

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

# Memorandum

TO : Director  
Federal Bureau of Investigation

DATE: APR 24 1974

FROM: J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division

JSP:FDA:SH:bmp

DJ 144-72-662

SUBJECT: Assassination of Dr. Martin Luther King, Jr.

Reference is made to your investigation of the assassination of Martin Luther King, Jr., Bureau file #44-38861, and the attached correspondence between this Division and Mr. Bernard Fensterwald, attorney for James Earl Ray.

Mr. Fensterwald asserts that authors Gerold Frank, William Bradford Huie and George McMillan have had access to FBI reports in connection with this matter.

Please interview the appropriate Bureau personnel who may have information, or comments, with regard to Mr. Fensterwald's assertion and advise us whether there is any indication that these authors had access to the reports as asserted.

EXP. PROC.

31 APR 25 1974

*1cc to Dept of Justice for review  
for FOIA re: Fensterwald, McMillan  
3/27/75 gpl*

*cc  
SIT 174  
E 8m 160  
44-38861-5942*

REC-116

3 APR 25 1974

*facsimile to SACs BS-ENC.3  
CO-ENC.3  
1- ME (INFC) ENC-3  
EJM/PWL 4/26/74*

*McMillan*

Law Offices  
**FENSTERWALD AND OHLHAUSEN**

910 SIXTEENTH STREET, N. W.  
WASHINGTON, D. C. 20006  
TELEPHONE (202) 223-1667

**BERNARD FENSTERWALD, JR.**  
**WILLIAM G. OHLHAUSEN**  
  
**GORDON F. HARRISON**  
OF COUNSEL

**NEW YORK ASSOCIATES**  
**BASS & ULLMAN**  
342 MADISON AVENUE  
NEW YORK, N. Y. 10017

March 27, 1974

Mr. William O'Connor  
550 11th St., N.W.  
Washington, D. C.

Dear Bill:

I enclose a copy of a letter which I obtained, and which should be of interest to you. It is from George McMillan, well known writer and hopeful biographer of James Earl Ray; it is to John Ray, Jame's brother.

As you will note, McMillan claims access to the FBI file and asserts that both Gerold Frank and William Huie had access.

If this is true, and I have reason to believe it is true at least in the cases of Huie and Frank, I believe that I, as Ray's attorney, am entitled to access. In fact, I believe I'm entitled under the FOI Act as an individual. It would be to everyone's advantage, I believe, to let me examine it quietly rather than after a big, public flap.

Would you look into this and take it up with your elders.

Warmest regards.

Sincerely,

*Bud*

Bernard Fensterwald, Jr.

BF:crf  
Encl  
PS.

Despite our best efforts, Ray is still in solitary; starting his 18th month.  
We go to Houston to depose Percy Foreman on April 2, 1974  
Oh joy!!

44-38861-594

144-72-062	RECORD
APR 2 1974	
O.H.S.M.	
CIV. RIGHTS DIV.	

*copy Ray fl, ph.  
to FDAllan per  
4/4/74.  
I took F. on his 4/5  
2 4/3*



Department of Justice  
Washington, D.C. 20530

APR 24 1974

Mr. Bernard Fensterwald, Jr.  
Law Offices  
Fensterwald and Ohlhausen  
910 Sixteenth Street, N.W.  
Washington, D.C. 20006

Dear Mr. Fensterwald:

This is to reply to your letter of March 27, 1974, enclosing a letter from one George McMillen to John Larry Ray, and requesting access to our investigative file pertaining to the assassination of Reverend Martin Luther King.

As an investigative file pertaining to a possible violation of federal criminal statutes, this material is specifically exempted from disclosure pursuant to the Freedom of Information Act. See 5 U.S.C. §552. Any disclosure of the contents of this file would be contrary to Department policy and regulations.

I regret that we could not be of more assistance.

Sincerely,

K. William O'Connor  
Deputy Assistant Attorney General  
Civil Rights Division

44-38861-5942

ENCLOSURE



GEORGE MACMILLAN  
12 HUNTERS STREET  
CAMBRIDGE MASS 02142  
PHONE 617-547-6260

Sept 14, 1973

Dear Jack:

That was a good letter you wrote about the blackberries, etc. Peacock is now living in Lewiston, not far from Ewing. I heard that his wife is an alcoholic and that he isn't doing much of anything himself.

