

Office of the Associate Attorney General

Washington, D.C. 20530

10 MAR 1981

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

Dear Mr. Lesar:

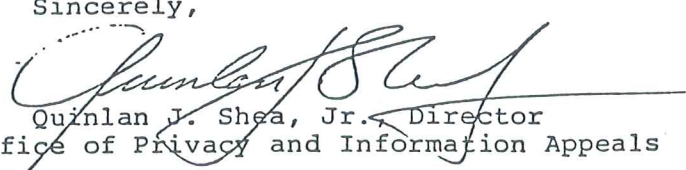
This is in further response to the request of your client, Mr. Harold Weisberg, for access to all records of the Offices of the Attorney General and Deputy Attorney General pertaining to Dr. Martin Luther King, Jr.

I invite your attention to my letter of February 3, 1981, concerning these records. Enclosed are copies of sixteen additional documents, without excisions. They are the items identified in the attachment to my earlier letter as OPR #7, FBI #9, FBI #10, LNR #1, LNR #2, OLC #6, OLC #7, AG #2, AG #4, AG #6, AG #10, AG #12, AG #13, AG #15, AG #16 and AG #19 (with attachments 19A and 19B).

My letter of February 3 stated that fifty-three documents were being released. This was an error, since only fifty-two items had been approved for release at that time. I regret any confusion this may have caused.

We are continuing our review of the remaining documents and I will be corresponding with you concerning them in the near future.

Sincerely,


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

Enclosures

cc: Mr. Weisberg

Assistant United States
Attorney Jason Kogin

EXHIBIT F

1F-6

memorandum

DATE: March 8, 1977

REPLY TO
ATTN OF: Steven Blackhurst, Assistant Counsel
Office of Professional ResponsibilitySUBJECT: SB
Prior Dealings with Attorneys for the Estate and Family
of Dr. Martin Luther King, Jr.TO: Walter Fiederowicz, Special Assistant
to the Attorney General

In the summer of 1975 Jack Fuller, Nino Scalia, Mike Shaheen and I met with Harry Wachtel, attorney for both the estate and family of Martin Luther King, Jr., and Mike Epstein, counsel for the Church Committee, to discuss possible restrictions on documents the Department would give to the Church Committee which was then starting to investigate the FBI's activities with regard to Dr. King. No agreement was reached but the Committee decided it did not want to receive any documents which reflected the "product" of electronic surveillance of Dr. King.

After the Committee's investigation was completed Jack Fuller, Mike Shaheen and I met with Mr. Wachtel, Stanley Levison, also an attorney representing the King estate and family, and Congressman Andrew Young. At that meeting Mr. Wachtel informally requested that the King family be given the following: (1) all FBI materials relating to Dr. King which had previously been given to the Church Committee; (2) all other documents in FBI files relating to Dr. King; (3) copies of the tapes and transcripts of electronic surveillance of Dr. King. Attorney General Levi decided that the documents about Dr. King which were given to the Church Committee should be given to the King family and this was done. No decision was made on the requests for all other materials in FBI files concerning Dr. King.



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

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

OPR # 7

Clarence Kelley, Director
FBI

July 14, 1976

Edward H. Levi
Attorney General

Request of the Estate of Dr. Martin Luther King, Jr.

As you know, the estate of Dr. Martin Luther King, Jr., has asked to obtain copies of various materials from FBI files concerning Dr. King. I believe that the Department should turn over to the estate the documents provided to the Church Committee concerning Dr. King. These should be turned over with only such deletions as are necessary to protect the privacy of individuals unless the individual's consent can be obtained and to protect information that is appropriately classified or that would clearly compromise an ongoing investigation. I would like the deletions to be kept to a minimum.

Because there are at least two civil suits pending concerning the electronic surveillance of Dr. King, the Civil Division has recommended that no materials that embody, characterize or describe the contents of electronic overhearings of Dr. King should be turned over to the King estate. I have accepted this recommendation.

