Office of the Associate Attorney General

Washington, D.C. 20530

FEB 3 1981

James H. Lesar, Esquire
2101 L Street, N. W.
Suite 203
Washington, D. C. 20037

Dear Mr. Lesar:

This is in further response to the request of your client, Mr. Harold Weisberg, for access to all records of the Offices of the Attorney General and Deputy Attorney General pertaining to Dr. Martin Luther King, Jr.

Because of the results of the consultative process with various components of the Department, it proved impossible to complete the processing of these records by December 1980, as I had earlier estimated, but our efforts in this regard are still continuing. At Tab A is a list of the components and records which are encompassed by your client's request. Enclosed herewith are copies of fifty-three of the one hundred and two items, all of which are being released to Mr. Weisberg without excisions. Three others have been previously released to him. As to the remaining items, components have recommended that some be withheld in their entireties and that others be released with excisions. There are even a few documents as to which one component has recommended release, but where another component has recommended complete or partial withholding of the same item, or of another record containing substantially identical content. I anticipate that all of these matters will be resolved, one way or the other, within the next four to six weeks, thereby permitting either their release or a decision to withhold prior to April 1, 1981.

I do wish to advise you that I have personally examined all of the records as to which a recommendation to deny access has been made. All of those recommended for complete withholding appear to be exempt from mandatory disclosure under the Freedom of Information Act pursuant to at least 5 U.S.C. 552(b)(5); recommended excisions are primarily on grounds of personal privacy.

EXHIBIT E

IFS

Nonetheless, within the time constraints imposed on us by the pending suit, as indicated above, I and my staff will continue to explore the possibility of additional disclosure of this material either by establishing that personal privacy considerations do not apply, or as a matter of agency discretion.

Sincerely,

Quinlan J. Shea, Jr., Director
Office of Privacy and Information Appeals

Enclosures

cc: Mr. Weisberg

Assistant United States
Attorney Jasón Kogin

RECORDS PERTAINING TO DR. MARTIN LUTHER KING, JR.,
LOCATED IN THE OFFICES OF THE ATTORNEY
GENERAL AND DEPUTY ATTORNEY GENERAL

I. Office of Professional Responsibility

Enclosed: OPR # 3-6, 8, 11-23

Withheld at this time:

OPR # 1: Memorandum, Folsom to Shaheen; Nov. 4, 1976;
Subject: Task Force Access to FBI Files

OPR # 2: Memorandum, Folsom to Shaheen; Oct. 8, 1976;
Subject: Task Force Access to _____ FBI File

OPR # 7: Memorandum, Blackhurst to Fiederowicz;
Mar. 8, 1977; Subject: Prior Dealings with _____

OPR # 9: Memorandum, Fuller to Shaheen; June 3, 1976;
Subject: Dr. Martin Luther King documents.

OPR # 10: Memorandum, Shaheen to Mintz and Lawton;
June 3, 1976; No subject line.

OPR # 24: Memorandum, Shaheen to Fuller; June 16, 1976;
Subject: Request for Access to Materials Relating to
Dr. Martin Luther King, Jr.

II. Federal Bureau of Investigation

Enclosed: FBI # 4-6, 8

Withheld at this time:

FBI # 1-3: These pertain to the tape and letter sent to Mrs. King in 1964. They have already been released to Mr. Weisberg on at least two occasions, once by this Office and, later, by the F.B.I. Additional copies will be furnished if desired.

FBI # 7: Memorandum, Assistant Director - Legal Counsel to Shaheen; June 9, 1976; Subject: Request for Access to Materials Relating to Martin Luther King, Jr.

FBI # 9: Memorandum, Levi to Kelley; July 14, 1976; Subject: Request of _____ *

FBI # 10: Memorandum, Attorney General to Director, FBI; Oct. 21, 1976; Subject: Martin Luther King Task Force Access to FBI Files*

III. Civil Rights Division

Enclosed: Civ Rts # 1-6

Withheld at this time:

Civ Rts # 7: Draft memorandum, AAG Days to Attorney General.

IV. Office of the Solicitor General

Enclosed: None

Withheld at this time:

SG # 1: Memorandum, Solicitor General to Attorney General; Apr. 16, 1976; Subject: Recommendations Regarding the Martin Luther King, Jr., Matter (with SG # 1A -- index slip describing SG # 1).

V. Justice Management Division

Enclosed: JMD # 1-3

Withheld at this time: None

VI. Criminal Division

Enclosed: None

Withheld at this time:

Crim # 1: Memorandum, Attorney General to DAG, R. Bork, R. Lee, A. Scalia, R. Thornburgh; April 15, 1976; No subject line.

* These two items were only recently located and have not yet been reviewed by the F.B.I.

Crim # 2: Memorandum, Thornburgh to Attorney General; April 21, 1976; Subject: Martin Luther King -- Your Memorandum of April 15, 1976

Crim # 3: Routing slip, AAG, Criminal Division, to Attorney General; Apr. 21, 1976; No subject line

Crim # 4: Routing slip, AAG, Criminal Division, to J. C. Keeney, R. L. Keuch and J. C. Waldman; April 19, 1976; No subject line

Crim # 5: Memorandum, Keuch to Thornburgh; April 21, 1976; Subject: The Attorney General's Memorandum of April 15 re: Dr. King Investigation.

Crim # 6: Memorandum, Waldman to Thornburgh; Apr. 21, 1976; Subject: Martin Luther King Report

Crim # 7: Memorandum, Keeney to Thornburgh; Apr. 20, 1976; No subject line

VII. Office of Privacy and Information Appeals

Enclosed: OPIA # 1

Withheld at this time: None

VIII. Land and Natural Resources Division

Enclosed: None

Withheld at this time:

LNR # 1: Memorandum, Fuller to Taft; June 15, 1976; Subject: Request for Access to Materials Relating to Martin Luther King, Jr.

LNR # 2: Memorandum, Taft to Levi; June 30, 1976; Subject: Request of _____.

IX. Office of Legal Counsel

Enclosed: OLC # 5, 8-9

Withheld at this time:

OLC # 1: Memorandum, Lawton to Shaheen; Aug. 7, 1975; Subject: Proposed Procedures to be Followed with Regard to Senate Select Committee Requests for Materials Pertaining to the Activities of Dr. Martin Luther King, Jr.

OLC # 2: Memorandum, Lawton to Shaheen; Aug. 22, 1975; Subject: same as OLC #1

OLC # 3: Memorandum, Lawton to Shaheen; June 8, 1976; Subject: Request of _____

OLC # 4: Memorandum, Scalia to Attorney General; April 19, 1976; Subject: Martin Luther King Investigation

OLC # 6: Letter, Scalia to _____; May 18, 1975; No subject line.

OLC # 7: Draft letter (enclosure to OLC # 6)

X. Office of the Deputy Attorney General

Enclosed: DAG # 1, 3

Withheld at this time:

DAG # 2: Memorandum, Deputy Attorney General to Attorney General; April 20, 1976; Subject: Civil Rights Division Report - Your Memorandum of April 15, 1976

XI. Office of the Attorney General

Enclosed: AG # 1, 3, 8-9, 11, 14, 17-18, 20-24, 28-29, 32

Withheld at this time:

AG # 2: Memorandum, Fuller to THE FILE; 12/11/75; Subject: King Investigation

AG # 4: Memorandum, Fuller to THE FILE; Apr. 13, 1976; Subject: Conversation with _____.

AG # 5: Same as Crim # 1

AG # 6: Note; 4/13/76; No subject line

AG # 7: Memorandum, Fuller to THE FILE; Apr. 22, 1976; Subject: April 21 Meeting on the King Investigation

AG # 10: Letter, Fuller to _____; May 6, 1979; No subject line.

AG # 12: Letter, _____ to Attorney General; May 28, 1976; No subject line.

AG # 13: Memorandum, Fuller to THE FILE; June 7, 1976; Subject: Dr. Martin Luther King documents

AG # 15: Note indicating incoming telephone call

AG # 16: Routing slip, Goldbloom to Fuller; 7/9/76; No subject line.

AG # 19: Letter, Fuller to _____; July 19, 1976; No subject line.

AG # 25: Letter, Stokes to Bell; Mar. 9, 1977; No subject line.

AG # 26: Agenda of Meeting with Attorney General Griffin Bell

AG # 27: Memorandum, Keuch to Attorney General; April 22, 1979

AG # 30: Memorandum, Keuch to Director, FBI; Aug. 3, 1977; Subject: House Select Committee on Assassinations

AG # 31: Memorandum, Keuch to Attorney General; Oct. 3, 1977; Subject: House Select Committee on Assassinations--Status Report.

AG # 33: Twenty-six pages of handwritten notes

XII. Civil Division

Enclosed: None

Withheld at this time:

Civ # 1: Memorandum, Lee to Attorney General; July 12, 1976; Subject: Request of _____

Civ # 2: Letter, Gelber to Clark; Apr. 9, 1968; No subject line.

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF PROFESSIONAL RESPONSIBILITY
WASHINGTON, D.C. 20530

R

JAN 11 1977

TO: The Attorney General

FROM: Michael E. Shaheen, Jr., Counsel
Office of Professional Responsibility

SUBJECT: Report of the Department of Justice Task Force to Review the FBI-Martin Luther King, Jr. Security and Assassination Investigations

By your memorandum of April 26, 1976, you directed the Office of Professional Responsibility to complete a review of all records in the Department of Justice concerning the Reverend Dr. Martin Luther King, Jr. In ordering this review of all documents you requested that answers to four specific questions be furnished to you and FBI Director Clarence M. Kelley. You requested to know:

(1) Whether the FBI investigation of Dr. King's assassination was thorough and honest;

(2) Whether there is any evidence that the FBI was involved in the assassination of Dr. King;

(3) Whether, in light of the first two matters, there is any new evidence which has come to the attention of the Department concerning the assassination of Dr. King;

(4) Whether the relationship between the Bureau and Dr. King calls for criminal prosecutions, disciplinary proceedings, or other appropriate action.

I transmit herewith the report of the special task force that was formed for the review you requested and to respond to the questions you asked.

OPR #3

I wish to advise you that the report and appendices are to be classified Top Secret by the Bureau. Accordingly, these materials should be handled as so classified. I shall await your instructions before sending the report to the FBI for classification.

Enclosures:

3 copies of referenced report

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF PROFESSIONAL RESPONSIBILITY

WASHINGTON, D.C. 20530

RECEIVED
OFFICE OF THE
ATTORNEY GENERAL
MAY 28 1976

L/

R

MAY 27 1976

TO: Douglas R. Marvin
Counselor to the Attorney General

Mike

FROM: Michael E. Shaheen, Jr., Counsel
Office of Professional Responsibility

SUBJECT: Status Report: Martin Luther King Task Force

Attached for your information is a status report from Fred Folsom, Director of the Task Force that is conducting the Martin Luther King Review ordered by the Attorney General. Please note that the status report deals only with the FBI's assassination file (or MURKIN serial #44-38861) and not the numerous other personal, investigative, organization or associational files that relate to or concern the FBI's intense investigative interest or discrediting activities vis-a-vis Dr. King. All of these additional files will be the subject of Task Force Review subsequent to its initial, full focus on the King assassination and the Bureau's investigation of same.

I am most pleased with the present pace of review and believe that the Review Group's organizational approach to their enormous task and its successful and ordered completion is a wise one. That approach is to start with the assassination and its investigation and then is to broaden to include all and every logically related record in the Bureau's other voluminous files on Dr. King, the SCLC, his associates and the like - both at FBI headquarters and in every field office.

[I hope that Mr. Folsom's request for immediate secretarial assistance adverted to in his memo will have been satisfied by the time you receive this memorandum. The Civil Rights Division has refused to provide further personnel to assist in this review, but we are seeking to negotiate this problem,]

OPR #4

OFFICE OF PROFESSIONAL RESPONSIBILITY
WASHINGTON, D.C. 20530

R

MAY 26 1976

TO: Michael E. Shaheen, Jr., Counsel
Office of Professional Responsibility

FGF

FROM: Fred G. Folsom, Director
Martin Luther King, Jr., Task Force

SUBJECT: Status Report

To date we have completed a preliminary review of fifty of the eighty-seven sections regarding the Martin Luther King, Jr., assassination file (MURKIN, #44-38861). Each "serial" or document has been read by a member of the Task Force. We expect to complete this review of the Headquarter's file by June 4, 1976.

The following week will be used to reconstruct the crime and subsequent events, analyze the background of James Earl Ray prior to April 4, 1968, and also to determine any leads to a possible conspiracy re Dr. King's death. At the same time, we shall begin an outline for our report to the Attorney General, determine what other headquarters files need to be examined at this time and also our approach for the main MURKIN file located at the Memphis Field Office.

We then anticipate going to the Memphis Field Office on June 14, 1976, for a review of the King assassination file, Working on a seven day/week schedule, it is estimated that we will complete our review of the file (120 sections) in two and one-half to three weeks. We will return to Washington and review the Task Force's work to consider what further review of other field office files, in this matter is necessary at this time, and to determine what persons are to be interviewed by the Task Force.

OPR #5

OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

Discussed with Shaheen - 5-11-76 R
and he said he would implement.
RWG

MAY 10 1976

TO: Rudolph W. Giuliani
Associate Deputy Attorney General

Mike FROM: Michael E. Shaheen, Jr., Counsel
Office of Professional Responsibility

SUBJECT: Martin Luther King Review

Reference is made to my memorandum of April 30, 1976, to the Deputy Attorney General (with copies to you and Doug Marvin) requesting that certain named individuals be detailed as Task Force members to complete the review of the Martin Luther King files, etc.

1) In that memorandum I indicated the immediate need to regularize the part-time employment of Fred G. Folsom to full time. I hope that steps have been taken to secure that status.

2) The Task Force now requires the services of one full time secretary, and I recommend that OMF be requested to secure the detail of a secretary with Top Secret clearance as soon as possible. I shall appreciate a nudge from you to accomplish this with the dispatch that is now required.

3) I enlist your assistance in settling upon the appropriate mechanism that will premit the Task Force members to take the necessary trips to the several Bureau field offices with authorization for such travel resting in this Office. Neither Task Force members nor this Office have travel funds, much less any GTRs.

cc: Harold R. Tyler, Jr
Douglas R. Marvin

OPR #6

4) It is most likely that additional paralegals will be enlisted as detailees to aid in this review. Their names will, of course, be forwarded to you.

5) I leave to you and Glen Pommerening the decision as to where the funds for these various expenditures are to come.

I shall appreciate your assistance with respect to these matters.

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF PROFESSIONAL RESPONSIBILITY
WASHINGTON, D.C. 20530

R

JUN 11 1976

TO: Jack W. Fuller
Special Assistant to the
Attorney General

FROM: Michael E. Shaheen, Jr., Counsel
Office of Professional Responsibility

SUBJECT: Request for Access to Materials Relating to Martin Luther King, Jr.

I have attached copies of memoranda articulating the views of Mary C. Lawton and John Mintz on the above captioned subject.

Mike

OPR #8

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF PROFESSIONAL RESPONSIBILITY
WASHINGTON, D.C. 20530

R

OCT 12 1976

TO: The Attorney General

ATTN: Douglas R. Marvin
Counselor to the Attorney General

FROM: Michael E. Shaheen, Jr., Counsel
Office of Professional Responsibility

SUBJECT: Martin Luther King Task Force's Access to FBI Files

The attached memorandum from Fred G. Folsom, Director of the Martin Luther King Task Force, is self-explanatory. I endorse Mr. Folsom's and his fellow attorneys' position fully. I recommend that the Attorney General give this matter his early attention and advise us of his decision as soon as possible.

OPR #11

R

Mike Shaheen, Counsel
Office of Professional Responsibility

April 13, 1976

Jack Fuller

Martin Luther King materials

Could you have a list prepared of documents concerning the FBI King investigations that were provided to the Church Committee? I have been approached by attorneys for the King estate regarding the possibility of destruction, and the list of what has been provided would be helpful.

OPR #12

R

Mike Shaheen June 15, 1976

Jack Fuller

Attached correspondence

Could you prepare a reply for the Attorney General's signature to the attached letter from Senator Eagleton?

Re: (King) investigation

file

No attachment

OPR #13

UNITED STATES GOVERNMENT

memorandum

R

DATE: January 14, 1977

REPLY TO ATTN OF: Edward H. Levi, Attorney General

SUBJECT: Martin Luther King, Jr., Report

TO: Michael E. Shaheen, Jr.
Director, Office of Professional Responsibility

Jack Fuller
Special Assistant to the Attorney General

1. I called Senator Inouye to tell him that the Department of Justice Task Force Committee's Report on Martin Luther King, Jr., was completed and that I wanted him to know that and was prepared to send him a copy of the Report if he desired to have it. I said the Report was not yet public and did contain some items involving questions of privacy, etc., which would have to be handled. Senator Inouye said that he thought it would be a good idea if I made a note which would read that I had notified him, that he said that this was not a good time for him to receive the report, but that he would like to see it at some later time.

2. I spoke to Senator Eastland, who said he would like to see the Martin Luther King, Jr., Report, and that he would not show it to anyone, realizing that it contained some material which possibly ought to be removed because of privacy, etc. reasons. I told Senator Eastland we would send him a copy of the Report.

3. Chairman Rodino said he would be happy to see the Report, which he would keep confidential, in its present form, on Monday; that he would like to read the report and then he would advise us as to whether making public a revised version of the report, taking out privacy matters, would embroil the Department in the dispute about the Assassination Committee, which he knew I wished to avoid.

OPR #14

OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112

UNITED STATES GOVERNMENT

Memorandum

TO : Michael Shaheen

DATE: April 26, 1976

FROM : Attorney General

SUBJECT:

I am forwarding to you the memorandum prepared by Assistant Attorney General Pottinger and by Robert A. Murphy, Chief of the Criminal Section of the Civil Rights Division, on the partial review which has been made of the relationships to Martin Luther King, Jr. In addition, I include the commenting memoranda from the Deputy Attorney General, from Robert Bork, from Richard Thornburgh and the members of his staff, and from Antonin Scalia.

I note that Mr. Pottinger concludes that "we have not found a basis to believe that the FBI in any way caused the death of Martin Luther King" and that "we have also found no evidence that the FBI's investigation of the assassination of Martin Luther King was not thorough and honest."

My request for the review involved four matters. First, whether the FBI investigation of the Dr. Martin Luther King's assassination was thorough and honest; second, whether there was any evidence that the FBI was involved in the assassination of Dr. King; third, in light of the first two questions, whether there is any new evidence which has come to the attention of the Department concerning the assassination of Dr, King which should be dealth with by the appropriate authorities; fourth, whether the nature of the relationship between the Bureau and Dr. King calls for criminal prosecution, disciplinary proceedings, or other appropriate action.

As to the fourth point, I again note that from the partial review which has been made, Mr. Pottinger concludes "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." Assuming that the major statutory violations relevant to this conduct would be 18 U.S.C. § 241 and § 242, Mr. Pottinger's memorandum concludes that any prosecution contemplated under those acts would now be barred by the five-year statute of limitations with the possible exception which would exist if there were proof of a continuing conspiracy.

OPR #15

As to the matter of new evidence with respect to the assassination, my understanding is that the Department has never closed the Martin Luther King file and that numerous allegations of the possible involvement of co-conspirators are promptly investigated. The thrust of the review which I requested, however, was to determine whether a new look at what was done by the Bureau in investigating the assassination or in the relationship between the Bureau and Dr. King might give a different emphasis or new clues in any way to the question of involvement in that crime. At this point in the review, as I read the memoranda, nothing has turned up relevant on this latter point.

The review is not complete. Mr. Pottinger and all those who have commented upon his memorandum recommend that the review be completed. Mr. Pottinger also has made other recommendations upon which there is some difference of opinion. In my view, it is essential that the review be completed as soon as possible and in as thorough a manner as is required to answer the basic questions. In view of what has already been done, and the tentative conclusions reached, special emphasis should be given to the fourth question. In conducting this review you should call upon the Department to furnish to you the staff you need.

My conclusion as to the review conducted by the Civil Rights Division is that it has now shown that this complete review is necessary, particularly in view of the conclusion as to the systematic program of harassment. If your review turns up matters for specific action, we should discuss the best way to proceed on each such case.

OFFICE OF PROFESSIONAL RESPONSIBILITY
WASHINGTON, D.C. 20530

R.

MAY 24 1976

TO: Rudolph W. Giuliani
Associate Deputy Attorney General

Mike FROM: Michael E. Shaheen, Jr., Counsel
Office of Professional Responsibility

SUBJECT: Assignment of Secretarial and Paralegal Personnel to Martin Luther King Task Force.

I have attached several memoranda which, when read chronologically, are self-explanatory. In his May 24, memorandum to me, Robert Dennis explains that in conversation with Acting Executive Officer, Harry Fair, of the Civil Rights Division, Mr. Fair suggested that I "coordinate" the release of the three civil rights employees with Jim Turner. Before receipt of Dennis' memo, however, while talking to Mr. Fair today about another matter, he advised me that additional details of Civil Rights Division employees were not going to be allowed. I advised Mr. Fair that the Deputy Attorney General was responsible for decisions of this sort and that I was not the appropriate person with whom to discuss these matters.

You should know that the Martin Luther King Review is progressing nicely and that the only threat to that continued progress comes from having no secretarial assistance and inadequate staff of paralegals in assistance. (There is no problem with Ms. Hope Byrne and her detail). But we do enlist your assistance in giving the Task Force immediate relief in the form of secretarial help. I shall appreciate your early attention (and success) in resolving this problem. The individuals from Civil Rights who are named in Mr. Dennis' memo are available to assist if you can secure their detail. (The Task Force has had no secretarial assistance for the full month of its existence). Help!

OPR #16

MAY 18 1976

R

TO: Michael E. Shaheen, Jr., Counsel
Office of Professional Responsibility

FROM: Fred G. Folsom, Leader
Martin Luther King Review Task Force

SUBJECT: Assignment of Secretarial and Paralegal Personnel

It is requested that Linda Ramsberg and Carole Kosack be immediately assigned as our principal secretaries. We would hope that they will be familiar with transcription work and be able to take charge of the "housekeeping" operations for our task force.

We have immediate need of more assistance to collect data and do research in several areas emerging from our review. Miss Hope Byrne, research analyst, has reported for parttime work and expects to begin full time next week. From the list of other qualified paralegals supplied to us last week it is requested that Elizabeth Dunigan be assigned to begin work as soon as she can be processed.