My lawsuit to see you goes on, in fact my lawyers expect some kind of decision from the federal judge here in Boston within next two weeks. But, even if he acts in my favor, the government has recourses which will still delay my seeing you. I am now well along with my book and am working against a hard deadline of March 15, 1974. It is the absolute last date on which I can do anything with my manuscript. That means it will be published in the Fall of 1974, about a year from now. Book publishing is a very slow affair.

The thing I want to talk with you about now is ~~xxxxxxxx~~ about what went on between you and Jimmy and Jerry and Jimmy in that year between the time he escaped from Jeff City and was arrested in London. I especially want to know about the time between Jeff City and Memphis. What I most want to do is check with you the story Jerry told me in Chicago in the summer of 1972 when I went out there two times to interview him. He told me one hell of a lot stuff. Then he sent me a tape on which he said he had conned me. I put all the stuff I got from him aside, telling myself it was probably all a lot of shit. Then the other day I looked at it again, read it all over carefully. I changed my mind about it. I decided that Jerry had told me the truth, that all the stuff was pretty much true, that maybe he had lied to me about some names, invented something here or there, but that the general story he told me was true. That's what I believe now, and I mean to use the stuff.

But I want to check it as much as I can. I've already checked a couple of things & they've turned out to be true. Sometime before I write this section I am going to Memphis and look at the file on the case that's been made available to me. knowing what I know, I think that file might look different to me from what they looked to Frank and Luie.

(More) 44-25861-5942

ENCLOSURE  
-3-

ES I thought a man named Eaton ran the pool hall? Hix And had a shop. Did he come before or after Fat Brown? Or did Cason own it and Fat run it?



GEORGE McMILLAN  
12 HILLIARD STREET  
CAMBRIDGE, MASS 02128  
PHONE 617 247-0700

What I would like is more than anything is to check Jerry's story with you. What do you think about doing it by mail? I've just been taking for granted that this is something you wouldn't want to write me about. Am I wrong? Let me know. If it's OK with you, it's 6% with me.

And I will ~~xxxx~~ pay you something for your help. Not a big sum. And I won't pay in advance. I've been had too often for that. But I will pay as we go along.

And if we don't do it now, I don't know when we will ever do it. Time is running out for me, and I'm going to use something so it might as well be the straight story.

I would like to talk with Jimmy. The Tennessee officials have given me permission. But Jimmy won't see me, just as he hasn't seen any writer. Jerry says that if Jimmy's current appeal is turned down in Cincinnati that Jimmy is going to talk, hold a press conference. Well, I doubt that there would be much for me in that press conference. Both Stoner and Foreman have urged Jimmy to talk with me but Fensterwald does not want him to.

I think he should. Mine is the last book that's going to be done in the foreseeable future. And he can't sell another "story" like he sold to Julie. Nobody is going to pay him anymore unless they check the story in advance. Oh, maybe some TV network might pay him a relatively small sum for an on-camera interview. But that wouldn't help anybody.

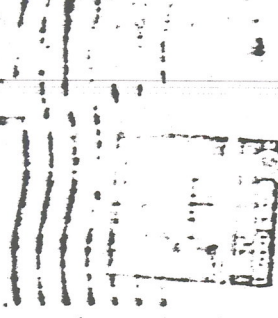
One more question. Do you have any pictures of your family? Your mother? Any old pictures of any kind of any member of the family?

Look forward to hearing from you soon.

Sincerely,  
*George McMILLAN*

Mr. John Larry ~~Ray~~ #26798  
Verion  
Illinois

PS I'm moving South October 1st so answer this letter to me at  
Coffin Point  
Frogmore, South Carolina 29920



*Private Party Mail*

*Law Office*  
**FENSTERVALD & OHLHAUSEN**  
910 16TH STREET, N. W.  
WASHINGTON, D. C. 20006

Mr. William O'Connor  
~~550 11th Street, N.W.~~  
Washington, D.C.

*2-0530*

*Private Party Mail*

*44-35861-5942*

ENCLOSURE

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