

Re Birmingham airtel to Director, 12/15/76;  
Memphis airtel, 12/20/76.

The following is for information:

The former Birmingham PCI who furnished the information in referenced Birmingham communication of 12/15/76, contacted the Birmingham Office telephonically from time to time regarding captioned matter. 

On 3/3/77, he telephonically contacted Birmingham wondering if, "LIBERTO" had been investigated in New Orleans in the past. He was told that investigation regarding a family of LIBERTOS had been conducted back in 1968. Source mentioned that the LIBERTO in New Orleans has a brother in the produce business in Memphis, Tennessee, and also expressed the thought that "No one can convince me that it (the KING assassination) was not a conspiracy."

Source advised he received two recent telephone calls, the last on 2/28/77, from a Mr. EVANS, a deputy chief of the House of Representatives Committee on Assassinations. EVANS told him that if they get their appropriation, EVANS will want to talk to the source about this matter, and the source told EVANS that he would, but would not discuss it on the telephone.

- 2 - Bureau
- 1 - Memphis (44-1987) (Info.)
- 1 - New Orleans (157-10673) (Info.)
- ① - Birmingham

PJM:bsg

(5)

44-1740-2243  
SEARCHED INDEXED  
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APR 1977

BH 44-1740

Source advised that he had Birmingham Secret Service check on ~~EVANS~~ after the first telephone call and established that EVANS was, in fact, with the committee.

Source expressed his belief that the FBI in Washington must have furnished his information to the House Committee.

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, BIRMINGHAM (44-1740)

DATE: 1/14/77

FROM : SA PATRICK J. MOYNIHAN

SUBJECT: MURKIN

*822-7492*

MORRIS DAVIS was in telephonic contact with the writer on 1/3/77 and furnished the following information:

In the course of his continuing efforts with DEA, Birmingham, he has visited the Wrought Iron Lounge in Mountain Brook, Alabama, which is allegedly owned and/or operated by OSCAR KENT.

While there recently, he met a dancer, TIFFANY (LNU), a white female between age 22 and 25, 5'6", 110 - 115 pounds, blond, slender, shapely, and not particularly pretty. He learned that she is from New Orleans, Louisiana, and in a conversation with her he mentioned the name FRANK LIBERTO (Phonetic). TIFFANY said she knew and had dated FRANK LIBERTO and she described him accurately to DAVIS. She indicated that he is still in New Orleans and still has the truck stop.

*On 1/11/77 - photos furnished  
by source who picked up  
by him at the office.  
P.J.M.*

PJM:jam  
(2) *jam*



5010-108

*44-1740*

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 14 1977	
FBI - BIRMINGHAM	

*[Signature]*

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

1/18/77

**AIRTEL**

**TO: DIRECTOR, FBI (44-38861)**  
**FROM: SAC, MEMPHIS (44-1987 SUB M) (P)**  
**SUBJECT: MURKIN**  
**CR**  
**OO: MEMPHIS**

Re Birmingham airtel with enclosed LHM, 12/15/76.

Enclosed for the Bureau are four copies and for Birmingham one copy of an LHM dated 1/18/77 captioned "JAMES EARL RAY; MARTIN LUTHER KING, JR. - VICTIM, CR."

The source referred to in the enclosed LHM is FRANK WINNETT (protect) who furnished this information to the Birmingham Office.

A review of indices of the Memphis Office reveals that FREDERICK LEE SHUTTLEWORTH was formerly affiliated with the Southern Conference Educational Fund. It is not known by the Memphis Division whether FREDERICK LEE SHUTTLEWORTH is the individual referred to in the Birmingham LHM.

For the information of the Bureau, in 1971 the Birmingham Office requested the Memphis Office to determine the subscriber to a telephone number relating to an investigation being conducted by Birmingham regarding Dr. GUS JOSEPH PROSCH, JR. Memphis determined that this telephone

2-Bureau (Enc. 4)  
1-Birmingham (Enc. 1) (44-1740)  
2-Memphis  
BPJ:rsb  
(5)

*SAC*  
*Sup # 4*

44-1740-2244

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 22 1977	
FBI - BIRMINGHAM	

*Mequison* *2/15/77*  
*9*



ME 44-1987 SUB M

number was listed to J. E. BUNT, 2597 Tutwiler, Memphis, Tennessee.

On 3/4/71 Lt. E. H. ARKIN, Intelligence Division, Memphis PD, advised that BUNT was arrested for violation of the Memphis City Curfew Law during the riots which ensued after the assassination of Dr. MARTIN LUTHER KING, JR. The Memphis Office has no information indicating the relationship between Dr. PROSCH and BUNT.



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to  
File No.

Memphis, Tennessee  
January 18, 1977

RE: JAMES EARL RAY;  
MARTIN LUTHER KING, JR. -  
VICTIM  
CIVIL RIGHTS

On December 14, 1976, a source who has furnished insufficient information to establish his reliability, advised that Dr. Gus Prosch, who often introduced himself as John Willard, Frank Liberto, who source learned owned an unnamed truck stop on Lake Pontchartrain in New Orleans, Louisiana, and whom Prosch described as the head of the Greek Mafia in New Orleans, Reverend (first name unknown) Shuttleworth, personally known to the source in 1968 as very active in civil rights matters, Dr. Ralph Abernathy, and a Mr. (first name unknown) Gault met a number of times in the Birmingham, Alabama, area in 1968. Following one of the meetings, Dr. Prosch informed the source that Dr. Abernathy and Reverend Shuttleworth had bought a contract for \$265,000 to have Martin Luther King, Jr. killed.

On November 29, 1970, the Jefferson County Sheriff's Office, Birmingham, Alabama, received a report that a trailer loaded with guns was bogged down at Parkwood Trailer Park, Parkwood Community, in Jefferson County near Bessemer, Alabama. This trailer, whose ownership was subsequently traced to Prosch, was found to contain a huge quantity of shoulder and hand firearms, ammunition of various caliber, hand grenades, dynamite, sawed off shotguns, a 60 mm mortar, black powder, capped bottles containing gas, bayonets, food stuff, camping equipment, medical supplies, and other unnamed materials. Some of the weapons in this cache were traced to Dr. Prosch, a Birmingham physician whose practice was limited to treating overweight persons. Dr. Prosch, a white male,

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