OPR #17

R

MAY 18 1976

TO: Robert L. Dennis, Director
Operations Support Staff
Office of Management and Finance

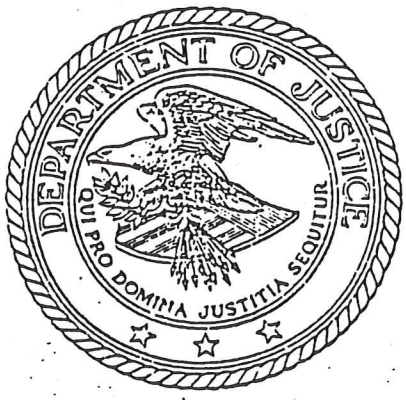
FROM: Michael E. Shaheen, Jr., Counsel
Office of Professional Responsibility

SUBJECT: Attached Memorandum from Fred G. Folsom

I have attached a memorandum to me from Fred G. Folsom, Leader, Martin Luther King Review Task Force, which is self-explanatory. I would appreciate your early assistance in effecting the requested personnel assignments.

OPR #18

Copy to Folsom 5/19/76



REPORT OF THE DEPARTMENT OF JUSTICE

TASK FORCE TO REVIEW THE FBI MARTIN LUTHER KING, JR.,

SECURITY AND ASSASSINATION INVESTIGATIONS

January 11, 1977

ORR #19

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF PROFESSIONAL RESPONSIBILITY
WASHINGTON, D.C. 20530

OCT 1 1976

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Informant Files Pertinent to the Martin Luther King, Jr., Investigation Review.

Our Martin Luther King, Jr., Review Task Force has requested the informant files on five informants employed by the F.B.I. in Memphis, Tennessee, during that city's Sanitation Worker's strike in 1968. The Task Force has explained to their Bureau liaison that the violence attendant on that strike brought Dr. King to Memphis and coincidentally to his death. The review staff feels it must know the identity of the informants to determine whether or not they played any provocative role. I think this is correct.

The Task Force says they will have to call for other informant files as the review proceeds. They do not contemplate contacting or interviewing any informants unless something startling develops. In that case further discussion with the Bureau is envisioned and no ~~such~~ inquiries of the informants will take place without your approval.

Your approval is solicited for me to instruct the Bureau to make ~~pertinent~~ informant files available to the (the five) Martin Luther King, Jr., Review Task Force on an informal verbal showing of the basis for each request subject to the above condition concerning contacts or interviews.

Michael E. Shaheen, Jr., Counsel
Office of Professional Responsibility

Approved

OPR #20.

UNITED STATES GOVERNMENT

Memorandum

R

TO : Clarence M. Kelley, Director
Federal Bureau of Investigation

DATE: September 30, 1976

FROM : Michael E. Shaheen, Jr., Counsel
Office of Professional Responsibility

SUBJECT: Informant Files Pertinent to the Martin Luther King, Jr., Investigations Review

The Martin Luther King, Jr., Investigations Review Task Force advises me that they have made a request to examine the informant files of the five informants working for your Memphis Field Office during the 1968 Sanitation Workers' Strike. This request, we understand, is under consideration in your Bureau. In addition the Task Force tells me they anticipate that as their work progresses they will call upon the Bureau for other informant files.

To facilitate the work of the Task Force, it is requested, with the Attorney General's approval, that, on an informal verbal showing by the Task Force of the basis for the pending request and for future requests for informant files, such files be made freely available. It is understood that the Task Force will use the files in the main to clarify other information about the Bureau's Martin Luther King, Jr., investigations, and that no interviews or approaches to the informants will be made without further consultations with the appropriate officials of the Bureau.

OPR #21

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF PROFESSIONAL RESPONSIBILITY
WASHINGTON, D.C. 20530

AUG 25 1976

TO: Douglas R. Marvin
Counselor to the Attorney General

FROM: Michael E. Shaheen, Jr., Counsel
Office of Professional Responsibility

SUBJECT: Progress Report: Martin Luther King Task Force

Attached for the Attorney General's information is a fourth status report from the Director of the Task Force conducting the Martin Luther King Review.

RECEIVED
OFFICE OF THE
ATTORNEY GENERAL
AUG 26 1976

OPR #22

JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : Michael Shaheen, Counsel, Office of Professional Responsibility

DATE: August 24, 1976

FROM: Fred G. Folsom, Leader, Martin Luther King, Jr., Review Task Force

SUBJECT: Progress Report: Evidence Examinations in Atlanta, Birmingham, New Orleans, St. Louis, Springfield and Chicago

I

During the week of August 2-6, 1976, the Task Force attorneys visited Atlanta, Birmingham and New Orleans, reviewing the "Murkin" (Martin Luther King, Jr. murder investigation) files in those three cities in which (with Memphis) events crucial to the F.B.I. investigation occurred. The "Murkin" files in these three cities totaled 73 sections with 5,830 serials. In addition the Task Force was sufficiently ahead of schedule in Birmingham and New Orleans in the interest of economy to review the small "Martin Luther King, Jr., Security" files in those two cities. There were two sections in each of these "Security" files with more than a total of 337 serials.

We interviewed agents in each of the three offices who had either been the "case agent" on "Murkin" or significantly involved in the investigation.

There were no startling developments in Atlanta, Birmingham or New Orleans. The agents interviewed in Birmingham and New Orleans assured us that there had been no technical (electronic) surveillance in any investigation in connection with Dr. King. There was no point in making this inquiry in Atlanta as there clearly had been such "elsur" activity there aimed at Dr. King and the Southern Christian Leadership Conference.

II

Mr. Joseph Gross was detailed to St. Louis and Springfield, Missouri, Monday, August 16, 1976, to review the F.B.I. files in those two Bureau field offices. He covered 35 sections and some 2245 serials of "Murkin" and "Martin Luther King, Jr. Security" files. And, in the last three days of the week of the 16th, the rest of the attorneys of the Task Force performed the on-site review of the Chicago field office "Murkin" file. There were 24 sections in this file with 1794 serials. Again, in the interest of economy, the four attorneys in Chicago began the chore of reviewing the pre-assassination "Martin Luther King, Jr., - Security" file of 17 sections

OPR #23

and 2,225 entries or serials. All but five of the 17 sections were completed. There will be some 18,000 more serials in security related files to look at on another trip to Chicago.

The interview of the "Murkin" case agent in Chicago was as productive, or rather non-productive, as might be expected. The agent's recollection was not good because of the passage of time and because the assassination investigation was not the primary responsibility of his office (as compared to Memphis). It was developed, however, that unsolved robberies in the Chicago area run around 600 or so a week and this leaves an open possibility for James Earl Ray to have financed some of his activities by armed robberies after his escape from the Missouri State Prison in April of 1967 through his return by way of Chicago from Canada in August of 1967. (Ray related to author Huie a grocery store hold-up early in July of 1967 in Montreal netting him $1700).

III

Between trips the Task Force attorneys have been reviewing zerox copies of minor "Murkin" files from F.B.I. field offices only peripherally involved in the investigation. We had these small files sent in to avoid unwarranted travel and yet to insure the completeness of our inquiry. We have completed 48 of the 59 such files and we should complete the remaining 11 ones this week.

The device of having minor files sent to Washington for our perusal will be employed when we concentrate on the second phase of our review, the inquiry into the Bureau's activities in connection with King in the pre-murder period. This will materially speed up our work.

IV

The Task Force's staff of analysts has completed its review of FBI file #100-3-116, captioned: CPUSA, Communist Influence in Racial Matters, Internal Security. Hope Byrne has submitted a report on the contents of the 49 sections of the file which includes contributions by Dana Boyd and Renee Holmes. With regard to a portion of the Sub A file, newspaper clippings, Ronnie Keith has completed and is presently preparing for submission the results of her review of the second volume on the three volume Sub A file series. In addition, she is gathering background data on the SCLC.

Dana Boyd has submitted her preliminary biographic profile on James Earl Ray and in the coming weeks will make appropriate changes in the draft and prepare the final report. Hope Byrne will continue with her review of the DOJ Internal Security files on Dr. King and will also prepare a paper containing information on O'Dell and Levison which has been gleaned from the DOJ files. The notes taken during the trips to the FBI field offices, with the exclusion of those taken during the Chicago trip, have been typed. As the typing load lightens, Ms.'s Keith, Holmes, and Boyd will have more time

to devote to the review of both Bureau and DOJ files.

In our report of July 23, 1976, we noted that we had been unable to locate 11 sections of the Department's Internal Security file. To date, those sections have yet to the located and both the Criminal, Civil Rights, and Civil Divisions have advised that the files are not in their respective Divisions. These sections contain both Top Secret and Secret documents and deal with the Bureau's investigation of Dr. King from 12-30-67 through 1-22-71

V

We anticipate full scale concentration beginning August 30 on the "security" phase of our inquiry. The first order of business will be review of the pertinent headquarters files. Until we have determined the scope of this chore and discovered how rapidly we can progress no accurate termination date can be forecast. We plan to report by early November.

UNITED STATES GOVERNMENT

Memorandum

RECEIVED
OFFICE OF THE
ATTORNEY GENERAL
DEC 29 1975

FBI - King Investigation
R

TO : The Attorney General

DATE: December 29, 1975

FROM : Director, FBI

SUBJECT: ASSASSINATION OF MARTIN LUTHER KING, JR.

Attached is a copy of a letter and envelope with enclosure dated December 15, 1975, received by this Bureau from James Earl Ray.

In his letter, Ray requests that no evidence or potential evidence be destroyed by the FBI or by the Department pending a decision on Ray's appeal before the U. S. Sixth Circuit Court of Appeals.

For your information, all physical evidence acquired by this Bureau during the course of this investigation was turned over to Tennessee authorities in October, 1968, pursuant to Departmental instructions received by this Bureau on October 24, 1968.

Receipt of Ray's letter has been acknowledged by this Bureau.

Enclosures (3)

1 - The Deputy Attorney General - Enclosures (3)

1 - Assistant Attorney General - Enclosures (3)
Civil Rights Division

1 - Assistant Attorney General - Enclosures (3)
Criminal Division

FBI #4

re: Ray(def.) v. Tenn., Cr. indictment no.16645,
Shelby county, Tennessee. (1963)

R

Dear Sir:

In reference to the above titled suit, I (the defendant) have been with the assistance of counsel pursuing this matter through the courts (rather than the press & committees) for the past six (6) years attempting to have the plea voided and thereafter receive a jury trial.

However, as of late several press releases have been received here with substantial misgivings, one with reference to your office cited below:

In the December 11th 1975 edition of the Nashville Tennessean newspaper it was reported that in responce to a question from United States Senator Barry Goldwater, before a Senate committee on 12/10/75, you implied that..."depending on the Justice Department decision whether to reopen the above suit, certain evidence,eg., FBI tapes & other material pertaining to the Dr. Martin Luther King jr. investagation, would be destroyed", or words to that effect.

Because of the aforementioned implied action by your office, and since unlike the former Director the defendant has not as yet been planted and thus can and still does intend to defend himself before the courts, I would respectfully request (or what ever phrase is legally necessary) that no evidence or potential evidence be destroyed by the FBI or it's parent Justice Department until the courts, rather than the J.D., have made a final determination on the merits of the Habeas Corpus appeal now pending before the United States Sixth circuit court of appeals. See, Ray v. Rose, case no. 73-1543.

...Further, their should be a final determination in the cr. appeal before the windup of 1976; however, thereafter, apparently under Tennessee case law a defendant can, after the Sup. Ct. denies certiorari if it does herein, file a civil action as a collateral to the cr. action but any legal action with reference to criminal or civil can be concluded within a relatively short period in the evidentiary phase of the proceedings and thus the herein legal request that the Government not destroy any evidence in the matter does not appear to be inconsiderate or inappropriate.

FBI #6A

ively for indecorous matter-- and the defendant would expect no evidence be destroyed relicing on such an explanation. R

In a related matter, during the Watergate hearings & trials their was considerable vexation in the communications industry and their political go-betweens because of speculation in the same industry that the White House tapes and other potential evidence might be destroyed or altered thus an "obstruction of justice".

I don't expect the same vexation in the instant matter but I believe the courts did subsequently rule said White House tapes were legitimate evidence and under the same rationale the material your office has implied it would destroy would appear to be "latigimate evidence".

Further, Title 28 section 534 of the U.S. code might preclude the destroying of evidence; also, see attached clipping wherein the U.S. court of appeals for the District of Colubbia ruled that "full sanctions" would in the future be invoked if the Bureau destroyed evidence which could provide information or leads for cr. defendants.

In summary, I believe the defendant, concurrently with the courts, has a substantial legal standing in this matter having been sentenced to an extended prison term in 1969 under the indictment and until just recently confined under primitive (solitary confinement) conditions and for the Government's agents to be burning potential evidence on the eve of a possible supreme court ruling, or ratifying a lower court ruling, reversing the defendant's conviction because of Fraud would appear to be Actionable.

Concluding, maybe it's custom that some type restraining order be filed with the courts to enforce the aforementioned request but where the petitioner, as defendant is, indigent the courts customarily put a liberal interpretation on matters of the instant quality.

(a copy of the foregoing letter will be posted to the A.G. for Shelby county, Tennessee, as Tennessee apparently still has jurisdiction in the indictment and interest in the subject matter.

Sincerely: defendant, James e. Ray #65477
Station-A
State prison
Nashville, Tn. 37203.

J. Ray

cc: Barry Goldwater, U.S. Senator
cc: Hugh Stanton jr., Esq. A.G. Shelby ct. Tn.
cc: defendant's counsel

THE TENNESSEAN, Thursday, December 11, :

FBI Ordered To Keep Notes

DAVID PIKE
Washington Star

WASHINGTON — The Federal Bureau of Investigation has been told by the U.S. Court of Appeals for the District of Columbia that its agents here must keep the rough notes they take while interviewing witnesses to a case.

In an opinion written by Judge J. Skelly Wright, a three-judge panel of the court ruled Monday that such information may later be found by the courts to be useful to a defendant and therefore relevant to a case.

THE APPEALS court ruled that District of Columbia police have been preserving such notes since an appellate court ruling in 1971, but that FBI agents, as a matter of practice, continue to throw away such notes after a report based on them has been prepared.

Wright's opinion said that such behavior by the FBI, in view of various earlier court rulings, was "negligence" but not "bad faith."

The ruling came in the case of three men convicted of the armed robbery of a Washington, D.C., savings and loan in March 1972.

THE APPEALS court upheld the convictions despite destruction of the FBI notes because, it said, D.C. police had kept their interview notes and because "the evidence of guilt adduced at trial was overwhelming."

However, Wright's opinion said, "full sanctions will be invoked in future cases unless the FBI's practices are modified ...

"The reports contain the agents' narrative account of the witness statement, prepared partly from the rough notes and partly from the agents recollection of the interview," the court said.

"ALTHOUGH THE agents are trained to include all the pertinent information in the report, there is clearly room for misunderstanding or outright error whenever there is a transfer of information in this manner."

Outlining the impact of the present practice, the court said:

"Whether or not the prosecution uses the witness at trial, the notes could contain substantive information or leads which would be of use to the defendants on the merits of the case. If the witness does testify, the notes might reveal a discrepancy between his testimony on the stand and his story at a time when the events were fresh in his mind. The discrepancy would obviously be important for use in impeaching the witness' credibility."

THE GOVERNMENT had argued that keeping the rough notes would impose "an intolerable administrative burden on the bureau."

But the judges found that the average report was only two pages long, and the notes usually shorter. They concluded that preserving the notes would not create "unsuperable space problems."

The opinion suggested such methods for preserving the agents' notes as reducing documents to microfilm or simply stapling the notes to the report.

Oil Find Get: Of Digging f.

SAN ANTONI — Striking oil cause for celebr the welldigging Patio Mexican i finding the blac little more than ance.

In fact, the w albeit a poor times before ti found the water drilling for 1,400 ground.

"I was beg. wonder if we'd ev water we needed that oil getting in said plant mana Cromwell. "But n our own water v looks like we may a 30-year supply.

FBI #48

FBI #46

Ray, J. #65477
Station-A
Unit-3/6-1
Nashville, Tn. 37203.

CERTIFIED
No. 070246
MAIL

certified

TO: Mr. Clarence M. Kelly
Director, Federal Bureau of investagation
Washington, D.C.

UNITED STATES GOVERNMENT

Memorandum

TO : The Attorney General

DATE: April 28, 1977

FROM : Director, FBI

SUBJECT: HOUSE SELECT COMMITTEE ON ASSASSINATIONS (HSCA)

Reference is made to my letter dated March 11, 1977, with enclosure, under the caption "Assassination of President John F. Kennedy, November 22, 1963, Dallas, Texas," in which the assistance of the Department of Justice was requested in obtaining the test bullets from the National Archives for comparison purposes.

Reference is also made to my letter dated April 5, 1977, under the caption "Assassination of Martin Luther King, Jr.," in which the assistance of the Department of Justice again was requested in obtaining from the HSCA all information available pertaining to an allegation received by the HSCA from a former Louisville police officer who allegedly advised that he received an offer from FBI Agents and police officers to kill Martin Luther King, Jr., for $500,000.

The HSCA did not bring this allegation pertaining to Dr. King to the attention of the FBI or to the Department, nor has the result of its investigation been furnished to the Department. At the request of the Bureau, the Attorney General authorized the FBI to attempt to interview the individual who made these allegations. He refused to be interviewed and terminated contact by stating, "I'll say it all to the House Committee."

In refusing to make available the information received by the HSCA pertaining to this allegation, as has been requested by the Criminal Division, Department of Justice, the HSCA has again attempted to affirm its "primary investigative responsibility" in these assassinations.

The FBI continues to cooperate with the HSCA in making the investigative results of both of these assassinations available, with necessary excisions, to the HSCA based on an agreement reached between the Department and the HSCA. Material available to the HSCA includes access to those volumes containing current investigation in both assassination investigations.

FBI #8

However, while the FBI continues to cooperate fully with the HSCA, both of these matters, as set out in the referenced letters, remain unresolved, continue to impinge upon our investigative responsibilities, and in essence, raise the question of this Bureau's continuing criminal jurisdiction in these investigations.

As you are aware, in November, 1963, the FBI initiated an immediate investigation into the assassination of President John F. Kennedy based upon a request from President Lyndon B. Johnson to former Director John Edgar Hoover. Prior to the assassination, no Federal statute existed concerning the killing of, or assault on the President. Mr. Hoover, in testimony before the President's Commission on the Assassination of President Kennedy (Warren Commission) stated that President Johnson communicated with him within 24 hours of the assassination and requested the FBI to investigate. (Hearings before the President's Commission on the Assassination of President Kennedy, Volume 5, Page 98.)

Although the Bureau's investigative responsibilities concerning the assassination of President Kennedy would have logically ended with the termination of the Warren Commission, Director Hoover, in his testimony before the Commission, agreed with a statement by a Commission Member, Representative Gerald R. Ford, that the responsibility to conduct the investigation is not an authority with a terminal point, but an authority that goes on indefinitely. (Hearings before the President's Commission on the Assassination of President Kennedy, Volume 5, Page 100.) The FBI has continued to investigate and report to the Department any new allegations or information received concerning the assassination.

In reference to this Bureau's criminal jurisdiction in the investigation of the assassination of Martin Luther King, by memorandum dated April 4, 1968, Assistant Attorney General Stephen J. Pollak, Civil Rights Division, requested that this Bureau conduct a full investigation into a possible violation of Title 18, Section 241, U. S. Code, in connection with the shooting of King in Memphis, on that date. (FBI jurisdiction was based on the possibility of a conspiracy to violate the civil rights of King, namely the right to travel interstate. King had traveled to Memphis, on April 3, 1968, from Atlanta, to take part in a demonstration scheduled for April 8, 1968.)

The Attorney General

On April 16, 1968, the Attorney General authorized the filing of a complaint charging Galt with violation of Title 18, Section 241, U. S. Code, for conspiring to interfere with the constitutional rights of King.

On April 17, 1968, Federal process was obtained and Galt was charged with conspiracy (Section 241) in that he and an individual whom he alleged to be his brother, entered into a conspiracy in Birmingham on March 29, 1968, by reason of their purchase of the rifle later used in the shooting of King.

On March 10, 1969, in State Court, Memphis, Tennessee, James Earl Ray entered a plea of guilty to charges of murder and received a 99-year sentence.

Federal process against Galt was dismissed on December 2, 1971, by U. S. Commissioner Macy Taylor, Northern District of Alabama, based upon a motion filed by Ray's Attorney, Bernard Fensterwald, Jr.

In December of 1975, the Civil Rights Division began a review of the FBI's investigation of the King assassination and this review was recently completed by the Office of Professional Responsibility (OPR), U. S. Department of Justice. The OPR issued a report of its review and reported, among other things, that ". . . the sum of all the evidence of Ray's guilt points to him so exclusively that it most effectively makes the point no one else was involved . . ." (Report of the Department of Justice Task Force to Review the FBI Martin Luther King, Jr., Security and Assassination Investigations, Page 109.)

Since the time of the Kennedy and King assassinations, the FBI has continued to investigate various allegations concerning these assassinations and has furnished the results to the Department. No viable information has been developed to negate the original findings of the FBI or the subsequent conclusions of the Warren Commission or the OPR.

During the HSCA review and investigation into these assassinations, additional allegations regarding these assassinations have been received. The FBI has continued to attempt to investigate all of these additional allegations; however, the FBI has found in several instances that the HSCA conducted independent and parallel investigations, the results of which are not available to the FBI.

The Attorney General

While this Bureau remains unaware that the FBI's criminal jurisdiction pertaining to these two investigations has been abrogated, the position taken by the Department of Justice, in not obtaining authority for the FBI either to gain access to the test bullets in the John F. Kennedy assassination investigation or to obtain from the HSCA the information pertaining to the alleged involvement of FBI personnel in a conspiracy to kill Martin Luther King, appears to support the position of the HSCA that "primary investigative responsibility" rests with that Committee.

Therefore, in order to avoid duplication of investigative effort and the attendant problems between the FBI and the HSCA that could arise in the future, and until the jurisdiction of this Bureau in these investigations is delineated by the Department, unless you advise to the contrary, the FBI will refer all allegations relating to these investigations to Mr. Robert L. Keuch, Special Counsel to The Attorney General, for departmental consideration as to whether any investigation is required of the FBI, or whether the Department desires to furnish these allegations directly to the HSCA. Copies of communications concerning allegations regarding the King assassination will also be furnished to the Civil Rights Division and the OPR.

1 - Deputy Attorney General

1 - Assistant Attorney General
Criminal Division

1 - Assistant Attorney General
Civil Rights Division

1 - Office of Professional Responsibility

1 - Office of Legislative Affairs

UNITED STATES GOVERNMENT

Memorandum

RECEIVED
OFFICE OF THE
ATTORNEY GENERAL

MAY 4 1976

R

TO : The Attorney General

DATE: May 3, 1976

FROM : Director, FBI

SUBJECT: MARTIN LUTHER KING, JR.