Michael Shaheen will coordinate the turning over of documents to the King estate. I think it should proceed as quickly as possible.

cc to : Michael Shaheen
Rex Lee
Richard Thornburgh
Deputy Attorney General

FBI #9

Director, FBI

October 21, 1976

The Attorney General

Martin Luther King Task Force Access to FBI Files

I have been asked by Michael Shaheen, Counsel on Professional Responsibility, to authorize the disclosure of the FBI's file on Stanley Levison and the files on five informants employed by the FBI in Memphis, Tennessee, during that city's Sanitation Workers' strike in 1968. I will authorize this disclosure on the following conditions, which I understand are acceptable to Mr. Shaheen: first, that the names of informants may be excised from the Levison file; second, that no interviews of FBI informants be undertaken by attorneys in the Task Force without my written approval.

See OPR
10/11, 10/13/76

FBI #10

file - FBI -
MLK's Documents

Peter Taft
Assistant Attorney General
Lands Division
Jack Fuller

June 15, 1976

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

The Attorney General asked me to send you the attached material for your comments. The immediate issue is whether representatives of the estate of Dr. Martin Luther King, Jr. should be given access to materials pertaining to Dr. King which have been provided to the Church Committee. A second issue is whether representatives of the estate should be given access to materials about Dr. King that were not provided to the Church Committee.

As you can see from the attached memoranda, one question involves whether the King family request should be given priority over pending Freedom of Information and Privacy Act requests. Since the decision in this matter could affect the program of disclosure to COINTELPRO victims, the Attorney General wanted your recommendation.

It would be helpful if you gave some priority to this since we are under some time pressure in making a decision.

LNR #1

Department of Justice
Washington

June 30, 1976

M E M O R A N D U M

TO: Edward H. Levi,
Attorney General

FROM: Peter R. Taft, AAG
Land and Natural Resources Division

RE: Request of Estate of Dr. Martin Luther King, Jr.

As I understand it, the King Estate seeks access to materials on King which were turned over to the Church Committee and to any other materials dealing with King involving harassment or otherwise. The King Estate further seeks to play an affirmative role in the Department's investigations of the King assassination and of FBI harassment of King while he lived.

With respect to access to materials, I see no reason to change the normal substantive standards for providing access whether based on the Freedom on Information Act, Privacy Act, or any other rationale for access. The only exception I would make would be if Fred Folsom were to determine that disclosure of certain materials otherwise exempt would assist him in completing the investigations.

I would grant a priority in disclosure over the normal Freedom of Information Act waiting list if Fred Folsom believes that immediate access will assist him in completing the investigations. This would also provide the only role for the King Estate in the investigations which I consider appropriate. Clearly, private parties should not take an affirmative role in a Departmental investigation, especially one which could possibly conclude

LNR # 2

in criminal referrals. Nonetheless, the King heirs could be extremely helpful in these investigations since they have knowledge about King's activities, associates, and enemies unavailable to the Department. The situation is not unlike that presented in Alderman v. United States, 394 U.S. 165 (1969), involving a defendant's right to examine logs of an illegal electronic surveillance, even though the government contended the subject matter was unrelated to the prosecution. The government wished to limit review to an in camera examination by the trial judge. The Court ordered the materials to be turned over to defendant, stating:

An apparent innocent phrase, a chance remark, a reference to what appears to be a neutral person or event, the identity of a caller or the individual on the other end of a telephone, or even the manner of speaking or using words may have special significance to one who knows the more intimate facts of an accused's life. And yet that information may be wholly colorless and devoid of meaning to one less well acquainted with all the relevant circumstances. Unavoidably, this is a matter of judgment, but in our view the task is too complex, and the margin of error too great, to rely wholly on the in camera judgment of the trial court to identify those records which might have contributed to the Government's case. Id. at 182.

