

FBI

Date: 10/15/75

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

Via AIRTEL _____
(Precedence)

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

Re CI airtel and LHM to Bureau 9/30/75.

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

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

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

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

DHV:mw
(6)

1-CRD
1-CRU
D70F
10/24/75
EJM/jet

EX 103

REC-48

44-38861-6002

6 OCT 20 1975

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

59 NOV 5 1975

RECEIVED
GENERAL INVESTIGATIVE
DIVISION

OCT 20 2 10 PM '75

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

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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Cincinnati, Ohio

October 15, 1975

In Reply, Please Refer to
File No.

RE: JAMES EARL RAY

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

October 7, 1975	Supplemental Motion: Appellant's brief to October 11, 1975
October 8, 1975	Motion of Appellee to dismiss appeal
October 14, 1975	Order for Appellant's brief granted to October 14, 1975, and denying motion to expedite preparation of the remaining parts of the transcripts

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



ENCLOSURE
- 1* -

44-38861-6002

F B I

Date: 11/4/75 24

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (44-38861)
FROM: *TWK/2m* SAC, CINCINNATI (157-1893) (P) *McDonough*
SUBJECT: MURKIN

Re CI airtel and LHM to Bureau, 10/15/75.

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

Information furnished in 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 contact with the U. S. Court of Appeals in this matter.

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

LFF:skm
(6)

EX-115

1-CRD
1-CRU
070F
11/10/75
JCL/jet

REC-30

44-38861-6003

14 NOV 8 1975

SIX

Approved: *[Signature]*

Special Agent in Charge

Sent _____ M Per _____

U.S. Government Printing Office: 1972 - 455-574

RECEIVED
GENERAL INVESTIGATIVE
DIVISION 5030 J.E.H.

Nov 8 12 41 PM '75

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U.S. DEPT. OF JUSTICE

REC'D-CIV RIGHTS
FBI

Nov 10 6 36 AM 1975

NOV 10 1975



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Cincinnati, Ohio
November 4, 1975

RE: JAMES EARL RAY

On November 3, 1975, Grace Keller, Chief Deputy Clerk, United States Court of Appeals, Sixth Circuit, Cincinnati, Ohio, advised an employee of the Federal Bureau of Investigation that the following additional entries were recorded on Docket Number 75-1795:

October 10, 1975	Answer to motion to dismiss
October 15, 1975	Motion: Appellant's brief to October 14, 1975 (Granted)
October 20, 1975	Seven copies of Brief for Appellant
October 20, 1975	Seven copies of Appellant's Appendix (Vols. I, II, III, IV, V)
October 20, 1975	Proof of service of Appellant's Brief and Appendix
October 23, 1975	Order denying motion to dismiss

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 dis-
tributed outside your agency.

- 1* -

ENCLOSURE

44-38861-6003

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

REC-69

44-38861-6004X

MAR 4 1976

cc: Federal Bureau of Investigation

54 JUN 22 1976

F. J. [signature]

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

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NR003 BU PLAIN

10:20PM NITEL NOV. 28, 1975 DMB

TO DIRECTOR, FBI (44-38861)

FROM BUFFALO (44-374) (P)

MURKIN

NOV 28 1975
TELETYPE

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

NEWSPAPER PUBLICITY, TORONTO, ONTARIO, CANADA, NOV. 28, 1975

REFERRED TO RECENT ATTEMPT ON PART OF REV. RALPH ABERNATHY AND OTHERS TO HAVE INVESTIGATION OF DR. KING'S DEATH REOPENED BASED REPORTEDLY ON NEW EVIDENCE INCLUDING TESTIMONY OF PERSONS KNOWNLEDGABLE OF AN ALLEGED PLOT. ARTICLES CONCENTRATED ON ONE OF THESE PERSONS IDENTIFIED AS CLIFFORD H. ANDREWS AKA R. L. WARREN INASMUCH AS HE REPORTEDLY WAS CONFINED AT MIMICO CORRECTIONAL INSTITUTE AT TORONTO AND COULD TESTIFY AS TO HIS PARTICIPATION IN THE PLOT.

