

Prof. David L. Garrow
Univ. North Carolina at Chapel Hill
Hamilton Hall 070 A
Chapel Hill, N.C. 27514

3/25/81

Dear Professor Garrow,

Jim Lesar has told me of your inquiry and interests and his response.

If you decide you'd like to go over the records that interest you, I think it might be easier and cheaper here. I have all these and similar files in our basement, where I've put in extra lighting and working space for those interested in using the files. Even a typewriter.

Motels here are much cheaper than in Washington and there are several older ones, individual cabin type, which are quite adequate and even less costly than the newer motels.

I also have records Jim doesn't have. I made a copy of the entire FBIHQ MURKIN file for him but that was so costly I had to discontinue this practise. Thus I have the FBIHQ and Memphis files on the sanitation strike and the Invaders and what was allegedly not disclosed in HQ records from seven field offices.

I have also made subject files of copies on some subjects that may interest you, like surveillances and pressures on King. These are largely from the MURKIN records only.

Jim told you of one Levison record we've gotten. There will be more but I understand that they will not eliminate any question about whether he was an FBI fink. I should have them before long.

When my wife is able to make copies, our cost is about 10¢ each. We are glad to do this for others but we are a bit uneasy because our excellent if slow machine has had more use than was engineered into it and we can't afford to replace it.

The total extent of political records on King is incredible. The incomplete inventory is of field office holdings only.

Best wishes,

Harold Weisberg



THE UNIVERSITY OF NORTH CAROLINA
AT
CHAPEL HILL

Department of Political Science

The University of North Carolina at Chapel Hill
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Chapel Hill, N.C. 27514

10 March 1981

Mr. James H. Lesar, Esq.
910 16th Street, N.W.
Washington, D.C. 20006

Dear Mr. Lesar:

I write because I believe we share an interest in the release of FBI files concerning Dr. Martin Luther King, Jr., and most specifically those from the pre-assassination "security" investigation of Dr. King.

I am aware of the litigation you pursued in Lesar v. DOJ, and of the initial Gesell opinion, and the unfavorable D.C. circuit opinion of last July. I might note that I'm unclear as to whether you pursued that matter for yourself, or for Mr. Weisberg, or for Mr. Ray.

I too have been filing FOIA requests in this area, with my primary interest being the long and complicated story involving the late Mr. Stanley D. Levison, Dr. King's close friend. Like yourself, I've also received the "Murphy Report," and the flow of the original case files--on King, on SCLC, on Levison, on Clarence B. Jones--is slowly proceeding.

Have you pursued this one case beyond that unfavorable decision last July, and/or have you given thought to attempting to challenge the existing D.D.C. holding in Lee v. Kelley, the initial case which sealed many of the records?

Further, my impression is that you did receive some 67 pages of the 'Appendix C' notes from the King Task Force report which initially were withheld. Are those the only additional materials that you have had any success with?

I'm very interested in seeing those Appendix C releases, and I'm also curious about a number of the items included in what the appellate court opinion in Lesar terms the "Joint Appendix" to that case. I don't want to make any burdensome requests of you, but if I could obtain from you copies of either or both of those items, I'd be very indebted to you. Further, if you'd be at all interested in discussing this whole subject in detail, I'd be quite curious. Thank you very much for your consideration.

Mr. James H. Lesar--2

Sincerely,

A handwritten signature in cursive script, appearing to read "D. J. Garrow". The signature is written in dark ink and includes a long, sweeping horizontal line extending to the right.

David J. Garrow
Assistant Professor

JAMES H. LESAR
ATTORNEY AT LAW
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March 19, 1981

Prof. David J. Garrow
University of North Carolina at Chapel Hill
Hamilton Hall 070 A
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Dear Professor Garrow:

I received your letter of March 10th only today, as there was some delay in forwarding it to my new office.

We do indeed share an interest in the release of FBI files concerning Dr. King. I filed the Lesar suit in my own name, partly because of the possibility that Mr. Weisberg might die soon, and partly because of my own independent interest in the materials. By that time I no longer represented James Earl Ray, he having discharged me for advising him not to testify before the House Select Committee on Assassinations. (Perhaps the best advice I ever gave anyone)

I did not pursue the Lesar case any further because I had neither the time nor the financial resources to do so. It also seemed likely to be a futile endeavor.

