

Afterword

The FBI vendetta against King did not end with his assassination. Hoover and his top aides, who tried to destroy King's reputation and disrupt his work while he was alive, continued their campaign beyond the grave to blacken his memory.

During the early stages of its investigation into his murder while the FBI was scrambling for leads in the case, it hit upon the notion that King was killed by an assassin hired by a jealous husband.¹ Investigative journalist Jack Anderson of the Washington Post went public with this "cuckold theory" in late 1975, after Hoover's own death. Anderson claimed that several months after King's assassination a Hoover intermediary approached him with the suggestion that King was the victim of a crime passionnel. In brief, according to the Anderson story, the bureau had linked the accused assassin, James Early Ray, with an irate husband in Los Angeles who hired Ray to kill the civil rights leader because he discovered that his wife had borne King's child. The FBI agent identified the husband and wife and produced a bureau report describing King's passionate liaison with the woman in a New York City hotel. Anderson pursued the suggestion and made a trip to Los Angeles to confront the couple and, as he reported in his Post

account, found nothing to contradict the couple's explanation that King "was an honored friend . . . [and] a frequent guest in their home and nothing more."²

Anderson was not a Hoover devotee and may have been concocting his own hoax with this story. He had done his own share of Hoover bashing and was a charter member of the FBI's not-to-contact list. In one of his investigative reports on the Hoover Bureau in a 1971-1972 series in the Post, Anderson uncovered the fact that Hoover and Clyde Tolson, the number-two man in the bureau, had accepted favors from Clint Murchison and Sid Richardson, two right-wing Texas millionaires with a penchant for shady operations. Hoover was embarrassed by these revelations and when Anderson's name was mentioned it was hard for him to choke off his wrath. Anderson was on Hoover's son-of-a-bitch list and the columnist knew it.³

However, there is some independent confirmation in the FBI's own files that lends a measure of credibility to Anderson's assertions. On April 16, 1968, a New York cabby working for the Brooklyn-based Continental Cab Company, wrote to the nationally syndicated columnist Walter Winchell that several months before King's assassination he picked up King, an aide, and a "very attractive white woman" at the International Hotel at Kennedy Airport. After driving King and his associate to LaGuardia Airport, he dropped the woman off at a townhouse in an upscale midtown

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neighborhood. He further reported in his letter to Winchell that King and the woman "fondly embraced, and kissed (not fatherly)"when they parted company at LaGuardia. The Brooklyn hacker added by way of his own social commentary that "if she had a jealous husband and he is the guy, do you think it would be right to name Newark Airport after him?"⁴

Winchell immediately sent the letter to FBI headquarters in Washington and Hoover ordered the bureau's New York office to identify the woman in question and have her and the cab driver interviewed. The FBI followed up on this lead and traced the woman to her home in Los Angeles before they were satisfied that it was an investigative dead end.⁵

But a story purporting that King was having a coast-to-coast affair with a young and attractive white woman was too politically powerful to leave storehoused in the bureau's files. It was not out of character for the Hoover Bureau to seize upon this opportunity to defame the dead King by trying to float this story under the byline of, at that time, the most widely-circulated columnist in the country that the motive behind his assassination was cuckoldry. There was also the added incentive of feeding a story demeaning King's memory to Anderson, a Hoover critic and therefore a bureau enemy, and leave him to deal with any hostile blowback from the public. The bureau would be out from under any criticism by simply claiming it had contributed nothing to the story.

