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Mr. Jack Kershaw
Attorney at Law
3710 Lealand Lane
Nashville, Tennessee 37216

Dear Mr. Kershaw:

On November 3rd I sent James Earl Ray a waiver to sign in connection with Mr. Harold Weisberg's Freedom of Information Act lawsuit for Justice Department records pertaining to Dr. King and his assassination. On November 6th Ray told me that he had signed the waiver but forwarded it to you so you could make a copy of it.

I have not yet received the waiver. It is urgent that I have it. If you do have it, I would appreciate your sending it to me at once.

Jimmy's recent correspondence indicates that he has only a hazy understanding of Weisberg's Freedom of Information Act lawsuit. This suit is aimed at opening up to public access all documents on Dr. King and the King assassination which can be disclosed legitimately. By the Justice Department's own estimate, there are some 203,000 documents in FBI files on the King assassination.

The FBI is presently claiming that some of these documents should not be made public because they invade Ray's right of personal privacy. Without a waiver by Ray, this will permit the FBI to: 1) withhold documents it would otherwise have to make public, and 2) delay access to documents while it goes through the very time-consuming process of masking those parts of documents which it claims invade Ray's right of personal privacy.

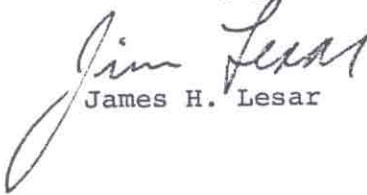
While the FBI's claims of a privacy exemption are often baseless and only designed to suppress information which would be embarrassing to the government, not the subject of the information request, I felt it necessary to draft the waiver in a manner which would protect Ray's interests as well as assure that the King assassination files will be made public as soon as possible. Ray is not concerned, or so it appears from his correspondence, with the prejudicial effects of any of the information in FBI files. As a lawyer, I am required to be, and in this case I am. I do not want George McMillan to get hold of some of the poisonous remarks which are inevitable in the FBI files on any criminal investigation and use them to Ray's detriment, particularly while the case is before the Supreme Court. For that reason I limited the waiver to Ray, myself, and Mr. Weisberg, with the express commitment that Mr. Weisberg and I will not make such records available to any other persons

without Ray's consent.

A consequence of this approach is that the FBI will not be able to leak information prejudicial to Ray without our being able to determine it. If the FBI leaks information which it denies to persons not having a waiver from Ray because the FBI thinks it might invade his personal privacy, then it seems to me that a basis for a lawsuit against the FBI is laid. I don't have any intention of filing such a lawsuit, but I do want to protect Ray's rights in such a manner that if the FBI or anyone else violates them, Ray can sue them. I think the limited waiver which I drafted does this.

I think that Ray's overall interest are also served by having as much material made public as soon as possible, particularly in view of the impending Justice Department report on its re-investigation of the King assassination, which I expect to be another whitewash. Therefore, if you have forgotten to send the Ray waiver on to me, please do so promptly; or, if you returned the waiver to Ray, please urge him to send it to me. Time is of the essence.

Sincerely yours,


James H. Lesar