Reference is made to the letter dated April 15, 1976, from Mr. Michael E. Shaheen, Jr., Special Counsel for Intelligence Coordination, to Assistant Director John A. Mintz of this Bureau, entitled "List of FBI Documents Pertaining to Dr. Martin Luther King, Jr. which were Delivered to SSC."

Referenced letter modified a letter from Mr. Shaheen dated April 14, 1976, and advised that you desired an approximation of the number of documents and number of pages of documents which were delivered to the Senate Select Committee (SSC) as well as a very general description of the type of material contained in those documents. In addition, you requested a description of the type of material which was not turned over to the SSC.

Set out below, under appropriate headings is the information you desire. An extra copy of this communication is being designated for Assistant Attorney General J. Stanley Pottinger because of the Civil Rights Division's current interest in the King investigation.

Number of Documents and Number of Pages of Documents Delivered to the SSC

Approximately 1,300 documents totaling approximately 2,900 pages have been delivered to the SSC. These included documents already in FBI Headquarters files and did not include memoranda prepared specifically for the SSC. In arriving at these figures, we reviewed the various requests from the SSC, and our replies thereto, and counted only those documents where King's name was involved in the request.

FBI #6

We did not include documents relating to some indirectly related requests which did not mention King. Examples of the latter are requests for materials on the March on Washington and analyses, made at FBI Headquarters, concerning communist influence in racial matters.

General Description of Type of Material Contained in Documents Furnished

To best portray by a general description the type of material involved, we extracted and are setting out below phrases taken from the numerous SSC requests.

Preparation, dissemination and/or withdrawal of monographs concerning King, but not including the monographs; material concerning dissemination of information and contacts outside the Executive Branch; meeting between King and the FBI; information concerning discrediting or neutralizing King; information concerning electronic surveillances; Cointelpro activities; material reflecting inception of investigations of King and the Southern Christian Leadership Conference (SCLC); follow-up material concerning monographs; Official and Confidential (O & C) files; installation, continuation and authorization of electronic surveillances; information concerning photographic surveillances; information concerning meetings between King and Stanley David Levison; preparation of transcripts of tapes and playing of tapes to anyone outside the FBI; material concerning meeting between FBI Director and representatives of "Newsweek."

Also, material relating to FBI investigation of communist infiltration of racial movement bearing on disagreement between J. Edgar Hoover and FBI Domestic Intelligence Division; information concerning Hunter Pitts O'Dell; material concerning King's criticism of FBI; information concerning microphone surveillances of King; information concerning meetings of FBI personnel and others to discuss electronic surveillances of King; tax returns concerning King and SCLC; information concerning possible inclusion of King in the Security Index; material relating to electronic surveillances of associates of King (Levison,

O'Dell, Bayard Rustin, Ralph Abernathy, and others); information that a former President and a former Attorney General were aware of microphone surveillance of King; basis for investigation of King.

Also, materials contained in files of W. C. Sullivan concerning King and the SCLC; information concerning conversations between FBI and Department of Justice officials about King and SCLC; meetings between FBI officials and news media representatives concerning King; delivery of letter from Director Hoover to Mr. Moyers of the White House; information concerning Poor People's Campaign and Sanitation Workers Strike; basis for investigation of Levison; consideration for placing Levison on the Security Index; institution and termination of microphone surveillance of Levison.

General Description of Type of Material Which Was Not Furnished to SSC

By specific exemption enunciated by the SSC, it was not furnished information believed to be the products or fruits of electronic surveillances of King. Included in this exemption were tapes and transcripts. Also not furnished the SSC were several monographs written containing considerable information about King.

100-106670

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

1 - J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division
Attention: Robert A. Murphy

UNITED STATES GOVERNMENT

Memorandum

R

TO : The Attorney General

DATE: January 2, 1976

FROM : Director, FBI

SUBJECT: MARTIN LUTHER KING, JR.

This Bureau is in possession of 78 reels of tape resulting from our microphone coverage of the activities of Martin Luther King, Jr., during the period 1964-65. We also possess transcripts of these tapes.

Pursuant to the letter of December 12, 1975, from Mr. J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, setting forth your authorization for Mr. Pottinger's access to tapes concerning King, on December 19, 1975, Mr. Pottinger listened to some of these tapes. In preparation for this hearing, one of our supervisors in the Radio Engineering Section of the FBI Laboratory, had occasion to also listen to a number of the tapes. He observed that there had been some deterioration in the audio quality of the tapes, a condition which could easily occur when such tapes are retained for so long a period of time. It is his further observation that the tapes will deteriorate at an even more rapid pace in the years ahead.

We cannot, of course, anticipate with any degree of certainty the need in the years ahead to be able to listen to and understand these tapes, whether it will be our own personnel or others who will need to listen to them. In view of the foregoing, coupled with the current interest in these tapes by the Department and the Senate Select Committee on Intelligence Activities, we have given consideration to having the tapes duplicated onto fresh tapes which could be used

100-106670

FBI #8

as working copies and which would thus preserve the audio quality of the tapes. We have, however, taken no steps to copy the tapes, deferring such action to your judgment. Unless we hear to the contrary from you, we will not copy these tapes.

1 - Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

1 - J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

1 - Richard L. Thornburgh
Assistant Attorney General
Criminal Division

1231 FOURTH STREET, S. W.
WASHINGTON, D. C. 20024

TELEPHONE (202) 484-6023

FEB 10 4 45 PM '77 CIV RTS

FREEDOM OF INFORMATION AND PRIVACY ACT

February 15, 1977

FREEDOM OF INFORMATION REQUEST

The Deputy Attorney General
U. S. Department of Justice
Washington, D. C. 20530

Dear Sir:

Under the Freedom of Information Act, 5 U.S.C. §552, I am requesting that I be provided with copies of the following records:

1. Any orders, memorandums, or directives instructing the Civil Rights Division to review the investigation into the assassination of Dr. Martin Luther King, Jr.

2. The report made by Assistant Attorney General J. Stanley Pottinger on the 1975-1976 review which the Civil Rights Division conducted of the King assassination.

3. Any press release relating to a review by the Civil Rights Division of the King assassination.

4. Any orders, memorandums, or directives instructing the Office of Professional Responsibility to review the investigation of Dr. King's assassination.

5. Any orders, memorandums, or directives to the Project Team which conducted the review of Dr. King's assassination for the Office of Professional Responsibility.

6. The 148 page report by the Office of Professional Responsibility on its review of the King assassination.

Sincerely yours,

James H. Lesar

James H. Lesar

FOI/PA CRD
FEB 14 1977
rec

ATTACHMENT 1

Civil Rights #1

DEC 15 1977

James H. Lesar, Esquire
c/o Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701

Dear Mr. Lesar:

Pursuant to the decision of the Deputy Attorney General regarding your administrative appeal from the Civil Rights Division's partial denial of your February 7, 1977 Freedom of Information Act request, the previously withheld March 31 and April 9, 1976 memoranda are disclosed herewith, subject to certain excisions.

As you were advised by the Deputy Attorney General's letter of October 31, 1977, the Civil Rights Division has declassified most of the information in these documents. The remaining classified information has been found by the Federal Bureau of Investigation and the Department Classification Review Committee to warrant continued classification under Sections 5(B)(2) and (3) of Executive Order 11652. Therefore, the subject portions of these documents will continue to be withheld pursuant to 5 U.S.C. §552(b)(1) and are so indicated in your copies of the documents.

The declassified portions of the March 31 and April 9, 1976 memoranda are released subject only to excisions of names and other identifying data the disclosure of which would constitute a clearly unwarranted invasion of the personal privacy of Dr. King's family and/or certain third parties. This information is not known to be within the public domain and is exempt from disclosure pursuant to 5 U.S.C. §552(b)(7)(C). All excisions are clearly indicated in your copies of the documents.

Please find enclosed copies of the following intra-agency memoranda with excisions as described supra:

[EXHIBIT A]

ATTACHMENT 2

Civil Rights #2

1. Intra-agency Memorandum for the Attorney General dated April 9, 1976, from J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division. (10 pages)

2. Intra-agency memorandum dated March 31, 1976, to J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, from Robert A. Murphy, Chief, Criminal Section. (51 pages)

3. Intra-agency memorandum dated March 31, 1976, to J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, from Robert A. Murphy, Chief, Criminal Section. (6 pages)

Pursuant to 28 C.F.R. §16.9(b)(1), a copying fee of $0.10 per page, or $6.70 for sixty-seven pages, may be charged for duplication of the documents responsive to this request. Since this copying fee is minimal, I have determined that the fee should be waived in this case.

As you know, judicial review of the action of the Deputy Attorney General and the Civil Rights Division on this administrative appeal is available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia.

Sincerely,

James P. Turner
Deputy Assistant Attorney General
Civil Rights Division

Department of Justice
Washington, D.C. 20530
8 APR 1976 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)

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.

CLASSIFIED BY J.S. Pottinger
FROM GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
EXEMPTION CATEGORY 5 B, 5
AUTOMATICALLY DECLASSIFIED ON Indefinite

Typed on: 4/8/76
Classified on: 4/9/76
Authority: JSP
2/10-26-1990

Pursuant to 28 C.F.R. §17.26, portions of this document are reclassified. DATE OF RECLASSIFICATION: 7/11-1-77
RECLASSIFIED BY: [illegible]

TOP SECRET

CIV RTS #3

We have also found no evidence that the FBI's investigation of the assassination of Martin Luther King was not thorough and honest. 2/(U)

Harassment of Dr. Martin Luther King

Our review confirms that from the late 1950's until Dr. King's death, the Director of the FBI and a group of his subordinates carried out a systematic campaign of harassment against Dr. King and, by indirection, several of his colleagues. The attached 51-page memorandum from Robert Murphy to me of March 31, 1976, documents in some detail the events which made up this campaign. A brief outline of our findings follows.(U)

....CLASSIFIED: TOP SECRET...EXEMPT-(b)(1)

2/ Since the completion of the FBI's original investigation into King's death, there have been numerous allegations of the possible involvement of co-conspirators with James Earl Ray. Each of these has been promptly investigated by the FBI and the Civil Rights Division, including one which was completed only a few weeks ago, and another which is currently underway. In other words, the Martin Luther King file is still open, and has never been closed. In this sense, any further investigation, as recommended in this memorandum, should not be characterized as a "reopening" of the assassination case, but rather as an additional or continuing investigation into areas either already covered in some degree, or not covered at all.(U)

(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)

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)

The major statutory violations to consider in this matter would be 18 U.S.C. §241 and §242. 3/ As a citizen, Dr. King had federally-protected rights to freedom of speech and association, to privacy, to interstate travel without interference, and from unreasonable searches and seizures. The FBI's program to discredit and neutralize King included deprivations of each of these rights, and perhaps others. (u)

An examination of the law reveals that any prosecution contemplated under these acts is now barred by the five-year statute of limitations (18 U.S.C. §3282). The only possible exception would be proof of a continuing conspiracy to violate rights which has continued into the statutory period. We do not know of any such proof at this time, although one can speculate that it is possible that more intensive investigation would disclose it. (u)

In conclusion, it is our opinion that there are identifiable violations of law against Dr. King that cannot now be prosecuted because of the statute of limitations and, in some cases, because of the death of the subjects. (u)

Death of Martin Luther King

As the Murphy memorandum indicates, we were unable to find any indication that the FBI actually caused Dr. King's assassination. On the contrary, if one can rely upon logic as helpful, indications are that the FBI probably did not want King's death because it would bring him the martyrdom and favorable image which the entire Bureau campaign was designed to prevent. Nevertheless, the long campaign of harassment fairly gives rise to the question whether it culminated in some action which caused his death, and logically raises the question whether the investigation by the Bureau into his death was tainted by its institutional dislike for King. (u)

Recommendation

While we have been able to ascertain a great deal about the relationship between the FBI and Dr. King through our review, and

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3/ Section 241 is violated when "two or more persons conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the constitutional laws of the United States. . ." Section 242 prohibits essentially the same conduct by an individual acting under color of law, as the principals involved were. (u)

can therefore make the qualified findings set forth here, we have not been able to complete this investigation in the time and with the resources we have had to date. Because of the extraordinary nature of this inquiry, I am therefore recommending that the Department complete this task by reviewing all materials and witnesses bearing on the questions posed in November, 1975. While it would be both legitimate and supportable for you to conclude that our four-month review and the Senate Committee's similar review are adequate to answer these questions, in my opinion we cannot allay concerns which tend to discredit the FBI and the Justice Department until we have examined all available information bearing on the questions posed in November. I would therefore recommend the following steps: (u)

1) Legal Task Force

A Department Task Force should be created for the purpose of completing the review which we have begun. The Task Force would consist of an attorney director, approximately four staff attorneys, and an appropriate number of research analysts and clerical assistants. The attorneys chosen ought not to have worked on the Martin Luther King case before. The Task Force should report its findings and conclusions to you on or about January 1, 1977. (u)

2) Advisory Committee

In addition, I would recommend the appointment of an Advisory Committee of between five and nine distinguished citizens whose primary task would be to review the work of the Task Force, to have total and unfettered access to all files, witnesses, and other information available to the Department and the Task Force, to advise you and the Task Force about the conduct and progress of the review and to make a final report of their findings and conclusions, either in conjunction with the Task Force or independent of it, also on or about January 1, 1977. The purpose of the Advisory Committee would be to have an outside, fresh perspective on the state of our present information and the conduct of the investigation as it proceeds to its conclusion. Although I regard the Justice Department as serving the public interest as much as a citizens' committee serves it, having non-governmental persons monitoring a government review of governmental actions would provide an important additional dimension of public review and would add credibility to the findings, whatever they may be. (u)

Task Force and Advisory Committee Charter

The general charter of both the Task Force and the Advisory Committee would, as indicated, be to complete an investigation of the file and witnesses as they bear upon the questions posed by your November, 1975, directive. The Task Force and Advisory Committee would have complete and total access to all files, information, data, memoranda, personnel, witnesses, and any other information, both in and out of government, relevant to their tasks. The Task Force would also have ordinary litigating Division access to current FBI assistance and other normal resources of the Department. (u)

In completing the King review, there are several specific tasks which the Task Force and Advisory Committee ought to address: (u)

A) Field Office Reviews

We have not read any of the files in the field. Although we have no basis to believe that these files will disclose new or significant additional information, the recent disclosures of the 92 surreptitious entries against the Socialist Workers Party in New York, which were apparently discovered only by a careful review of field office files, suggest that a review of such files concerning Dr. King is also in order. It is possible that these files would contain records of actions against Dr. King which had not been sanctioned by headquarters, although this is purely speculative. A complete review would require the Task Force to read the field office files on at least Dr. King, the SCLC, and other related subjects as they appear from those files. (u)

B) Headquarters Files

We have not read all headquarters files on Dr. King [(b)(7)(C)...] We have only spot-checked and followed cross-references to files on SCLC, CPUSA, Communist Influence on Racial Matters, Mrs. King, [...(b)(7)(C).....] and a few other related files. There has been no undertaking as yet to review files in order to determine whether similar counterintelligence campaigns were directed at other civil rights activists such as Dr. Ralph Abernathy, Dr. James Farmer, or others. The likelihood that a review of all such materials would lead to prosecutive or disciplinary actions seems to be remote in light of the passage of time and the adoption of the Attorney General's new guidelines. Nevertheless, few of us suspected the scope of the FBI's (u)

activities as they have now been revealed in related matters, so a complete evaluation would necessarily require a total review of headquarters files. (u)

Findings of wrongdoing which may be the subject of possible criminal prosecution and are not time barred should be referred to the Criminal or Civil Rights Division as their interest may appear. (u)

C) SECRET-(b)(1) (S)

[redacted]

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[redacted] (S)

D) Disposition of Martin Luther King Tapes

The FBI acquired tapes, produced transcripts, and placed information in the files through improper and illegal investigative activities. The question therefore arises as to the proper and legal disposition of those materials which were improperly obtained and which are scurrilous and immaterial to any proper law enforcement function or historic purpose. As you know, OLC has researched this issue in connection with the destruction of improperly acquired materials relating to (...(b)(7)(C)..) I would suggest that OLC, the Task Force, and the Advisory Committee jointly work out a procedure for reviewing these tapes and related materials for purposes of recommending which might be destroyed, taking into account the requirements of the Privacy Act, the Freedom of Information Act, and the Federal Records Act. 4/ It may also be appropriate to consult the King family concerning the destruction of some or all of these materials. (We have been informed that family representatives may have indicated such a preference during contacts with the staff of the Senate Select Committee.) In addition, because some of the information in

4/ Deputy Assistant Attorney General Mary Lawton indicates preliminarily that this approach is plausible although there may be some requirements or information calling for consultation with the Archivist. (u)

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question would be treated in a sensational fashion if "leaked" to the public, procedural safeguards would have to be carefully followed. Needless to say, it would be highly improper if this effort to cleanse the files resulted in a compromise of privacy which the effort was designed to insure. (u)

E) Disciplinary Action

Other than principals, we have not identified agents who took illegal or improper action against King, or the extent of their culpability. In my opinion, the FBI should be directed to undertake this assessment itself, and report to you its findings and any disciplinary action proposed or taken. The Task Force and Advisory Committee should refer any information it discovers indicating a potential for discipline to the FBI for appropriate follow-up. Your office and the Bureau would, of course, also be free to consult the Task Force and Committee concerning the discipline issue generally or on a case-by-case basis. (u)

F) Potential Remedial Action

Assuming the validity of our conclusion that the FBI repeatedly violated Dr. King's federally-protected rights; that prosecutive action is time barred; that death and retirement prevent effective disciplinary action; and that the new guidelines preclude any recurrence of this kind of activity, the question arises whether the Department has an obligation to make any further effort to do justice in this matter. The question is especially relevant here because the King family will be unlikely to seek civil redress in damages for fear of further publicizing the scurrilous nature of the information acquired, and because the full extent of the violations are known only to the government. Moreover, the FBI files show that the campaign against King did succeed to the point of causing him serious and prolonged mental anguish. The files reflect that the Bureau's action, especially the mailing of the tape, occasioned [.....(b)(7)(C)... .....] and professional discord--all injuries that could be compensable in a private damage action under 42 U.S.C. §1983. (u)

On the other hand, one can argue that in spite of the attempts to discredit Dr. King, his reputation in the community has not been damaged in any measurable way by these actions. On the contrary, it might be argued that damage will occur only by publicly raising the King file through a continuation of this investigation. 5/ (u)

5/ Primarily for this reason, the Chief of the Criminal Section, Robert A. Murphy, recommends against further inquiry by Task Force or Advisory Committee. (u)

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Under these circumstances, I suggest that it is proper for the Task Force and Advisory Committee to consider the feasibility and propriety of compensating King's survivors or, perhaps with their concurrence, the King Foundation. This could be accomplished either by direct payment or a private bill. Precedent for such compensation exists in the settlement of the CIA's case involving the LSD experiments, and in cases involving unauthorized dissemination of information by the Bureau. Contrary debate is also occurring with regard to a private bill to compensate victims of the Wounded Knee Massacre. If this issue is made a part of the Task Force's and Advisory Committee's charter, they should consider all factors, for and against, and recommend accordingly. (a)

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

Attachment

TOP SECRET (last page)

MEMORANDUM UNCLASSIFIED SECRET

J. Stanley Pottinger
Assistant Attorney General

DATE: March 31, 1976

Robert A. Murphy
Chief
Criminal Section

SUBJECT: RECOMMENDATION
Re: Martin Luther King, Jr. Review

I recommend against reopening the assassination investigation because there is no evidence that the Bureau had anything to do with the shooting of Dr. King. While I believe that serious invasions of the privacy of Dr. King and many others occurred as a result of the Bureau's activity, I do not recommend that any action be taken against any individual for the following reasons: (1) if criminal acts occurred, the statute of limitations has long since expired; (2) no one has filed a civil suit against the Department or the Bureau, in spite of much publicity about the Bureau's activities, so no decision need be made as to what position the Department might take; (3) no Bureau employee who was a section chief or higher who was involved with the King case still works for the Bureau so no disciplinary action need be taken. (u)

I recommend against a public report by the Department or the appointing of a "blue ribbon" committee. The Church Committee has largely performed that function and the risk of adversely affecting the reputations of many people is too great. I certainly recommend against my report being made public. (u)

It is clear that steps must be taken to change Bureau procedures to prevent anything like this from ever happening again. The Department was seriously at fault in not supervising the Bureau. I have certain ideas in mind about necessary changes that we can discuss but I have not set them out here because I believe that most, if not all, are being considered by one or more of the study groups and task forces the Attorney General has established. (u)

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REPORT EXHIBIT

REPORT OF SENATE SELECT COMMITTEE ON INTELLIGENCE

UNCLASSIFIED

TO : J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

DATE: March 31, 1976

FROM : Robert A. Murphy
Chief
Criminal Section

RAM:vap

SUBJECT: Martin Luther King, Jr.

TOP SECRET

I. INTRODUCTION

Pursuant to the direction of November 24, 1975 of the Attorney General, a review was undertaken of the files of the Department and the FBI that pertain to Martin Luther King, Jr. The purpose of the review was to make a recommendation as to whether the investigation of the assassination of Dr. King should be reopened. On December 1, you elaborated on the Attorney General's direction and set as goals for the review the answering of two questions: (U)

1) What action, if any, was undertaken by the FBI which had or may have had an effect, direct or indirect, on the assassination of Martin Luther King? (U)

2) What action, if any, was undertaken by the FBI which had or may have had any other adverse effect, direct or indirect, on Martin Luther King? (U)

At various times you, Mr. Turner and I participated in the review. I saw nothing in the files that I read that indicates any involvement of the FBI in the assassination of Dr. King. However, there was a campaign by the FBI to discredit and to neutralize Dr. King and to remove him from a leadership role in the civil rights movement. There are many examples of improper FBI activity that were directed against Dr. King, his associates and the Southern Christian Leadership Conference (SCLC). (U)

CLASSIFIED BY J.S. POTTINGER
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
EXEMPTION CATEGORY 4 2, 3
AUTOMATICALLY DECLASSIFIED ON INDEFINITE

Typed on: 3/31/76
Classified on:
Authority: JSP
270-36-1980

Pursuant to 28 C.F.R. §17.26, portions of this document are reclassified.