PERSON CLAIMING TO BE DON GRANT, REPORTER FROM TORONTO MORNING NEWSPAPER "GLOBE AND MAIL" TELEPHONICALLY CONTACTED THEIR OFFICE NOVEMBER 28, 1975 INDICATING INTEREST IN ANDREWS AND HE WAS TOLD WE WOULD ACCEPT ANY INFORMATION HE WISHED TO FURNISH.

DURING LATE PM, NOVEMBER 28, 1975, INSPECTOR GEORGE SELLAR (NA),
END PAGE ONE

EX-111 REC 17

44-38861 6004

Relayed Ottawa
11-24-75
FBV/pdz

DEC 2 1975

cc 76 DEC 1 1975

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GENERAL INVESTIGATIVE
DIVISION 5030 J.E.H.

Nov 28 11 00 PM '75

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U. S. DEPT. OF JUSTICE

REC'D-CIV RIGHTS
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END PAGE ONE

During this time Mr. ROSENBERG was in the possession of a certain amount of money which he used to purchase a certain amount of property in the city of New York. Mr. ROSENBERG was also in the possession of a certain amount of property in the city of New York. Mr. ROSENBERG was also in the possession of a certain amount of property in the city of New York. Mr. ROSENBERG was also in the possession of a certain amount of property in the city of New York.

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BU 44-374

PAGE TWO

HOMICIDE SQUAD, METROPOLITAN TORONTO POLICE DEPARTMENT, (MTPD) TORONTO, MAKING REFERENCE TO TORONTO PUBLICITY, ADVISED HIS SQUAD HAD RECEIVED CALL FROM ONE HAROLD KIRK, KNOWN TO MTPD AS "CON-MAN", WHO REQUESTED INTERVIEW BY MTPD CLAIMING HE WAS FORMER CELLMATE OF ANDREWS. SELLAR WAS TOLD BUFFALO HAD NO INVESTIGATIVE INTEREST IN ANDREWS AT THIS TIME BUT WOULD APPRECIATE ANY INFORMATION BELIEVED SIGNIFICANT DEVELOPED AS RESULT OF KIRK INTERVIEW.

SELLAR STATED INQUIRY AT MIMICO HAD DETERMINED ANDREWS RELEASED FROM THERE SEPTEMBER 30, 1975 AND PRESENT WHEREABOUTS UNKNOWN; FURTHER THAT FBI REPORTEDLY HAD BEEN IN CONTACT WITH MINISTER OF CORRECTIONS FOR ONTARIO PROVINCE RE THIS MATTER. INQUIRY VIA LEGAT, OTTAWA, NEGATIVE RE THIS.

BUFFALO WILL FOLLOW RESULTS OF KIRK INTERVIEW
ABOVE FOR INFORMATION.

BUREAU ADVISE LEGAT, OTTAWA.

END

MAH FBIHQ ACK FOR ONE

WA CLR

ALL CIVIL
AND MILITARY FOR ONE

URGENT MATTER BEING HANDLED.

ABOUT 10:30 PM '75
TELETYPE UNIT
FROM: CHICAGO NEGATIVE RE INFO.

Nov 28

OF COURTESY TO THE CHICAGO POLICE DEPARTMENT. THROUGH THE
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BEFORE THE CHICAGO POLICE DEPARTMENT. ADVISED THAT THE
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PAGE TWO
BU 44-334

MESSAGE RELAY

Transmit in ☐ Plaintext ☒ Code Via Teletype the Attached ☐ Immediate ☐ Urgent ☒ Nitel Message

Date 11/29/75

From: Director, FBI

To: SACs:

To: Legats: ottawa

To: RUEADWW/ ☐ The President ☐ The Vice President ☐ White House Situation Room
☐ Attn: ☐ Attn:

RUEBWJA/ ☐ Attorney General ☐ Deputy Attorney General
☐ Attn: Analysis and Evaluation Unit

