

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.

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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
see FOIA log of Hengel, A. H. L. H.
2/7/75

REC-118

44-38861-5942

Facsimile to SACs BS-ENC-3
CO-ENC-3

3 APR 25 1974

1- ME (INFC) ENC-3
EJM/PWL 4/26/74

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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

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O.H.S.M.	
CIV. RIGHTS DIV.	

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F. on file
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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
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