By U.S. Savings Bonds Regularly on the Payroll Savings Plan

DATE OF RECLASSIFICATION 12-2-77

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II. METHODOLOGY UNCLASSIFIED ~~SECRET~~

The first step in our review was to find out the extent of the Bureau's files on Dr. King, his family, associates and relevant organizations. We learned that the relevant files are voluminous. For example, at FBI Headquarters the so-called security investigation of Dr. King consists of 94 sections or volumes, comprising 3967 serials (memoranda); files on SCLC consist of 106 sections of 3249 serials; files captioned Communist Influence in Racial Matters consist of 162 sections of 3767 serials; files captioned Communist Party, USA - Negro Question consist of 49 sections of 2254 serials; files on the assassination investigation consist of 84 sections of 6003 serials; files on Mrs. King consist of three sections of 75 serials; files on (deleted pursuant to 5 U.S.C. §552(b)(7)(C). . . . . .) There are more files on more associates of Dr. King. (u)

There are more FBI files in the various field offices. For example, the Atlanta file of the security investigation of Dr. King consists of 80 sections of 8321 serials; the Memphis file of the assassination investigation consists of 120 sections of 9493 serials, [deleted pursuant to 5 U.S.C. §552(b)(7)(C) . . . . . (u)

There are additional FBI files, not included above, such as "subfiles" - usually newsclips, and "June" files - usually unsanitized memos regarding microphone or telephone surveillance. Additionally, there are more files with hundreds more sections in the Department itself which consist primarily of what the FBI has provided and which, therefore, are sanitized and not as informative as the FBI's files. (u)

Prior to reading any files, we met with those members of the staff of the Church Committee who had been working for several months on matters relating to Dr. King. They advised us that they had found nothing to implicate the Bureau in Dr. King's death. As they put it, they had found "no smoking

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pistol". However they had found evidence of the Bureau's campaign against Dr. King and, through public testimony, have already publicized that fact. On Monday, March 22, I read the draft of the Committee's report dealing with this matter. (U)

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Withheld pursuant to 5 U.S.C. §552(b)(1)

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III. KEY PEOPLE IN THE DEPARTMENT OF JUSTICE, FBI AND SCLC

Robert F. Kennedy was Attorney General from January 21, 1961 to September 3, 1964; Nicholas deB. Katzenbach was either Acting Attorney General or Attorney General from September 4, 1964 to October 2, 1966; Ramsey Clark was either Acting Attorney General or Attorney General from October 3, 1966 to January 20, 1969. During this same period, the Deputy Attorneys General were Supreme Court Justice Byron R. White (January 24, 1961 - April 13, 1962), Katzenbach (May 3, 1962 - February 10, 1965), Clark (February 11, 1965 - March 1, 1967), and Warren Christopher (July 24, 1967 - January 20, 1969). The Assistant Attorney General for Internal Security was D.C. Court of Appeals Judge J. Walter Yeagley. The Assistant Attorneys General for Civil Rights were Burke Marshall (1961-1964), John Doar (1965-1967) and Stephen J. Pollak (1967-1969). (u)

At all relevant times the FBI was headed by J. Edgar Hoover. The Associate Director was Clyde Tolson. Hoover and Tolson are both dead. The Assistant to the Director, responsible for all investigative matters during this period, was Alan H. Belmont. . . . . [deleted pursuant to 5 U.S.C. §552(b)(7)(C)] . . . . . (u)

During this period the Bureau had several operating divisions which were headed by an Assistant Director and a deputy called a number one man. Cartha DeLoach was assistant director in charge of the Crime Records Division. His Number one man was R.E. Wick. DeLoach has retired and has a corporate job. In addition to records work this division handled congressional liaison, White House contacts, public information and press relations. During the Kennedy Administration the principal contact for the Bureau and the Attorney General was Assistant Director Courtney Evans. (u)

The major operating division on this matter was the Domestic Intelligence Division headed by Assistant Director William C. Sullivan and number one man Joseph A. Sizoo. Sullivan was later fired and . . . . . [deleted pursuant to (b)(7)(C)]. . . . . Sizoo has retired . . . . . The sections in this division that were involved are the Subversive Control Section, which focused on individual security subjects and the Internal Security Section which focused on organizations and certain key individuals. This section, for example, handled the Smith Act prosecutions. When the bureau first started its coverage of Dr. King, it was handled in Subversive Control; when the investigation was intensified it was transferred to Internal Security. (u)

The Subversive Control Section was headed by James Bland whose number one man was Paul Cox. Both are now retired. The Internal Security Section was headed by Fred J. Baumgardner, assisted first by Dick Corman and later by Charles Brennan. Baumgardner is retired, . . . [deleted pursuant to (b)(7)(C)] . . . . . Corman and Brennan are both retired. Within that section the King case was handled initially by William Forsythe (now deceased) and then continuously by [deleted (b)(7)(C)] unit chief who is still with the Bureau. (u)

The SCLC was headed by Dr. King. His principal associates in SCLC included Rev. Ralph Abernathy, Congressman Andrew Young and Congressman Walter Fauntroy. [.....(b)(7)(C).....] (u)

IV. INVESTIGATION OF MARTIN LUTHER KING'S DEATH BY THE FBI

A. Adequacy of the Investigation

My reading of the assassination investigation leads me to conclude that the Bureau's investigation was comprehensive, thorough and professional. Every conceivable lead seems to have been pursued. Great numbers of persons who were known to dislike blacks were checked out as suspects. All Bureau field offices were put on alert to participate in the investigation and each SAC was held personally responsible for seeing that leads in his area were run down. I have talked with three attorneys who, at various times, had responsibility for monitoring the investigation and all are satisfied that the FBI had nothing to do with Martin Luther King's assassination. (u)

B. Indications of Bureau Involvement in the Assassination

There are none with the exception of the COINTELPRO activity of proposing that a blind memorandum be sent to a Memphis paper to embarrass King into moving into the Lorraine Hotel where he was shot. That has been investigated previously and its purpose is subject to a different interpretation, discussed below. (u)

Evidence exists that the FBI was not involved in King's assassination. On April 2, 1968 Attorney General Ramsey Clark turned down an FBI request to tape the telephones of SCLC in Atlanta and Washington to learn about plans for the Poor People's Campaign. This request indicates that the FBI expected no change in SCLC's (and King's) plans. The attempt to discredit King by planting an embarrassing story in the Memphis papers indicates a continuation of the Bureau's campaign against King. Logic suggests that the last thing J. Edgar Hoover wanted was to make King a martyr, thereby enhancing his image. This runs counter to years of effort by the FBI to discredit and neutralize King. Finally, the investigation was so massive and

intense that FBI involvement was likely to be discovered, unless one believes that virtually the entire Bureau was corrupted - which I do not. (U)

Finally, even to the present time we investigate allegations that persons other than James Earl Ray may have assassinated King. None of these recent investigations have uncovered any facts which indicate that someone other than Ray was involved. (U)

V. FBI's CAMPAIGN TO DISCREDIT OR NEUTRALIZE MARTIN LUTHER KING, JR.

I will set out in a chronological narrative the FBI's interest in, and investigation of, Dr. King. It began as a security investigation to determine whether he was a communist and the extent of communist influence on him. It was corrupted internally by the FBI and largely became an effort to find out facts embarrassing to King that might be used to remove him from a leadership role in the civil rights movement. The attached Report Exhibit should be read in conjunction with this narrative as an aid in recognizing peaks and valleys in the Bureau's campaign against Dr. King. (U)

A. [redacted]

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exempt pursuant to 5 USC §552(b)(1)

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In February 1961 King wrote an article in the Nation regarding the dearth of black federal agents, including FBI agents. The thrust of the article appears to have been an appeal to President Kennedy to issue an Executive Order integrating federal law enforcement agencies. In November Atlanta advised Headquarters that there was no information on which to base a security matter inquiry of King. (a)

B.

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[exempt- 5 USC §552(b)(1)]

(TS)

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[exempt- 5 USC §552(b)(1)]

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Hoover also sent a memo to the SACs in Atlanta and New York on February 27, 1962. It instructed them to review their files and to prepare a report suitable for dissemination which

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should include all information of a security nature, plus complete background data, on King. No open investigation was to be conducted and all inquiries were to be limited to established sources. The review was ordered, according to Hoover, because of widespread use of King's name by communist front groups and because of King's constant association with Communist Party members. (u)

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In April, the Atlanta office of the FBI submitted a 37 page monograph on Dr. King which included a statement that information obtained during a three year period ending in September 1961 indicated no communist influence on King or SCLC. On May 10, FBI Headquarters advised the SAC in Atlanta that his conclusion was not consistent with facts mentioned elsewhere in the monograph and instructed him to delete that conclusion from the monograph. The next day, Hoover placed King in Section A of the Reserve Index, labeled Communist. (U)

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(TS)

In June 1962 the SAC in New York sent memoranda to the Bureau reporting that King and [(b)(7)(C)] had met and that [(b)(7)(c) .....] He speculated about whether the Attorney General might be able to [(b)(7)(c).....] This points up an inconsistency in the attitude of the Bureau concerning [(b)(7)(C)]. On one hand, [(b)(7)(C)] was referred to in some Bureau memos as [(b)(7)(c)... .....] In others he was cited as part of the proof of [(b)(7)(c).....] The Bureau also reported King's reaction to stories that [(b)(7)(C).....]

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He reportedly stated, "No matter what a man was, if he could stand up now and say he is not connected, then as far as I am concerned, he is eligible to work for me." In October 1962, articles appeared in the Augusta, Georgia Chronicle, the St. Louis Globe Democrat and other papers exposing [(b)(7)(C).....] SCLC connections. The Bureau advises that the article was the result of a COINTELPRO activity. The recommended action was to send public source information to friendly media in those southern states which had universities that King had announced would be targets of efforts at integration. [(b)(7)(C)] resigned in November from SCLC. (a)

In October 1962, the FBI began its security investigation of King. (a)

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(S)

In late 1962 King publicly criticized the Bureau by stating that agents in the South were southern born and unsympathetic to the civil rights movement and, therefore, unable to protect Negroes or to investigate their claims of police brutality. (a)

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C.

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(TS)

In July Attorney General Kennedy received a memo from the Director reporting a request from Senator Monroney (D-Okla.) for information concerning racial agitation and communist influence in racial matters. (Senator Magnuson (D-Wash.) made a similar inquiry a few days later). The Senator's request was apparently prompted by testimony by Gov. Ross Barnett of Mississippi against an administration public accommodations bill. Barnett had raised the question of communist influence. Two days later Gov. Wallace of Alabama testified in similar fashion.

The Director's memo to the Attorney General stated that the Communist Party was not able to assume a leadership role in racial unrest at that time but hoped to exploit the situation [deleted pursuant to (b)(7)(C).....] (u)

On July 16, 1963, Attorney General Kennedy apparently initiated a discussion with his FBI liaison, Courtney Evans, concerning the feasibility of electronic surveillance on Dr. King because of possible communist influence on King. Evans discouraged the Attorney General, weighing the risk of public disclosure against the difficulty of electronically surveilling King who moved about the country so much but stating that a feasibility study could be done. After the Atlanta office reported that electronic surveillance was feasible and secure, the Bureau prepared the necessary authorization papers for a tesur on King's resident or at any future address to which he may move, and for a tesur on SCLC or any future address to which it may move, and sent them to the Attorney General on July 23. On July 25, the Attorney General declined, believing it to be ill advised. (u)

On July 17, 1963, President Kennedy answered a question at a press conference to the effect that there was no evidence that civil rights demonstrations were communist inspired. It was in this same month that the FBI opened an investigative file called "Communist Influence in Racial Matters". On July 18, the Director sent a memo to all SACs instructing them to be alert to any information concerning such influence. The Attorney General said in July that the FBI had no evidence that any civil rights leaders were controlled by Communists. Letters similar in tone were sent to Senators Magnuson and Monroney on July 23. On July 29, Hoover sent the Attorney General an 18 page memorandum captioned: "Martin Luther King: Affiliation with the Communist Movement". [deleted pursuant to (b)(1).....CLASSIFIED: TOP SECRET .....] The Attorney General was upset, particularly in view of his recent public statements. He

believed that certain people would feel he was protecting King. He sent the memo back to the FBI demanding documentation of the allegations about King. [CLASSIFIED: TOP SECRET.....
.....EXEMPT- 5 USC (b)(1).....
.....] (TS)

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(TS)

Also in August 1963, the [deleted pursuant to (b)(7)(C) .....] A conversation between King and an employee of SCLC was overheard as a result of a tesur on ...(b)(7)(C)... home which Attorney General Kennedy had authorized in July at the same time he had refused authorizing on King; [deleted pursuant to (b)(7)(C).....
.....
.....] These conversations were reported to the Department. In the same month, the Bureau overheard a conversation between (b)(7)(C) and Gordon Haskell of the ACLU that the Attorney General or Edward R. Murrow, then head of the USIA, might give King an award on behalf of the ACLU. In an effort to prevent the presentation, Murrow was sent a SECRET letter advising him that Haskell had been elected chairman of the Independent Socialist League about six years previously. (U)

It was also in August 1963 that the Domestic Intelligence Division of the FBI, headed by William Sullivan prepared a memorandum analyzing the communist party's efforts to exploit Negroes. The memorandum concluded that the effort was largely unsuccessful but should be closely watched. It stated that the Communist Party regarded King as the most likely vehicle through which it could achieve its goals. It contained no new information about King and did not conclude that he was a communist. (U)

Hoover rejected the memo with a sarcastic reminder that the same FBI personnel had once said the same thing about Castro. Sullivan apologized saying the Director was right and he and others were wrong. Sullivan called King the most dangerous Negro in the country from the standpoint of communism, the Negro and national security. The memo disclosed that five people were working full time at Headquarters on the Negro-communist influence question. (U)

In September the substance of more overheard conversations were reported to the Attorney General. It appears that at this time King had stopped talking directly with (b)(7)(c) because of the pressure from the Kennedy administration. However, indications are that King communicated with (b)(7)(c) . . . (b)(7)(c) who had now become counsel to King. Indeed, King asked . . (b)(7)(c) this time if his "friend", . . . (b)(7)(c) . . . understood why King had not called him. King said he wanted to wait until the civil rights debate was over. The Attorney General was advised that (b)(7)(c) was overheard talking with King, Rustin and [(b)(7)(c)] about various matters including the Birmingham bombing, a replacement for (b)(7)(c), making money from a record of King's speeches and a forthcoming book of King's. (S/U)

In September Bureau Headquarters instructed its field offices in Atlanta and New York to do a feasibility study on technical surveillance on King and SCLC in both cities, citing as their justification not only alleged communist influence [deleted pursuant to (b)(7)(C) . . . . .] On September 16, Sullivan proposed increased coverage of the Communist Party's efforts to influence Negroes. Hoover rejected the proposal sarcastically saying that it would be a waste of resources in view of the earlier memo of Sullivan's Division. On September 25, Sullivan apologized again and renewed his proposal for intensified coverage. Hoover approved the proposal on October 1, 1963. (U)

CLASSIFIED: EXEMPT UNDER (b)(1)

(u) On October 10, 1963 Attorney General Kennedy approved the request on a trial basis (he also approved a tesur on SCLC in New York City at the same time; on October 21, he approved one on SCLC in Atlanta) saying to continue it if productive results and asking to be advised if pertinent information developed on communist connections. Attorney General Kennedy had expressed concern about a tap on King's home from a security standpoint. He told Evans, "the last thing we could afford to have would be a discovery of a wiretap on King's residence". After receiving Evans' assurance of security, Kennedy said that he recognized the importance of coverage if substantial information was to be developed about the relationship between King and the Communist Party. Although the file reflects the coverage was to be evaluated after 30 days because of Kennedy's uncertainty about it, there is no record that the Bureau ever went back to the Attorney General for approval or that Kennedy inquired about the results. However his brother was assassinated soon after the 30 day evaluation was completed. The evaluation was internal and it resulted in a 90 day extension, largely because of information obtained that had nothing to do with communist influence, for example, [deleted- (b)(7)(C)...] SCLC finances and King's travel plans. (u)

Bureau records indicate that seven wiretaps and sixteen microphones were used against King or SCLC over a two year period. (u)

UNCLASSIFIED

Wiretap Surveillance of Dr. King and the SCLC

Location	Installed	Discontinued
King's home	11/8/63	4/30/65
New York City apartment	8/14/64	9/8/64
Hyatt House, Los Angeles	4/24/64	4/26/64
Hyatt House, Los Angeles	7/7/64	7/9/64
Claridge Hotel, Atlantic City	8/22/64	8/27/64
SCLC, Atlanta	11/8/63	6/21/66
SCLC, New York	10/24/63	1/24/64
	7/31/64	7/31/64 (u)

Microphone Surveillance of Dr. King: Jan. 64-Nov. 65

Location	Installed
Willard Hotel, Washington, D.C.	1/5/64
Shroeder Hotel, Milwaukee	1/27/64
Hilton Hawaiian Village, Honolulu	2/18/64
Ambassador Hotel, Los Angeles	2/20/64
Hyatt House, Los Angeles	2/22/64
Statler Hotel, Detroit	3/19/64
Senator Motel, Sacramento	4/23/64
Hyatt House Motel, Los Angeles	7/7/64
Monger Hotel, Savannah	9/28/64
Park Sheraton, New York	1/8/65
Americana Hotel, New York	1/28/65
Park Sheraton, New York	3/29/65
Sheraton Atlantic, New York	5/12/65
Astor Hotel, New York	10/14/65
New York Hilton, New York	10/28/65
Americana Hotel, New York	11/29/65 (u)

UNCLASSIFIED

In October the Attorney General was advised that King and (b)(7)(c) again discussed a replacement for (b)(7)(c) and that (b)(7)(c) said he would discuss it with King's "friend". Kennedy was also advised that King had received a telegram from a Russian poet.

In October the Bureau sent to various government officials a monograph captioned: Communism and the Negro Movement - a Current Analysis. It concerned King primarily and contained unfavorable references to him, including personal conduct unrelated to any association with the Communist Party. The Bureau knew it would upset the Attorney General. It did. He ordered all copies recovered. They were. (U)

In November the Bureau had the tesurs in place at King's home and at SCLC Headquarters and they began to overhear King talking [.....(b)(7)(C).....] and recounting past meetings. They also overheard conversations between King and (b)(7)(c) about a forthcoming book and a meeting in New York with ...(b)(7)(c)..... (photographs were taken showing King, ...(b)(7)(c)..... together in New York) and about a fund raising party for King. [CLASSIFIED: SECRET..... EXEMPT-(b)(1).....] (S)

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(TS)

Returning to December 1963 the Bureau learned through one of the taps that King was going to meet with President Johnson. Hoover approved sending to the White House the monograph about King that had been previously disseminated but recalled by Attorney General Kennedy. Hoover did not advise the Attorney General of his intention. In fact, for some time after President Kennedy's assassination, Hoover communicated directly with the White House and did not always inform the Attorney General of what he was doing. (u)

Also in December, presumably sensing an opportunity because of a new President to become more aggressive in their effort to discredit King, the Bureau had a one day conference at Headquarters to explore the communist influence in racial matters and to "discuss avenues of approach to exposing King's unholy alliance with the CPUSA". A 21 item working paper was prepared in advance of the meeting. Sullivan characterized King as a "dupe of the communists but also a man of low character". Sullivan prepared a memorandum for his superiors reporting the results of the December 23 meeting. The meeting was attended by two agents from Atlanta, Sullivan and four other men from Headquarters. Sullivan reported that the meeting pointed up the need for further information on six points. Four dealt with SCLC, its money and its personnel. The other two dealt specifically with King and his personal life. Sullivan stated, "We will, at the proper time when it can be done without embarassment to the Bureau, expose King as an immoral opportunist who is not a sincere person but is exploiting the racial situation for personal gain... [We] will expose King for the clerical fraud and Marxist he is at the first opportunity". It was agreed to continue the security investigation of King for ninety days and to give the case priority attention. (u)

D. 1964

In January 1964 King was named "Man of the Year" by Time Magazine. On a UPI press release announcing the selection, Hoover wrote: "They had to dig deep in the garbage to come up with this one". On January 8, 1964 a memo was prepared by Sullivan recommending getting King off of his pedestal and replacing him with another of the Bureau's choosing. The idea was endorsed by Hoover. Headquarters told its Atlanta office to start sending daily memos about King. In a follow up to the December 23, 1963 meeting the Bureau began a review of the tax returns for the previous 5 years of King, SCLC and the Gandhi Society; the Director instructed Atlanta to seek information of adverse views of King or SCLC from within the Negro movement, stating these would be good four counterintelligence; (u)

the Director instructed New York to stay alert for tax evasion information on King or his organizations and to provide information of any effort to utilize the media to enhance King's image. Obviously, these instructions pertained to information that might be obtained through tesurs and misurs. (u)

The first microphone surveillances of King occurred in January 1964 at the Willard Hotel. An eight page summary of the tape was prepared and delivered to Walter Jenkins of the White House staff. [deleted pursuant to (b)(7)(C).....] Hoover rejected a recommendation that the Attorney General get a copy. Sullivan pointed out that Kennedy might reprimand King, thereby foreclosing the possibility of developing similar information. Sullivan said it was important to have such information in order to completely discredit King as a leader of the Negro people. In briefing Jenkins, Cartha DeLoach acknowledged that the Director wanted additional information prior to discussing it with certain friends-meaning, among others, the media. (u)

On January 27, 1964 Sullivan approved another misur at a Milwaukee hotel. The recommending memo pointed out that because police would be nearby, [deleted pursuant to (b)(7)(C) .....] Hoover wrote: "I don't share the conjecture - .....] (u)

The Attorney General was advised that King met in New York with ...(b)(7)(C)..... and others in January. Also in January, [(b)(7)(C)] was overheard calling King a "sucker", "ignorant", "inexperienced", a "bad writer" and "without business sense". (u)

On January 17, 1964 Headquarters approved discontinuance of the coverage at SCLC in New York because of the office's inactivity. Coverage was to be reconsidered if the office became active. Hoover testified before the House Appropriations

Committee in January and made some off-the-record remarks about King and the communist influence in the racial movement, which caused a public furor when they were discussed in a Joseph Alsop newspaper column in April. (u)

CLASSIFIED: SECRET.....EXEMPT- (b)(1)

(s)

On February 12, 1964 the Director in a memo to the Atlanta office, referred to a conversation in which [deleted pursuant to (b)(7)(C).....] Hoover instructed Atlanta to be alert to [-(b)(7)(C)....] for counter-intelligence purposes. He indicated he wanted to capitalize on it and welcomed suggestions as to how it could be done. (u)

On February 13, 1964, Assistant Attorney General Burke Marshall sent files to the White House concerning King, [(b)(7)(C)]

SECRET

[..(b)(7)(C)..He made particular reference to a September 1963 memo he sent to the Director concerning his, Marshall's, conversation with King in which he provided King with specific information about [...(b)(7)(C).....]. Marshall wanted President Johnson to know of King's background. He did not know that the Bureau had been providing the White House with such information. DeLoach sent Hoover a memorandum about Marshall's letter and a meeting DeLoach had with Bill Moyers and Walter Jenkins about the letter. He reported that the White House mistrusted Attorney General Kennedy's motives in providing the files. Personal marginalia written on the memo by Hoover indicates his dislike of Marshall and Deputy Attorney General Katzenbach. (u)