A similar ruling was entered in Dennis v. United States, 384 U.S. 855 (1966) with respect to the disclosure of grand jury minutes to the defendant, even though the government believed their content irrelevant to the prosecution or defense of the case. If the King Estate (and presumably the King heirs) had immediate access to those materials to which it is entitled, it could become an

important source of information and evaluation of government documents on behalf of the investigations. The need for immediate review of the materials in order to meet the immediate investigative needs, would be adequate grounds to place a priority on access for the Estate.

Finally, in my opinion, Martin Luther King, Jr. is already an important figure in the history and social fabric of our country. I believe it is important to protect his image as best as possible from the unwarranted dissemination of information from FBI files, some of which may have been illegally or improperly collected or used. I presume the Estate feels likewise. However, I can offer few suggestions in carrying out such a policy. For the sake of my own mental health, I have chosen to rely on the expertise of others to interpret the intricacies of the FOIA and Privacy Act.

AS:rmd

*Out 4:30 pm
5/18/75*

May 18, 1975

Harry Wachtel, Esquire
29 North Drive
Great Neck, New York 11021

Dear Mr. Wachtel:

Pursuant to our discussion, I enclose a draft of agreement which the Attorney General would be willing to provide with respect to records of electronic surveillance directed against Martin Luther King, Jr., or his family. I think it provides all of the assurance you need, and is, in any event, all that we can furnish until our permanent guidelines are developed.

I will await further word from you. Best regards.

Sincerely,

Antonin Scalia
Assistant Attorney General
Office of Legal Counsel

Encl:

OLC #6



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

D R A F T

Harry Wachtel, Esquire
29 North Drive
Great Neck, New York 11021

Dear Mr. Wachtel:

Pursuant to our discussions with you in your capacity as attorney for the widow and executive of the estate of Martin Luther King, Jr., the Department is making the following temporary arrangements with respect to any records relating to electronic surveillance activities directed at Mr. King or members of his family:

1. Pending further Departmental action relating to the policies which will govern records of such surveillance, all documents, recordings, or other records of any type in the Department's custody or control which constitute, summarize, or describe the contents of overhearings obtained as the result of any electronic surveillance directed against Mr. King and members of his family will be placed under seal.
2. As long as the items described above remain under seal, no official or employee of the Department will have access to them for any purpose, and no official or employee of the Department will allow any person outside of the Department to have any such access, except as described below. The only material referring to these items will be a single index card needed to locate the sealed items.
3. Should some future need which we do not now foresee require any official or employee of the Department to obtain or permit access to the aforesaid items, the decision on such access shall be made personally by the Attorney General. The Attorney General shall not grant any access without notifying Mrs. King or her counsel in writing at least ten days prior thereto, and providing him or

OLC #7

them an opportunity to discuss the matter personally with the Attorney General before the grant is made. The notice shall set forth the date upon which access will be permitted if it is granted, and the purpose for which and person by whom access is sought. The Attorney General will personally inform Mrs. King or her counsel of a decision to grant access as soon as practicable after it is made, but in any event at least five business days before access occurs.

4. This arrangement will not be rescinded or modified by the Attorney General or his successors unless the Attorney General gives Mrs. King or her counsel ten days' prior notice and affords him or them an opportunity to discuss the matter personally with him. If the Attorney General then decides to rescind or modify this agreement he shall personally inform Mrs. King or her counsel of that decision at least five business days before it is implemented.

As you have been advised, we are working now on general policy determinations which, we hope, will offer a permanent solution to the problem this settles temporarily. Of course, under the terms of this agreement we will notify you of any policy determination which would involve a modification of this agreement.

Sincerely,

Edward H. Levi
Attorney General

UNITED STATES GOVERNMENT

Memorandum

TO : THE FILE

DATE: 12/11/75

FROM : Jack Fuller

SUBJECT: King Investigation

Pottinger says charter of investigation is to:

(a) determine if FBI had anything to do with King assassination;

(b) what duty tricks were played by FBI on King;

(c) determine whether investigation of COINTELPRO should be investigated.

In 1950s FBI concluded Levinson was a member of the Communist Party, USA, and that he was a confidant of King. One source is still unnamed by FBI because the person is still an informant. Despite indications that the black movement was not infiltrated by the Communist Party, Hoover insisted on the threat.

