

JAMES H. LESAR
ATTORNEY AT LAW
910 SIXTEENTH STREET, N. W. SUITE 600
WASHINGTON, D. C. 20006
—
TELEPHONE (202) 223-5587

February 8, 1977

The Honorable Griffin Bell
United States Attorney General
U. S. Department of Justice
Washington, D. C. 20530

Re: Weisberg v. Department of Justice,
Civil Action No. 75-1996

Dear Mr. Bell:

I enclose a copy of a letter I wrote Deputy Attorney General Harold Tyler, Jr. on November 4, 1976. As of this date there has been no response.

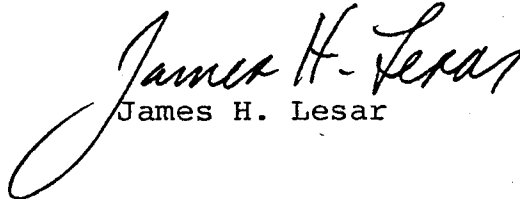
My November 4 letter requested that the Deputy Attorney General perform his statutory duty by determining whether it is in the public interest to waive the search and copying charges assessed my client, Mr. Harold Weisberg, in connection with his Freedom of Information Act suit for records pertaining to the assassination of Dr. Martin Luther King, Jr. Because Mr. Weisberg is 63 years old, has scant financial resources and suffers from a serious medical condition, phlebitis, this is a matter of some urgency to him. I appeal for you to promptly review the Deputy Attorney General's de facto denial of Mr. Weisberg's request for a waiver.

I also enclose copies of two letters recently received from the University of Oregon Library which demonstrate academic interest in Mr. Weisberg's work and his archival materials. As I stated in my letter to the Deputy Attorney General, Mr. Weisberg plans to leave his files on the assassinations of President Kennedy and Dr. King to a scholarly institution as an historical archive. This will include, of course, all the records which he obtains under the Freedom of Information Act.

When you reply to Mr. Weisberg's request for a waiver of search and copying charges, I would appreciate it if you would inform me of the justification, if any, for the delay in responding to my November 4 letter to Deputy Attorney General Tyler. By the token, I would also like to be informed why there has been no response to the mailgram which I sent Attorney General Edward Levi on November 13, 1976. (A copy of this mailgram is also enclosed.)

Shortly after the inauguration an attorney in the Office of The Deputy Attorney General called to inform me that they had just received my April 7, 1976, letter to Attorney General Levi. While I appreciate her call and hope it signals an end to the stonewalling practices of previous administrations, I am asking that you investigate to see why ten months passed without any reponse having been made to my April 7 letter. I would also appreciate the courtesy of a written response to each of the issues raised in that letter. (I enclose a copy of my April 7 letter.)

Sincerely yours,


James H. Lesar

cc: Judge June Green
AUSA John Dugan

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

November 4, 1976

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

Re: Weisberg v. Dept. of Justice, No. 75-1996

Dear Mr. Tyler:

As you are aware, I represent Mr. Harold Weisberg in his Freedom of Information Act lawsuit for records pertaining to the assassination of Dr. Martin Luther King, Jr.

The Freedom of Information Act provides:

Documents shall be furnished without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public." 5 U.S.C. §552(a)(4)(A).

Under Department of Justice regulations you are authorized to make a determination that search and copying charges "are not in the public interest because furnishing the information primarily benefits the general public." I hereby request that you make that determination with respect to records made available to Mr. Weisberg as the result of his requests for King assassination materials.

There can be no doubt but that the information sought by Mr. Weisberg "can be considered as primarily benefiting the general public." Mr. Weisberg is the author of Frame-Up: The Martin Luther King/James Earl Ray Case. In Frame-Up Mr. Weisberg published and analyzed Department of Justice records on Dr. King's assassination which he obtained as the result of a previous Freedom of Information Act lawsuit, Weisberg v. Department of Justice, et al., Civil Action No. 718-70. I regard myself as an authority on the assassination of Dr. King. For the past six years I have served as attorney for James Earl Ray, the accused assassin of Dr. King. I am also thoroughly familiar with the available literature on Dr. King's assassination. I know of no way in which the general public can gain access to these Department of Justice records or

any discussion of them except through Mr. Weisberg's book.

