

To this the affidavit of a former affiant, Boyle, should not be put in this case

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,)
)
 Plaintiff,)
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 v.)
 UNITED STATES DEPARTMENT)
 OF JUSTICE, et. al.,)
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 Defendants.)
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Civil Action No. 81-0023

DECLARATION OF JAMES P. TURNER

I, James P. Turner, hereby declare and say as follows:

(1) I am Principal Deputy Assistant Attorney General of the Civil Rights Division of the Department of Justice. The matters stated herein are based upon my knowledge and upon my personal review and consideration of information available to me in my official capacity. I have been designated by the Attorney General, United States Department of Justice, as an original Top Secret classification authority¹ and a declassification authority² in accordance with Title 28, Code of Federal Regulations, Sections 17.9 and 17.36, respectively.

(2) By Civil Rights Division Memorandum 78-1 appearing at 43 Fed. Reg. 37686, August 24, 1978, and in accordance with 28 C.F.R. 0.5, Appendix J, the authority previously delegated to the Assistant Attorney General, Civil Rights Division, to grant or deny requests made pursuant to the Freedom of Information Act, was delegated to the Principal Deputy Assistant Attorney General, Civil Rights Division.

¹ Executive Order (EO) 12065, §§ 1-201 and 1-204.
² Id., § 3-103.

(3) This Declaration addresses those portions of Document CVRTS #3 (see paragraph (6) of the Declaration of Quinlan J. Shea, Jr., Director, Office of Privacy and Information Appeals, Department of Justice, dated April 13, 1981) which were originally classified pursuant to Executive Order 11652. In conformance to the Court's request on September 8, 1981, my Declaration concerns only the review under Executive Order 12065 (EO 12065) of portions withheld pursuant to 5 U.S.C. 552(b)(1).³ In addition, this declaration addresses those portions which I have declassified and which are being withheld from Plaintiff pursuant to 5 U.S.C. 552(b)(7)(C) and (7)(D).

(4) Prior to preparation of this Declaration, I personally examined the classified information falling within the scope of Plaintiff's FOIA request and addressed herein. As a result of this examination, I have determined that certain portions of the document which were previously classified pursuant to EO 11652 contain information meeting the substantive classification criteria as established by EO 12065. These substantive criteria are called "Classification Requirements" in EO 12065 and are as follows:

§ 1-301. Information may not be considered for classification unless it concerns: (b) foreign government information; (c) intelligence activities, source or methods; (d) foreign relations or foreign activities of the United States . . . ;

³ 5 U.S.C. 552(b)(1) provides: "(The) section (compelling disclosure) does not apply to matters that are--(A) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy; and (B) are in fact properly classified pursuant to such Executive Order."

§ 1-302. Even though information is determined to concern one or more of the (above) criteria . . . , it may not be classified unless an original classification authority also determines that its unauthorized disclosure reasonably could be expected to cause at least identifiable damage to the national security.

(what?)

(5) Exercising my judgment as an original Top Secret classification authority, and with the guidance and concurrence of the Attorney General's Department Review Committee, the Document Classification and Review Section of the Federal Bureau of Investigation and the Classification Review and Special Projects Unit of the Office of Legal Policy, I downgraded the classification of certain national security information from "Top Secret" to "Secret"⁴ and declassified some information contained in the subject document in accordance with 28 C.F.R. 17.23-28. The classified portions of the document reasonably could be expected to cause at least identifiable damage to the national security⁵ and, therefore, must be kept secret. I declare that this information is appropriately classified "Secret" or "Confidential" pursuant to EO 12065.⁶

how?

⁴ EO 12065, § 3-602. "Classified information that is not marked for automatic downgrading may be assigned a lower classification designation by the originator or by other authorized officials when such downgrading is appropriate. Notice of downgrading shall be provided to holders of the information to the extent practicable."

⁵ Id., § 6-104, defines national security as ". . . the national defense and foreign relations of the United States."

⁶ Id., §1-1, Classification designation.

"§ 1-101. Except as provided in the Atomic Energy Act of 1954, as amended, this Order provides the only basis for classifying information. Information may be classified in one of the three designations listed below. If there is reasonable doubt which designation is appropriate, or whether the information should be classified at all, the less

(6) In addition to my determination that the portions of the document addressed by my Declaration meet the substantive requirements of EO 12065, I have also determined that the document has been properly processed in compliance with the procedural requirements of EO 12065. The face of the document has been marked as required⁷ and is stamped with the proper classification designation.⁸ The document bears a reference to the pertinent agency implementing regulations setting forth the reasons for prolonged classification⁹ and

Footnote 6 continued.

restrictive designation should be used, or the information should not be classified.

§ 1-102. 'Top Secret' shall be applied only to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.

§ 1-103. 'Secret' shall be applied only to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security.

§ 1-104. 'Confidential' shall be applied to information, the authorized disclosure of which reasonably could be expected to cause identifiable damage to the national security."

⁷ *Id.*, § 1-501. "At the time of original classification, the following shall be shown on the face of paper copies of all classified documents: (a) the identity of the original classification authority; (b) the office of origin; (c) the date of event for declassification or review; and (d) one of the three classification designations defined in § 1-1."

§ 1-502. "Documents classified for more than six years shall also be marked with the identity of the official who authorized the prolonged classification. Such documents shall be annotated with the reason the classification is expected to remain necessary, under the requirements of § 1-3, despite the passage of time. The reason for the prolonged classification may be stated by reference to criteria set forth in agency implementing regulations. These criteria shall explain in narrative form the reason the information needs to be protected beyond six years. If the individual who signs or otherwise authenticates annotation of identity is required;" and

28 CFR 17.59.

⁸ See footnote 5, *supra*.

⁹ Department of Justice Regulations concerning the implementation of Executive Order 12065, 28 CFR Part 17 provided:

§ 17.19 Duration of classification.

is also marked by section, part or paragraph as required by United States Department of Justice Regulations.¹⁰

Footnote 9 continued.

(a) Except as provided in § 17.19(b), dates or events on which automatic declassification or review for declassification should occur shall be as early as the national security will permit and shall be no more than six years from the date of original classification.

(b) Classification may be prolonged for more than six years only by officials designated as original Top Secret classification authorities. This authority shall be used sparingly. In such cases, a declassification date or event, or a date for review, shall be set. This date or event shall be as early as national security permits and shall be no more than 20 years after original classification, except that for Foreign Government Information, the date or event may be up to 30 years after original classification. Classification may be extended beyond six years for one or more of the following reasons:

(1) The information is Foreign Government Information as defined in Executive Order No. 12065.

(2) The information reveals intelligence sources or methods which, if lost, would cause identifiable damage to the intelligence operation or to the safety of the source(s) involved.

(3) The information reveals capability data, the unauthorized disclosure of which can reasonably be expected to result in negating or nullifying the effectiveness of a system, installation, project or plan important to the national security.

(4) The information reveals specific foreign relations matters.

(c) In every case that classification is continued for more than six years, the identity of the original Top Secret classification authority and the reason(s), as set forth above, for the extension of classification beyond six years will be recorded as prescribed by Subpart D of this regulation. A specific reference to the pertinent subparagraph(s) above will suffice to meet the requirement concerning the recording of the reason for extension of classification beyond six years on the document.

¹⁰ 28 CFR 17.63(a). Paragraph or portion marking.
"Each section, part or paragraph, of a classified document shall be marked to show the level of classification of the information contained in or revealed by it, or that it is unclassified. Portions of documents shall be marked in a manner that eliminates doubt as to which of its portions contains or reveals classified information. . . ;"

Furthermore, the restrictive procedural criteria set forth in EO 12065, § 1-6, have been followed.¹¹ Lastly, I have determined that the classified material contained in the document addressed herein was processed in accordance with the guidelines established by Directive Number 1, Information Security Oversight Office.¹²

¹¹ EO 12065, § 1-6, Prohibitions.

§ 1-601. Classification may not be used to conceal violations of law, inefficiency, or administrative error, to prevent embarrassment to a person, organization or agency, or to restrain competition.

§ 1-602. Basic scientific research information not clearly related to the national security may not be classified.

§ 1-603. A product of non-government research and development that does not incorporate or reveal classified information to which the producer or developer was given prior access may not be classified under this Order until and unless the government acquires a proprietary interest in the product. This Order does not affect the provisions of the Patent Secrecy Act of 1952 (35 U.S.C. §§ 181-188).

§ 1-604. References to classified documents that do not disclose classified information may not be classified or used as a basis for classification.

