



United States Department of Justice

OFFICE OF THE ASSOCIATE ATTORNEY GENERAL

WASHINGTON, D.C. 20530

NOV 20 1978

Mr. Harold Weisberg  
Route 12 - Old Receiver Road  
Frederick, Maryland 21701

Dear Mr. Weisberg:

This letter responds to several matters which have arisen in the course of our continuing correspondence and which are related to your request for access to materials pertaining to Dr. Martin Luther King, Jr.

First, on a number of occasions I made reference to a prepared statement by (then) Deputy Associate Director James B. Adams, supposedly in connection with his testimony before the Select (Church) Committee. As I have already discussed with you on the telephone, we have been unable to locate any such prepared statement. On at least two occasions, November 19 and December 2, 1975, Mr. Adams testified before that Committee, but on neither occasion did he have a prepared statement. I will continue to be on the lookout for any such statement relating to Dr. King, even though I no longer believe that one exists. I have enclosed, as you requested, a copy of a prepared statement dated October 21, 1975, in which Mr. Adams addressed certain matters pertaining to the assassination of President John F. Kennedy. I hope it will be of interest to you.

Second, at various times you have suggested the possibility that telephone conversations of yourself or Mr. Lesar may have been intercepted or overheard by the F.B.I. In April 1977, an "ELSUR" check was done by the Bureau on both of your names with negative results. We have now updated that records check. As of November 13, 1978, the result was the same. This means that there has never been such surveillance of a telephone in the name of either one of you, that neither of you has ever been identifiably overheard while participating in a monitored conversation on any telephone, and that neither of you has ever been identified as the subject of an overheard conversation. It does not of course necessarily mean that neither of you has ever been overheard as a participant in a monitored conversation, or been the topic of such a conversation.

Third, as you and I have already discussed, we received the privacy waiver from Mr. Patterson and have furnished it to the Bureau. As we agreed, high priority is being given to processing for release to you the various Patterson materials furnished to the Select Committee on Assassinations. Limiting the processing at this time to these materials is solely for purposes of expediting the matter. If the results are not satisfactory to you in terms of scope, the agreement you expressed to me as to this procedure is understood by all concerned as being without prejudice to your right to pursue the subject further in the future.

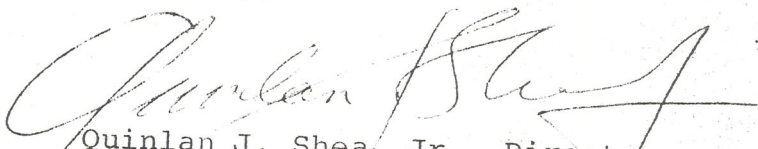
Fourth, you have raised the matter of how Serial 4509 in the MURKIN file could have been properly withheld from you as outside the scope of your request. As I write this letter, I have before me a copy of the serial in question. What I cannot understand is how it was ever mistakenly included in 44-38861 in the first instance. It concerns an individual incarcerated in California who has absolutely no discernible connection with the MURKIN case. The serial was withdrawn from the MURKIN file on June 18, 1968, and properly filed at that time. I am prepared to permit you or Mr. Lesar to examine the serial on a confidential basis, in order to double-check our conclusion that it in fact has no connection with MURKIN. If you desire to do so, just mention it the next time either of you is visiting my office.

Fifth, you reminded me as recently as in your letter of October 28, 1978, of the existence of Martin Luther King, Jr., materials in the "O and C" files of the late Director Hoover. The Bureau's records indicate that these materials were sent to you on or about October 16, pursuant to our new policy of trying to send you copies of any materials within the scope of any of your requests which may have been released to other persons. If you have not yet received these materials, please let me know. You may be interested in the fact that Mr. Mitchell checked for possible additional King materials, either via the "synopsis" of a given file or the actual records, in the thirteen "O and C" files of which Dr. King was not the subject, but which he thought were "possibilities" based on the subjects of those other files. With the exception of a wholly peripheral reference to Dr. King in the file captioned "Riots -- Summer 1964," the results of his efforts were negative. Accordingly, we have concluded that the Bureau has processed all materials pertaining to Dr. King that are in the "O and C" files of Mr. Hoover, except for those still under seal at the Archives.

Lastly, enclosed are copies of the two articles I mentioned and you requested: the one on Mr. Blakey from the October 30 issue of the Legal Times of Washington, and the 1976 New York Times piece by Allen Weinstein entitled "F.B.I.'s Hiss Files Show Bumbling, Not Malice." I hope that both of these items will be of interest to you.

I expect to be in contact with Mr. Lesar within the near future to arrange for a meeting at which Mr. Mitchell and I can review with you both the preliminary results of our comprehensive review, in hopes either of eliminating or sharpening the focus of any matters of disagreement. In all probability, we will be talking in the interim.

Sincerely,

  
Quinlan J. Shea, Jr., Director  
Office of Privacy and Information Appeals

Enclosures

CC: James H. Lesar, Esquire