Mr. Weisberg has completed approximately two-thirds of a manuscript for a second book on the assassination of Dr. King. The uncompleted part of this book awaits compliance with Mr. Weisberg's Freedom of Information requests. When compliance has been achieved and the manuscript is completed, it will contain copies of some of the Department of Justice records obtained as a result of this lawsuit and an analysis of these and other documents to which he has gained access. In this manner Mr. Weisberg will again provide the general public with access to information and records not provided by other writers and therefore not readily available to it.

Mr. Weisberg is a recognized authority on the assassination of Dr. King. At the request of the House Select Committee on Assassinations, Mr. Weisberg has conferred with its chief counsel, Mr. Richard Sprague, and some members of the Committee staff, in order to advise them on the conduct of their probe into Dr. King's assassination.

Mr. Weisberg's work on Dr. King's assassination and the conviction of James Earl Ray raises fundamental questions about the integrity of American institutions. I believe that it is very important that the truth or falsity of Mr. Weisberg's charges be discussed and resolved on the basis of all the information which can legitimately be made public. Yet this will not be possible unless the Department of Justice waives the search and copying charges in this case. Mr. Weisberg simply does not have the money to pay the copying charges, let alone the search fees, for the great volume of documents which fall within the scope of his requests.

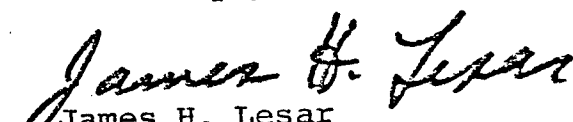
I have only sketched the reasons why release of these documents to Mr. Weisberg will be "primarily" of benefit to the general public. There are still other ways in which the release of these documents without charge can be considered to benefit the general public. For example, Mr. Weisberg intends to leave his files on the assassinations of Dr. King and President Kennedy to a scholarly institution as an historical archive. The University of Wisconsin, in particular, has already expressed a desire to be the repository for this archive. The documents obtained as a result of this lawsuit will be a part of this archive and will thus be made available to other scholars for study.

The United States Court of Appeals for the District of Columbia has recently recognized that Mr. Weisberg's Freedom of Information Act lawsuit for the results of scientific testing

done in the investigation of President Kennedy's murder seeks to obtain information of interest not only to Mr. Weisberg but "to the nation" as well. Mr. Weisberg's present suit for King assassination records also serves the national interest. The charge made by Mr. Weisberg is that Dr. King, a political leader of considerable importance, was assassinated by someone other than the man convicted of the crime, and that those who were responsible for his murder have escaped detection, prosecution, and punishment. This is a very serious charge. It is obviously in the national interest that it be discussed fully and knowledgeably on the basis of all the information which can legitimately be made available to the public. Mr. Weisberg is the instrumentality through which this may be accomplished. Yet this can only be if the Department of Justice makes it possible by waiving the search and copying fees.

Should you so require, I will provide you with affidavits by myself, Mr. Weisberg, and others in support of this request for a waiver of the search and copying charges for these documents. If you do wish supporting affidavits I would appreciate it if you would inform me of this as soon as possible. I would also like you to indicate what standards, if any, you have established for determining whether or not a request for waiver should be granted.

Sincerely yours,


James H. Lesar

cc: John Dugan, Esq.
Judge June Green

UNIVERSITY OF OREGON

The Library
Eugene, Oregon 97403
(503) 888-3080



January 11, 1977

Mr. Harold Weisberg
Coq d'Or Press
Route 8
Frederick MD 21701

Dear Mr. Weisberg:

General correspondence, diaries, memoranda, and private libraries of intelligent, diligent researchers are the basic research tools for advanced study. Increasing demands of the graduate programs of the University of Oregon have made the Library acutely aware of the importance of these prime source materials.