There is a question whether Levinson himself is an FBI informant. FBI flatly denies Levinson is an informant. Two FBI informants are covered by an informant number ending in "T." This usually means that the informant is a wiretap or micriphone. If Levinson was an informant there are grave problems about the FBI's conduct with respect to King.

Pottinger says there is no evidence of "direct" involvement by FBI in King assassination. However there was a relentless investigation of King, perhaps politically motivated.

1962- King went on Tab A of the Security Index.



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

AG #2

Memorandum

TO : THE FILE

DATE: April 13, 1976

FROM : JF Jack Fuller

SUBJECT: Conversation with Harry Wachtell regarding
Martin Luther King tapes--April 13, 1976

I returned Mr. Wachtell's call. He asked to come meet with me sometime in the beginning of May, and I agreed. He said he will call to set a date.

He explained he wants certain documents destroyed, but he is concerned about having them destroyed without having a chance to see them first. I explained that in the Kraft matter the situation was peculiar. The materials were sealed under an agreement with Kraft, then the Church Committee asked for some of the documents, then we agreed to provide Kraft copies so he would have the opportunity of objecting to our providing them to the committee.

Wachtell - 212/489-6100 or 212/399-4606.

13
4/12/76

12:35 pm

Please call ~~tomorrow:~~ *today*

Harry Wachtell, an attorney representing the estate of Martin Luther King.

He spoke with Mr. Scalia last week who recommended that he call you.

He will be at 212/489-6100 until 11:00 a.m. tomorrow,

and between 11:00 and 12:00 he will be at 212/399-4606

mt

AG # 6

May 6, 1976

Harry Wachtel, Esq.
211 Central Park West
New York, New York 10024

Dear Mr. Wachtel:

I am looking forward to seeing you
on Wednesday. Here is the material you
wanted concerning the Department's
investigation.

Sincerely,

Jack Fuller
Special Assistant to the
Attorney General

AG #10

UNITED STATES GOVERNMENT

Memorandum

TO : THE FILE

DATE: June 7, 1976

FROM : *JF* Jack Fuller

SUBJECT: Dr. Martin Luther King documents

On May 19, 1976, Mike Shaheen, Steve Blackhurst, and I met with Harry Wachtel and Stanley Levinson, who represent the estate of Dr. Martin Luther King. Also at the meeting was Congressman Andrew Young.

Mr. Wachtel and the others made three requests; the first they described as the most immediate. First, that representatives of the estate have access to documents involving Dr. King delivered to the Church Committee; second, that the representatives of the estate have access to other FBI documents and materials pertaining to Dr. King; third, that representatives of the estate have a part in the investigation in the King matter being run by the Office of Professional Responsibility.

They were ambivalent on the subject of destruction, even though I told them that personally I would like to see the tapes and transcripts of electronic overhearings destroyed.

I told them we wanted to be cooperative and to meet their requests if it is possible. I told them that the Freedom of-Information Act and Privacy Act might erect some legal difficulties. Mr. Wachtel seemed irritated at that and said he didn't want to be tied up by red tape and technicalities. I told him that it is possible that none of the requests could be met until after the Shaheen investigation is complete, and this, too, irritated Mr. Wachtel.

I told Mr. Wachtel that I would talk with the Attorney General as soon as I could to tell him the nature of the requests. Because of the turnout over the Boston busing case I did not speak with the Attorney General about the matter until June 2. He told me to have Mike Shaheen prepare a recommendation and discussion of the requests.



AG #13

Dr. King documents--6/7/76--MEMO to the File

- 2 -

On June 4 I told Mr. Wachtel that the Attorney General had asked that the legal issues involved in the requests be explored.