§ 1-605. Classification may not be used to limit dissemination of information that is not classifiable under the provisions of the Order or to prevent or delay the public release of such information.

§ 1-606. No document originated on or after the effective date of this Order may be classified after an agency has received a request for the document under the Freedom of Information Act or the Mandatory Review provisions of this Order (§ 3-5), unless such classification is consistent with this Order and is authorized by the agency head or deputy agency head. Documents originated before the effective date of this Order and subject to such a request may not be classified unless such classification is consistent with this Order and is authorized by the senior official designated to oversee the agency information security program or by an official with Top Secret classification authority. Classification authority under this provision shall be exercised personally, on a document-by-document basis.

§ 1-607. Classification may not be restored to documents already declassified and released to the public under this Order or prior Orders.

¹² Directive Number 1, Information Security Oversight Office (ISOO), is the implementing directive for EO 12065 and is published in 43 Federal Register 46280, October 5, 1978, effective December 1, 1978.

(7) In my capacity as a declassification authority, I have determined that certain classified portions of the document addressed by this Declaration continue to meet prescribed classification requirements at this time.¹³ I have also determined that the public interest in this material does not outweigh the damage to national security that might reasonably be expected from disclosure pursuant to EO 12065, § 3-303.¹⁴ Accordingly, the portions of this document withheld pursuant to EO 12065 are exempt under 5 U.S.C. 552(b)(1).

(8) In paragraph (20) of this Declaration will be found a description of the document and the withheld portions of the document. These portions are itemized and indexed to the appropriate classification requirement category of EO 12065,

¹³ EO 12065, § 3-302. "When information is reviewed for declassification pursuant to this Order or the Freedom of Information Act, it shall be declassified unless the declassification authority established pursuant to §3-1 determines that the information continues to meet the classification requirements prescribed in § 1-3 despite the passing of time."

¹⁴ *Id.*, § 3-303. "It is presumed that information which continues to meet the classification requirements in § 1-3 requires continued protection. In some cases, however, the need to protect such information may be outweighed by the public interest in disclosure of the information, and in these cases the information should be declassified. When such questions arise, they shall be referred to the agency head, a senior agency official with responsibility for processing Freedom of Information Act requests or Mandatory Review requests under this Order, an official with Top Secret classification authority, or the Archivist of the United States in the case of material covered in § 3-503. That official will determine whether the public interest in disclosure outweighs the damage to national security that might reasonably be expected from disclosure," and

28 CFR 17.37(b). Balancing test. "When determining whether the public interest in disclosure outweighs the damage to the national security that might be reasonably expected from disclosure, the head of the Office, Board, Division or Bureau concerned should consider whether there exist any special circumstances so that the disclosure of the information would result in identifiable and significant benefit to the public. Such could include: (1) Savings of human life; (2) Avoidance of hostilities between sovereign powers; and (3) Accurate and appropriate public analysis of issues of national importance."

§ 1-301, 5 U.S.C. 552(b)(1), and to provisions of the Freedom of Information Act 5 U.S.C. 552(b)(7)(C) and (7)(D). The contents of these portions have been correlated to paragraphs (9) through (19), infra. These paragraphs describe the damage to the national security that could reasonably be expected to result from unauthorized disclosure of that particular category of classified information, or describe the unwarranted invasion of personal privacy or loss of a non-national security source which would result from the disclosure of certain declassified information. In my judgment, any further specificity in the descriptions given in paragraph (20) would reveal the very information that must be kept secret in the interest of the security of the United States, or would constitute an unwarranted invasion of personal privacy or reveal the identity of a source.

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DEFINITION AND CONSEQUENCE OF DISCLOSURE OF INFORMATION
CONCERNING INTELLIGENCE SOURCES

(9) EO 12065, § 1-301, (c), recognizes that information concerning intelligence sources is classifiable provided that an original classification authority determines that the disclosure of this information could reasonably be expected to cause at least identifiable damage to the national security. I have considered information concerning intelligence sources to mean information that could reveal or identify a present, past or prospective live source of information in the foreign intelligence or foreign counterintelligence area.

Identify rather than disclose? already disclosed?

(10) Disclosure of information concerning intelligence sources can result in damage to the national security in several ways. Intelligence source information generally consists not only of information reported by the source, but specific and descriptive data about the source. This data about the source may involve not only the source's true name

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or alias, but other background information as well.

(11) Exposure of an intelligence source's identity can result in termination of the source; discontinuance of the source's services; exposure of other ongoing intelligence gathering activities; modification or cancellation of future intelligence gathering activities; permitting hostile entities to evaluate the number and objectives of intelligence sources targeted against them, and take appropriate countermeasures; and an overall chilling effect on the climate of cooperativeness with respect to intelligence sources, both current and prospective, not willing to risk the probability of exposure with its potential effect of loss of life, jobs, friends, status, etc., all of which may reasonably be expected to hamper intelligence collection ability and result in identifiable damage to the national security.

How can this person

(12) Disclosure of even the seemingly innocuous information reported by an intelligence source can lead to exposure of the source's identity. Information provided by an intelligence source is often of a "unique" character. For example, the source's report may contain details obtained from a one-on-one conversation between the source and another individual. It may relate to facts known to only a small group of individuals of which the source is a member. It may be of such detail that it pinpoints a critical time frame or reflects a particular vantage point from which the source was reporting. The source's report may have been furnished in such a manner so as to reveal a reporting style peculiar to the source. An intelligence analyst can take this type of information and combine it with facts already in his possession to identify the source.

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(13) As the investigations regarding foreign intelligence and foreign counterintelligence in the United States are among

the most important missions of the FBI, I have classified this material at the "Secret" level. The type of damage discussed in paragraphs (10), (11) and (12) would, in these investigations, cause serious damage to the national security in my judgment. The risks undertaken by such intelligence sources are much greater than in other national security investigations and, accordingly, it is much more difficult to recruit and maintain them. Therefore, the exposure of any of the sources in this area could effectively destroy the ability to obtain further sources.

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DEFINITION AND CONSEQUENCE OF DISCLOSURE OF INFORMATION CONCERNING FOREIGN RELATIONS

(14) Information that concerns the foreign relations or foreign activities of the United States is that information which pertains to actions taken by the United States for the purpose of obtaining intelligence information about or from a foreign country, group or individual, or actions on the part of the United States in support of a foreign government, group or individual. Also included in this category is information pertaining to planned or actual activities of the United States, the objective of which is to further national foreign policy goals; and where these activities were conceived and carried out in such a manner so as to conceal or avoid public acknowledgment of the role of the United States.

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(15) The unauthorized disclosure of information concerning foreign relations or foreign activities of the United States can reasonably be expected to:

- (a) Lead to foreign diplomatic, economic or military retaliation against the United States,
- (b) Identify the target, scope and time frame

of intelligence gathering activities of the United States in or about a foreign country resulting in the curtailment or cessation of these activities,

Not possible in this case

- (c) Enable hostile entities to assess United States intelligence gathering activities in or about a foreign country and devise countermeasures against these activities,
- (d) Compromise cooperative foreign sources, jeopardize their safety and curtail the flow of information from these sources,
- (e) Endanger citizens of the United States who might be residing or traveling in the foreign country involved,

resulting in at least identifiable damage to the national security.

(16) I was cognizant of the factors discussed above during my review of the material falling within the scope of plaintiff's request. I have sought to apply classification to the material strictly in keeping with the spirit of the FOIA, so as to release as much information as possible, while at the same time prevent damage to the national security through disclosure of information. Where portions of the document addressed by this affidavit were reasonably segregable and could be released without disclosing classified information, I endeavored to do so. Often times, however, I found it necessary and prudent to withhold from disclosure entire paragraphs of the document. In my judgment, to have done otherwise would have resulted in the release of classified information, the disclosure of which could reasonably be expected to damage national security. Accordingly, such information is

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

(17) As a result of this review, the determination also was made that certain portions of the subject document no longer require classification. I determined that certain information contained therein should continue to be withheld pursuant to 5 U.S.C. 552(b)(7)(C) and (7)(D). Disclosure thereof would constitute an unwarranted invasion of the personal privacy of Dr. Martin Luther King, Jr.'s family and reveal the identity of a Bureau confidential source. Plaintiff was so advised by letter dated October 14, 1981, and non-exempt information was released to him. [A true copy of this letter is attached as Exhibit A.]

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APPLICATION OF
EXEMPTIONS 7C AND 7D OF THE FOIA

(18) 5 U.S.C. 552(b)(7)(C) exempts from mandatory disclosure information contained in investigatory files compiled for law enforcement purposes, the disclosure of which would constitute an unwarranted invasion of personal privacy.

