

# E COMMERCIAL APPEAL

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## 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 protester 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 have 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

wasn't what we thought should be done. We favored peaceful change."

Carter said he learned several years later that one of his best friends and companions in the VVAW was actually an undercover Memphis policeman posing as a Communist Party member and MSU student when he joined the antiwar movement.

"He was a veteran and he wanted to work for the VVAW. I said, 'Remember we're not the CP and I don't want to get into it,'" Carter said.

"When we finally disbanded, it was because of the interference. They (the CP) like to get their heads broken and make you look like fools. And we weren't."

"I was sort of disillusioned (when I learned he was an undercover officer). It broke my heart that he lied to me all that time." It was this officer — now on routine duty — Carter believes provided police with most of the information for the file. He could not be reached for comment last night.

In 1975 another friend of Carter — a policeman — told Carter

"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 officials 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 been trying to "purge" 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, investigate me.'"

"I can't understand their (police) position, but I can't agree with it. They have got to realize that they have gone overboard."

South Texas College of Law, said yesterday in a telephone interview from Houston that his problems began in about 1970 when he was regional director for the Vietnam Veterans Against the War (VVAW) — locally a nonviolent antiwar protest group.

Carter had served as a reporter for Headquarters Marine Corps Vietnam, tape recording events in the field in 1968 and 1969.

He received an honorable discharge in January, 1970, and came home to Memphis to attend Memphis State University majoring in re-law. It was at MSU that he became active in the VVAW.

"I got involved because the things that were happening were not in our best interest. We told people — we even told (former U.S. Rep.) Dan Ruskendall (of Memphis) — that we didn't think he and (former President Richard) Nixon were a bunch of ogres. What they were doing just