To U
Date 05 7/7 Time 4:12 P

WHILE YOU WERE OUT
M Mr Harry Wachtel

of _____
Phone 212-399-4567

Area Code	Number	Extension
TELEPHONED		PLEASE CALL <input checked="" type="checkbox"/>
CALLED TO SEE YOU		WILL CALL AGAIN <input type="checkbox"/>
WANTS TO SEE YOU		URGENT <input type="checkbox"/>
RETURNED YOUR CALL <input type="checkbox"/>		

Message _____

Operator mt

AG # 15

ROUTING AND TRANSMITTAL SLIP

1 TO (Name, office symbol or location) Mr. Jack Fuller	INITIALS	CIRCULATE
	DATE	COORDINATION
2	INITIALS	FILE
	DATE	INFORMATION
3	INITIALS	NOTE AND RETURN
	DATE	PER CONVERSATION
4	INITIALS	SEE ME
	DATE	SIGNATURE

REMARKS

Attached is an as yet unsigned memorandum regarding the King Estate request. Our people are checking back with the Bureau and Special Litigation in Criminal to determine whether there is any objection to turning over all of the material furnished the Church Committee, whether or not published.



Do NOT use this form as a RECORD of approvals, concurrences, disapprovals, clearances, and similar actions

FROM (Name, office symbol or location) Irwin Goldbloom	DATE 7/9/76
	PHONE 3309

OPTIONAL FORM 41
AUGUST 1967
GSA FPMR (41CFR) 100-11.206

65-16-0106-1 552-103 GPO 5041-101

AG # 16

July 19, 1976

Harry H. Wachtel, Esquire
211 Central Park West
New York, New York 10024

Dear Mr. Wachtel:

Enclosed are copies of the two
lawsuits you had asked about.

Sincerely,

/s/

Jack Fuller
Special Assistant to the
Attorney General

Enclosures

AG #19

United States District Court

FOR THE

DISTRICT OF COLUMBIA

76-1185

CIVIL ACTION FILE NO. _____

BERNARD S. LEE,

Plaintiff

v.

CLARENCE M. KELLEY, CARTER DELOACH,
WILLIAM C. SULLIVAN, JOHN DOE, Executor
of the Estate of Clyde A. Tolson,
deceased, and TWO UNKNOWN AGENTS,
individually and as agents of the Federal
Bureau of Investigation,

Defendants

To the above named Defendant:

(2) Unknown Agent, F.B.I.

You are hereby summoned and required to serve upon

Chauncey Eskridge

PATRICIA WORTHY

plaintiff's attorney, whose address

110 South Dearborn Street
Suite 1500
Chicago, Illinois 60603

*666 11th St, N.W.
Suite 500
Washington, D.C. 20001
202/737-5432*

an answer to the complaint which is herewith served upon you, within ~~27~~ ⁶⁰ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Ernie H. ...
Clerk of Court
Deputy Clerk

Date:

[Seal of Court]

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BERNARD S. LEE,
334 Auburn Avenue N.E.
Atlanta, Georgia 30303

Plaintiff,

vs.

CLARENCE M. KELLEY, CARTHA
DeLOACH, WILLIAM C. SULLIVAN,
JOHN DOE, Executor of the Estate
of Clyde A. Tolson, deceased, and
TWO UNKNOWN AGENTS, individually
and as agents of the Federal Bureau
of Investigation,

Defendants.

76-1185

Civil Action No. _____

Jury Requested

C O M P L A I N T

The plaintiff alleges that:

1. This action arises under the First, Fourth, and Fourteenth Amendments to the Constitution of the United States; and 47 U.S.C., Section 605. Jurisdiction is predicated upon 28 U.S.C., Sections 1331, and 1343(4). The matter in controversy exceeds, exclusive of interest and costs, the sum of Ten Thousand Dollars.

2. Plaintiff, a Black American Minister of the Gospel, is a resident of the City of Atlanta, State of Georgia; and at all times material, plaintiff was the Executive Assistant to the Rev. Dr. Martin Luther King, Jr., deceased, who was the president of the Southern Christian Leadership Conference, at all relevant times, until he was killed on April 4, 1968.