In response to information about a rumored plot to assassinate King, Headquarters sent Atlanta a memo on the eighteenth stating that the Bureau was to be advised promptly of information concerning violence to be directed against King. Finally in February the Director advised the New York and Atlanta offices to gather all previous references to King's forthcoming book and put them in one memorandum so that the Bureau could take some action in counterintelligence or otherwise "to discredit King or otherwise neutralize his effectiveness because of communist influence on him." (u)

King met on February 29 with [...(b)(7)(C)....] in New York City. (u)

When King went to Hawaii in February,, agents from San Francisco were sent to the island to install microphones in his hotel. Sullivan justified the installation as an attempt to obtain facts about King [..(b)(7)(C).so that ....' might be used against him. (u)

In March 1964, conversations continued to be intercepted and reported. Also in March King was approached by two people in government: one was an invitation from Sargent Shriver to consult on a poverty study being done by OEO; the other was a

discussion with a member of the State Department (friend of the Kennedy's) about King's participating in a civil rights memorial for President Kennedy. Among the comments on the Bureau memo about these contacts were that it was shocking, in view of Attorney General and White House knowledge of King's Communist Party connections, that is was disturbing, particularly because King was "...an individual so fraught with evil." (u)

On March 4, it was recommended to Sullivan and approved by Hoover that the Attorney General be given the results of the Willard Hotel misur and more recent misurs in Hawaii and Los Angeles. Evans was to tell the Attorney General that King shouldn't be told of the information. He was provided the information now because Berl Bernhard was scheduled to interview King in connection with a possible memorial to President Kennedy and it was thought that the Attorney General might cancel the interview. The White House was also provided with the more recent information. (u)

On March 9, 1964 (b)(7)(C) met with King in Atlanta. In March, the Bureau proposed and carried out several significant actions against King. They installed a misur on Sullivan's authorization in a Detroit hotel where King was staying. After learning that Marquette University was going to award King an honorary degree, Hoover approved having the SAC in Milwaukee give the Chancellor of the University a monograph about King that cited his communist party connections and referred to his being a moral degenerate. Marquette had previously honored Hoover and the Bureau memo that recommended this action thought it was "shocking" that the University would also honor King. (u)

(b)(7)(C) ....., whom King was considering adding to his staff, attended a party in New York at the Soviet Mission. As a counterintelligence activity, the FBI provided the New York Daily News with this information for a news article which was published. The Director turned down a request of Representative Smith of Virginia for information about ...(b)(7)(C)....

with the notation, "not now". King was photographed by the FBI in Los Angeles with an aide and

(u)

CLASSIFIED: SECRET....EXEMPT- 5 USC §552(b)(1)

(S)

In April 1964, DeLoach briefed Senator Saltonstall (Mass.) and Springfield College President Glenn Olds (now President of Kent State University) about King in an unsuccessful effort to prevent the awarding of an honorary degree. Also in April Joseph Alsop published the article concerning King, communist connections, and Hoover's January testimony concerning communist influence on racial matters. King responded by criticizing the Bureau's concern with communism and not with racial problems. (u)

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On April 23, 1964 Sullivan authorized a misur on King in Los Angeles and one in Sacramento. Also in April Hoover approved permitting the State Department's Bureau of Intelligence and Research to read the "recalled" monograph about King. The White House and Attorney General were told that King, in a near intoxicated state, said he was going to go on a hunger strike in D.C. and die unless the Civil Rights Bill was passed. Attorney General Kennedy was advised that King had refused to debate Malcolm X. King confused the Director when, for unknown reasons, he had his secretary advise the FBI he was going to give a speech in the Philadelphia area. Apparently this was the first time King had told the Bureau of his plans and the Director wanted to know why. In later months and years, King usually told the Bureau of his travel plans (u)

The pace of Bureau activity concerning King then seems to have slackened for a few months. In fact, in May 1964 the Atlanta office was told to leave personal material about King only in intra-Bureau communications and not in anything that might be disseminated. However, the New York office was directed to canvass New York banks to find any accounts of King. An updated profile of King was prepared in May and served as the justification for keeping King in Section A of the Reserve Index because of "subject's position as President of SCLC and he continues to be controlled by Communists." The summary of the profile originally contained a statement that King "...

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In May 1964 King repeated an earlier criticism of the FBI's concern with communist influence on him and the racial

movement by saying that the Bureau should be more concerned with such things as bombings against black people. Also in May, the Director congratulated the Atlanta office for some investigative work that appeared to indicate [(b)(7)(C)] had prepared a letter for King in February. Headquarters considered this a most important development which showed continuing ties between (b)(7)C and King. On May 18, Headquarters told New York to update their information on O'Dell. (u)

In June 1964, a New York attorney, Harry Wachtel, seems to have become an advisor to King. In the White House, Lee White, later to become Chairman of the Federal Power Commission, had become the liaison with King and civil rights groups. When his name appeared, Hoover asked, "What do we know about Lee White?". He was provided with background information that same day. On June 3 and 4, 1964 the White House and the Attorney General respectively were given double or tripel hearsay information about [.....(b)(7)(C).....] On June 8, Headquarters sent another memo to various field offices reminding them to be "...extremely alert to any and all information available bearing upon the matter of [.....(b)(7)(C).....] We should be alert to any situation which might merit exploitation by the Bureau at the proper time..." Significantly, however, on the eleventh, Headquarters sent a memo to field offices in Jacksonville (St. Augustine was the scene of civil rights demonstrations at that time), Atlanta and New York emphasizing the necessity of advising local police officials, military and secret service personnel whenever the Bureau received information concerning a threat to King's life. The memo indicated it would be embarassing to the Bureau if there were claims of inaction or delay concerning such threats. (u)

On June 12, 1964 Sullivan prepared a memo for Alan Belmont, telling of Sullivan's meeting with a Dr. Espy, the General Secretary of the National Council of Churches of Christ. Dr. Espy wanted to know of King's communist ties. Sullivan told him of that and of King's personal life. In the memo, Sullivan wrote, "I think that we have sowed an idea here which may do some good." (u)

In July, an internal Bureau memo justified the continuance of tesurs previously authorized on King. On July 17, the White House (Jenkins), at Hoover's direction, was given a descriptive summary of [.....(b)(7)(C).....] The Attorney General was not. (u)

In mid-July King was to appear in Greenwood, Mississippi shortly after it was learned that three civil rights workers were missing in the Philadelphia, Mississippi area. Hoover did not want to afford protection to Dr. King and he spoke separately with the President and the Attorney General. The President finally told Hoover he wanted the FBI to be with King and to make a statement that they would investigate violations of federal law in that regard. (u)

On July 23, while listening to King's telephone, the Bureau heard of a report of plans to kill King. The rumor was checked with negative results. The Bureau was provided with a report of checks drawn in June from King's New York bank account. The Bureau briefed Congressman Pucinski of Illinois of some of King's background. And on July 29, 1964 King was overheard telling [..(b)(7)(C)..] he did not think he should speak in Harlem or Bedford - Stuyvesant (where there had been racial rioting) because the "...communists groups would do everything they could to discredit me". (u)

In August and September 1964, Hoover approved proposals to have an ASAC in New York try to get Cardinal Spellman to prevent the Pope from granting an audience to King, to have DeLoach go to former Eisenhower Press Secretary James Hagerty to prevent ABC from doing a television biograph of King, and to have DeLoach go to the Chairman of the Board of Curtis Publishing Company which published the Saturday Evening Post to prevent the publishing of an article by King in the magazine. According to Bureau memos, although the Cardinal was "gratified that the Director thought enough of him" to convey the information, the audience was granted. Hoover wrote, "Astounding" on two news articles which reported the audience. On a third, he wrote "I am amazed that the Pope gave an audience to such a degenerate." (u)

CLASSIFIED: EXEMPT- (b)(1)

(c)

Attorney General Kennedy resigned in September and he gave Courtney Evans the material about King's hotel activities provided him on two earlier occasions by the FBI. Kennedy did not want the material in Department of Justice files and he recommended that the FBI destroy it. Hoover refused to do so and directed that it be retained in a secure location. (u)

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(TS)

When King was overheard telling (now Congressman) Walter Fauntroy he was not sure he would attend a "get out the vote" meeting of clergymen in New York because of Cardinal Spellman's conservatism, Hoover wrote, "Have (SAC) Malone alert the Cardinal." (U)

In October 1964, James Bland of the FBI recommended that the tesur be kept on King's home. On October 11, two more internal Bureau memos defined the procedure to follow when the FBI was notified about threats on King's life. The Bureau was to notify the Atlanta police and appropriate local police, as well as federal agencies. The FBI would not notify King, leaving that to local police. Headquarters instructed Chicago to check on a possible account of King's at a Chicago bank. Eight days later, Chicago recommended against the attempt because they had no established sources in this "Negro bank in a Negro neighborhood." Hoover wrote, "Shameful!" on two news articles, one announcing King winning the Nobel Peace Prize and one, an editorial, praising King and the civil rights movement. (U)

The FBI stepped up its campaign against King during the next three months in probable reaction to his getting the Nobel Prize. By this time Nicholas deB. Katzenbach was acting Attorney General. On the third of November, Hoover advised the White House and the Acting Attorney General of King's forthcoming Saturday Evening Post article but he said nothing about his attempt to prevent its publication. On November 5, a telephone conversation between (b)(7)(C) and King was overheard by the FBI. In the conversation, (b)(7)(C) was referred to by both men as ..(b)(7)(C)..... pointed out that (b)(7)(C) had abided by earlier decisions but now they were not in the same situation as they were with the Kennedy Administration and that the Civil

Rights Act had been passed. He said that (b)(7)(C) wanted to meet with King. King said that the matter could be discussed in a forthcoming meeting in New York and that, "...after the election, it would be a new situation". The White House and Acting Attorney General were advised of this information. (u)

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(C)

On November 12 information was given to the [(b)(7)(C)] in the hope that the paper would expose King's possible and prospective [.....(b)(7)(C).....] (u)

The State Department asked for security information about King because of the Oslo trip. On November 13, in a memo to the Deputy Assistant Secretary of State for Security, the Bureau discussed only [...(b)(7)(C)...] He was called [.....(b)(7)(C).....] Also on the 13th, the Legat in London was told to advise the U.S. Ambassadors to England and Norway of King's background in an effort to forestall embassy receptions for King. (u)

On November 16, 1964, a memo was prepared which pulled together recent information indicating "further evidences of the influences in high places which Martin Luther King, Jr., and his associates are able to wield." On the 18th, Hoover

met with a delegation of several women reporters. On the record, he called King "a notorious liar". Hoover's remark caused a sensation. Off the record, Hoover said of King: "He is one of the lowest characters in the country". Later one of these reporters apparently asked to cover a proposed meeting between Hoover and King. Hoover wrote on the memo reporting the request, "I have no appointment with King and I do not intend to make one" (u)

On November 19, 1964, Frederick J. Baumgardner sent a memo to Sullivan reporting a discussion between Wachtel and Rustin as to how to respond to Hoover's "liar" statement. The memo indicated that an investigation was being conducted to determine Wachtel's connection with the communist movement. In a rather lengthy observation, Baumgardner wrote: (u)

> "The significant thing involved here is not that these individuals have jumped quickly to King's defense, but rather that they are seizing the opportunity, in line with a long-held communist objective, to launch a campaign to oust the Director as head of the FBI. (u)
>
> The important thing at this point is to follow this matter closely to determine the degree to which King follows their advice in regard to issuing the statement prepared by Wachtel for we will then have further evidence of the extent to which King is being used by communist symapthizers in support of communish objectives." (u)

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(S)

King sent Hoover a telegram responding to the Director's calling him a "notorious liar". On November 20, it was recommended that Hoover ignore it. Hoover wrote: "OK. But I can't understand why we are unable to get the true facts before the public. We can't even get our accomplishments published. We are never taking the aggressive but allow lies to remain unanswered". A new 51 page profile of King was prepared on the 23rd. On the same day, Sullivan authorized the State Department to brief the USIA security officer about King. The security officer then requested supporting data so that he could dissuade USIA from sponsoring King on a trip through Europe, Africa and the Near East. Belmont approved disseminating the information. (S)

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(S)

On November 27, 1964, Roy Wilkins requested and was granted a meeting with DeLoach after Hoover had given a speech at Loyola University in Chicago in which he referred to "sexual degenerates" in civil rights groups. According to a memorandum prepared by DeLoach of the meeting, Wilkins asked that the FBI not ruin King because that would ruin the civil rights movement.

The memo states that Wilkins said he would try to get King to retire. DeLoach wrote that he chastized Wilkins for his comments about Hoover and the FBI. He said he warned Wilkins that if King wanted a war with the FBI, they had the ammunition and would win. Wilkins was reported as saying he knew King was a liar and had sympathies toward the communist movement. Hoover sent a letter to President Johnson about the meeting. (u)

On November 30, permission was given to the Legat in London to brief U.S. Ambassadors in Sweden and Denmark about King. On the same day King asked (b)(7)(c) to discuss his five minute acceptance speech with . . . (b)(7)(c) . . . . . He also said he was going to ask Andy Young and Harry Wachtel to write a 5 minute speech each (u)

Andrew Young called DeLoach on December 1, 1964 and requested a meeting between King and the Director. Young said that King wanted to talk about the future and not the past. DeLoach said he told Young that the "...crusade of defamation against Mr. Hoover and the FBI... [the] campaign of slander and defamation against the Director and the FBI..." by King and his organization behind "our" backs, must be dropped. Hoover and King met in Hoover's office on December 1. DeLoach sat in on the meeting and wrote a 10 page memo to Mohr about the meeting. One and one half pages covered what King said; the rest covers what Hoover said. This may actually represent the relative amounts of conversation. King was overheard (by a tap) talking to a reporter and to Harry Wachtel and he told them that he had spoken for 10 minutes and Hoover had spoken for 45-50 minutes. During the meeting King said he could never be a communist and he referred to his removal of . . . (b)(7)(c) . . . . Hoover covered many subjects, including FBI infiltration of the Klan, upgrading of local police, psychoneurotic tendencies of Gov. Wallace, assignment of northern agents to the South, some cases, Selma, that Aubrey Lewis (a black man) was an agent, that there were 10 or 11 Indian agents and "Mexican-blooded" agents, and that the Bureau couldn't lower its standards just because of color. He gave King some advice: register Negroes

and educate Negores in certain skills. Hoover said he was in favor of equality in schools and restaurants bur against busing. He mentioned a shoeshine boy in Florida whom he knew who was a doctor. He told King to advise him of any bias or prejudice by an agent. He told King that agents investigate and do not provide protection. He concluded by talking about how good agents were with guns. (u)

On the same day DeLoach met with James Farmer at Farmer's request. It was similar to DeLoach's meeting with Wilkins. (u)

Hoover memorialized a call he had from Katzenbach who had inquired about the meeting with King. He told Katzenbach that King was a persuasive speaker. Katzenbach answered by saying that's all he could say about King. Hoover told Katzenbach that King and Abernathy praised the Bureau and that he (Hoover) had "taken the ball away from King" at the beginning of the meeting. Hoover sent a letter to President Johnson and described the meeting as most amicable. (u)

On the same day, Joseph Sizoo of the FBI sent Sullivan a memo suggesting that selected Negro leaders come to the FBI on the pretext of learning the facts about what the FBI was doing under the Civil Rights statutes. They then would be told of King's background in an effort to have him removed. The White House would not be advised. The suggestion appears to be a follow-up to DeLoach's meeting with Wilkins in late November. The idea apparently did not get beyond Sullivan and was not executed. (u)

On December 2, 1964, the Bureau observed press reaction to the meeting. A columnist who took Hoover's side was sent a letter of appreciation; a TV commentator who said King had "turned the other cheek" by seeking the meeting was sent nothing. On the third, the Bureau was advised by a police officer who was assigned to protect King in Cincinnati that King had told

him he had no controversy with Hoover; that he did not want to become involved in any controversy with Hoover; that he would be a "fool" to become so involved; and that he would, therefore, avoid press conferences. (u)

On December 4, 1964 Wachtel told King that Nelson Rockefeller might contribute $250,00 to King and that Rockefeller had invited King to lunch. On December 11, Headquarters sent material to Albany for former SAC Cornelius to brief Rockefeller about King's background. This action revealed that the Bureau had not changed its attitude about King as a result of King's meeting Hoover. (u)

Also on December 4, 1964, Moyers called DeLoach and said that he and the President felt that an updated 13 page monograph on King should be disseminated to appropriate government officials if it was in the interest of internal security. It had been sent to the White House about two weeks previously with a request that Moyers advise whether it should be disseminated. It was sent to Justice, State and Defense Departments, CIA, USIA, and military intelligence officers on December 7. On December 10, after Hoover approved it, DeLoach briefed two members of the Baptist World Alliance about King's background in an effort to forestall an invitation for King to speak to the group. DeLoach had given a similar briefing six months earlier to the Associate General Secretary of the Alliance. Hoover had disapproved a proposal to permit the Associate General Secretary and another to listen to tapes of King. (u)

On December 10, 1964 Wachtel advised King that Attorney General Katzenbach had called Jack Greenberg of the NAACP Legal Defense Fund to discuss "clearing" some one for the Fifth Circuit. King said he would back whomever Greenberg wanted. Hoover wrote on the memo: "This is shocking". The information was forwarded to the White House and the Acting Attorney General. (u)

Also on December 10, after some internal discussion over whether the Willard tapes should be completely transcribed, DeLoach said: "I fully agree that this work should eventually be done, particularly if an additional controversy arises with King. I see no necessity, however, in this work being done at the present time inasmuch as the controversy has quieted down considerably and we are not in need of transcriptions right now. ...hold off... until there is an actual need". Hoover wrote: "I think it should be done while it is fresh in the minds of the specially trained agents. "H". It was done. (u)

On December fourteen, Baumbardner characterized a proposal by SCLC to put pressure on white businesses to support a homecoming for King's return from Norway as: "Sad commentary on tactics..." On the same day Headquarters was provided with a listing of checks drawn on King's New York account and the SAC in New York was instructed to uncover any possible paramour of King's on Long Island. Also on the 14th Sullivan proposed to Belmont that letters be sent to the White House and the Acting Attorney General in response to an editorial critical of Hoover and to a proposal by SCEF to send letters critical of Hoover to the White House. Sullivan characterized the SCEF proposal in terms of a conflict with King. (u)

> It is evident from the enclosed... that it will be given widespread dissemination. This just highlights what to me is an indisputable fact and that is this Bureau has not yet emerged victorious in its conflict with Martin Luther King.. I think we are deluding ourselves if we believe that King and his followers and supporters around the country have run for cover and are not attacking the FBI in one way or another. In view of this situation, realism makes it mandatory that we take every prudent step that we can take to emerge completely victorious in this conflict. We should not take any ineffective or halfway measures, nor blind ourselves to the realities of the situation. (u)

On December seventeen, Hoover sent a letter to Moyers .....(b)(7)(C)..... Apparently ..... On the nineteenth the monograph about King was sent to the Director of the National Science Foundation in an effort to stop them from using SCLC as a recruiter of black applicants for southern schools in their scholarship program. (u)

On December 21, 1964, NSF's Director, Leland Haworth, was sent more information about King's personal life by Hoover. [.....(b)(7)(C).....] On the twenty-first, Katzenbach was advised by Hoover of an incident which was said to have occurred several years before in Memphis during a Negro Baptist Convention. [.....(b)(7)(C)..... That information ....] was sent to various government officials this day. (u)

On December 29, 1964, Headquarters was advised by Atlanta of two conversations involving Coretta King, one with King's secretary and one with Andrew Young. They discussed King's mental state, his rambling conversations in New York, an attempted fight with Abernathy in London and the Hoover conflict. They discussed how King might be relieved of some pressures. The transmission from Atlanta noted: "The above information is being furnished for the Bureau's information to acquaint the Bureau how shaken Dr. King has become as a result of recent events and as a further indication of an area where he may be vulnerable to further pressures". [.....(b)(7)(C)..... .....] (u)

E. Early 1965

On January 5, 1965, Atlanta advised Headquarters that King was becoming more and more upset, that he blamed the FBI and felt his phone was tapped. On the same day a report was made on the previously ordered review of King's writings and books in an effort to detect possible communist influence. The conclusion was that there were certain parallels but no casual link. On January 6, New York was directed to discreetly cover King in New York by physical and electronic surveillance because he might meet a woman there. The memo indicated, "security is paramount". Also on the sixth the SAC in Atlanta called the Bureau and reported that the wiretaps indicated that King was very nervous and upset and was not sleeping well. He believed the Bureau had his phone tapped. King said a tape and letter which referred to the . . . . . (b)(7)(C) . . . . . had been sent to his home and his wife had read the letter. King said: "They are out to break me". The SAC knew nothing of the tape. King said in a tapped conversation that he needed to talk with Hoover or DeLoach. (u)

The so-called (b)(7)(C) . . . . had actually been mailed in late November 1964 by Lish Whitson, a former agent who flew to Florida at Sullivan's instructions. Sullivan had previously told [. . . (b)(7)(C). . . . .] to keep the microphone tapes together. Phillips was told to give some of the tapes to John Matter of the lab. He now thinks he . . . . . (b)(7)(C) . . . . . When Matter returned the tapes, there was a composite added. Sullivan had [(b)(7)(C)] get him non-watermarked stationery. Sullivan took the tapes and the stationery and later gave [(b)(7)(C)] a package to deliver to Whitson. The tape was accompanied by a letter advising King that . . . . . (b)(7)(C) . . . . . Apparently King did not listen to the tape until he returned from Oslo. His wife is supposed to have listened to it also. (u)

On January 6, 1965, Atlanta advised Headquarters and New York that King had been resting at a house and only about two people knew about it. While he was sleeping [..(b)(7)(C)..] fire trucks arrived but there was no fire. King believed the FBI sent the trucks. He believed that either the FBI or the Georgia Bureau of Investigation was tapping his phone. He said that Abernathy had received anonymous calls. He talked about the tape that had been mailed and wanted Young and Abernathy to see Hoover. "They are out to get me, harass me, break my spirit." He said that they must go to Hoover as there just wasn't any privacy. "What I do is only between me and my God." (u)

On January 7, 1965, an internal FBI memo proposed that letters be sent to the White House and the Acting Attorney General about King's condition. The memo referred to the taps, harassment and a forthcoming meeting between King and the Director. The letters were sent to the White House and the Acting Attorney General on the eighth but they mentioned only King's becoming emotionally upset, his use of medication, [.....(b)(7)(C).....] There was no mention of the taps and harassment. (u)