In this case, Exemption 7C was asserted to protect matters of a deeply personal nature which are unrelated to the functioning of the professional or occupational responsibilities of the individuals. It is not the type of information contained in any public records of which Defendant is aware. In no case is the public benefit from disclosure of the information being withheld greater than the right of the individuals or their families to protection from unwarranted invasions of personal privacy. The potential harm to an individual or his family includes unnecessary and unfounded public attention, harassment, criticism and embarrassment resulting from the disclosure of intimate personal matters, or from derogatory inferences of a comparable magnitude which could be drawn from the information.

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The withheld information was obtained from FBI investigatory files and provided to the Criminal Section of the Civil Rights Division for use during its review of the Bureau's investigation of the King assassination. The Bureau files were created for the purpose of investigating the murder of Dr. King, clearly a law enforcement function. 45 Fed. Reg. 2198 (Jan. 10, 1980). The subject document created by the Criminal Section during its review of the Bureau's investigation was plainly for law enforcement purposes, since the Attorney General had directed Civil Rights Division Assistant Attorney General Pottinger specifically to determine (1) whether the FBI might have been responsible in some way for Dr. King's death and (2) whether actions by the FBI might have had any other adverse effect on Dr. King. The Attorney General requested from Assistant Attorney General Pottinger recommendations as to whether or not the investigation of the assassination of Dr. King should be reopened.

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(19) 5 U.S.C. 552(b)(7)(D) exempts from mandatory release information contained in investigatory records compiled for law enforcement purposes, the disclosure of which would reveal the identity of a confidential source.

not clearly revealed.

This Exemption protects both the identity of the source and information which might reasonably lead to the disclosure thereof.

Sources can be paid informants or simply concerned citizens who give information to law enforcement agencies. A person who furnishes information to an investigatory agency does so with the implied or express promise that at least his identity will be held in confidence. In some instances, that promise extends to the actual information provided as well. It would hinder a law enforcement agency in obtaining access to needed information if sources thought that their identities would be available if sought under the Freedom of Information Act. In

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the subject document, Exemption 7D is used to protect (a) confidential source who supplied only information of a non-national security nature. The identity of the source was excised pursuant to Exemption 7D under an express promise of confidentiality and was obtained from FBI investigatory files and provided to the Civil Rights Division for use during its review of the Bureau's King assassination investigation. The Bureau files were created for the purpose of investigating the murder of Dr. King, clearly a law enforcement function. 45 Fed. Reg. 2198 (Jan. 10, 1980). The subject document created by the Criminal Section during its review of the Bureau's investigation was plainly for law enforcement purposes, since the Attorney General had directed Assistant Attorney General Pottinger specifically to determine (1) whether the FBI might have been responsible in some way for Dr. King's death and (2) whether actions by the FBI might have had any other adverse effect on Dr. King. The Attorney General requested from Assistant Attorney General Pottinger recommendations as to whether or not the investigation of the assassination of Dr. King should be reopened.



ITEMIZATION, INDEXING AND DESCRIPTION OF CLASSIFIED
INFORMATION WITHHELD FROM PLAINTIFF
PURSUANT TO 5 U.S.C. § 552(b)(1), (7)(C) and (7)(D).

(20) The document is a fifty-one page memorandum dated March 31, 1976, from Criminal Section Chief Robert A. Murphy of the Civil Rights Division to J. Stanley Pottinger, Assistant Attorney General of the Division. The document concerns the results of an investigation by the Criminal Section into the possible involvement of the Federal Bureau of Investigation in the assassination of Reverend Martin Luther King, Jr. It was originally classified by former Assistant Attorney General

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Pottinger on April 9, 1976, and reclassified by me on December 2, 1977, pursuant to EO 11652. [An unclassified, excised copy of the document is attached as Exhibit B.] The portions which will remain classified pursuant to EO 12065 and 5 U.S.C. 552(b)(1), or which have been declassified but will continue to be withheld pursuant to 5 U.S.C. 552(b)(7)(C) and (7)(D) are as follows:

A. Page 3, brackets in paragraph 1, is classified "Secret" since it contains information provided by individuals who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose this information would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the sources. See paragraphs (10) through (12), supra. The paragraph was previously classified "Top Secret" in its entirety.

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B. Page 8, paragraph 2, is classified "Secret" since it contains information provided by and the identities of individuals who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose their identities

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would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the sources. See paragraphs (10) through (12), supra. The paragraph was previously classified "Top Secret".

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C. Page 9, paragraphs 2 and 3, are classified "Secret" since they contain information provided by and the identities of individuals who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose their identities would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the sources. See paragraphs (10) through (12), supra. The paragraphs were previously classified "Top Secret".

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D. Page 10, paragraphs 1 and 2, are classified "Secret" since they contain information which could reveal the identities of individuals who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To

disclose this information would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the sources. See paragraphs (11) through (12), supra. The paragraphs also were previously classified "Secret".

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E. Page 11, paragraph 2, is classified "Secret" since it contains information provided by and the identity of an individual who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose the identity would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the source. See paragraphs (10) through (12), supra. The paragraph was previously classified "Top Secret".

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F. Page 12, paragraphs 2 and 4, are classified "Secret" since they contain information which could reveal the identities of individuals who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or

on behalf of, certain foreign governments. To disclose this information would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the sources. See paragraphs (11) through (12), supra. Paragraph 4 was previously classified "Top Secret".

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- G. Page 13, paragraph 1, is classified "Secret" since it contains information which could reveal the identities of individuals who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose this information would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the sources. See paragraphs (11) and (12), supra. The paragraph also was previously classified "Secret".

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- H. Page 14, paragraphs 1, 2 and 3, are classified "Secret" since it contains information provided by and the identity of an individual who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States

believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose the identity would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the sources. See paragraphs (10) through (12), supra. Paragraphs 1 and 3 were previously classified "Top Secret".

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I. Page 15, paragraph 1, is classified "Secret" since it contains information provided by individuals who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose this information would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the sources. See paragraphs (11) and (12), supra. The paragraph was previously classified "Top Secret".

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J. Page 16, paragraphs 1 and 2, are classified "Secret" since they contain information provided by an individual who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments.

To disclose this information would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the sources. See paragraphs (11) and (12), supra. The paragraphs were previously classified "Top Secret".

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K. Page 17, brackets in paragraph 2, is classified "Secret" since it contains information provided by individuals who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose their identities would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the sources. See paragraphs (10) through (13), supra. The sentences were previously classified "Top Secret".

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L. Page 18, paragraph 1, is classified "Secret" since it contains information provided by individuals who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose this information would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be

expected to identify the sources. See paragraphs (11) and (12), supra. The paragraph was previously classified "Top Secret".

M. Page 20, paragraph 1, is classified "Confidential" since it contains information which could reveal the identities of individuals who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose this information would adversely impact the investigations, thus causing identifiable damage to the national security. A more detailed description of this material reasonably could be expected to identify the sources. See paragraphs (11) and (12), supra. The paragraph also was previously classified "Confidential".

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N. Page 22, brackets in paragraph 3, is classified "Secret". Its disclosure would reveal F.B.I. interest in a specific foreign relations matter in connection with a foreign counterintelligence investigation of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. Disclosure of the specific foreign relations matter would adversely impact these as well as other foreign counterintelligence investigations, thus having a seriously damaging effect on national security. See paragraphs (14) and (15), supra. This information also was previously classified "Secret".

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- O. Page 22, paragraph 4, is classified "Secret" since it contains information provided by and the identity of an individual who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose the identity would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the source. See paragraphs (10) through (12), supra. The paragraph was previously classified "Top Secret".
- P. Page 23, paragraphs 1 and 2, are classified "Secret" since they contain information provided by and the identity of an individual who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose the identity would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the source. See paragraphs (10) through (12), supra. The paragraphs were previously classified "Top Secret".
- Q. Page 24, paragraphs 1 and 2, are classified "Secret" since they contain information provided by an individual who confidentially cooperated with

the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose this information would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the source. See paragraphs (11) and (12), supra. The paragraph was previously classified "Top Secret".

R. Page 27, paragraph 1 is classified "Secret" since it contains information which could reveal the identities of individuals who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose this information would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the sources. See paragraphs (11) and (12), supra. The paragraph also was previously classified "Secret".

