

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 harrassment 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.