Today, of course, it is a matter of public record that King's

private life-style, never respected or off-limits to FBI snooping once he became a subject of bureau surveillance, offended the puritanical sensibilities and aroused deep-seated hatred among some FBI elites. Hoover on one occasion with his typical "blue ink" comments on a memo referred to King as a "tom cat" possessed "with obsessive degenerate sexual urges." It was Sullivan's division that manufactured the infamous package containing an tape-recording fabricated in the FBI laboratory of King's alleged sexual activities in the Willard Hotel in Washington along with a note calculated to panic King into committing suicide in 1964.⁶

The FBI denied Anderson's assertions, claiming that a "serial-by-serial review . . . of their Murkin case (Murkin HQ file alone contains at least 25,000 pages) failed to discover any evidence to support his story.⁷ To be sure, the Hoover FBI was never diffident about deliberately searching the wrong files while pretending to be straightforward and professionally responsive in fending off attacks upon the bureau's integrity. Aside from the Murkin file the FBI had personal files on King and there were others like COINTELPRO, COMINFIL--SCLC (Communist Influence--SCLC), Racial Matters, to name a few where the Anderson contact could have been recorded.

The FBI was busy on other fronts in its postmortem campaign against King and those survivors who made up his close circle of family and friends. On May 9, 1968, the bureau's Atlanta field office requested a phone tap on King's widow's home phone. Director

Hoover said "NO" to a tesur on Mrs. King. It is not certain how the director responded to a request three weeks after the assassination from George C. Moore, chief of the racial intelligence section of the DIU, to review the federal income tax returns of King, Abernathy, Andy Young, Stanley Levison, and the SCLC. Moore defended his proposal "for intelligence purposes and possible leads in [the] assassination." It is hard to imagine how Internal Revenue Service (IRS) returns would be germane in the investigation of King's murder. But a license for an FBI fishing expedition through IRS records could pay off in political dividends for future FBI COINTELPRO disruption campaigns against the SCLC, the organization founded by King and most closely identified with his memory.⁸

Hoover was ecstatic when Richard M. Nixon took over the Oval Office in 1969. The new president was, as Cartha DeLoach succinctly recorded, "his man." The director's association with Nixon went back to the Alger Hiss case at a time when the young congressman from California was grabbing headlines as the chief spokesman for anticommunism in America.⁹

On the first anniversary of the slain civil rights leader's birthday there was a groundswell of support at the local, state, and national level to make King's birthday a national holiday. When Hoover learned that Rev. Abernathy urged Congress and the president-elect to honor King's memory in this manner he was quick to take over the bureau's campaign to kill the idea even before Nixon took the oath of office. The director gave his "O.K."

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to a January 17, 1969, recommendation from division chief George C. Moore to send a condensed version of the King monograph to the White House and attorney general designate setting out "the extensive communist influence on King." Hoover embellished on the proposal, agreeing to personally deliver additional bureau records documenting King's "highly immoral behavior."¹⁰

On March 18, 1969, Congressman John A. Ashbrook (R-Ohio) advised DeLoach that there were already 30 bills in the congressional hopper supporting a national holiday for the martyred civil rights leader. The Ohio Republican reported that the sub-committee on the Judiciary was only days away from voting favorably on the matter unless a counterattack could be mounted. At the Ohio congressman's suggestion, Hoover approved an "off the record" briefing of two Republicans on the Judiciary sub-committee identified by Ashbrook who could keep a bill from being reported if, according to DeLoach, "they realize that King is a scoundrel." DeLoach signed off on this strategy to balk the national holiday measure by noting it was a "delicate matter--but can be handled very cautiously." Hoover agreed with his trusted lieutenant that "it must be handled very cautiously," and underlined "very cautiously."¹¹

Efforts to commemorate King's birthday as a national holiday were doomed as long as the Hoover FBI and its congressional allies were in determined opposition. In early 1970 when Congressman Peter Rodino (D-N.J.) introduced yet another bill, the FBI hierarchy was

coolly confident it would meet with the same fate as all the others. If the Rodino bill cleared the House it would have to run a legislative gauntlet of powerful senators, some of them like Eastland and McClellan who had no time for King when he was alive, and other lawmakers already briefed by the Crime Records Division. For example, Senate Minority Leader Hugh Scott (R-Pa.) who a year earlier had proposed a measure to honor King's memory that would raise funds for Morehouse College, King's alma mater, realized after a briefing from DeLoach that he had been " 'hoodwinked' as to King's true background." With Scott on the full Judiciary Committee, the FBI was certain there were enough votes to defeat any bill declaring King's birthday a national holiday. Even in 1983 when the Senate finally voted (78-22) to make King's birthday the nation's tenth public holiday, Senator Jesse Helms (R-N.C) waded into the two-day debate embarrassing most of his colleagues by reciting the Hoover Bureau's old mantra that King was dangerously soft on communism.¹²