B S. Page 30, paragraph 3 and brackets in paragraph 1, are classified "Secret" since they contain information which could reveal the identities of individuals who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to

be acting at the direction of, or on behalf of, certain foreign governments. To disclose this information would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the sources. See paragraphs (11) and (12), supra. Paragraph 1 was previously classified "Top Secret" in its entirety.

B T. Page 31, brackets in paragraph 2, is classified "Secret" since it contains information which could reveal the identities of individuals who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose this information would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the sources. See paragraphs (11) and (12), supra. This information also was previously classified "Secret".

U. Page 34, brackets lines 1 through 5 in paragraph 1, is classified "Confidential". Its disclosure would reveal F.B.I. interest in a specific foreign relations matter in connection with a foreign counterintelligence investigation of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. Disclosure of the specific foreign relations matter would

Page
10
N

adversely impact these as well as other foreign counterintelligence investigations, thus having a seriously damaging effect on national security. See paragraphs (14) and (15), supra. The paragraph was previously classified "Confidential" in its entirety.

In addition, other bracketed information in lines 6 and 8 through 10 in paragraph 1 has been excised pursuant to Exemption 7C. This information pertains to an intimate aspect of Dr. King's personal life which is not a matter of public record. Applying the standards described in paragraph (18), it is my judgment that disclosure of this information would create unnecessary public attention and embarrassment for the King family. Accordingly, the sentence was excised pursuant to 5 U.S.C. 552(b)(7)(C). The subject memorandum was created during the investigation by the Criminal Section of the Civil Rights Division of the Bureau's Martin Luther King, Jr., assassination investigation. The information in it was derived from Bureau investigatory records which were provided to the Civil Rights Division for its review. Accordingly, the information qualifies as an investigatory record compiled for law enforcement purposes. I am unaware of any public interest which would be served by the disclosure of this material. Any further public description of this information would require revealing exactly that which we are attempting to protect to prevent such an unwarranted invasion of personal privacy.

*Not made
under 7C always
but was*

Confidential

*How can this
be made
public?*

How can I know this?

file

promise that his or her identity would be kept confidential, who is alive today and whose identity has never been made public. Applying the standards discussed in paragraph (19), I withheld this information because I believe it to be exempt pursuant to 5 U.S.C. 552(b)(7)(D). The subject memorandum was created during the investigation by the Criminal Section of the Civil Rights Division of the Bureau's Martin Luther King, Jr., assassination investigation. The information in it pertaining to the informant was derived from Bureau investigatory records which were provided to the Civil Rights Division for its review. Accordingly, the information qualifies as an investigatory record compiled for law enforcement purposes. Release of the information would, in my view, subject the individual to embarrassment and harassment. I am unaware of any public interest which would be served by a release. Furthermore, to identify the individual as an informant for the F.B.I. would jeopardize the ability of the Department to gain access to such information in the future.

Bracketed information in line 8 of paragraph 1 was excised pursuant to Exemption 7C. The words within these brackets pertain to an intimate aspect of Dr. King's personal life which is not a matter of public record. Applying the standards described in paragraph (19), it is my judgment that disclosure of this information would create unnecessary public attention and embarrassment for the King family. Accordingly, the sentence was excised pursuant to 5 U.S.C. 552(b)(7)(C). The subject memorandum was

created during the investigation by the Criminal Section of the Civil Rights Division of the Bureau's Martin Luther King, Jr., assassination investigation. The information in it was derived from Bureau investigatory records which were provided to the Civil Rights Division for its review. Accordingly, the information qualifies as an investigatory record compiled for law enforcement purposes. I am unaware of any public interest which would be served by the disclosure of this material. Any further public description of this information would require revealing exactly that which we are attempting to protect to prevent such unwarranted invasion of personal privacy.

B

X. Page 37, paragraph 4, is classified "Secret" since it contains information which could reveal the identities of individuals who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose this information would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of this material reasonably could be expected to identify the sources. See paragraphs (11) and (12), supra. The paragraph was previously classified "Top Secret".

B

Y. Page 38, paragraph 2, is classified "Secret" since it contains information which could reveal the identities of individuals who confidentially cooperated with the F.B.I. in connection with foreign counterintelligence investigations of persons in

the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose this information would adversely impact the investigations, thus having a seriously damaging effect on the national security. A more detailed description of the material reasonably could be expected to identify the sources. See paragraphs (11) and (12), supra. The paragraph also was previously classified "Secret".

B
Z. Page 48, brackets in paragraph 3, is classified "Confidential" since it contains information which could reveal the identities of individuals who confidentially cooperated with the F.B.I. in connection with foreign intelligence investigations of persons in the United States believed to be acting at the direction of, or on behalf of, certain foreign governments. To disclose this information would adversely impact the investigations, thus causing identifiable damage to the national security. A more detailed description of the material reasonably could be expected to identify the sources. See paragraphs (11) and (12), supra. The paragraph was previously classified "Confidential" in its entirety.

I declare under penalty of perjury that all of the above is true and correct to the best of my knowledge.


James P. Turner

Executed on October 23, 1981.

UNITED STATES GOVERNMENT

Memorandum

~~TOP SECRET~~

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.

CLASSIFIED &
EXTENDED BY: James Turner
Principal Deputy Assistant
Attorney General
Civil Rights Division

REASON: 28 CFR 17.19(b)(2) and (4)
REVIEW ON: March 31, 1996

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 13526
EXEMPTION CATEGORY: 2, 3
AUTOMATICALLY DECLASSIFIED ON: INDEFINITE

Typed on: 3/31/76
Classified on: 4/7/76
Authority: JSP
270-86-1580



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

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
DATE OF RECLASSIFICATION: 12-2-77
RECLASSIFIED BY: [Signature]

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II. METHODOLOGY

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

b7C

[REDACTED] 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 8493 serials. [REDACTED]

b7C

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)

It was obvious that existing staff and other workload did not permit us to read all of the FBI's files that relate to Dr. King, so it was determined to concentrate in three areas. You satisfied yourself that the FBI's written reports of microphone surveillances (misurs) and telephone surveillances (tesurs) were accurate by listening to selected tapes.

[REDACTED]

Jim (S)

Solo?

Turner read that file in order to determine whether there was a legitimate basis for the FBI's security investigation of Dr. King. Mr. Turner also read about the first half dozen sections of the security investigation of Dr. King. I read those sections of the security investigation from where Mr. Turner left off through February 1965, and from December 1967 through June 1968. I also read the first ten sections, as well as several others randomly selected, of the assassination investigation. In addition, I have read some of the Department's files and several other Bureau documents relating to Dr. King, including all which were held in either Mr. Hoover's Official and Confidential files or those presently held in Mr. Deegan's office. As already mentioned, I also read the draft report of the Church Committee. (See attached Report Exhibit for an outline of that report). No interviews were conducted by us. (TS)u

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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. [REDACTED]

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)

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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 [REDACTED]

[REDACTED] Sizoo has re- b7C
tired) [REDACTED] 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, [REDACTED]

b7C [REDACTED] Corman and Brennan are both retired. Within that section the King case was handled initially by William Forsythe (now deceased) and then continuously by [REDACTED] [REDACTED] 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. [REDACTED]

b7C [REDACTED]

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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

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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) /

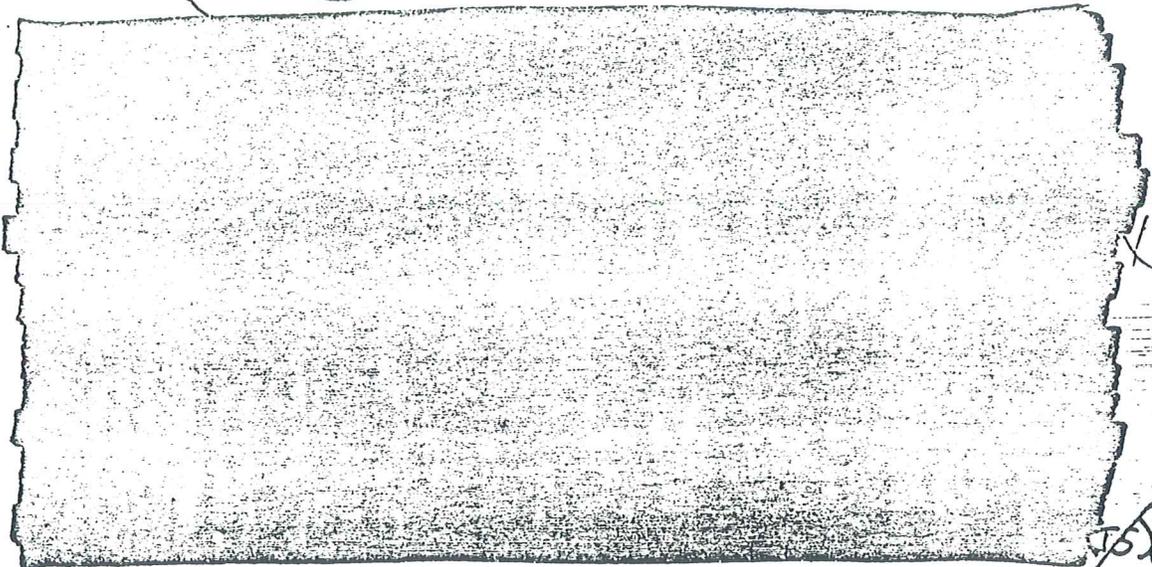
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V. FBI's CAMPAIGN TO DISCREDIT OR NEUTRALIZE
MARTIN LUTHER KING, JR.

