Police Order Burning Of File On Vietnam War Protester

By JOSEPH WEILER

The Memphis Police Department ordered the secret criminal intelligence file on a former Memphis Vietnam War protestor burned last week rather than reveal its contents to the man.

Police Chief W. O. Crumby said yesterday the department no longer has any files on the man "and not even a trace of what was in those files. They're totally destroyed."

The files were reviewed by Deputy Chief for Operations George W. Hutchinson after Eric "Rick" Carter, now of Houston, Texas, requested to see them in a letter to Crumby dated Aug. 15.

"There was absolutely nothing in those files to indicate any criminal activity on his part, so I ordered it destroyed. Our objective is not to keep any records on any political activity unless they are of a criminal nature," Hutchinson said.

Crumby and Hutchinson said they asked their legal adviser, Steve Cohen, for an opinion on Carter's right to see his own file, but no opinion had been received before it was burned, Cohen said last night.

"He started talking about my private life and said they had pictures of me — so many, that they'd stopped printing them. They were just filing the negatives."

The officer — Lt. Jerry Davis — said last night he was not familiar with his friend's file.

On Aug. 15 of this year, Carter first wrote Crumby to ask for his file. His letter was answered a few days later by Cohen, who said he needed the letter notarized before he could take any action.

Carter spoke with police officiers numerous times in the following weeks, until Friday when Hutchinson told him his file had been burned the day before.

Hutchinson and Crumby at first told a reporter the file contained only a few "memoranda that mentioned his [Carter's] name. There was not the slightest indication he had done anything wrong."

When asked if the file also contained photographs, both men at first said no and then asked Capt. Pat Ryan, domestic intelligence commander, who said it may have. He said he did not remember.

Ryan said the file also may have included "personal information" on Carter, but said that all records of the files contents — and perhaps even the records that it ever existed — were destroyed.

Crumby and Hutchinson praised Carter highly. They said they knew him as a student government leader during the 1974 streaking incidents at Memphis State.

"He was a fine student from what we observed during that period. He really knew how to keep the students under control," Hutchinson said. "He was a hell of a good guy."

Crumby said he believes Carter's request to see his file was the first ever received by the department since it began keeping domestic intelligence files in about 1965.

He said that for the past year the police have turned over protest files like Carter's which contain no criminal information.

The officers refused to say how many files the department still has or how many it has destroyed.

"Anytime we have an altercation of any kind, in this city — like the sanitation strike or the streaking out at Memphis State — our intelligence people gather information on such activities," Crumby said.

"When such altercations are over, our files are reviewed and if no help to the department, they are destroyed."

Carter said he did not know what action — if any — he will take against the department for its handling of the case.

"All I'm trying to say to them is, 'If you have a file on me, show me what you have and let me know why. If I'm a criminal, let me know.'"

I say we stand their [police] position but I can't agree with it. They've got to realize that they have gone overboard."