At about this time, an aide of King's called Congressman Diggs and asked for advice about how to deal with Hoover. Diggs suggested seeing Hoover with ministers and telling him that the Bureau's harassment of King was immoral. The Bureau noted that Diggs referred to Hoover as "old man" and "Big Daddy", and mentioned the existence of Hoover's files. Hoover wrote: "And I thought DeLoach had commitment from Wilkins and Farmer that King would cease any further attacks on FBI. Yet King is spear heading this present agitation against FBI" (u)

January 8, 1965, Young called DeLoach and requested a meeting with Hoover or DeLoach. It was set for January 11. DeLoach told Mohr that Young would be told on the eleventh that the Director was out. He suggested that he and Leinbaugh meet with Young. Hoover approved. Leinbaugh was the originator of the Lorraine Hotel COINTELPRO activity. (u)

On January 7, 1965, a report from two NAACP contacts in Memphis said King [.....(b)(7)(C).....] These contacts were being developed as part of an FBI program, "Liaison with Groups Sponsoring Integration". On the same day, Headquarters received a report of checks drawn on King's New York bank in November 1964. (u)

January 8, 1965, Milton Jones of the FBI gave DeLoach an Italian magazine article about King's trip to Europe. The article is very racist in tone; the editor of the magazine had been a Fascist. It was read by Hoover. Jones forwarded the article with a note: "It appears the article... contains excellent public source material for our contacts in this country who would be interested in the true background of Martin Luther King." (u)

Joseph Sizoo advised Sullivan on January 8 that he had authorized misurs in King's and Young's hotel rooms in New York. On the tenth a three page memorandum was prepared from the products of the microphones. King, and perhaps Young and Bernard Lee, an SCLC aide, discuss phone taps and information the Bureau had and how DeLoach and Hoover should be approached. Some mention was made of Joe Rauh and the Bureau characterized him as being associated with communist causes and as being critical of the Bureau. The bugs also recorded King characterizing the mailing of the tape as, "God's out to get you", and as a warning from God that King had not been living up to his responsibilities in relation to the role in which history had cast him. [.....(b)(7)(C).....] (u)

On January 11, 1965 DeLoach sent Mohr an extraordinary memo about his (and Leinbaugh's) meeting with Abernathy and Young. DeLoach said Abernathy could not "cope" and that Young had to take over the conversation. Both were said to be unable to bring themselves to talk directly about King's personal life but kept alluding to it. DeLoach took obvious delight in their discomfort. When Young asked what could be done to protect SCLC from communist infiltration, DeLoach told him to go to HUAC for information because FBI files were confidential. On at least two other points, DeLoach lied to them: he told Abernathy that SCLC's funds were of no concern to the FBI; and, he said the FBI had taken no action on rumors regarding King's personal life. (u)

On January 12, 1965, [..(7)(C)..... discussed a meeting.....had attended with King and others to talk about Mississippi. Also on the twelfth a proposal was made to attempt to stop St. Peter's College from giving King an honorary degree. The idea was scrapped because the FBI didn't know anyone at St. Peter's well enough. [.....(b)(7)(C).....] (u)

On January 19, 1965, Headquarters sent a memo to Denver instructing agents to cover King's actions while in the area to give a speech but not to embarass the Bureau. King had been assaulted while in Selma and there were news photos of the attack. [.....(b)(7)(C).....] On January 21, Headquarters told Atlanta to [..(b)(7)(C).....]. Also on the twenty-first, Sullivan sent Belmont a memo of his meeting with Ralph McGill, Publisher of the Atlanta Constitution, who had been told by the Bureau about King's personal life. McGill said he was concerned and wanted to get King out of the Civil Rights movement. He said he had been talking with Adlai Stevenson, Bill Moyers, Ralph Bunche and Harry Ashmore about it. Hoover sent a letter forwarding McGill's views to President Johnson. (u)

On January 25, 1965, Atlanta requested a 90 day extension of the misur on King's house. On the twenty-sixth, Sizoo advised Sullivan he had authorized misurs of King for two days at a hotel in New York because of the potential for developing intelligence information. (u)

Selected memoranda between February 1965 and December 1967 indicated that the Bureau continued its campaign to discredit and neutralize King. In February 1965 Atlanta was reprimanded for not forwarding information about King quickly enough. In February the Bureau proposed to seek Cardinal Spellman's help in preventing the Davenport, Iowa Catholic Inter-racial Council from giving King an award. Hoover said no. But in March, Gov. Volpe of Massachusetts was briefed by the FBI about King's background in an effort to tone down "Martin Luther King Day" (u)

F. Early 1967-1968

The primary concerns of the Bureau relating to Dr. King at this time were his anti-Viet Nam statements and his planned Washington Spring Project which later became the Poor People's Campaign. On December 7, 1967 the Bureau alerted various field offices and told them to develop ghetto informants, if they had none, and to report weekly on plans for the Project. On December 20, 1967 an updated monograph of King was prepared. [CLASSIFIED: EXEMPT UNDER (b)(1)] It also referred to King's statements about Viet Nam and the Spring Project. (c)

In December 1967, King was preparing a taped series of lectures for Canadian radio. The Director instructed the Legat in Ottawa to determine who made the arrangements, including financing, for the series. The justification was to find the source of funds to finance a "new program... of massive civil disobedience demonstrations which may result in riots". The Director was referring to the Spring Project in which King had threatened continuing demonstrations until Congress passed a program designed to help blacks. (u)

On January 3, 1968 Attorney General Ramsey Clark turned down a Bureau request to tap SCLC. In January Senator Robert Byrd (D-W.Va.) attempted to enlist DeLoach's assistance in preparing a speech for Byrd to deliver in Congress to help King meet his "Waterloo" before the Spring Project. DeLoach refused. Other January memos dealt principally with the Project. (u)

In February 1968, the Bureau learned that King had met in Washington with H. Ralph Brown and Stokely Carmichael to discuss the Project. King was angry that the two might attempt to foment violence. On February 20, 1968, at the request of the White House, the Bureau interviewed a former baseball player. The ball player apparently had no respect for King; [.....(b)(7)(C).....] (u)

Hoover approved another updating of King's monograph, to be completed by March 14, 1968 so that it could be disseminated to government officials before the Spring Project to remind them of "the wholly disreputable character of King". It was also recommended and approved to advise the White House and the Attorney General of the involvement of [(b)(7)(C).....] in the Project to show "the communist help King is receiving in his proposed Washington Spring Project". (u)

On March 20, 1968, Hoover approved briefing Cardinal O'Boyle and Bishop Lord of Washington about the potential for violence in the Spring Project and asking them to call for non-violence. On March 21, the Director sent an "Urgent" teletype to various field offices reminding them to carry out previous instructions concerning the Project. On March 25, the President was advised by the Bureau that Robert Kennedy (D-N.Y.) had attempted to contact King before he announced for the Presidency. The next day an updated 39 page monograph about King was disseminated and (b)(7)(C) was overheard discussing plans and fund raising for the Project. (u)

On March 28, 1968, Dr. King led a march in Memphis, in support of striking sanitation workers. The march turned violent and King was taken by his aides and the police from the area to a Holiday Inn. As a COINTELPRO activity, Hoover approved

sending the following information to "friendly" news media: (u)

> Martin Luther King injected himself into the strike in Memphis... and the result of King's famous espousal of nonviolence was vandalism, looting and riot. (u)
>
> Previously, King involved himself in this strike, called for a general strike, and called for a mass march. Today he led the mass march in an automobile at the head of the line. Negroes began shouting 'black power' and trouble began. King, apparently unable or unwilling to control the marchers, absented himself from the scene; window breaking and looting broke out. (u)
>
> * * *
>
> Memphis may only be the prelude to the civil strife in our Nation's Capitol. (u)

On March 29 and 30, 1968 King engaged in several overheard telephone conversations and meetings, some with [(b)(7)(C)] to discuss the Memphis violence. He was extremely dejected and considered his image and the image of nonviolence to have been adversely affected. The press was critical. At first he considered abandoning Memphis and the Spring Project; he considered a public fast. Aides feared for his safety if he returned to Memphis...(b)(7)(C) strongly urged him to go forward with his plans. He told King that he was not responsible for the violence of others. Finally, after a long meeting in Atlanta with his staff and (b)(7)(C) King decided to return to Memphis. (u)

On April 1, 1968, the Bureau advised the White House, but not Attorney General Clark, of a tapped discussion between (b)(7)(C) and King concerning the Presidential race between Johnson, Kennedy and McCarthy. On April 2, Attorney General Clark turned down a request to tap SCLC in Atlanta and Washington. (u)

The Bureau directed four specific COINTELPRO activities against King in 1968. Most were clearly designed to have an adverse effect on the Spring Project, particularly with respect to fund raising. One, of course, concerned King's staying at the Holiday Inn in Memphis. (u)

King was assassinated in Memphis on April 4, 1968. [(b)(7)(C)] continued to give advice to Coretta King, Andrew Young and others. The Bureau continued their campaign against King by various periodic briefings designed to thwart declaring King's birthday a national holiday. (u)

The major operating division on this matter was the Domestic Intelligence Division headed by Assistant Director William C. Sullivan and number one man Joseph A. Sizoo. Sullivan was later fired and is now in poor health following a heart problem. He lives in Sugar Hill, Vt. Sizoo has retired and lives in Whispering Pines, N.C. The sections in this division that were involved are the Subversive Control Section, which focused on individual security subjects and the Internal Security Section which focused on organizations and certain key individuals. This section, for example, handled the Smith Act prosecutions. When the bureau first started its coverage of Dr. King, it was handled in Subversive Control; when the investigation was intensified it was transferred to Internal Security (u)

The Subversive Control Section was headed by James Bland whose number one man was Paul Cox. Both are now retired. The Internal Security Section was headed by Fred J. Baumgardner, assisted first by Dick Corman and later by Charles Brennan. Baumgardner is retired, [deleted pursuant to (b)(7)(C)] Corman and Brennan are both retired. Within that section the King case was handled initially by William Forsythe (now deceased) and then continuously by [deleted (b)(7)(C)], a unit chief who is still with the Bureau. (u)

The SCLC was headed by Dr. King. His principal associates in SCLC included Rev. Ralph Abernathy, Congressman Andrew Young and Congressman Walter Fauntroy. [deleted pursuant to (b)(7)(C)] (u)

p.5, supp release, 11/79

CIVIL RIGHTS #4

UNCLASSIFIED

ATTACHMENT 4

file R

King Assassination

Department of Justice
Washington, D.C. 20530

May 27, 1976

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

Re: Martin Luther King Review Group

I have received a memorandum of May 24, 1976 (attached), from Glen Pommerening, and Jim Turner received a telephone call from Ed Scott today, both on this subject.

In the May 24 memorandum, Mr. Pommerening says that "the Deputy Attorney General has decided" that the Civil Rights Division is to pay various costs of this review group. Today, Mr. Scott said that you had also decided that in addition to the three attorneys we have already detailed, two secretaries and a research analyst are now to be detailed as well. Six positions represent a significant cost to this Division.

I have instructed Jim Turner and Harry Fair not to execute this latest request until I hear from your office on some consultative basis. I assume that there has been a simple misunderstanding in this regard, given the two days of constant reminders at Big Meadows that consultation on decisions of this kind are necessary and appropriate. Given that a key for my recommendation that another group continue the King review was that the Civil Rights Division lacked adequate resources, obviously it makes little sense to continue this drain of resources without at least the courtesy of a discussion about the matter.

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

CC: Glen Pommerening
Mike Shaheen

Civil Rights #5

ATTACHMENT 5

Department of Justice
Washington, D.C. 20530

RECEIVED
OFFICE OF THE
ATTORNEY GENERAL
MAY 4 1976

May 3, 1976

MEMORANDUM FOR THE ATTORNEY GENERAL

Subject: Martin Luther King Task Force - Press Conference

Attached for your information is a transcript of my remarks to the press concerning the Martin Luther King Task Force announcement. In the event you should read this, there are a couple of aspects about it which might be worth discussing briefly.

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

Attachment

Civ Rts #6

ATTACHMENT 6

R

TRANSCRIPT OF PRESS CONFERENCE

HELD BY

J. STANLEY POTTINGER
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION
DEPARTMENT OF JUSTICE

RE: MARTIN LUTHER KING

ON

APRIL 29, 1976

I don't have a statement for you. The Attorney General has made a statement, which I have before me and which I will read.

Before you waste any footage, let me give you one problem I have. I have an obligation not to discuss the internal memoranda which I have forwarded to the Attorney General, and by that I mean specific recommendations I have made. I do support the Attorney General's disposition as he has made it here. But I am now referring specifically to some reports that were in the press that I had made certain specific recommendations, and I think it is inappropriate for me to go into those to the extent that the Attorney General has not gone into them. I will, however, explain those recommendations or conclusions which are on the face of this document and try to explain the basis for the Attorney General's decision as best I can.

Q. I think it is fair for us to ask you why the Attorney General overruled your recommendation for an outside group to look into this. That's an explanation of his position. I'm asking you to explain why he overruled a recommendation for an outside group to look into the Martin Luther King assassination and to explain further why he decided to put it inside the Department instead of outside the Department?

A. I think that the Attorney General believes that this Department has a very serious responsibility to insure that any alleged wrongdoing, whether its outside or inside, the FBI or the Justice Department, is dealt with by the Attorney General. It is for that reason he has taken a series of steps, including the establishment of the Office of Professional Responsibility in whose jurisdiction it is to look at government wrongdoing. I think that it is appropriate for him to say, as he is saying here, that this Department is strong enough, it is honest enough, and it is responsible enough to insure that wrongdoing within a sister agency can be investigated properly and thoroughly and honestly by attorneys who are accountable to the Attorney General of the United States. That the integrity of the Department is strong enough, and his personal integrity is strong

UNITED STATES GOVERNMENT

Memorandum

JMD

R

TO : The Record

DATE: DEC 1 1977

D. Jerry Rubino

D. Jerry Rubino, Chief

FROM : Security Programs Group
Administrative Programs Management Staff/OMF

SUBJECT: Classification of Memorandum from Robert A. Murphy, Chief, Criminal Section, Civil Rights Division to Assistant Attorney General Pottinger Subject: "Martin Luther King, Jr." dated March 31, 1976

The paragraphs classified within the subject document contain national security information which, if disclosed, would cause varying degrees of damage (depending on the classification category assigned) to the foreign relations and national defense of the United States in that the information would disclose the most sensitive of the Federal Bureau of Investigation's (FBI) national security informants within certain organizations. Paragraphs marked herein as "(TS) (S) (C) (U)" are classified as Top Secret, Secret, Confidential and Unclassified, respectively.

Further, the classified information contained in the subject document is derived from multiple source documents classified within the FBI. Inasmuch as multiple source and not single source derivative material was utilized, the Assistant Attorney General (AAG), Civil Rights Division, or his supervisor should be the classifier of the subject document at the Top Secret level pursuant to guidance received from the Interagency Classification Review Committee.

Any challenge to the propriety of the classification of the information contained herein shall be referred through the AAG, Civil Rights Division to the Document Classification and Review Section, FBI. All classified information was reviewed for classification propriety by Ms. Debra J. Kossow, Office of the Deputy Attorney General and Mr. William N. Preusse, FBI. Classification of this document was reviewed and endorsed by the Department Review Committee on October 18, 1977.

Finally, this classified document has been marked in accordance with 28 CFR 17.41, "Security classification markings" by Mr. Bernard A. Gattozzi, Security Programs Group.

JMD #1

UNITED STATES GOVERNMENT

Memorandum

TO : The Record

DATE: DEC 1 1977

FROM : D. Jerry Rubino, Chief
Security Programs Group
Administrative Programs Management Staff/OMF

SUBJECT: Classification of Memorandum for the Attorney General re: Martin Luther King Report Dated April 9, 1976 from Assistant Attorney General Pottinger

The paragraphs classified within the subject document contain national security information which, if disclosed, would cause varying degrees of damage (depending on the classification category assigned) to the foreign relations and national defense of the United States in that the information would disclose the most sensitive of the Federal Bureau of Investigation's (FBI) national security informants within certain organizations. Paragraphs marked herein as "(TS) (S) (C) (U)" are classified as Top Secret, Secret, Confidential and Unclassified, respectively.

Further, the classified information contained in the subject document is derived from multiple source documents classified within the FBI. Inasmuch as multiple source and not single source derivative material was utilized, the Assistant Attorney General (AAG), Civil Rights Division, or his supervisor should be the classifier of the subject document at the Top Secret level pursuant to guidance received from the Interagency Classification Review Committee.

Any challenge to the propriety of the classification of the information contained herein shall be referred through the AAG, Civil Rights Division to the Document Classification and Review Section, FBI. All classified information was reviewed for classification propriety by Ms. Debra J. Kossow, Office of the Deputy Attorney General and Mr. William N. Preusse, FBI. Classification of this document was reviewed and endorsed by the Department Review Committee on October 18, 1977.

Finally, this classified document has been marked in accordance with 28 CFR 17.41, "Security classification markings" by Mr. Bernard A. Gattozzi, Security Programs Group.

JMD #2

OSS:RLD:RAC:pjr 5/17/76

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

Glen E. Pommerening /s/ GEP
Assistant Attorney General
for Administration

Martin Luther King Review Group

MAY 24 1976

The Deputy Attorney General has decided that those organizations furnishing personnel through detail to the Review Group will continue to fund all personnel compensation for those individuals. All other costs for such items as travel, rents, printing, equipment, etc., are to be borne by the Civil Rights Division.

Funding of these costs by your Division is to be accomplished by the execution of a reimbursable agreement between the Civil Rights Division and the Office of Professional Responsibility. A special accounting code has been established for the Review Group to specifically identify all costs incurred.

The Operations Support Staff of this office will develop a budget for the Review Group to cover the remainder of this fiscal year as well as for the Transition Quarter. These budgets will be reflected in the reimbursable agreements which will be sent to you for signature.

cc: Mr. Shaheen, OPR
Mr. Giuliani, DAG
Mr. Crampton, Tax
Mr. Folson, MLKRG
Ms. Lee, OSS

Official File Copy

UMO #3

UNITED STATES GOVERNMENT

Memorandum

OPIA
R

TO : Michael E. Shaheen, Jr., Director
Office of Professional Responsibility

DATE:

FROM : Quinlan J. Shea, Jr., Director
Office of Privacy and Information Appeals

SUBJECT: Martin Luther King, Jr., Task Force Report

This office has reviewed the subject report to determine if a public release might result in any unwarranted invasions of personal privacy. This review was undertaken with a consideration of the historical importance of and public interest in the subject matter, and with a view of maximum possible disclosure of information.

Certain material contained on pages 95, 105, 122 through 124 inclusive, 135 and 136 [I have bracketed this material in red and attached it at tab A] raises some privacy questions that may be answered by someone more familiar than I with the factual background. In any event, I have flagged these items for closer scrutiny prior to any public release of the document and recommend that Deputy Assistant Attorney General Mary C. Lawton be consulted as to these items prior to release.

p90
p91
p95
p130
p131
p.135
CHANGES

Attachment

OPIA #1

MAY 6 1970

Mr. Bernard Fensterwald, Jr.
Fensterwald, Bevan and Ohlhausen
Attorneys At Law
927 Fifteenth Street, N. W.
Washington, D. C. 20005

Dear Mr. Fensterwald:

This is in response to your letter of February 2, 1970, requesting my review of the denial by the Deputy Attorney General of your request under the Freedom of Information Act, 5 U.S.C. § 552, for access to official records of the Department of Justice. Although you requested access to several items which the Deputy declined to make available, you have appealed only his denial of the request for "[a]ll documents filed by the United States with the Court in England in June-July, 1968, in the extradition proceeding by which James Earl Ray, the convicted killer of Dr. Martin Luther King, was returned to this country."

Whether or not the documents you seek are technically exempt under one or more of the provisions of § 552(b), I have determined that you shall be granted access to them. The exemptions do not require that records falling within them be withheld; they merely authorize the withholding of such records by exempting them from the Act's otherwise applicable compulsory disclosure requirements.

Sincerely,

John N. Mitchell

Attorney General

OLC #5

November 9, 1963

MEMORANDUM

Re: Dallas County, Alabama, Grand Jury Subpoenas

As a result of the Thelton Henderson incident involving the transportation of Martin Luther King from Birmingham to Selma, Alabama on October 13 in a car rented by the Department of Justice for official use, the Dallas County Grand Jury has instituted an investigation. The only information available regarding the subject of the investigation is the statement of the County Solicitor that the principal business of the Grand Jury when it meets on November 12 will be to investigate the role of the Department of Justice in the racial unrest in the area. In an earlier letter of the then Solicitor of Montgomery County to the local United States Attorney he stated that "while there appeared to be no violation of state law involved in the Henderson-King incident, he was submitting such evidence as may be available to our November Grand Jury as a matter of public interest". The Clerk of the Circuit of Dallas County has issued subpoenas directing the appearance before the County Grand Jury of certain officials and attorneys of the Civil Rights Division of this Department "to testify

##FN1

44 Presumably the reference was to the Montgomery County Grand Jury.

OLC #8

in regard to certain matters pending before them. This memorandum considers (1) the extent to which the Attorney General, as head of the Department of Justice, may properly claim that the testimony of such officials and attorneys is privileged, and (2) the remedies which may be available in the event the claim of privilege is denied by the judges of the County Court. The discussion below indicates that in the circumstances here involved it will be necessary to file a somewhat excessive claim of privilege if it is to be at all effective and that doubt exists as to the availability of a speedy remedy for obtaining the release of witnesses incarcerated for contempt. This emphasizes the desirability of seeking relief, if possible, through a federal court injunction rather than through reliance on a claim of privilege.

13 I.

10 THE PRIVILEGE QUESTION

The courts have recognized that in certain circumstances the Executive Branch of the Federal Government is entitled to claim a privilege against the disclosure in judicial proceedings of information in its possession. At the outset it should be noted that the Supreme Court has held that the claim must be formally made by the head of the agency involved and

that the court itself is to determine whether the circumstances are appropriate for the claim. United States v. Reynolds, 345 U.S. 1. Circumstances which have been recognized by the courts as appropriate are the following:

10(a) State secrets, military and diplomatic. United States v. Reynolds, supra, 7; Wigmore, Evidence, (McNaughton rev. 1961), 2378.

10(b) The identity of informers. Roviaro v. United States, 353 U.S. 53, 59, Wigmore, op. cit., pp. 761-772.

10(c) Internal communications within the Government. Kaiser Aluminum Co. v. United States, 141 Ct. Cl. 33, 157 F. Supp. 939; Continental Distilling Corp. v. Hershey, 17 F.R.D. 237 (D.D.C.); E.W. Bliss Co. v. United States, 203 F. Supp. 175 (N.D. Ohio).

10(d) Probably matters subject to a pending investigation which would be prejudiced by a disclosure and which may involve charges as yet uncertain. Wigmore, op. cit., pp. 807-848.