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. 1957-1961

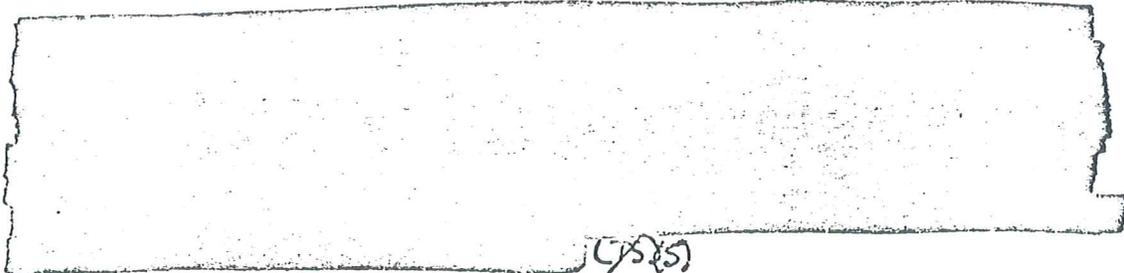


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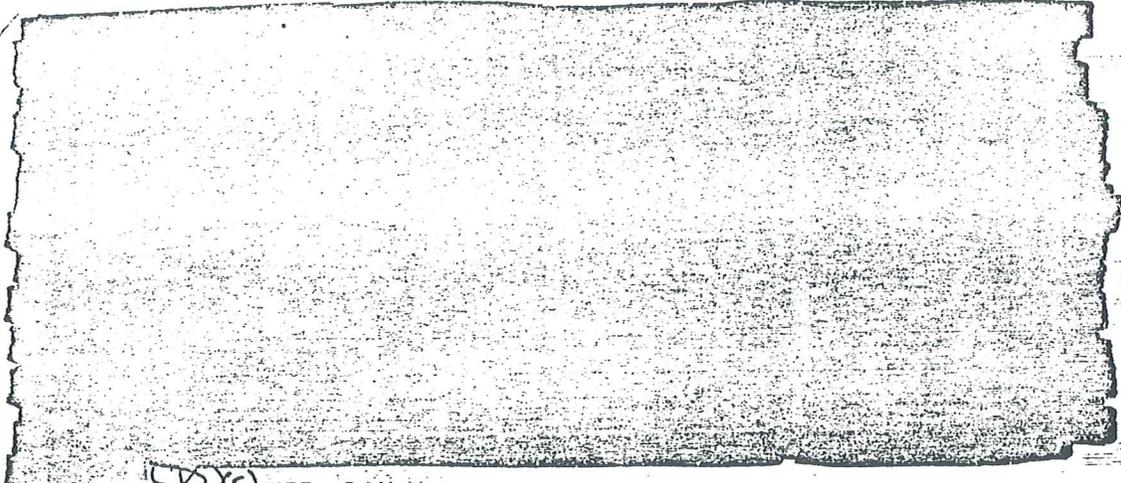
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In February 1961 King wrote an article in the Nation regarding the dearth of black federal agents, including FBI agents. The thrust of the article appears to have been an appeal to President Kennedy to issue an Executive Order integrating federal law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

B. 1962



(S)(S)



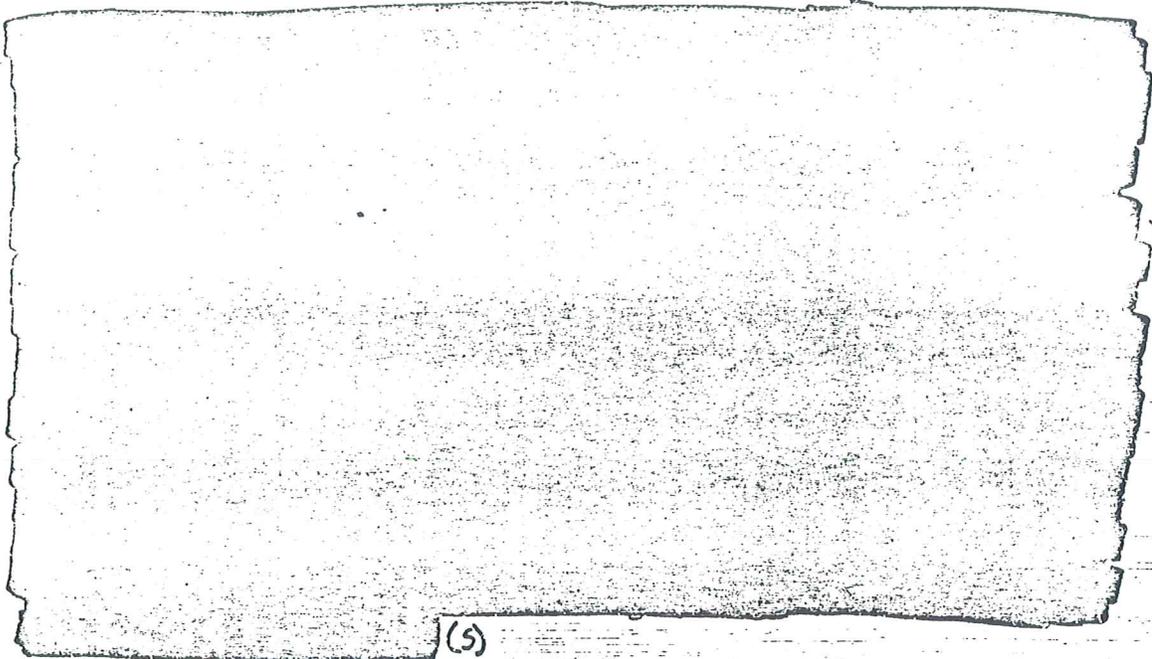
(S)(S)

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

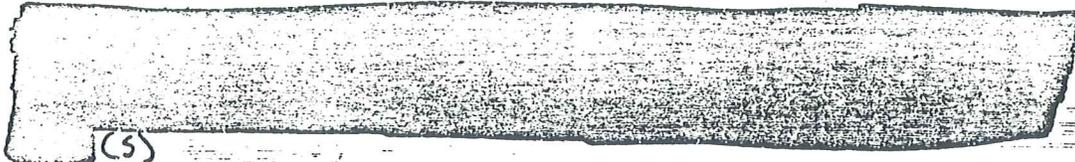
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should include all information of a security nature, plus complete background data, on King. No open investigation was to be conducted and all inquiries were to be limited to established sources. The review was ordered, according to Hoover, because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



(S)

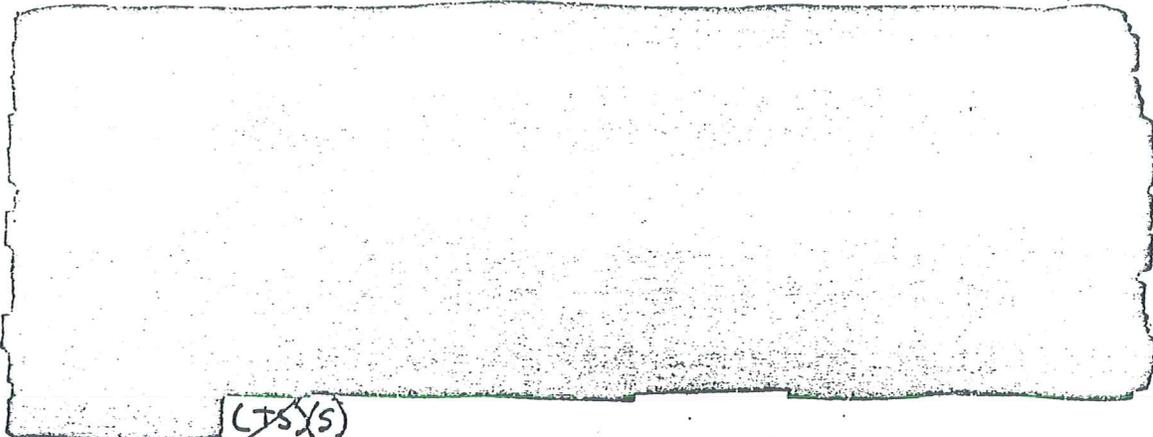


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In April, the Atlanta office of the FBI submitted a 37 page monograph on Dr. King which included a statement that information obtained during a three year period ending in September 1961 indicated no communist influence on King or SCLC. On May 10, 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)