Your years of investigation are recognized by many, and your efforts are well reflected by your books in our library. We write with the hope that you have retained your files.

The University of Oregon Library maintains a special department which organizes, preserves, and protects private files, making them available only to qualified scholars engaged in serious study. We would like to suggest that you consider the permanent preservation of your collection in our archives. Realizing that private papers are often of a personal nature, we honor restrictions placed upon them by the donor.

At present, we have more than a million manuscripts and a similar number of volumes, giving scholars the research materials and supporting book collections needed for many substantial projects. We would be pleased to send you the inventory of one of our collections so that you may see how materials are organized for scholarly use.

We feel that your collection would be an important addition to the fund of material available for scholarly use, and we would be honored to preserve your files. We hope that you will give our suggestion your favorable consideration.

Sincerely,

Ed Kemp

Edward Kemp
Acquisitions Librarian

EK/nf

UNIVERSITY OF OREGON

The Library
Eugene, Oregon 97403
(503) 888-3080



January 21, 1977

Mr. Harold Weisberg
Coq d'Or Press
Route 12
Frederick, Md. 21701

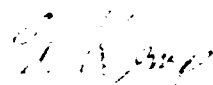
Dear Mr. Weisberg:

It is rare that I receive a letter which I enjoy as much as I have yours. Your plans and projects are so sensible, your desire to share your materials and to see them used is remarkable. It is most unusual in my experience to hear from or meet a gentleman who recognizes the vital potential that his working files possess; working files are a very personal affair, of use only to their creator, is the general impression I have received.

Your arrangements with Wisconsin please me immensely. My only quarrel with Wisconsin dates back many years when Professor Schafer left Oregon for Wisconsin to start Wisconsin's internationally known research collections; selfishly, I wish that he'd stayed here to provide the impetus years ago for the vast manuscript sources which now exist in Wisconsin. Your decision was wise, and I certainly would not wish to intrude.

May I congratulate you once more on your efforts and on the plans for your work.

Very sincerely,


Edward Kemp
Acquisitions Librarian

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JAMES H LESAR
1231 4TH ST SOUTHWEST
WASHINGTON DC 20024

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

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ZIP

EDWARD F LEVI, UNITED STATES ATTORNEY
GENERAL, DEPARTMENT OF JUSTICE
WASHINGTON DC 20530
DEAR MR LEVI,

TODAYS WASHINGTON POST CARRIES A STORY THAT THE JUSTICE DEPARTMENT HAS UNCOVERED AN ALLEDGED MEMORANDUM BY J. EDGAR HOOVER REPORTING THAT HE HAD RECEIVED INFORMATION THAT OSWALD TOLD CUBAN OFFICIALS IN ADVANCE OF THE ASSASSINATION THAT HE INTENDED TO MURDER PRESIDENT KENNEDY. BECAUSE MY CLIENT HAROLD WEISBERG HAS A LONGSTANDING FOIA REQUEST WHICH INCLUDES THIS DOCUMENT, IT IS APPARENT THAT THE DEPARTMENT OF JUSTICE LEAKED THIS STORY IN VIOLATION OF MY CLIENTS RIGHTS.

I DEMAND AN IMMEDIATE EXPLANATION OF WHY THIS REPORT HAS BEEN WITHHELD FROM MY CLIENT FOR MORE THAN A YEAR AFTER HE REQUESTED IT UNDER THE FREEDOM OF INFORMATION ACT. I CALL UPON YOU TO MAKE A PROMPT AND THOROUGH INVESTIGATION OF THIS LEAK AND TO MAKE THE RESULTS OF THIS INVESTIGATION PUBLIC.

IF I DO NOT RECEIVE AN IMMEDIATE EXPLANATION OF THE REASONS WHY THE DEPARTMENT OF JUSTICE HAS FAILED TO COMPLY WITH MY CLIENTS INFORMATION REQUEST AND ASSURANCE THAT THE JUSTICE DEPARTMENT WILL CONDUCT THE INVESTIGATION I HAVE REQUESTED, I WILL HAVE NO ALTERNATIVE BUT TO ASK THAT CONGRESS INVESTIGATE THIS MATTER.

