

9 APR 1978 TOP SECRET

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Martin Luther King Report

In November, 1975, at your direction, we undertook to review and investigate various matters pertaining to Dr. Martin Luther King. Specifically, we sought to determine whether the FBI harassed or committed other illegal or improper acts against Dr. King during his life, and whether the FBI was implicated in his death. Implicit in this review was an effort to determine whether the FBI's investigation of King's death was thorough and honest, or whether it was tainted by the earlier efforts to discredit King as discussed below. (u)

*not mentioned*

In conducting our review, we relied primarily upon the Martin Luther King files at the FBI headquarters in Washington. These files are voluminous, and we were unable to review them all. 1/ We reviewed none of the files in Atlanta or Memphis, and we did not undertake a program of interviewing key witnesses. We did cooperate with the staff of the Senate Select Committee on Intelligence, and they with us, and we have recently had the benefit of seeing the findings and conclusions in their upcoming report. (In general, they confirm our own views independently arrived at.) (u)

Based upon this selective review, we have found that the FBI undertook a systematic program of harassment of Martin Luther King, by means both legal and illegal, in order to discredit him and harm both him and the movement he led. (u)

We have not found a basis to believe that the FBI in any way caused the death of Martin Luther King. (u)

1/ See the attached memorandum, Murphy to Pottinger, March 31, 1976, pages 2 and 3, for description of files reviewed.

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(TS)

In addition to this reason, however, the early files reveal that much of the King investigation was based upon a perception, real or imagined, that King was using his influence to discredit the FBI and cause Hoover to be replaced. To the extent that this was a cause for the FBI's investigation, plainly it was an extra-legal one which was not justified even by the somewhat different standards of operation and perceptions which prevailed in the Bureau at the time. (u)

The nature of the Bureau's investigation significantly changed when in 1964 Attorney General Kennedy authorized the wiretapping of Dr. King, and thereby gave official sanction to the Bureau to intensify its surveillance. Again, this authorization, when viewed by the law enforcement standards of the time, appears to have been within the authority of the Attorney General. While his judgment in authorizing it might now be questioned, one must conclude that at the time the authorization was technically legal. (u)

The wiretaps soon led the FBI to add a new dimension to its investigation, the collecting of personal information about Dr. King through microphone surveillances (misurs) of his hotel rooms. The evidence of [...(b)(7)(C).....] stems to have confirmed Hoover's belief that King was a dangerous [(b)(7)(C)] revolutionary who should be exposed and replaced as a leader in the civil rights movement. (u)

It is in this ensuing long campaign to discredit King that the Bureau most clearly overstepped its investigative and law enforcement functions. This is not a judgment which rests upon the benefit of hindsight. As an investigative agency, the FBI had no legal authority to make such determinations nor to act upon them. For reasons beyond the scope of this analysis, the historical fact is that the Department did not control the FBI effectively in such matters. We have seen no records in the files that the Attorney General or other key department officials were advised of the actions taken to discredit King, although certainly the product of the microphone surveillances was known to Attorney General Kennedy and the White House. The Attorney General did retrieve the distribution of a "monograph" or memorandum outlining allegations of Communist connections and highly personal and derogatory information about King, but it is unclear whether this was done primarily to curb the Bureau's impropriety or to preserve the credibility of the Attorney General's earlier public conclusion that King was free from Communist Party influence. (u)

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Prosecution Potential

Based upon our present level of knowledge, most if not all of the FBI officials who participated in the King case at a decision-making level are as follows:

- 1) J. Edgar Hoover, Director (deceased)
- 2) Clyde Tolson, Associate Director (deceased)
- 3) Alan Belmont, Assistant to the Director (retired)
- 4) Cartha DeLoach, Assistant Director (retired)
- 5) Courtney Evans, Assistant Director (retired)
- 6) William Sullivan, Assistant Director (retired)
- 7) James Bland, Chief, Subversive Control Section (retired)
- 8) Joseph A. Sizoo, Assistant to the Assistant Director (retired)
- 9) Fred J. Baumgardner, Chief, Internal Security Section (retired) (u)

The exchanges of memoranda among these men and others could establish the existence of a concert of action in which each participated. Most of the briefings of Congressmen, Senators, White House aides, press, and others were handled by Cartha DeLoach. William Sullivan apparently conceived and executed the mailing of the composite tape to Dr. King, processed and approved the microphone surveillances to gather information to be used against King, and was active in other Cointelpro-type activities. Belmont, Bland, Sizoo, and Baumgardner participated regularly in producing the various internal memoranda. We would have to know more about these men's actual roles in the Bureau's effort in order to estimate their culpability. Courtney Evans appears more as an honest broker between Hoover and Attorney General Kennedy than as a principal, although his actual role would have to be examined further to be understood. (u)

The files reveal that Hoover and this relatively small group of Bureau officials made the critical decisions and authorized the critical actions which were then executed by a core of well-trained and disciplined agents. We have not attempted to identify each agent who participated at the direction of headquarters, nor to assess whether they also have died or retired, and if not, their culpability or exposure to formal discipline. (See Recommendations for further discussion on this point.) (u)

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