(TS)(S)

In June 1962 the SAC in New York sent memoranda to the Bureau reporting that King and [redacted]

He speculated about whether the Attorney General might be able to [redacted]

[redacted] This points up an inconsistency in the attitude of the Bureau concerning [redacted] On one hand,

b7C [redacted] was referred to in some Bureau memos as [redacted]

[redacted] In others he was cited as part of the proof of [redacted]

The Bureau also reported King's reaction to stories that [redacted] (u)

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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 [redacted] b7C [redacted] 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. [redacted] resigned in November from SCLC. (U)

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

[Large redacted block]

(S)

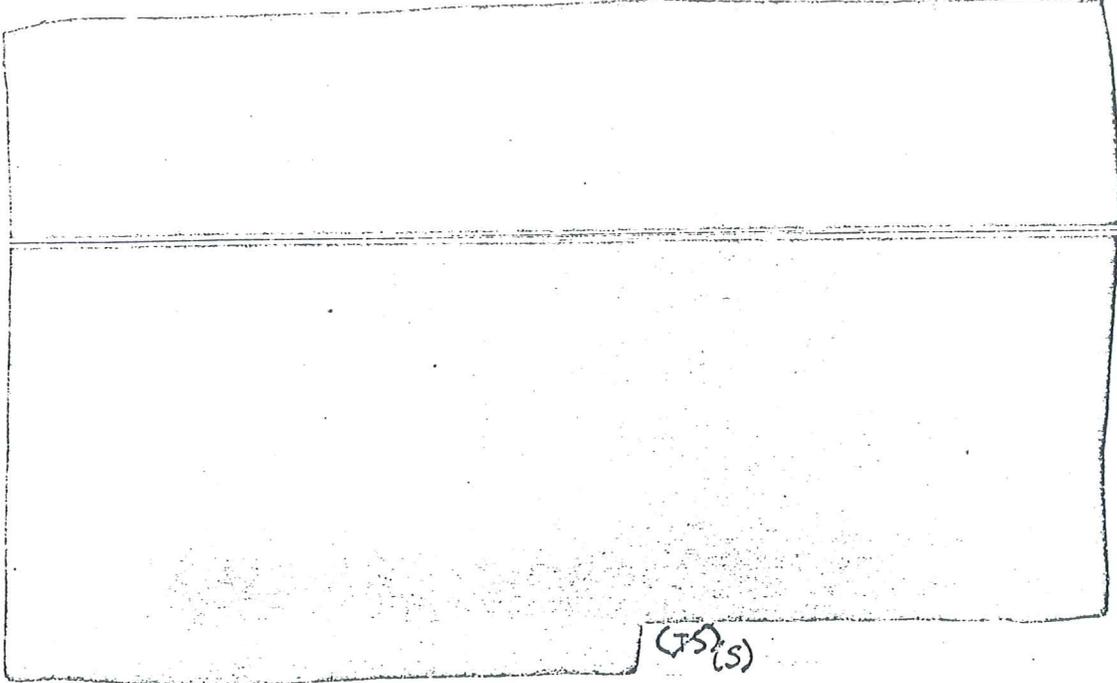
In late 1962 King publicly criticized the Bureau by stating that agents in the South were southern born and unsympathetic to the civil rights movement and, therefore, unable to protect Negroes or to investigate their claims of police brutality. (U)

[Redacted block]

(S)

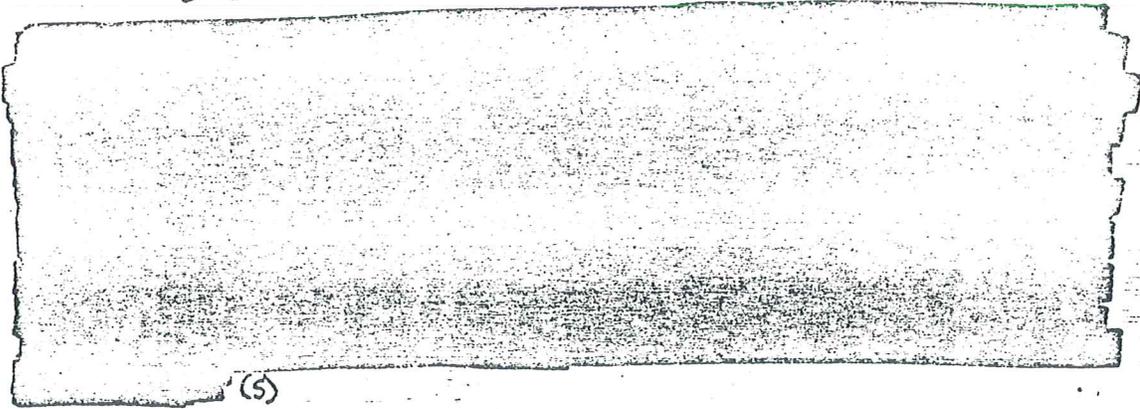
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(TS)(S)

c. 1963



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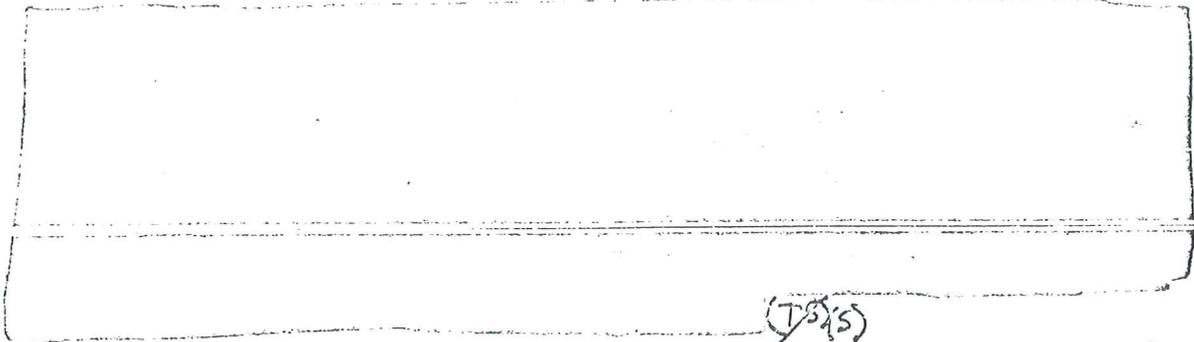
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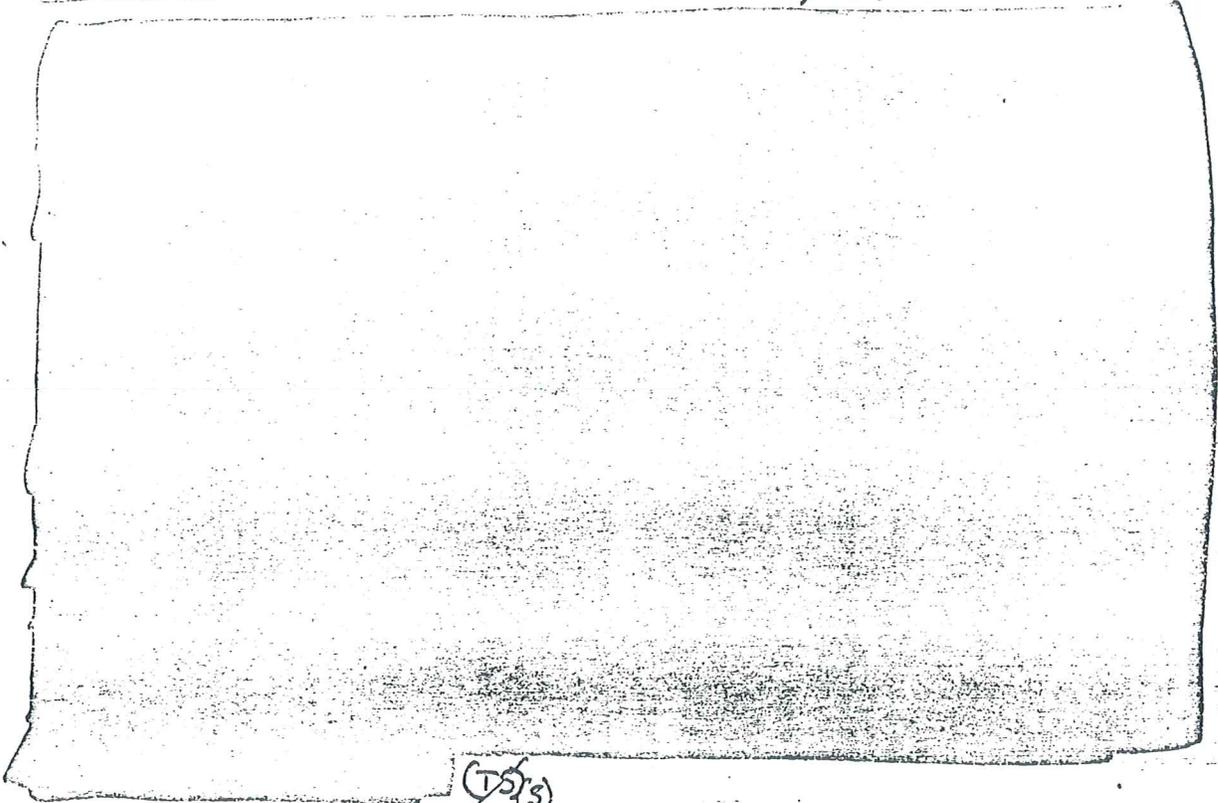
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(TS)(S)