3. Defendant, CLARENCE M. KELLEY, is presently the Director of the Federal Bureau of Investigation, (F.B.I.), an agency of the U.S. Government, with offices in the District of Columbia.

Defendant, CAR~~THA~~ DeLOACH, WILLIAM C. SULLIVAN and TWO UNKNOWN AGENTS, are or were agents of the F.B.I. Defendant JOHN DOE, is the Executor (or Administrator w/will annexed) of the Estate of Clyde A. Tolson, deceased, who was Assistant Director of the F.B.I., at all times material. The TWO UNKNOWN AGENTS, are F.B.I. agents whose names are not now known.

4. In the Spring of 1963, plaintiff, and several other persons, met in a private room which had been rented by the late Dr. King, at the Willard Hotel, in Washington, D.C., for the purpose of assembling to petition their government for redress of the civil rights of minorities. On information and belief, said session, in said private room, was bugged and tape recorded by defendants, or some of them, and they mailed anonymously a copy of said tape to the spouse of the late Dr. Martin Luther King, Jr., about November 1, 1964, thereby disclosing the content of said tape recording.

5. From 1964 until recent date, plaintiff had no knowledge of the source of said tape recording, so that he might seek its suppression because he has been further informed since said date that said tape has been exposed to newsmen and women, members of Congress, among others, which therein held up the plaintiff, and his said conferrers, to ridicule and contempt. Furthermore, plaintiff has lived in constant fear for himself, and others, of the resulting harm from further publication of said tape recording, or its transcription.

6. As aforesaid, it was by way of recent news stories that plaintiff was informed for the first time that the source of said tape recordings was occasioned by one or more of the

defendants, or their decedents; and that defendants, or some of them, or their decedents, caused said oral communications of the plaintiff, and his conferrers, to be surreptitiously intercepted and recorded by a hidden electronic listening device, without warrant or other authorization by any court.


7. Plaintiff is informed and believes that said tape recording was but one of many illegal interceptions, and recordings, of plaintiff's oral and wire conversations by defendants, or some of them, and that said other tape recording have been made available, and disclosed to others outside the F.B.I.; as a result, plaintiff has suffered great emotional stress, embarrassment and mental discomfort, and plaintiff has been greatly injured and damaged in his right to assemble in private and to discuss the different methods about which he might petition his government for redress of the rights of minorities.

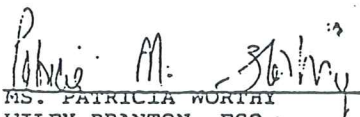
8. Because of the past leaks, plaintiff believes that said tape recording, and other tape recordings of plaintiff's private oral and wire conversations, may again in the future be leaked; and that plaintiff, and other innocent persons who may have been parties to, or spoken about, in such conversations will be irreparably harmed and injured if this Court does not immediately take possession and impound all tapes, memoranda, transcripts and other materials arising out of said illegal activities of the defendants, their agents, and others operating in concert with them.

WHEREFORE, plaintiff prays the Court to order, adjudge, declare, and decree that:

1. The defendants, or one or all of them, be mandatorily enjoined, and required, under a protective order of the Court, to produce all of said tape recordings of and concerning the plaintiff, his friends and associates who commicated with him orally and by wire, upon a special finding that said recordings or oral and wire conversations were beyond the outer perimeter of defendants' line of duty, and without good faith.

2. That plaintiff have recompense in sum of One Million Dollars, his costs, and that plaintiff have such other and further relief as Equity deems meet.


CHAUNCEY ESKRIDGE
110 South Dearborn Street
Suite 1500
Chicago, Illinois 60603
312/372-1106


MS. PATRICIA WORTHY
WILEY BRANTON, ESQ.
666 - 11th Street, N.W.
Washington, D.C. 20001
202/737-5432

Local Counsel

STATE OF GEORGIA)
) SS.
COUNTY OF FULTON)

BERNARD S. LEE, being first duly sworn on oath, deposes and states that he is the plaintiff in the above entitled cause; that he has read the above and foregoing Complaint by him subscribed; that the matters and things therein set forth are true, except matters stated upon information and belief, which he believes to be true.