Much of the testimony to be sought by the Grand Jury from officers of the Department of Justice will undoubtedly fall within the last three of the privileged categories. On the other hand, it may well be that the Grand Jury will propound questions relating to the official duties of the witnesses or concerning matters they learned in their official capacity, neither of which fall within any of these categories of privilege. In this posture two alternatives are analytically open: (1) to claim privilege with regard to all matters involving official duties or knowledge; (2) to assert privilege only as to the recognized categories and instruct the witnesses that as to other questions, following the procedure specified in Departmental regulations, 28 CFR 16.1-2,[2] they are to ask the court for leave to refer the matter to the Attorney General for his determination as to whether it is

44/ ##FN2

2/ 28 C.F.R. 16.1 is probably not limited to documents and information contained in the files of the Department but is broad enough to cover information or material dealing with governmental information acquired in the course of the officer's official duties. Prior to the 1958 amendment to R.S. 161 (5 U.S.C. 22) that section was frequently regarded as a statutory basis for claiming privilege against disclosure of official information. Since the amendment it would appear that this privilege roots on rules "established in the law of evidence" (United States v. Reynolds, supra, 6-7), or on the constitutional doctrine of separation of powers. (see Wigmore, op. cit., pp. [illegible], Schwartz & Jacoby, Government Litigation (1963 ed.) 529-530), or both.

privileged and, if so, whether he desires to claim it. It is evident that the latter procedure is neither desirable nor practical. First, since it concedes that some of the questions to be asked may not be privileged, it will encourage the Grand Jury to adopt a policy of prolonged harrassment, and embroil the Department in numerous and potentially endless controversies with the court. Second, it is apt to jeopardize the witnesses in that an unfriendly court may possibly refuse to grant the witness any opportunity to obtain a ruling from the Attorney General and then take the position that the witness has no valid excuse for not testifying since the Attorney General has not claimed privilege. The witness will either have to answer or be held in contempt. While the alternative procedure may involve an excessive claim of privilege in some marginal situations, it would seem to be the only realistic course to adopt if privilege is to be relied on at all.

It should also be noted that in Reynolds, involving the disclosure of military secrets, the Supreme Court stated that in ruling on the claim of privilege it is relevant to inquire into the necessity for the evidence; '[w]here there is a strong showing of necessity, the claim of privilege should not be lightly accepted, but even the most compelling necessity cannot

overcome the claim of privilege if the court is ultimately satisfied that military secrets are at stake. A fortiori where necessity is dubious, a formal claim of privilege made under the circumstances of this case, will have to prevail." 345 U.S. at 11. In the context of the present circumstances it is difficult to see how a convincing showing of necessity can be made in behalf of the Grand Jury to overcome a formal claim of privilege made by the Attorney General.

13

II.

10 Remedies

This portion of the memorandum examines the question of what remedies are available in the event the judge of the county court rejects the Attorney General's claim of privilege and initiates contempt proceedings against the witnesses for their failure to answer questions on the basis of the claim. The two possible federal remedies are removal of the contempt proceeding to the federal courts pursuant to 28 U.S.C. 1442, or in the event of commitment of witnesses for contempt their release through federal habeas corpus proceedings under 28 U.S.C. 2241.

a. Removal. 28 U.S.C. 1442(a) authorizes the removal to the federal courts of "a civil action or criminal prosecution commenced in a State court" against--

10 "(1) Any officer of the United States or any agency thereof, or person acting under him, for any act under color of such office or on account of any right, title or authority claimed under any Act of Congress for the apprehension or punishment of criminals or the collection of the revenue.",

The right of removal under section 1442 has been narrowly construed by the Supreme Court. Thus in Maryland v. Soper

(No. 2), 270 U.S. 36 (1926), the Court held that an indictment in a State court charging federal prohibition agents with a conspiracy to obstruct justice by giving false testimony at a coroner's inquest was not removable under that section since the response of the officers was not "an act . . . under federal authority" (p. 42), and hence not within the scope of section 1442. The State was therefore permitted to try the agents, even though the subject under investigation by the coroner had been a homicide allegedly committed by the agents in the course of a raid on an illegal still. Both Maryland v. Soper and Colorado v. Symes, 286 U.S. 510 (1932), make it clear that a federal officer, to remove a State criminal case against him to a federal court, must "be candid, specific and positive in explaining his relation to the transactions growing out of which he has been indicted, and in showing that his relation to it was confined to his acts as an officer," see Maryland v. Soper (No. 1), 270 U.S. 9, 33 (1926).

Here, the acts charged would be refusals to testify which in the view of the State court justified contempt proceedings. The federal officer, in order to remove these proceedings, would have to show that his refusal to testify was itself clearly

directed by the Attorney General and thus within the performance of his official duties. As indicated above, it is contemplated that the claim will extend to any testimony regarding the performance by the officer of his official duties or involving information acquired in the course of such duties. But the Grand Jury may be expected to propound questions about alleged activities of the officers which, if true, might not be protected by the claim of privilege. As to such questions a simple refusal to answer on the ground of superior orders would probably be inadequate under the decisions to justify removal of a contempt proceeding, whether civil or criminal, to the federal courts. Thus the officer's right to removal may not be perfectly clear in all cases, depending on the questions asked. Moreover, one District Court has held that contempt proceedings, even those involving federal officers, are inherently incapable of removal under section 1442, since they are neither "civil actions" nor "criminal prosecutions commenced in a state court." In re Haisig, 178 F. Supp. 270 (N.D. Ill., 1959). Although the court also relied on the insufficiency of the removal petition, the decision would support a denial of any contempt citation to the State court--

an order which is non-appealable. See 28 U.S.C. 1447(d). Moreover, the contempt may be tried summarily, with sentence passed and commitment ordered immediately. In such a case the application of section 1442 seems completely foreclosed since section 1446 provides that removal petitions may be filed only before trial. Accordingly, reliance on removal would seem to be dangerous.

b. Habeas corpus. Habeas corpus is probably unavailable to a federal officer held in custody pursuant to a State court contempt judgment. 28 U.S.C. 2254 declares that the writ shall not be granted in behalf of a person in custody pursuant to the judgment of a State court "unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the prisoner". This section, adopted in 1948, no longer permits habeas corpus where adequate State corrective remedies are available.[3] It is difficult to argue that section 2254 would

44/ 3/ ##FN3 The decisional law prior to 1948 was to the effect that while habeas corpus would normally not issue before State appeal remedies were exhausted, in cases of urgency, in-

be inapplicable to the instant case, since 28 U.S.C. 2241(c), which specifies the cases in which habeas corpus may be granted, specifically refers to "custody for an act done or omitted in pursuance of an Act of Congress", and to "custody in violation of the Constitution or laws or treaties of the United States." Indeed, the Senate Report accompanying its amendment of section 2254 (in which form it was enacted) stated that its purpose as it related to federal officers was--

> "* * * to eliminate from the prohibition of the section applications in behalf of prisoners in custody under authority of a State officer but whose custody has not been directed by the judgment of a State court. If the section were applied to applications by persons detained solely under authority of a State officer it would unduly hamper Federal courts in the protection of Federal officers prosecuted for acts committed in the course of official duty." S. Rep. 1559, 80th Cong., 2d Sess. (1948).

[redacted]

volving the authority and operations of the General Government," In re Ayrell, 117 U.S. 241, 251 (1886), federal courts could exercise their discretion to discharge federal officers from State custody even though those remedies had not been exhausted. See Boehm v. Commonwealth, 177 U.S. 459 (1900); Ohio v. Thomas, 173 U.S. 276 (1899); Ex parte Hood, 209 U.S. 205 (1908); In re Fagan, 135 U.S. 1 (1890). In several cases the writ was refused prior to exhaustion of State remedies either because the officer appeared unimportant to government functioning or the alleged crime was serious (usually homicide). See Drury v. Wells, 209 U.S. 1 (1908); Birsch v. Bumbleson, 31 F. 2d 811 (C.A. 4, 1929).

This seems to imply that federal officers are protected by habeas corpus only prior to judgment. Thus it is difficult to envisage habeas corpus as a remedy for obtaining the release of federal officers held in custody pursuant to a State court judgment of contempt prior to exhaustion of available State appellate remedies. Of course, if the local authorities should place the officer in custody prior to a judgment of contempt, whether the custody is valid or not, habeas corpus would be available. This would be a preferable remedy to removal, since a denial of habeas corpus is appealable.

In the event it is decided to invoke the claim of privilege or it is necessary to do so, a draft of a formal claim for the signature of the Attorney General is attached.

4.11/12/63

CIRCUIT COURT OF DALLAS COUNTY
STATE OF ALABAMA

IN THE MATTER OF)
)
GRAND JURY INVESTIGATION)
)
NOVEMBER, 1963)

CLAIM OF PRIVILEGE BY THE
ATTORNEY GENERAL OF THE UNITED STATES

1. On or about October 17, 1963, George C. Wallace, Governor of the State of Alabama, issued a public statement charging that the United States Department of Justice had provided the Reverend Martin Luther King with transportation while in the State of Alabama, and that the said King, "a racial agitator and troublemaker who has caused demonstrations to occur throughout the United States can now apparently travel at the expense of the United States Government." A copy of said statement as reported in the Montgomery Advertiser and Birmingham Post Herald of October 17, 1963, is annexed as Exhibit A.

2. In a letter dated October 28, 1963, William F. Thetford as Solicitor of the Fifteenth Judicial Circuit of Alabama (Montgomery County) wrote to the United States Attorney for the Middle District of Alabama reciting the above charge, and, referring to a denial thereof by the Department of Justice, stated that "[w]hile there is no violation of state law involved, I am submitting such evidence as may be available to our November Grand Jury

OLC#9

as a matter of public interest"; in the same letter he invited the Department of Justice to provide witnesses for the Grand Jury. A copy of the said letter is annexed as Exhibit B.

3. By letter dated November 4, 1963, addressed to Mr. Thetford, Burke Marshall, Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice, declined the aforesaid invitation on the ground that there was no purpose "in furnishing witnesses to testify in a secret proceeding on a matter admittedly beyond the scope of the Grand Jury's legitimate inquiry." A copy of the said letter is annexed as Exhibit C.

4. On November 4, 1963, the Clerk of this Court issued identical subpoenas commanding the appearance before the above Grand Jury on November 13, 1963, of the following officers of the Civil Rights Division of the Department of Justice: Burke Marshall, Assistant Attorney General; John Doar, First Assistant; and Richard Wasserstrom, David H. Marlin, Arvid A. Sather, and Kenneth McIntyre, attorneys. Copies of the aforesaid subpoenas were transmitted to the Department of Justice by registered mail on November 4 and were received on November 6.

5. On November 6, 1963, the Department of Justice issued a statement regarding the transportation of the Reverend Luther King. It was stated therein that the Department's earlier denial on October 18, 1963, of the use of an

automobile in connection with Reverend King's transportation from Birmingham to Selma was based on misinformation and was therefore erroneous. It was further stated that the misinformation was based on statements given to the Department by Thelton Henderson, an attorney in the Civil Rights Division, who resigned from the Department of Justice on November 6, 1963. On November 5, 1963, Mr. Henderson voluntarily gave the Department a correct statement of what had occurred, namely, that an automobile rented by the Department and being used by him for official business had been loaned by him to a private citizen who subsequently used the automobile to drive the Reverend King from Birmingham to Selma on October 13. The use of the automobile for unofficial business was contrary to Department of Justice regulations. A copy of the Department of Justice statement of November 6, 1963, is annexed as Exhibit D.

6. On November 7, 1963, Blanchard McLeod, Solicitor of Dallas County, made a public announcement stating that the aforesaid subpoenas had been issued and that the principal business of the grand jury would be to investigate the role of the Department of Justice in the racial unrest in the area. In this connection Mr. McLeod is quoted as stating: "We do not intend to call off our investigation just because a part of the truth has been told. We intend to let the American people know who are the leaders in fostering the activities of Martin Luther King. We intend for that to be our main business and we intend to remain in session as long as necessary to get the facts." A copy of Mr. McLeod's statement as reported in the November 7, 1963 issue of the Selma, Times Journal is annexed as Exhibit E.

7. On November 8, 1963, Mr. David H. Marlin, an attorney in the Civil Rights Division of the Department of Justice, was personally served with a subpoena commanding his appearance before the above Grand Jury on November 13, 1963, to give testimony before the said Grand Jury on matters pending before it, and it appears that other officers of the Department of Justice may be similarly served with subpoenas commanding their appearance before the Grand Jury for the same purpose.

8. The Department of Justice has made a complete disclosure regarding the incident which has apparently precipitated the Grand Jury investigation. A responsible official of the State of Alabama has stated that no violation of the laws of that State occurred in connection therewith. It nevertheless appears that the Grand Jury may seek to elicit from Mr. Marlin and other officers of the Department of Justice testimony or documents, or both, relating to the role, activities or knowledge of the Department of Justice or of its officers or employees, in connection with racial relations, unrest, demonstrations, disorders, differences or conflicts in the State of Alabama or elsewhere, or relating to crimes or possible crimes arising out of or connected with such racial relations, demonstrations, unrest, disorders, differences or conflicts.

9. Pursuant to the authority vested in me by the Constitution and laws of the United States, I have determined that the giving of any testimony or the production of any

documents relating to the subjects enumerated in the preceding paragraph hereof, or the giving of any testimony or the production of any documents which might be deemed to constitute a waiver of the claim of privilege here made with respect any such testimony or documents, by any officer or employee of the Department of Justice, would interfere with investigations by the Department of Justice of violations of the laws of the United States and enforcement by it of such laws, would be prejudicial to the efficient operation of the said Department and would not be in the public interest. Therefore, as Head of the Department of Justice, I do hereby assert the privileged status of all such testimony and documents and do hereby direct Mr. David H. Marlin, and any other officer or employee of the Department of Justice who may be served with a subpoena to appear and testify or produce documents before the said Grand Jury, on the basis of such claim of privilege, respectfully to decline to give any such testimony or produce any such documents.

Attorney General

Dated: Washington, D. C.

EXHIBIT A

PUBLIC STATEMENT OF GOVERNOR GEORGE C. WALLACE
OF ALABAMA AS REPORTED IN THE MONTGOMERY ADVERTISER
OCTOBER 17, 1963 AND BIRMINGHAM POST HERALD
OCTOBER 17, 1963

"I have been informed that Atty. Gen. Kennedy's Justice Department has provided Martin Luther King with transportation while he is in the State of Alabama. In fact, he has been travelling throughout the state in vehicles rented by the Justice Department.

"This is not surprising to me -- but it is a matter which should be called to the attention of the people of this country. A racial agitator and troublemaker who has caused demonstrations to occur throughout the United States can now apparently travel at the expense of the U.S. government."

William F. Thetford, Solicitor

Maury D. Smith, Deputy Solicitor
Frank W. Riggs, III, Deputy Solicitor

EXHIBIT B

OFFICE OF THE SOLICITOR
Fifteenth Judicial Circuit of Alabama
County Court House
Montgomery 4, Alabama

October 28, 1963

RECEIVED
Oct. 29, 1963
United States Attorney
Middle District
of Alabama

Honorable Ben Hardeman
U. S. District Attorney
Post Office Building
Montgomery, Alabama

Dear Mr. Hardeman:

The Governor of Alabama has charged that the Civil Rights Division of the United States Department of Justice has been furnishing transportation for racial agitators in Alabama. This charge has been denied by the Department of Justice.

While there is no violation of State law involved, I am submitting such evidence as may be available to our November Grand Jury as a matter of public interest. It is our desire to conduct a completely fair and impartial investigation in this matter. Should the Justice Department have witnesses available to testify, I will be glad to bring them before the Grand Jury.

Yours very truly,

(S)

WILLIAM F. THETFORD

WF1/bbj

EXHIBIT C

November 4, 1963

AIR MAIL-SPECIAL DELIVERY

Honorable William F. Thetford
Solicitor
Fifteenth Judicial Circuit of Alabama
County Court House
Montgomery 4, Alabama

Dear Mr. Thetford:

Mr. Hardeman has forwarded to me your letter of October 28, in which you state that you are submitting evidence to the November Grand Jury "as a matter of public interest" relating to charges concerning the use of automobiles rented by Department of Justice lawyers.

Your letter states that no violation of state law is involved.

In view of this fact, I see no point in furnishing witnesses to testify in a secret proceeding on a matter admittedly beyond the scope of the Grand Jury's legitimate inquiry. The facts on this matter have been given to the public through a statement issued by the Department on October 18, 1963.

For your information I enclose a copy of the statement.

Enclosure

Very truly yours,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

cc: Hon. Sam Hardeman
U.S. Attorney
Montgomery, Ala.

4 EXHIBIT D

4 November 6, 1963
4 Statement by Department of Justice

Reports were published in Alabama last month that automobiles rented by the Department of Justice were used to transport Reverend Martin Luther King from Birmingham to Selma on the evening of October 15.

The Department of Justice issued a statement on October 18, asserting that no automobiles rented by the Department of Justice had been used to drive Reverend King either from Birmingham to Selma or from Selma to Montgomery.

No car rented by the Department was used to drive Reverend King from Selma to Montgomery. However, a car rented by the Department and being used by a Department lawyer was loaned to a private citizen who subsequently drove Reverend King from Birmingham to Selma on October 15.

During this time, the attorney, Thelton Henderson, remained in Birmingham. Nevertheless, the use of the car for unofficial business was contrary to Department of Justice regulations. It was also contrary to a statement which Mr. Henderson originally gave to the Department of Justice. Mr. Henderson came forward last night and voluntarily gave a correct account of what occurred. He has submitted his resignation to the Department and it has been accepted.

The Department regrets very much that its earlier statement as to the use of a car rented by the Department in connection with Reverend King's transportation from Birmingham to Selma was based on misinformation and, therefore, erroneous.

4 EXHIBIT E

4 Article in Selma, Alabama TIMES JOURNAL, November 7, 1963

3 SUBPOENAS SENT JUSTICE OFFICIALS

The principal business of the Dallas County Grand Jury which will meet on November 12 will be to investigate the role of the Justice Department in the racial unrest in this area, Circuit Solicitor Blanchard McLeod declared today.

"We do not intend to call off our investigation just because a part of the truth has been told," McLeod said. "We intend to let the American people know who are the leaders in fostering the activities of Martin Luther King. We intend for that to be our main business and we intend to remain in session as long as necessary to get the facts."

McLeod's statement came on the basis of an admission by the Justice Department that a car rented by the Department had been used to transport Martin Luther King from Birmingham to Selma for a speaking engagement in mid-October. The Justice Department had earlier denied the charges.

McLeod disclosed that subpoenas had been sent to several Justice Department officials ordering their appearance before the Grand Jury, and he speculated that,

> "As soon as they found out what we were doing and realized that they would have to tell the truth under oath they decided to admit that a Justice Department car had been used to bring King to Selma."

Since some of the Justice Department officials and employees to whom the subpoenas were sent do not live in Alabama they can not be required to appear before the Grand Jury, McLeod explained, but he added that he was interested to see if the Federal Government would honor the requests for their appearances. The subpoenas were sent by registered mail, he said.

"At the time that we gave information to the Justice Department that one of the cars rented by them was used to transport King to Selma, they denied it and accused us of lying, yet at that time the Justice Department had all the facts they have now and they also had all their employees available for questioning."

McLeod (sic) called Justice Department Attorney Thelton Henderson the "scapegoat" in the case, pointing out that Henderson doubtless did not make arrangements for King's ride to Selma alone.

Sheriff Jim Clarke had earlier called Henderson the "scapegoat" of the affair. In a statement issued yesterday, Clarke said, "In the light of the over-all activities of the

Justice Department in fomenting civil disobedience in Alabama it is particularly regrettable they have seen fit to make Thelton Henderson, a Negroe Justice Department lawyer, the official scapegoat of its misconduct."

"The lie that was told in denying the charge made by officials of the State of Alabama and the Sheriff's Department of Dallas County is indicative of many other untrue statements made by the Civil Rights Division of the Justice Department and racial agitators such as Martin Luther King."

DAG

To: Glen Pommering

From: Rudy G.

Per our conversation regarding secretary for King Tuds. Africa

DAG #1

DAG #3

DAG	4/21/76	See Civ. Rts

4/20 memo to the AG from the DAG, Re: Martin Luther King Report. Responds to AG's request for comments.

4/21 to AG

AG

R

THE ATTORNEY GENERAL

November 24, 1975

Mr. Pottinger
Mr. Thornburgh

Please have the Martin Luther King assassination file reviewed at once in the light of recent testimony and make a recommendation as to whether the case should be reopened.

AG #1

Office of the Attorney General
Washington, D. C. 20530

January 12, 1976

Honorable Henry B. Gonzalez
U.S. House of Representatives
Washington, D.C.

Dear Congressman Gonzalez:

As you are aware, I previously authorized staff members of the House Select Committee on Assassinations (94th Congress) access to material in the possession of the Federal Bureau of Investigation pertaining to their investigation into the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr. Much of the information contained in these files is covered by the Privacy Act, 5 U.S.C. §552(a), which prohibits the dissemination of agency records of this nature to unauthorized persons. Of course the Act, 5 U.S.C. §552(a)(b)(9), exempts requests by committees of Congress from these prohibitions.

I am advised, however, that during the present hiatus period in which the House Select Committee on Assassinations has not been reauthorized, there would be serious questions of violation of that statute if material is supplied to staff members. I have asked that this matter be reviewed.

In the meantime the FBI will continue to process the requests previously received from the Select Committee and prepare documents so that they will be ready for transmittal when the committee is recreated by the 95th Congress. Thus we can try to minimize any delay caused by this pause.

You have my assurance that at the time the Select Committee is reestablished by the 95th Congress, the Department will again provide access to the relevant files and materials.

AG #3

I know that the Department looks forward to continued cooperation with your committee and the Congress.

Sincerely,

Edward H. Levi
Attorney General

cc: Hon. Thomas P. O'Neill, Jr.
Hon. Peter W. Rodino, Jr.
Hon. Don Edwards
Hon. John J. Rhodes
Hon. Samuel L. Devine

OFFICE OF
THE ATTORNEY GENERAL

JMK:

Do you want to keep this. Pottinger said they should not recopy at this point & since the Bureau said they wouldn't unless told to do so, nothing needs to be done.

AG #8

Department of Justice

FOR IMMEDIATE RELEASE
THURSDAY, APRIL 29, 1976 AG

In response to inquiries from the news media regarding the Civil Rights Division's review of the Martin Luther King files, Attorney General Edward H. Levi today issued the following statement:

I have directed the Office of Professional Responsibility, headed by Michael Shaheen, to complete a review of all records in the Department of Justice concerning the Reverend Dr. Martin Luther King, Jr. The Civil Rights Division, under the personal direction of Assistant Attorney General J. Stanley Pottinger, completed on April 9 a five-month preliminary review of files at FBI headquarters. As a result of this preliminary review, the Civil Rights Division has recommended that the review be carried forward to completion with an additional examination of records at FBI headquarters and field offices. It is believed that more than 200,000 documents may be involved.