RUEBWJA/ ☐ Assistant Attorney General, Civil Rights DivisionRUEBWJA/ ☐ Assistant Attorney General, Criminal Division
☐ Attn: Internal Security Section ☐ Attn: General Crimes Section
RUEABND/ ☐ Drug Enforcement AdministrationRUEANAT/ ☐ National Aeronautics & Space Adm.RUEBWJA/ ☐ Immigration and Naturalization ServiceRUEOIAA/ ☐ National Security Agency
(DIRNSA/NSOC (Attn: SOO))RUEBWJA/ ☐ U. S. Marshal's ServiceRUEBDUA/ ☐ Department of the Air Force (AFOSI)RUEOLKN/ ☐ Naval Investigative ServiceRUEACSL/ ☐ Department of the ArmyRUEAUSA/ ☐ U. S. Postal Service (if Classified)
(Use RUEVDFS if Unclassified)RUEAIIA/ ☐ Director, CIARUEHSE/ ☐ U. S. Secret Service (PID)RUEBJGA/ ☐ Commandant, U. S. Coast GuardRUEHOC/ ☐ Secretary of StateRUEKJCS/ ☐ Director, Defense Intelligence AgencyRUEBJGA/ ☐ Department of TransportationRHEGGTN/ ☐ Energy Research and Development
Administration

Attn: Director of Security

RUEOGBA/ ☐ Federal Aviation Administration

Assoc. Dir. _____

Dep. AD Adm. _____

Dep. AD Inv. _____

Asst. Dir.:

Admin. _____

Comp. Syst. _____

Ext. Affairs _____

Files & Com. _____

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Plan. & Eval. _____

Spec. Inv. _____

Training _____

Telephone Rm. _____

Director Sec'y _____

☐ Top Secret☐ SecretClassification: ☐ Confidential☒ Unclassified

Subject (Text begins next page):

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 29 1975

TELETYPE

Foreign Liaison Unit

☐ Route through for review☐ Cleared telephonically

with _____

MURKIN.

MAIL ROOM ☐ TELETYPE UNIT ☒

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U.S.
DEPT OF JUSTICE

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COMMUNICATIONS SECTION

[Handwritten signature]

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NY003 BU PLAIN

10:20PM NITEL NOV. 28, 1975 DMB

TO DIRECTOR, FBI (44-38861)

FROM BUFFALO (44-374) (P)

SAC BUFFALO ADVISED 11-28-75:

NEWSPAPER PUBLICITY, TORONTO, ONTARIO, CANADA, NOV. 28, 1975

REFERRED TO RECENT ATTEMPT ON PART OF REV. RALPH ABERNATHY AND OTHERS TO HAVE INVESTIGATION OF DR. KING'S DEATH REOPENED BASED REPORTEDLY ON NEW EVIDENCE INCLUDING TESTIMONY OF PERSONS KNOWNLEDGABLE OF AN ALLEGED PLOT. ARTICLES CONCENTRATED ON ONE OF THESE PERSONS IDENTIFIED AS CLIFFORD H. ANDREWS AKA R. L. WARREN INASMUCH AS HE REPORTEDLY WAS CONFINED AT MIMICO CORRECTIONAL INSTITUTE AT TORONTO AND COULD TESTIFY AS TO HIS PARTICIPATION IN THE PLOT.

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DURING LATE PM, NOVEMBER 28, 1975, INSPECTOR GEORGE SELLAR (MA),
END PAGE ONE

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

Personal

cc - [Signature]

BU 44-374

PAGE TWO

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BUFFALO WILL FOLLOW RESULTS OF KIRK INTERVIEW
ABOVE FOR INFORMATION.

~~BUREAU ADVISE LEGAT, OTTAWA~~

END

MAH FBIHQ ACK FOR ONE

WA CLR

1 - Laboratory Division
Attention: Mr. Kilty
1 - Mr. Moore
Attention: Mr. Gunn

SL 115

REC-69

December 2, 1975

1 - Mr. Gallagher
Attention: Mr. Lawn

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

Dear Mr. Lesar:

Please refer to the Deputy Attorney General's letter directed to you dated December 1, 1975, regarding your Freedom of Information Act (FOIA) Appeal for access to certain materials pertaining to the assassination of Dr. Martin Luther King, Jr.