JAMES H. LESAR
ATTORNEY FOR
HAROLD WEISBERG

16:18 EST

MGMCOMP MGM

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

April 7, 1976

Attorney General Edward H. Levi
U. S. Department of Justice
Washington, D. C. 20530

Dear Mr. Levi:

The March 31, 1976, issue of the New York Times carried an article by Mr. John M. Crewdson which states that you have approved a request by columnist Joseph Kraft for the destruction of information which the FBI compiled about him. The thrust of the article is that you have made a determination that under the Privacy Act materials could be categorized as inappropriately maintained by the Department of Justice even though they were lawfully gathered by the FBI.

The text of Mr. Crewdson's article also states:

An aide to [Congresswoman] Abzug characterized Mr. Levi's interpretation of the materials that did not qualify as appropriate under the terms of the privacy act as "a very far-reaching one." He said he believed it would pave the way for the destruction of such items as those produced by the F.B.I.'s surveillance of the Rev. Dr. Martin Luther King, Jr.

Other reports appearing in the press the past several months have stated that it was the F.B.I.'s surveillance and harassment of Dr. King which led Department of Justice officials to speculate that the FBI might have played a role in Dr. King's assassination. That suspicion and James Earl Ray's attempts to overturn his conviction for the murder of Dr. King are reported to have caused you to direct Assistant Attorney General J. Stanley Pottinger to conduct a review to determine whether or not there should be a reinvestigation of Dr. King's assassination.

As attorney for James Earl Ray, I am disturbed to hear it reported that the Department of Justice may destroy the very records which led it to conduct an internal review of the King assassination and, if public reports are correct, to propose an external reinvestigation. As you are aware, James Earl Ray's conviction may be overturned in the near future and these materials might be relevant to a subsequent trial. Therefore, I am asking your assurance that there will be no destruction of these materials or any other materials which relate in any way to the assassination of Dr. King or the investigation of it.

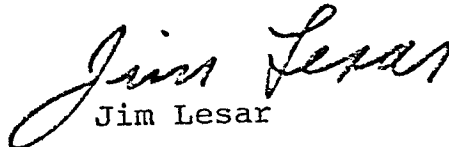
I also represent Mr. Harold Weisberg in his Freedom of Information Act requests for records pertaining to the assassination of Dr. King. A suit based on these requests is now before the United States District Court for the District of Columbia (Weisberg v. Department of Justice, Civil Action No. 75-1996). Because Mr. Weisberg's requests include materials which are undoubtedly part of the FBI's surveillance and harrassment of Dr. King, I solicit your assurance that all such records will be preserved until there has been a final judicial determination as to whether Mr. Weisberg is entitled to any of them under the Freedom of Information Act.

In connection with Mr. Weisberg's suit for the King assassination documents, the FBI has stated that it does not have a single photograph of the scene of the crime. Both as a citizen and as Ray's attorney, I find this profoundly shocking. However, I am prepared to prove that the Department of Justice did have such photographs. It would seem, therefore, that the FBI is again lying or that photographs of the scene of the crime have been lost or destroyed. I request that you investigate exactly what happened to these photographs and report to me the results of your investigation.

Some months ago Mr. Weisberg made a request for all FBI records on him. For a while the FBI pretended that this request was not made. Subsequently, it has acknowledged that the request was made but there has still been no response to it. I request that you give me assurances that the FBI files on Mr. Weisberg have not been and will not be destroyed.

Finally, I request that you provide me with copies of any orders, memorandums, or directives instructing the Civil Rights Division to review the King assassination, as well as any press releases relating to that review. I also request that you send me a copy of Mr. Pottinger's report on his review.

Sincerely yours,


Jim Lesar

cc: Judge June L. Green
Rep. Bella S. Abzug
Mr. John Dugan, Esq.