

*Jerry W. Ryan*

James E. Ray

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2/27/90

Dear Harold:

Thought I would write a few lines about a couple things. First I'm using the super sluth(Jerry's) stationary.

I received a letter from Baltimore a couple days ago from a guy said he knew you. I've forgot his name. Can't locate the letter which I answered.

I've been trying to get the JD negotiating papers that led to the consent decree & the court sequestering for 50 years in the NARS of the FBI surveillance of MLK. However, although I requested the records from the JD, they keep trying to shift it to FBI--I have a suit in Knoxville over it. The FBI sent me one letter & the local AG the same letter which the AG attached to a Motion. What do you make of the extra writing at bottom of 2nd page. In the letter to me this was deleted.

Trust everything going OK.

Later,

*J. Ray*



Mr. James Earl Ray, 65477  
P.O. Box 4000  
Petros, TN 37845

3/2/90

Dear Jimmy,

This is my day for Ray correspondence! Got a Christmas card from Jerry- and it is not even a used one!

And I'm surprised that you are still your own lawyer. I'd gathered from Bill Pepper that he is. But good luck, counsellor!

I know the case you refer to. Bernard Lee et al, and how that fink of a judge, John Lewis Smith, decided. I've even heard other judges ridicule his decision. But I'm not familiar with the details. I did not know that there had been any negotiations between the plaintiffs and the DJ and I'm surprised to learn that there had been.

Have you thought of asking the plaintiffs or their counsel to see if they can be of any help? They may not be unwilling.

Generally speaking, the notes the FBI adds to <sup>copies of</sup> records contain the information that might be useful to others later, but in this case I'm surprised that they state that they participated in negotiations in any way and have no written record. If I were to make a guess, it is that the Legal Counsel Division people kept a tickler on in until the case was over and then threw it away. There are records that never get to the central files. I also think it is possible that once there was no appeal the FBI would not want any record of its participation kicking around. It had to be concerned about those tapes until there was a final decision. But the decision was the best it could hope for, sequestering all the tapes it admitted having on King.

Harrison was an FBI spy at SCLC headquarters. I was never particularly interested in him but Dave Garrow wrote about him. Under the law the FBI can protect him and refuse to admit having anything on him or his service to it as an informer - unless that has been disclosed officially. I think it may well have been officially disclosed, at least to Garrow. In that event, they are not within the law in withholding from you information that is not within some exemption, as I understand it.

The fellow who wrote you from Baltimore is a policeman and seems to be a nice guy. He's been here a couple of times and a day or so ago phoned to tell me he'd spoke to you.

Jerry has never used his stationery in writing me. Fancy stuff!

If there were negotiations then they'd have been handled by the DJ component, I believe most likely the Civil Division, and if you did not address your request to it, I suggest you do that and file an appeal including it, but not it alone. That may well have gone higher for approval.

As Rick told you, I've had open-heart surgery and it went well, apparently. Slows me a bit more than the venous thromboses, which are giving me more trouble, but I'll be W7 in a few weeks, so by and large I am OK. Thanks for asking.

I don't know what you expect to get from this FOIA request that can do you any good and frankly, I don't see how it could. But good luck, anyway,

Harold

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*Jerry W. Ryan*

James E. Ray

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J. Ray



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

JAN 29 1990

Mr. James E. Ray  
65477  
Post Office Box 1000  
Petros, Tennessee 37845

FOIPA Nos. 310,074  
316,897

Dear Mr. Ray:

Reference is made to your Freedom of Information Act (FOIA) request for material concerning "the negotiations between the Department of Justice and the plaintiff" in the lawsuits Lee v. Kelley, et al., CA Nos. 76-1185 and 76-1186 (consolidated). According to your letter, these negotiations resulted in the Order of Judge John Lewis Smith, Jr., that FBI records pertaining to the electronic surveillance of Dr. Martin Luther King, Jr., be delivered to the custody of the National Archivist for 50 years.

Based on a page-by-page review of the civil litigation files at FBI Headquarters (FBIHQ) pertaining to the two civil suits cited above, as well as a search of the FBIHQ Central Records System (CRS), we have been unable to locate any material responsive to this request.

With regard to your FOIA request concerning James A. Harrison, as you were previously advised, accurate searches of the FBI's Central Records System (CRS) cannot be conducted based on the limited background information you have provided. The newspaper article enclosed with your original request does not contain Mr. Harrison's complete name, or date and place of birth. These items are essential in conducting accurate searches of the CRS especially, as in this instance, with a common name.

Further, without a notarized authorization, or in the alternative, proof of death, which you have not provided, the disclosure of law enforcement records or information about another private citizen is considered an unwarranted invasion of personal privacy. Such records are exempt from disclosure pursuant to Exemption (b)(7)(C) of the FOIA (5 U.S.C. 552).





Mr. James E. Ray

Proof of death can be a copy of a death certificate, obituary, or a recognized reference source. An authorization from another individual must be expressly directed to the FBI, must specify the record or type of records to which it applies, and must be notarized, with the original of the authorization provided to the FBI.

This response should not be considered an indication whether or not records responsive to your request on Mr. Harrison exist in FBI files.

If you desire, you may appeal any denials contained herein. Appeals should be directed in writing to the Assistant Attorney General, Office of Legal Policy (Attention: Office of Information and Privacy), United States Department of Justice, Washington, D.C. 20530, within thirty days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

Sincerely yours,



Emil P. Moschella, Chief  
Freedom of Information-  
Privacy Acts Section  
Records Management Division

Harold, the below wasn't on this letter to me but was on a duplicate letter to local AG:

NOTE: SA P. Grant Harmon, jr., Div. 6, advised on 1/11/90 that at the time Lee v. Kelley was being argued, he was assigned to legal counsel Div. and assisted in coordinating the civil suits for the FBI. SA Harmon stated that there were negotiations between DOJ and the plaintiffs that resulted in Judge Smith's order to sequester FBI records in the archives, but that no information regarding those negotiations was ever put in writing at the FBI and further, that no information from any source regarding the negotiations was made a part of FBI files.

Refusal to confirm or deny the existence of FBI records on Mr. Harrison was coordinated with SA David Liberman and SA Gary Boutwell.

This letter was coordinated with SA Steve Frazier, LCD.



The Department of Corrections has neither  
sensored nor inspected this item, therefore, the  
Department does not assume responsibility for its  
content.  
Department of Corrections  
Brushy Mountain Prison

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74C

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P.O. Box-1000  
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