Mr. Weisberg does have a long-pending FOIA request for the underlying political records on King, the Cointelpro-type materials on the campaign of harrassment against him. As soon as I can, I do intend to file suit for these records. I am eager to do so because of the opportunity such a suit will present to reverse some of the unjustifiable withholding under Exemptions 1 and 7 that was upheld in Lesar. The legal issues under both exemptions are considerably different than they were in Lesar. Unfortunately, I am still bogged down in FOIA lawsuits that I filed for Mr. Weisberg in 1975. All three I filed that year are still going on, and the personal sacrifice they continue to demand makes it difficult for me to commence any new cases. In addition, there is a complication which arises out of the FBI's attempt to cut off Mr. Weisberg's access to documents by rescinding his fee waiver for records pertaining to the King and Kennedy assassination records. From 1978 through last summer Mr. Weisberg had received some 300,000 pages of documents on these subjects at no charge. When the FBI reached his request for documents on the FBI's harrassment of Dr. King, however, it sought to rescind his fee waiver. As soon as I supplement his administrative appeal of that action, I anticipate filing suit on this issue. My best guess at present is that this will occur some time in May.

In regard to the Appendix C releases, these materials are far more voluminous than you realize. I estimate approximately 2,000 pages, about equally divided between those dealing with the King assassination and those on the harrassment campaign, although probably somewhat more of the latter. They consists of notes taken by the OPR staff as it reviewed FBI records. As a result, they are a kind of guide or index to the materials, and are thus invaluable because of the time they can save. (The FBI's abstracts of its records are, of course, even more valuable and informative for this purpose.)

Mr. Weisberg and I each have a set of the Appendix C materials. Unless you can come here or visit Mr. Weisberg at his home in Frederick, Maryland, copying them presents a problem. It may be easier for you to get them from the Department of Justice, particularly if you have obtained a fee waiver.

Mr. Weisberg has obtained in another lawsuit a 400-page inventory of the FBI's records on Dr. King. If you don't already have it, you may want to ask the FBI for it. Mr. Weisberg would be quite willing to make a copy for you, but he informs me that the local copying costs at Frederick are a very high 17 cents a page (as opposed to 6 cents in D.C.). Although he has his own copier, he cannot stand long enough to make use of it--he has phlebits and circulatory problems--and his wife is too busy now working on tax returns, her occupation, to be able to do so.

If you have no objection, I would be interested in having copies of the FOIA requests you have filed and any FBI responses.

I would also interested in why you describe the story regarding Levison as "long and complicated." We have recently obtained a document from the Department of Justice in which a staff member of the AG's office speculates that Levison was a FBI informant. The memorandum also notes that the FBI flatly denied this.

As to Lee v. Kelley, the materials locked up in the National Archives are obviously subject to FOIA and only those that are exempt can be withheld. The District Judge who ordered them impounded made no FOIA finding at all, thus the case has no precedential value in a FOIA suit, as Gesell ruled in Lesar.

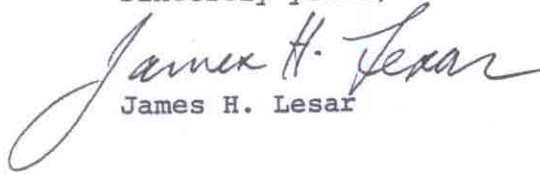
As to the joint appendix in Lesar, I can have it xeroxed if you are willing to pay the xerox and mailing charges. It is several hundred pages long, so you may want to specify particular parts.

Finally, I'd like to know whether the Department of Justice withheld parts of the Murphy Report from you under Executive Order 12065 or 11652. In my case they withheld under 11652, and I have

thought about asking them to reprocess it under the present and theoretically far more liberal order, but as yet have not gotten around to it.

I would, of course, be happy to talk with you.

Sincerely yours,

A handwritten signature in cursive script that reads "James H. Lesar". The signature is written in dark ink and is positioned above the printed name.

James H. Lesar