Because of King's national and international prominence, his assassination was the most important civil rights case the federal government ever had to undertake. It was crucial that those responsible be quickly apprehended and that the American system of justice work as flawlessly as humanly possible to convict and punish the guilty. This should have been the irreducible minimum for a case of this magnitude. Unfortunately, government conduct and actions in the King case fell far short of these minimum

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requirements. More specifically, the legal rights of James Earl Ray, King's accused killer, proved no deterrent to FBI actions that can only be characterized as an egregious reproach to strongly held beliefs that equal and just treatment under the law is every American's guaranteed right.

There came a time in the Ray case when the accused wrote to Memphis Judge W. Preston Battle that if the pretrial publicity was not stopped "I mite [sic] as well waive the trial and come over and get sentenced."¹³ Ray was especially upset by an article appearing in the August 1968 edition of The Reader's Digest, written by reporter Jeremiah O'Leary of The Evening Star, a Washington daily newspaper. O'Leary's seven-page story highlighted the efforts of FBI Director Hoover in bringing King's assassin to justice. At the same time the piece contained facts and information of a possible evidentiary nature about the Ray case that had not appeared anywhere else in public. Before O'Leary's story appeared, the FBI had only formally went public with three press releases containing only a few basic facts. The O'Leary piece troubled Ray because, as he pointed out to Judge Battle, "it could not have been written without the assistance of someone in the Justice Dept."¹⁴

The FBI was aware of Ray's concerns and his intentions to file libel suits because Judge Battle turned over his letter to the bureau. Actually, for about the first four months Ray was in jail awaiting trial, the FBI was reading his mail.

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The Justice Department, in cooperation with Memphis officials, made all the controlling decisions about Ray's security while he was in the Shelby County Jail awaiting trial. To avoid any mishandling of Ray's security regime a Lieutenant John N. Brown of the Federal Bureau of Prisons and Inspector Billy J. Smith of the Shelby County Sheriff's Office wrote a detailed booklet covering all procedures in dealing with the prisoner. Personnel from the Sheriff's Office assigned to guard Ray were trained by inspectors from Justice's Bureau of Prisons. Other features of Ray's security regime, such as the interception of his mail, were spelled out in the Brown-Smith booklet under what was identified as "Policy Statement # 11." An entire cell block, "A" Block, was set aside for Ray, isolating him from all other prisoners in the jail; and steel plate installed outside the windows of his cell and the adjacent building next to the jail. In addition, the prisoner's cell block was outfitted with two TV monitors as well as an audio monitoring system operated exclusively from the sheriff's office. Fourteen specially screened deputies were assigned exclusively to Ray's custody. Two of these guards were posted right inside "A" block at all times where they recorded Ray's movements in a written log every fifteen minutes. The lights in Ray's cell were never turned off.¹⁵

According to policy statement #11 all Ray's mail was intercepted by internal security personnel and delivered to a Lloyd Rhodes in the prosecutor's office. Xeroxed copies of Ray's mail were routinely made available to the FBI's Memphis field office.

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FBI Memphis kept headquarters current on all Ray's correspondence, especially written exchanges involving Ray's trial strategy with his lawyer. Ray's constitutional rights safeguarding lawyer-client privilege were breached, to put it mildly. The FBI continued to read copies of Ray's mail until the end of October 1969 when Judge Battle, in response to complaints from Ray's counsel, ruled that the Sheriff's Office could only scan the accused's mail to guard against any escape plans and not for the purpose of ascertaining the full contents of his correspondence. At this turn, Hoover ordered FBI Memphis not to accept any more written communications but to accept information "on an oral basis" if volunteered.¹⁶