(TS)(S)

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[REDACTED]

(S)

[REDACTED]

(S)

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. (U)

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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

(U) b7c

On July 16th, 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".

(S) The Attorney General was upset, particularly in view of his recent public statements. He (S) su

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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.

[REDACTED] (TS)(S)

[REDACTED] (TS)(S)

Also in August 1963, the [REDACTED]

[REDACTED] A conversation between King and an employee of SCLC was overheard as a result of a tesur on [REDACTED] home which Attorney General Kennedy had authorized in July at the same time he had refused authorizing on King;

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[REDACTED] These conversations were reported to the Department. In the same month, the Bureau overheard a conversation between Jones 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)

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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 [redacted] because of the pressure from the Kennedy administration. However, indications are that King communicated with [redacted] who had now become counsel to King. Indeed, King asked [redacted] at this time if his "friend", [redacted] 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 [redacted] was overheard talking with King, Rustin and [redacted] about various matters including the Birmingham bombing, a replacement for [redacted] making money from a record of King's speeches and a forthcoming book of King's. (U)

b7c

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 [redacted] On September 16, [redacted] 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)

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(C)

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, [redacted] SCLC finances and King's travel plans. (U)

b7c

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

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Wiretap Surveillance of Dr. King and the SCLC

<u>Location</u>	<u>Installed</u>	<u>Discontinued</u>
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

<u>Location</u>	<u>Installed</u>
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
Manger 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)

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

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)

b7c

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

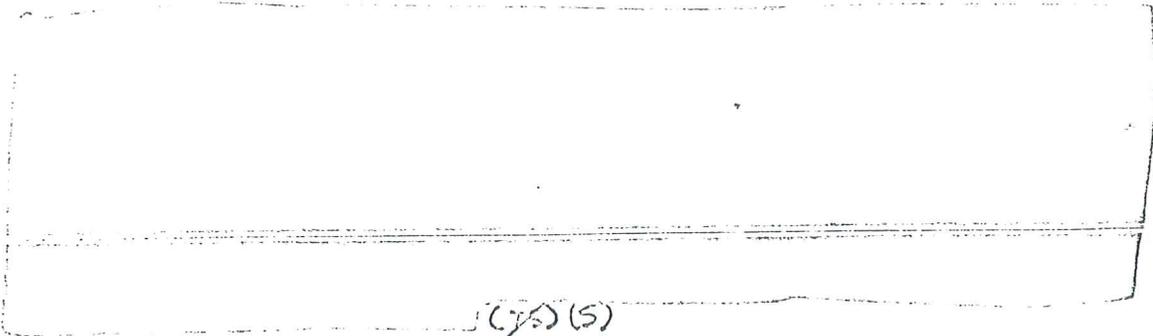
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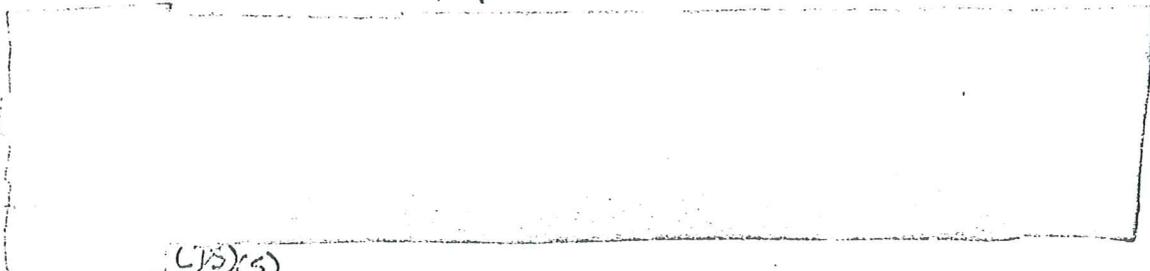
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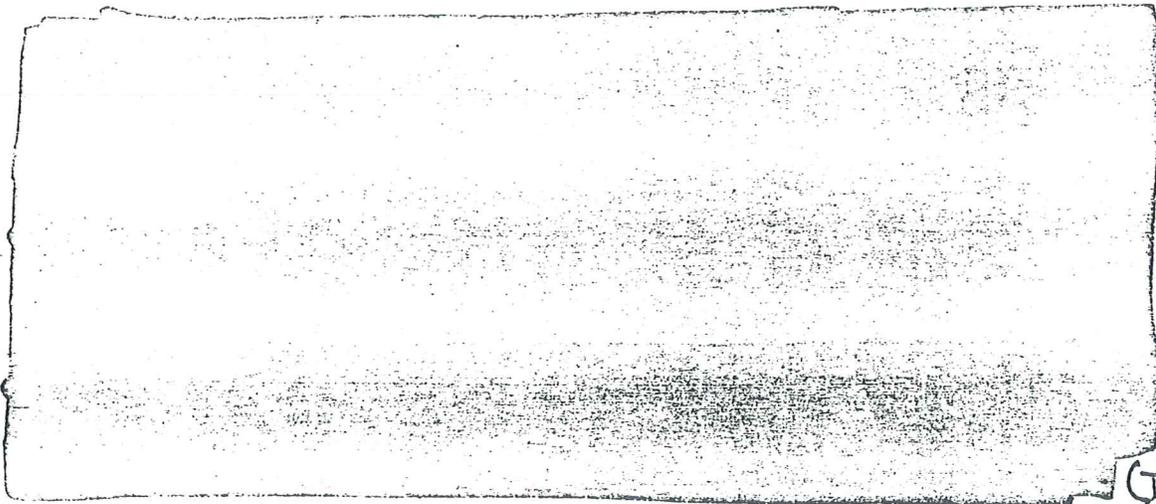
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(S)



(S)

~~TOP SECRET~~

~~TOP SECRET~~
~~TOP SECRET~~

[REDACTED]

(TS)(S)

[REDACTED]

(TS)(S)

[REDACTED]

(TS)(S)

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)

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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 embarrassment 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)

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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)

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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.

b7c

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,

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[redacted] Hoover wrote: "I don't share the conjecture - [redacted]

(u)

