

# Justice Dept. to study Reopening of King Inquiry

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WASHINGTON—Atty. Gen. Edward H. Levi, citing the FBI's harassment campaign against Dr. Martin Luther King, has ordered two Department of Justice divisions to recheck the investigation of the King slaying to see if it should be reopened. Levi, interviewed by members of the Times Washington bureau, said Wednesday that he wanted to know whether the results of the FBI program "might have had any influence or effect on the assassination—and I thought that ought to be looked at." "I have asked not only the Civil Rights Division, which originally investigated the King assassination, but also as a double check I've asked the Criminal Division to reinvestigate," Levi said.

The attorney general's comment came in response to a question about the disclosure that shortly before King's death FBI Director J. Edgar Hoover had approved a secret FBI attempt to discredit the civil rights leader by pointing out that he had stayed at a white-owned motel while leading a predominantly black garage strike in Memphis.

King subsequently moved to the black-owned Lorraine Motel, where he was shot to death on a balcony outside his room.

Levi said that disclosure of the FBI discrediting attempt at a Senate Intelligence Committee hearing last week was not the sole factor that had prompted him to ask the two divisions to take another look at the case.

It was learned from other sources Wednesday that the department's Civil Rights Division has been investigating for several months whether the FBI attempt to discredit King actually resulted in his decision to move to the Lorraine Motel.

The division learned of the attempt from FBI files that were being examined for another purpose, according to J. Stanley Pottinger, assistant attorney general for civil rights.

Neither the Civil Rights Division nor investigators for the Senate committee have been able to determine whether Hoover's approval of the plan to give information to the press about King's staying at the white-owned motel actually led to an FBI effort to plant such a story.

James B. Adams, deputy associated director of the FBI, has testified that the agent who had worked on the Hoover-approved plan to discredit King, Harold (Bud) Leinbaugh, simply had marked it "handled." Leinbaugh, who has retired from the bureau where he served in the agency's old crime records division, the FBI's public relations branch, is understood to have told investigators that he could not remember what he did on the matter. Leinbaugh could not be reached for comment Wednesday.

A former aide to King, Tom Offenburger, now on the staff of Rep. Andrew Young (D-Ga.), said Wednesday he recalled that King had stayed at a Holiday Inn in Memphis for only one night, but that he did not move because of any press report.

Offenburger said King had been taking part in a march that had been disrupted and that aides then hustled him to the Holiday Inn. The next day, Offenburger said, King returned to Atlanta. He stayed at Lorraine when he came back to Memphis a few days later.

William Manchester, in his book, "The Glory and the Dream," had this to say about King's stay at the Lorraine: "Newspapers had taunted him for staying at a plush Holiday Inn, paying \$29 a night there, so he moved to a \$13-a-night room in the Negro-owned Lorraine Motel."

Manchester said Wednesday that his source for this information had been a Time magazine compilation of the year 1968. Offenburger said he recalled "very vividly" complaining to Time about what he described as the inaccuracy of the account.

James Earl Ray, an escaped felon who pleaded guilty to killing King, tried unsuccessfully in February to withdraw his plea and stand trial. U.S. Dist. Judge Robert M. McRae Jr. ruled in Memphis that Ray, who is serving a 99-year prison sentence, had "coolly and deliberately" submitted his guilty plea on the advice of competent counsel.

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Levi, in the interview, expressed his outrage over some of the FBI's former counterintelligence tactics, but said he was opposed to removing Hoover's name from the recently dedicated FBI building.

"I think we have to avoid being instant historians," a process that "is extremely unfair," Levi said.

"Just take the ingredients of the King matter," Levi said. "Who was the attorney general who authorized taps and microphones on King? Who was the President?"

Testimony at the Senate committee hearings showed that the FBI had operated eight wiretaps and 16 hidden microphones, or bugs, on King during the Kennedy and Johnson administrations.

Three of the taps were authorized by former Atty. Gen. Robert F. Kennedy, after the lawyer said that it was concerned about a sensitive national security matter relating to possible Communist influence on King. The Senate committee has not determined whether the five other taps were authorized.

Testimony indicated that the bugs were operated without authorization by Kennedy, but on a general authorization that the FBI thought it had from former Atty. Gen. Herbert Brownell Jr.

"I don't think circumstances were such that microphones could be used without at least the subsequent approval of the attorney general," Levi said.

"If we're talking about changing names of buildings and about changing the way people are regarded, then you have lots of things to ask," Levi added.