SUBSCRIBED and SWORN to before
me this 24th day of May,
1976.



NOTARY PUBLIC

FOR THE
DISTRICT OF COLUMBIA

CIVIL ACTION FILE NO. 75-1185

SOUTHERN CHRISTIAN LEADERSHIP
CONFERENCE, (SCLC), a Georgia
non-profit corporation,

*Consider Due
August 30, 1976*

Plaintiff

v.

CLARENCE M. KELLEY, CATHA DeLOACH,
WILLIAM C. SULLIVAN, JOHN DOE, Executor
of the Estate of Clyde A. Tolson,
deceased, and TEN UNKNOWN AGENTS,
individually and as agents of the Federal
Bureau of Investigation,

Defendant^s

SUMMONS

To the above named Defendant^s:

U.S. attorney

You are hereby summoned and required to serve upon

CHAURCELY ESKRIDGE

PATRICIA WORTHY

plaintiff's attorney, whose address

110 S. Dearborn Street
Suite 1500
Chicago, Illinois 60603

*666 - 11th St, N.W.
Suite 500
Washington, D.C. 20001
202 61737-5432*

an answer to the complaint which is herewith served upon you, within 30 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be
taken against you for the relief demanded in the complaint.

JAMES T. DARTZ, Clerk

SERVICE MADE BY: *June 27, 1976*
BY: *Joyce P. Busch*
FOR THE U.S. ATTORNEY EAST-D, D.C.

Earley W. Galt
Clerk of Court
Deputy Clerk

Date: *July 1, 1976*

[Seal of Court]

NOTE:--This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

SOUTHERN CHRISTIAN LEADERSHIP
CONFERENCE, (SCLC), a Georgia
non-profit corporation,
334 Auburn Avenue, N. E.
Atlanta, Georgia 30303

Plaintiff,

vs.

CLARENCE M. KELLEY, CARTHA
DeLOACH, WILLIAM C. SULLIVAN,
JOHN DOE, Executor of the Estate
of Clyde A. Tolson, deceased, and
TEN UNKNOWN AGENTS, individually
and as agents of the Federal Bureau
of Investigation,

Defendants.

76-1183

Civil Action No. _____

Jury Requested

COMPLAINT - *Fourth and Fourteenth
Amendments - Production of
Tapes*

Plaintiff-corporation alleges that:

1. This action arises under the First, Fourth and Fourteenth Amendments to the Constitution of the United States; and 48 U.S.C., Section 605. Jurisdiction is predicated upon 28 U.S.C., Sections 1331, 1343(4). The matter in controversy exceeds, exclusive of interest and costs, the sum of Ten Thousand Dollars.

2. Plaintiff-corporation was incorporated in 1958 in the State of Georgia as a non-profit corporation for the purposes of promoting greater understanding in all efforts toward interracial development and good will; to work with other groups in the attainment of interracial unity, harmony and understanding; and to conduct public forums on the obligations of citizenship, among other purposes. Its president, the late Dr. Martin Luther King, Jr., was assassinated on April 4, 1968, and his successor is the Reverend Dr. Ralph David Abernathy.

3. Defendant, CLARENCE M. KELLEY, is presently the Director of the Federal Bureau of Investigation, (F.B.I.), an agency of the U.S. Government, with offices in the District of Columbia. Defendant, CARTHA DeLOACH, WILLIAM C. SULLIVAN and TEN UNKNOWN AGENTS, are or were agents of the F.B.I. Defendant JOHN DOE, is the Executor (or Administrator w/will annexed) of the Estate of Clyde A. Tolson, deceased, who was Assistant Director of the F.B.I., at all times material. The TEN UNKNOWN AGENTS, are F.B.I. agents whose names are not now known.