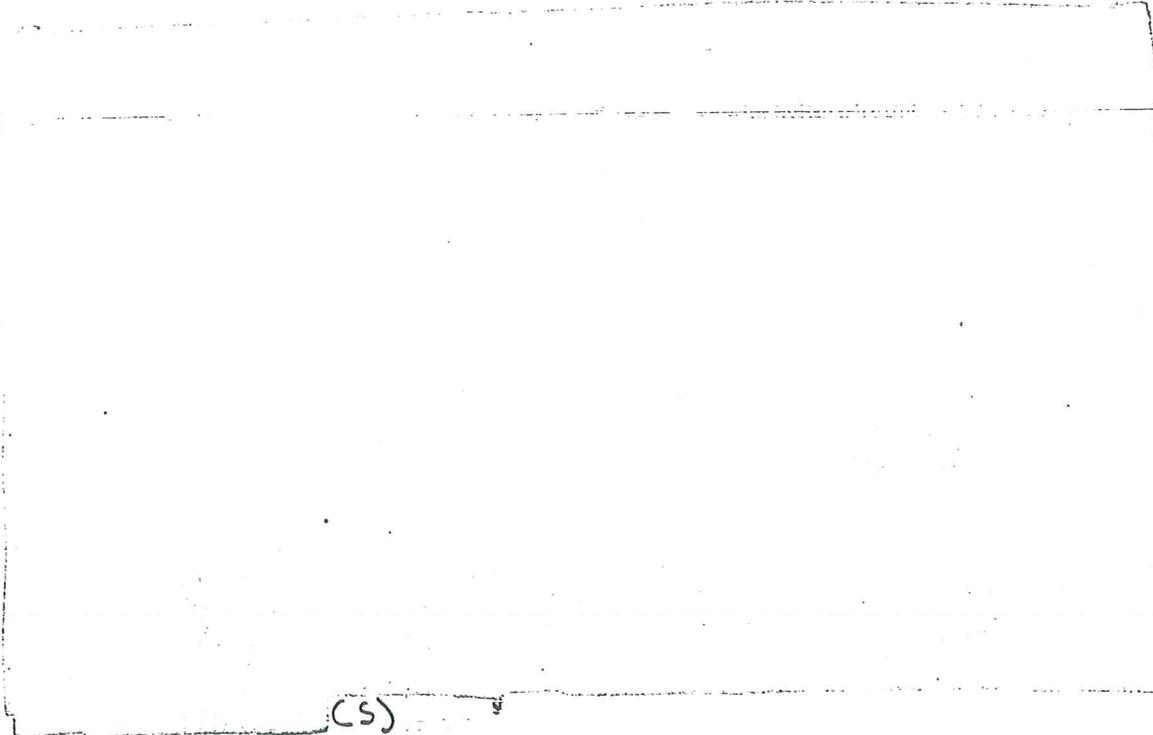
The Attorney General was advised that King met in New York with [redacted] and others in January. Also in January, [redacted] was overheard calling King a "sucker", "ignorant", "inexperienced", a "bed writer" and "without business sense". (u)

b7c

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 (u)

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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)



(S)

On February 12, 1964 the Director in a memo to the Atlanta office, referred to a conversation in which [redacted]

b7c

[redacted] Hoover instructed Atlanta to be alert to [redacted] for counter-intelligence purposes. He indicated he wanted to capitalize on it and welcomed suggestions as to how it could be done. (U)

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

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He made particular reference to a September 1963 letter he sent to the Director concerning his, Marshall's, conversation with King in which he provided King with specific information about [redacted] 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)

b7c King met on February 29 with [redacted] in New York City. (U)

b7c 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 [redacted] so that they 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 (U)

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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 it 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 Earl 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)

b7c

On March 9, 1964, [redacted] 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)

b7c

[redacted] 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 [redacted] (U)

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

(U)

A proposal was made to try and stop Springfield (Mass.) College and Yale University from awarding honorary degrees to King. King's tax returns were analyzed. New York was told to be alert to friction between two black leaders that might be exploited to neutralize King. A proposal was made to Sullivan that all of King's writing be reviewed to identify Marxist or Communist influence on him.

(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)



(S)

[Redacted stamp]

(S)

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 "...

(S)

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

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... not 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 O'Dell had prepared a letter for King in February. Headquarters considered this a most important development which should continuing ties between O'Dell 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 triple hearsay information about [redacted]

b7c [redacted] 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 [redacted] 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 embarrassing 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)

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In July, an internal Bureau memo justified the continuance of resurs previously authorized on King. On July 17, the White House (Jenkins), at Hoover's direction, was given a descriptive summary of

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 [redacted] 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 Hagerly to prevent ABC from doing a television biography 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)

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King was overheard talking with
in August and the Bureau memo of [redacted] to
Sullivan contains comments such as, "...morality and prevention
tion..., ...Hitlerite tactic'...."

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Authority was given by head-
quarters for a tesur at a New York City apartment where King
would be staying. He had tesurs placed on him at the Democra-
tic Convention in Atlantic City in August. Misurs were authorized
but not installed because of time problems. Electronic surveil-
lance of the Convention was widespread and the results were re-
ported to the White House. (S)

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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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 [redacted] and King was overheard by the FBI. In the conversation, [redacted] was referred to by both men as [redacted] pointed out that [redacted] 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 (U)

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rights had been passed. He said that [redacted] wanted to [redacted] 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)

b7D On November 6, 1964, Headquarters sent a memo to Atlanta which indicated that [redacted] was an FBI informant. By November 10, the Bureau was concerned with King's upcoming trip to Oslo to receive the Nobel prize.

Handwritten: American

(S) Information about King's communist connections was classified SECRET; information [redacted] was classified TOP SECRET. (U) b7C

b7C On November 12 information was given to the [redacted] in the hope that the paper would expose King's possible and prospective [redacted] Nothing happened. (U) b7C

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 [redacted] He was called a [redacted] b7C

[redacted] 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 (U)

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...with a delegation of several women reporters. On the ...
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 re-
porters 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
sympathizers in support of com-
munist objectives." (U)

[REDACTED]

(5)

[REDACTED]

(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 don'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. (U)

(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. (U)

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DeLoach wrote that Wilkins said he would try to get King to
[redacted]. DeLoach wrote that he chastised 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 [redacted] to discuss his five minute accep-
tance speech with [redacted]. 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 re-
quested 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 meet-
ing. One and one half pages covered what King said; the rest
covers what Hoover said. This may actually represent the rela-
tive 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 [redacted] b7c
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 (u)

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and educate Negroes in certain skills. Hoover said he was in favor of equality in schools and restaurants but 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 (u)

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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)

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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)

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On December seventeen, Hoover sent a letter to Moyers

[REDACTED]

Apparently

b7c

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.

[REDACTED]

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.

b7c

[REDACTED]

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".

b7c

[REDACTED]

(U)

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E. Early 1965

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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 wire-taps 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 [redacted] 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)

b7c

The so-called [redacted] 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 [redacted] to keep the microphone tapes together. [redacted] was told to give some of the tapes to John Matter of the lab. He now thinks he [redacted]. When Matter returned the tapes, there was a composite added. Sullivan had [redacted] get him non-watermarked stationery. Sullivan took the tapes and the stationery and later gave [redacted] a package to deliver to Whitson. The tape was accompanied by a letter advising King that [redacted]. Apparently King did not listen to the tape until he returned from Oslo. His wife is supposed to have listened to it also. (u)

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b7c 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 [REDACTED] 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)

b7c 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, [REDACTED]

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)

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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 [REDACTED]

b7C [REDACTED] 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.

b7C [REDACTED] (U)

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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, Levison and Jones discussed a meeting Jones 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.

[REDACTED] (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 embarrass the Bureau. King had been assaulted while in Selma and there were news photos of the attack.

On January 21, Headquarters told Atlanta to [REDACTED] 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)

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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. It contained mainly old information, adding to it [redacted] (U)

[redacted] It also referred to King's statements about Viet Nam and the Spring Project. (U)

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)

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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: [REDACTED]

b7c

[REDACTED] (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 [REDACTED] 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 [REDACTED] 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 (u)

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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)

b7c
On March 29 and 30, 1968 King engaged in several overheard telephone conversations and meetings, some with [redacted] 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. [redacted] 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 [redacted] King decided to return to Memphis.(u)

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b7c On April 1, 1968, the Bureau advised the White House, but not Attorney General Clark, of a tapped discussion between [redacted] 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)

b7c King was assassinated in Memphis on April 4, 1968. [redacted] 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)

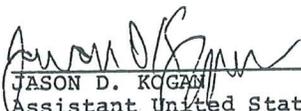
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,)
)
 Plaintiff,)
)
 v.) Civil Action No. 81-0023
)
 U. S. DEPARTMENT OF JUSTICE,)
 et al.,)
)
 Defendants.)
 _____)

NOTICE OF FILING

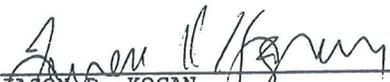
PLEASE TAKE NOTICE that defendants have, this
27th day of October, 1981, filed the affidavit of James
P. Turner.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service has been provided by mailing a copy of the foregoing Notice of Filing to counsel for plaintiff, James H. Lesar, Esquire, 2101 L Street, N.W. Suite 203, Washington, D.C. 20037, this 27th day of October, 1981.



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