Enclosed herein are copies of the records you have requested which I have been directed to release as the result of the Deputy Attorney General's consideration of your appeal.

In accordance with the Deputy Attorney General's letter, \$80 of special search fees are being waived and reproduction costs for the enclosed material amount to \$22.10. Please make your check or money order payable to the Federal Bureau of Investigation.

Sincerely yours,

Clarence M. Kelley
Director

Assoc. Dir. 1 - The Deputy Attorney General
Dep. AD Adm. Attention: Susan M. Hauser
Dep. AD Inv.

Asst. Dir.: TLW:car (8)

Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
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Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

SEE NOTE PAGE 2

ENCLOSURE

BEHIND FILE

MAR 11 1976

MAIL ROOM

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CORRESPONDENCE UNIT
FBI

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LEGAL COUNSEL

DEC 2 4 43 PM '75

F.B.I.

RECEIVED DIRECTOR

DEC-68

ST 113

James H. Lesar, Esq.

NOTE: James H. Lesar is an attorney currently representing James Earl Ray. Lesar requested certain material related to the assassination of Dr. Martin Luther King, Jr., dated 4/15/75. We denied the request in its entirety by letter dated 6/27/75. We based our denial on the fact that Ray has a current appeal pending in the U.S. Sixth Circuit Court of Appeals (citing (b)(7)(A) of the FOIA). This denial was coordinated with Division 6. Lesar appealed our denial. U.S. Department of Justice, Civil Rights Division, interposed a memorandum of objection to the release of this material setting forth its position that the release could have a detrimental effect on the pending trial. This Department of Justice memorandum was considered by the Deputy Attorney General, however, the Deputy Attorney General disagreed with the arguments therein. It is believed that the Civil Rights memorandum clearly enunciates any objection we would have to the release of these documents. Deputy Attorney General, by letter dated 12/1/75, is advising Lesar that ~~the~~ his request will be fully honored.

CBS NEWS

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

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

Dear Director Kelley:

December 3, 1975

Thank you for the information sent to us in response to our request for access to certain materials pertaining to the assassination of Dr. Martin Luther King, Jr.

Per your request, we are enclosing a check for \$16.50.

Sincerely,

Ernest S. Leiser

Ernest S. Leiser
Senior Producer

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

Enclosure:

*Leiser advised of receipt of
check by phone
JW*

EX-118 REC-69

44-38861-69667
7 MAR 2 1976

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57 APR 27 1976

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F.B.I.

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FILES & COMMUNICATIONS
DIVISION

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FBI
U.S. DEPT. OF JUSTICE

RECEIVED
FOIA SECTION

F B I

Date:

12/2/75

10

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

Via AIRTEL

(Priority)

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

Re CI airtel and LHM to the Bureau, 11/4/75.

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

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

DHV:rbh
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REC-60

EX 103

44-38861-6006

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Approved

Special Agent in Charge

Sent _____ M Per _____

U.S. Government Printing Office: 1972 - 455-574

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GENERAL INVESTIGATIVE
DIVISION

DEC - 9 1975

DEC 8 10 34 AM '75

F.B.I.
DEPT OF JUSTICE



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Cincinnati, Ohio
December 2, 1975

Re: JAMES EARL RAY

On December 1, 1975, Grace Keller, Chief Deputy Clerk, United States Court of Appeals, Sixth Circuit, Cincinnati, Ohio, advised an employee of the Federal Bureau of Investigation, (FBI), that the following additional entries were recorded on Docket Number 75-1795:

November 21, 1975	Motion of Appellee for delayed filing of brief (Granted)
November 21, 1975	Eight copies of Brief for Appellee, with proof of service
November 24, 1975	Eight copies of Appendix

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

- 1* -



44-38861-6006

ENCLOSURE