4. Since its incorporation, plaintiff-corporation has been funded by foundation grants, and contributions solicited by mail and public forum. Its reputation for advancing its corporate purposes, by the use of said funds, was publically acclaimed when its past President was awarded the Nobel Peace Prize in 1964 for his efforts, along with plaintiff-corporation's officers, directors and servants, in promoting peace among the various advocates for and against the civil rights of minorities; since the death of Dr. King, those policies have been carried on by its successor officers, directors, and servants who are directly affected by any interruption or chilling of foundation grants and other monetary contributions.

5. On information and belief, in 1964, plaintiff-corporation's offices in New York and Atlanta were gugged, by electronic eavesdropping devices, and its telephones were tapped by the defendants, or some of them, for the purposes of adversely affecting its fund raising and the reputation of its officers, directors and servants, among other illegal purposes.

6. Said electronic surveillance and/or wiretapping were done surreptitiously, and without permission of the plaintiff-corporation, and without warrant or authorization by any court.

7. Over the years plaintiff-corporation, its officers, directors and servants were advised, but did not believe, that their offices were bugged and their telephones were tapped, but, however, they lived in constant fear of the resulting harm financial or otherwise that could arise from disclosure of overheard conversations; and they still fear disclosure of the contents of any such tape recordings, transcripts, or memoranda made therefrom.

8. Plaintiff-corporation is now informed and believes that the resulting tape recordings, transcripts, or memoranda, resulting from the many illegal interceptions, by defendants, or some of them, of oral and wire communications have been made available and disclosed to selected persons outside the F.B.I. for the aforesaid illegal purposes; as a result, plaintiff-corporation's officers, directors and servants, and others with whom they communicate, have suffered great financial loss and emotional stress, embarrassment and mental discomfort from the disclosures of said recordings, transcripts or memoranda. Moreover, plaintiff-corporation's officers, directors, friends and associates have been greatly chilled, injured and damaged in their right to raise funds, and to assemble and discuss the different methods by which they might redress their government for redress of the rights of minorities.

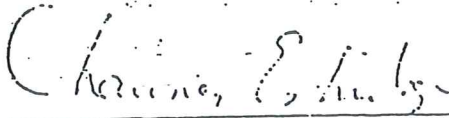
9. Because of past leaks, plaintiff-corporation, its officers, directors and servants, believe that tape recordings, transcripts and memoranda made from their oral and wire communications may in the future be leaked to its contributors, and to the public, and that other innocent persons who may have been parties to, or spoken about, in said oral or wire conversations will be


irreparably harmed and injured if this Court does not immediately take possession and impound all tapes, transcripts and memoranda arising out of said illegal activities of the defendants, their agents and others operating in concert with them.

WHEREFORE, plaintiff-corporation prays the Court to order, adjudge, declare and decree that:

1. The defendants, or one or all of them, be mandatorily enjoined, and required to produce, under protective order of the Court, all of said tape recordings, transcripts and memoranda resulting from electronic eavesdropping and wiretaps of the offices of plaintiff-corporation in New York and Atlanta, upon a special finding that said recordings or oral and wire conversations were illegal and/or beyond the outer perimeters of defendants' line of duty, and without good faith.

2. That plaintiff-corporation have recompense in sum of Five Million Dollars and costs, and such further relief as Equity deems meet.


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202/737-5432

Local Counsel

STATE OF GEORGIA)
) SS.
COUNTY OF FULTON)

RALPH DAVID ABERNATHY and JOSEPH E. LOWERY, President and Chairman of the Board, respectively, of the SOUTHERN CHRISTIAN LEADERSHIP CONVERENCE, a Georgia Corporation, being first duly sworn on oath, depose and state that they are the executive officers of the plaintiff in the above entitled cause; that they have read the above and foregoing Complaint by them subscribed; that the matters and things therein set forth are true, except matters stated upon information and belief, which they believe to be true.

Ralph David Abernathy
Joseph E. Lowery

SUBSCRIBED and SWORN to before me this 31st day of May, 1976.

Eric L. Randolph
NOTARY PUBLIC