On the basis of this preliminary review, Assistant Attorney General Pottinger stated that his tentative conclusions were (1) there was no basis to believe that the FBI in any way caused the death of Dr. King, (2) no evidence was discovered that the FBI investigation of the assassination of Dr. King was not thorough and honest, and (3) instances were found indicating that the FBI undertook a systematic program of harassment of Dr. King in order to discredit him and harm both

AG #9

In ordering on April 26 the complete review by Mr. Shaheen, I directed that the investigation be completed forthwith and that answers to four specific questions be furnished to me and FBI Director Clarence M. Kelley on the basis of the review of all documents:

-- Whether the FBI investigation of Dr. King's assassination was thorough and honest;

-- Whether there is any evidence that the FBI was involved in the assassination of Dr. King;

-- Whether, in light of the first two matters, there is any new evidence which has come to the attention of the Department concerning the assassination of Dr. King;

-- Whether the nature of the relationship between the Bureau and Dr. King calls for criminal prosecutions, disciplinary proceedings, or other appropriate action.

Mr. Pottinger pointed out that the Civil Rights Division has been continuously investigating allegations concerning the assassination of Dr. King as these allegations come to the attention of the Department.

PWS
POST-NEWSWEEK STATIONS, INC

RECEIVED
OFFICE OF THE
ATTORNEY GENERAL
MAY 10 1976

May 10, 1976

Attorney General Levi
Department of Justice
Washington, D. C.

Dear Mr. Levi:

I am forwarding the enclosed transcript to you at the request of Mr. Martin Agronsky.

Sincerely,

J. L. Snyder

James L. Snyder
Vice President/News

JLS:sec

Enclosure

AG #11

PARTIAL TRANSCRIPT

AGRONSKY AND COMPANY

(aired 5/8/76)

Martin Agronsky: The Senate Intelligence Committee charges the FBI with having used lawless tactics, with having fomented violence and unrest in its effort to denigrate the Black Panther Party. And there are further revelations about the FBI's campaign of character assasination against Dr. Martin Luther King, Jr.

Martin Agronsky: Listen, let's talk about...we only have a couple of minutes...about something that is truly distressing. Uh,, we have the second of two reports again from the Church Committee, the Senate Intelligence Committee, on the utterly shocking and lawless--which is the word that the Committee used in describing it--conduct of the FBI in dealing with character assasination of Martin Luther King, Jr. and with an effort to denigrate the Black Panther Party. Now what distresses me about the situation as far as Martin Luther King is concerned is that the Attorney General of the United States, Mr. Levi, having conducted this internal investigation apparently has overruled a Stanley Pottinger, the Assistant Attorney General to whom he delegated

AG #11A

the investigation and has decided to continue investigation inside the Department--will not go outside to appoint a commission to really look at it. Now how can the FBI, or how can the Justice Department, or the Attorney General, if you like, really please himself and his department?

Carl Rowan: Well, Martin, this is part of the old insanity we've been going through since Watergate came up. I'm sick and tired of people wanting to investigate themselves.

Martin Agronsky: Yeah

Carl Rowan: I mean with all of the dirtiness and all of the nauseating violations of law involved in all of these FBI activities, I don't want anybody in the Justice Department doing the investigating. They couldn't control things and they couldn't investigate when J. Edgar Hoover was around and I'm not willing to trust them to do it now.

Martin Agronsky: Peter?

Peter Lisagor: Well, I think that uh, you know, it seems to me that the investigations have been completed. It's now what you do about it, Carl.

Martin Agronsky: That's (garbled).

Peter Lisagor: If some outside outfit were to investigate they'll repeat what the Senate Committee has done.

Carl Rowan: No. Well, uh Martin, uh what Levi is talking about--they've looked at their files in the Justice Department, but out in those regional offices there are a whole host of documents that I understand nobody has really looked at and I'd rather have a blue ribboned group of citizens look at it, and let's get the mess over with, than to have the Justice Department do it and nobody believe them.

Peter Lisagor: You used the word denigrate. I don't know whether that came out of the report about the Black Panthers, but they moved on the Black Panthers in a way to destroy them and it led to shootouts, it led to murder of, uh, some of their leaders and so on. And in Chicago where this, one of

the major shootouts occurred and Fred Hampton, the leader of the Black Panthers was killed, Martin, they're still under lawsuits you know, there's uh, still several million dollar lawsuits...(garbled) the police...

Martin Agronsky: That isn't good enough. That isn't good enough... (garbled).

Peter Lisagor: No, I'm saying denigrate is a mild word.

Martin Agronsky: Well, that's the last word, Peter. Thank you, gentlemen.

7/6

Jack -

The AG sent this material out. I assume it belongs in your files.

[Ida]

AG #14

Steve Blackhurst said this information was requested of the FBI for Jack.

AG #17

AG's

Attorney General of the
United States
Department of Justice Building
Washington, D.C.

Attention: Jack Fuller, Esq.

AG #18

OFFICE OF
THE ATTORNEY GENERAL

1/17/77
(handwritten January 14th)

Have orally talked to Eastland, Rodino, Inouye. Report being prepared in form possible for publication.

AG #20

OFFICE OF
THE ATTORNEY GENERAL

Can we only
[illegible] Eastland
[illegible]
Europe

Might be interested in
from [illegible] to pollution.

AG #20A

(202) 225-4624

Select Committee on Assassinations
U.S. House of Representatives
3341 HOUSE OFFICE BUILDING, ANNEX 2
WASHINGTON, D.C. 20515

January 13, 1977

The Honorable Edward H. Levi
Attorney General of the United States
Department of Justice
Washington, D. C. 20430

Dear Mr. Attorney General:

I take this opportunity to acknowledge receipt of and thank you most sincerely for your letter dated January 12, 1977, which I have just received.

I expect the Select Committee will soon be re-established but want you to know I am very grateful for your courteous and considerate cooperation.

With kindest regards, I am

Sincerely,

Henry B. Gonzalez

Henry B. Gonzalez
Member of Congress

CC: Hon. Thomas P. O'Neill, Jr.
Hon. Peter W. Rodino, Jr.
Hon. Don Edwards
Hon. John J. Rhodes
Hon. Samuel L. Devine

AG #21

Select Committee on Assassinations
U.S. House of Representatives
3341 HOUSE OFFICE BUILDING, ANNEX 2
WASHINGTON, D.C. 20515

February 3, 1977

The Honorable Griffin B. Bell
Attorney General of the United States
Department of Justice
Washington, D. C. 20430

Dear Mr. Attorney General:

As you may know, House Resolution 222, passed February 2, 1977, re-established the House Select Committee on Assassinations. Following the termination of the life of the Select Committee on January 3, 1977, I was advised by former Attorney General Levi, that the staff of the Select Committee would no longer have access to information within the custody of the Federal Bureau of Investigation.

Enclosed for your information are copies of correspondence between former Attorney General Levi and myself.

I would very much appreciate it if both myself and Congressman Richardson Preyer could meet with you early next week to discuss access to documents as well as other matters of mutual concern.

With kindest personal regards, I am

Sincerely,

Henry B. Gonzalez

HENRY B. GONZALEZ
Chairman

AG #22

COUNSELOR TO THE
ATTORNEY GENERAL

File
- Home Assess' Com

AG #24

JOHN MELCHER
MONTANA

United States Senate
WASHINGTON, D.C. 20510

JUL 14 10 30 AM '77
DEPT. OF JUSTICE
MAIL UNIT

July 11, 1977

RECEIVED
JUL 15 1977
O.L.A.

The Honorable Griffin B. Bell
Attorney General of the
United States
Department of Justice
Washington, D. C. 20530

Dear Attorney General Bell:

In the enclosed article copied from "The Review of the News", a publication printed in Belmont, Massachusetts, serious allegations are made against the late Dr. Martin Luther King. The article speaks of surveillance records kept on Dr. King and alleged Communist associates.

I believe that files on Dr. King should be made public and the allegations carefully checked out. FBI Director Kelley has outlined in recent correspondence with me the various ways in which results of the FBI's surveillance of Dr. King are available, including the report of a Justice Department task force and the Senate hearings on intelligence activities.

Director Kelley suggested that I write to you directly regarding any decision involving the release to the general public of FBI investigative results in the King investigation. I would, therefore, like to voice my support for such a decision. There is no need to keep any files on Dr. King secret after such a long time.

I would appreciate any comments you might have on this matter.

Thank you.

Sincerely,

John Melcher

Enclosures ✓

DEPARTMENT OF JUSTICE
11 JUL 14 1977
O.R.O.M.
OFFICE OF LEGISLATIVE AFF.

AG #28

The King File

by Robert H. Reeder

■ SENATOR Frank Church (D.-Idaho) has turned the Senate Intelligence Committee into a vehicle for smearing the late F.B.I. Director J. Edgar Hoover. Hoover's private files show that he had become convinced that Martin Luther King was a person of low moral character who had fallen under the control of the Communists. Church claims to find this absurd. Attorney General Robert Kennedy, however, did *not* find it absurd in the least and authorized F.B.I. surveillance of King — including wiretaps, which were maintained between 1963 and 1966.

Those wiretaps and other evidence proved that Martin Luther King was indeed a person of low moral character who had fallen under the control of the Communists. But Senator Church has, like Richard Nixon, ducked the issue by refusing to release the damning tapes. And the "Liberal" press has cooperated by laboring to create the myth that Martin Luther King was an innocent victim of Director Hoover's bad temper.

The F.B.I. has been accused of playing "dirty tricks" on Martin Luther King. It has been accused of threatening to release information in its files that would have been damaging to King's respectability. And almost nothing has been said about Martin Luther King's notorious immorality and Communist associates. The *New York Times*, on November 19, 1975, commented: "The committee staff members said they could find no justification for the bureau's attack on Dr. King." The Senate Intelligence Committee would like us to believe that Martin Luther King was under

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surveillance because he criticized the F.B.I.

We do not know what information is in the substantial F.B.I. file on Dr. King, but we do know that even the most cursory look at Martin Luther King's *public* record should convince the merest tyro that there was very good reason for Director Hoover to consider King "dangerous."

Martin Luther King was quoted in the *New York World Telegram* of July 23, 1964, as declaring: "[*I am*] sick and tired of people saying this movement has been infiltrated by Communists and Communist sympathizers. There are as many Communists in this freedom movement as there are Eskimos in Florida." One hardly has to look at the entire "freedom movement" to find evidence of Communist infiltration — though the level of infiltration was overwhelming when the whole movement is considered. Rather, to be scrupulously fair, let us look directly under Dr. King's nose — at those persons closest to him — and see what we find.

Hunter Pitts O'Dell came to work for the Southern Christian Leadership Conference (S.C.L.C.) late in 1960 as Dr. King's staff consultant. In the fall of 1962 he was promoted to acting staff director in charge of voter registration and integration workshops. During this period, O'Dell was a member of the National Committee of the Communist Party. The "Liberal" press ignored it. Finally, on October 26, 1961, the *St. Louis Globe-Democrat* revealed that in 1956 and 1958 Hunter Pitts O'Dell had been identified under oath as a Communist organizer.

What did Martin Luther King do? He announced that he had discharged Comrade O'Dell.

A few months later it was discovered that O'Dell had not been fired but promoted, and was now running King's large New York office! When the story hit, Dr. King claimed to have discharged O'Dell a second time. A subsequent check by U.P.I. determined that Hunter Pitts O'Dell of the National Committee of the Communist Party was still employed by Dr. Martin Luther King.

Bayard Rustin is the notorious homosexual King called "a brilliant, efficient and dedicated organizer and one of the best and most persuasive interpreters of nonviolence." He was secretary and advisor to King from 1956 to 1960, and went with him to Oslo to receive the Nobel Prize in 1964.

Rustin was an organizer, recruiter, and fund-raiser for the Young Communist League, served 28 months in prison during World War II for refusing to do work required of those who were conscientious objectors, was given 60 days in jail in California for lewd vagrancy in 1953, and while working for King was one of only five "impartial observers" at the Communist Party's closed-door 16th national convention in 1957. That is only *part* of the record.

Fred Shuttlesworth, longtime field secretary of King's S.C.L.C., was

president of the Southern Conference Educational Fund (S.C.E.F.). This group was thoroughly investigated by Committees of both the House and Senate and repeatedly found to have been a major Communist operation. On November 26, 1963, Shuttlesworth was one of two honored guests at the 15th anniversary dinner of the *National Guardian*, described by a Congressional Committee as "a virtual official propaganda arm of Soviet Russia." A former bootlegger, Fred Shuttlesworth's Communist, Communist Front, and radical activities fill three typewritten pages. King said of Shuttlesworth: "Reverend Shuttlesworth is my principal aide. Why, he gave me my start and he advised me from the very first. I depend on him."

James Bevel was Martin Luther King's chief aide in Chicago. He has declared: "We must move to destroy Western Capitalism." At a Black Power rally at Berkeley, California, in 1966 Bevel announced: "One of the problems of not being able to burn down the slums of Chicago is at this point not having the proper discipline required for the problems of carrying out that kind of a mission. That is why we haven't burned it down . . . . We are going to be part of an international revolution to end slavery . . . . I guess I hate Western Civilization more than most people . . . ."

The "Reverend" Bevel continued to emphasize the destruction of capitalism, and then he told the crowd that, when John Kennedy was President, Bevel had told people: "If the Vietcong jumped Jackie in my back yard, I wouldn't pull them off her."

Wyatt T. Walker, staff aide to Martin Luther King, was editorial advisor to the Marxist-Leninist Progressive Labor Movement. He was a familiar supporter of Communist Fronts.

Myles Horton was director of the Highlander Center, an outgrowth of the Highlander Folk School, in Tennessee, where King was trained. Martin Luther King was in fact listed as a sponsor of the Highlander Center on its stationery. Horton conceived the Highlander Folk School, described by a Joint Committee of the Tennessee Legislature as "a meeting place for known Communists and fellow travelers." The Georgia Commission on Education termed it a "Communist Training School."

James Dombrowski was another member of the Communist Party who was a close friend and advisor to Martin Luther King. Law enforcement authorities obtained a cancelled check made out to King from the Communist Front S.C.E.F. which was signed by Dombrowski and Benjamin Smith. Smith, according to Senator James O. Eastland (D.-Mississippi), ". . . is registered under the Foreign Agents Registration Act as an agent of Fidel Castro."

In a letter discovered by government investigators, King wrote to Comrade Dombrowski: "Dear Jim: This is just a note to acknowledge receipt of your letters of recent date. We, too, were more than happy to have you in our home, the fellowship was

very rewarding . . . . Very sincerely yours, Martin."

Carl and Anne Braden have both been longtime, notorious members of the Communist Party working in the Louisville area. The Bradens, officers of the S.C.E.F., were part of the "Louisville Seven" — a group responsible for purchasing a house in an all-white area of Louisville, selling it to a Negro family, *and then dynamiting it to stir up racial trouble.*

King wrote a letter to the Bradens in 1959 urging them to become permanently associated with his Southern Christian Leadership Conference.

A photograph taken at the 6th annual conference of the S.C.L.C. in 1962, and found in the files of James Dombrowski, shows Martin Luther King, Carl and Anne Braden, and James Dombrowski, and describes King on the back as "responding to Anne Braden's speech."

Aubrey Williams was president of S.C.E.F. until 1963. In 1945 the U.S. Senate rejected his appointment to a government post because of his affiliations with the Communist apparatus. In 1954, Williams was identified under oath as a member of the Communist Party by two witnesses.

Two years later, in 1957, King was photographed with Williams, Myles Horton, Abner Berry (a member of the Central Committee of the Communist Party), and other Comrades at a Communist training school in Tennessee. King referred to Williams as "one of the noble personalities of our times."

Ralph David Abernathy was Martin Luther King's top aide from the time of the Montgomery Bus Boycott. He succeeded King as head of the S.C.L.C. Abernathy accompanied Dr. King to that Communist training school in Tennessee in 1957. And they had more than their radical commitment in common. In the 1958 case of *Alabama v. Davis*, sworn testimony was introduced regarding sexual aberrations committed by Abernathy on a 15-year-old girl who sang in the choir of his church.

Not only is Abernathy an active supporter of such Communist causes as the effort to free Communist Angela Davis, but in 1972 he was an honored guest of the Soviet Union and of Communist East Germany (G.D.R.), where he declared: "As pastor and theologian, I am of the opinion that the G.D.R. embodies what we aspire to in the world." Two hours before his departure he told a Communist Party press conference: "What we are still fighting for in the U.S.A. is what has already been achieved in the G.D.R."

The East German Communists gave Abernathy a medal, and reported that agents of their leading religious Front had "for many years" been in correspondence with Martin Luther King. They presented the "Reverend" Abernathy with a German edition of Coretta Scott King's *My Life With Martin Luther King*, and he declared: "President Kennedy once said in West Berlin that he was a Berliner. I want to change that and say: 'I am a Citizen of the [*Communist*] German Democratic Republic.'"

LITTLE wonder that after lengthy investigation the Joint Legislative Committee on Un-American Activities for the State of Louisiana concluded in its three-part Report on the activities of S.C.E.F. that the Southern Christian Leadership Conference, headed by Martin Luther King, was "substantially under the control of the Communist Party through the influence of the Southern Conference Educational Fund [*S.C.E.F.*] and the Communists who manage it."

If Martin Luther King was "sick and tired of people saying this movement has been infiltrated by Communists and Communist sympathizers," it was because he knew it was true.

And so did J. Edgar Hoover and the F.B.I. Director Hoover spoke out many times to warn of Communist involvement in the "civil rights" movement. On one occasion, he said: "We do know that Communist influence does exist in the Negro movement and it is this influence which is vitally important." Hoover declared that the Communist Party "strives only to exploit what are often legitimate Negro complaints and grievances for the advancement of Communist objectives . . . . Racial incidents are magnified and dramatized by Communists in an effort to generate racial tensions."

Mrs. Julia Brown is a brave and gracious Negro lady who spent more than nine years as a member of the Communist Party in Cleveland, serving as an undercover operative for the Federal Bureau of Investigation. According to Mrs. Brown:

. . . Mr. King was one of the worst enemies my people ever had.

I know that it is considered poor taste to speak ill of the dead. But when someone served the enemies of our country while alive, and his name is still used by his comrades to promote anti-American activities, shouldn't people who know the truth speak out?

I learned many surprising things while I served in the Communist Party for the FBI. Communist leaders told us about the demonstrations that would be started, the protest marches, the demands that would be made for massive federal intervention. Every Communist was ordered to help convince American Negroes that we are no better off than slaves. Wherever we went and whatever we did, we were to promote race consciousness and resentment, because the Communists know that the technique of divide and conquer *really works.*

We were also told to promote Martin Luther King, to unite Negroes and whites behind him, and to turn him into some sort of national hero. We were to look to King as the leader in this struggle, the Communists said, because he was on our side!

I know they were right, because while I was in the Communist Party I learned that Martin Luther King attended a Communist training school. I learned that several of his aides and assistants were Communists, that he received funds from Communists, and that he was taking directions from Communists.

Most Americans never look at the

Communist press in this country. If they did, they would learn that the Communists loved Martin Luther King. He was one of their biggest heroes. And I know for a fact the Communists would never have promoted him, financed him, and supported him if they couldn't trust him. He carried out their orders just as slavishly as Party members in Cleveland, Ohio.

Little wonder that F.B.I. Director J. Edgar Hoover called Martin Luther King "the most notorious liar in the country."

We do not know what additional information Mr. Hoover had on King, but after years of electronic surveillance he certainly knew much more than we have been able to present in this brief survey from the public record. Yet the Senate Intelligence Committee has refused to release the F.B.I. file on King. They chose instead to attack the F.B.I. for using "dirty tricks," and members of the Committee staff said "they could find no justification for the bureau's attack on Dr. King." Incredibly, a U.P.I. release on November 19, 1975, declared: "A top FBI official said Wednesday that the Bureau had no legal justification for its smear campaign against Dr. Martin Luther King Jr. but suspected, without evidence, he might be under 'Communist influence.' "

"*Suspected, without evidence.* . . ." That is, as we have seen, simply not true. And the distortion is intended to damage the reputation of both the F.B.I. and the late Director J. Edgar Hoover.

John J. McDermott, Assistant Director of the F.B.I., spoke on November 21, 1975, before a Connecticut group which aids families of policemen, firemen, and corrections officers killed in the line of duty. He said the F.B.I.'s six-year surveillance of Martin Luther King was justified because of concern that King was influenced by subversives. He put it this way: "We did what we felt we had to do for the welfare of the nation at the time. Don't forget they [*radicals and Communists*] were bombing the Pentagon. They said they were going to shut down the government." Another F.B.I. official reminded us that the King projects "were started at a time when cities were being burned . . . ."

We believe most Americans would agree that our law enforcement authorities should keep under surveillance any person or group about which there is substantial evidence of involvement in such crimes as revolutionary violence, Communist subversion, and conspiracy with agents of a foreign power to overthrow the U.S. Government by force and violence. To the extent the F.B.I. maintained such surveillance under J. Edgar Hoover, we heartily applaud its efforts. ■

July 18, 1977

Honorable John Melcher
United States Senate
Washington, D. C. 20510

Dear Senator Melcher:

On behalf of the Attorney General, I would like to acknowledge receipt of your letter of July 11, 1977 concerning the release of files on Dr. Martin Luther King, Jr.

We hope to be sending you a more detailed response soon.

Sincerely,

/s/

Patricia M. Wald
Assistant Attorney General

AG #29

Office of the Attorney General
Washington, D. C. 20530

December 12, 1977

The Honorable John Melcher
United States Senate
440 Russell Senate Office Building
Washington, D. C. 20510

Dear Senator Melcher:

This is in response to your letter concerning the public release of the results of the FBI's investigation of Martin Luther King, Jr.

As Director Kelley has informed you the results of the FBI's investigation have in large measure been made available to the public. FBI officials testified at length before the Senate Select Committee on Intelligence about the results of the Bureau's investigation and produced extensive materials for the Committee's review. The Committee, of course, has issued a public report on the investigation. A task force appointed by the Department of Justice conducted an intense and lengthy study of the FBI's investigation of Dr. King and wrote a thorough, detailed report which was made public.

The Department's report, which is enclosed, was the result of a nine month review of all Department of Justice materials concerning Dr. King. It was written so as to provide as much information as possible to the public without disclosing information related to the national security or materials which would constitute an unwarranted invasion of privacy.

I hope you find the report helpful.

Sincerely,

Griffin B. Bell

Griffin B. Bell
Attorney General

Enclosure

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