Ray's concerns about the O'Leary article were well-grounded. O'Leary was one of Hoover's favorite "friendly newspaper contacts" with strong ties to the Crime Records Division. Among its other duties, the Crime Records worked assiduously to cultivate a "stable of conservative newsmen" to polish the FBI's image and promote stories about how the director and his agency was safeguarding the public against enemies of the American way of life. In return for their "cooperation," they were placed on the bureau's contact list and received preferential treatment. For example, Hoover would see that O'Leary was the first reporter to get the FBI release "on Oswald and Ruby not being in the FBI." Or DeLoach would personally call a favorite few reporters, like O'Leary, alerting them to the major news-breaking story about Ray's capture in London.¹⁷

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O'Leary had earlier written what Crime Records described as "two outstanding stories on the Director." One dealt with the FBI's highly professional investigation and apprehension of the Klan members involved in the 1964 murder of three young civil rights workers in Mississippi. Assistant Director DeLoach, dispatched to Mississippi to oversee the investigation when President Johnson ordered the FBI to take over the case, invited O'Leary to accompany him in the eight-passenger White House Jetstar for the flight to Jackson. DeLoach, a former head of the Crime Records, and O'Leary were old friends; "Deke" DeLoach was godfather to one of the O'Leary's children. O'Leary's other piece appearing in The Reader's Digest, that pleased Crime Records, was a detailed account of how the FBI under Hoover's leadership ran to ground the perpetrator, Joseph Corbett, Jr., in the 1960 kidnap-murder of Adolph Coors III, the forty-four-year-old chairman of the board of the Coors' Brewery.¹⁸

When O'Leary approached the FBI in May 1968 with the news that "Digest" executives were interested in commissioning him to do an article on Ray similar to the fugitive-style piece he did on Corbett, the Crime Records was receptive. The problem was that the director refused to play favorites with the Ray case while the accused was still a fugitive from the law and he rejected the offer.

Hoover's rejection did not dampen the enthusiasm of O'Leary's supporters in Crime Records. Milton A. Jones, chief of the research section, pressed Thomas Bishop, the division head, to pass along a

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recommendation favoring a second O'Leary-FBI article on Ray under the same fugitive investigation format--"Ten Most Wanted Fugitive--" that was such a public relations success in the Corbitt case. Jones made a case in his two-page memo to Bishop that both men were alike in that Ray was also a "loner," a prison escapee, and used fictitious names and bogus backgrounds to hide his true identity.¹⁹

Building a profile of Ray that meshed with that of a convicted killer and the "loner" reference implying that the King assassination was not a conspiracy as, Jones pointed out, some "irresponsible characters" like King's widow and Abernathy were claiming, could have an beneficial influence in steering public opinion toward what the FBI liked to call the "true facts" of the case. Jones did not neglect to make note that The Reader's Digest enjoyed a multimillion circulation in the U.S. and abroad. Jones puffed O'Leary in his memo as a subject matter expert on the King assassination. "He has done a tremendous amount of reading, interviewing and 'reportorial digging' on the King case," he gushed, and "other newsmen consider him the best-read and informed" on the subject. Aware that Hoover had initially balked at the idea, Bishop was careful to go on record against Jones' proposal, noting on the memo "NO, we can't play favorites with such material." But Hoover reversed himself and overrode Bishop, authorizing that O'Leary be "encouraged to do a story, using public information and with Bureau approval of the manuscript."²⁰

"The Greatest Manhunt in Law-Enforcement History" carried

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O'Leary's byline and his words (with no attribution to the FBI), but the "true facts," information, and interpretive spin originated with the FBI. When some of these records were released in 1978 with FBI John F. Kennedy files, O'Leary had some explaining to do. Some of his fellow journalists were alarmed by the disclosure that he had agreed to prior censorship. Obviously embarrassed by these revelations, O'Leary claimed he did not acquiesce to FBI pre-publication editing but he did not outright deny it because, as he lamely explained, "I probably would have agreed" to FBI editing, he said, "I would not have objected. They gave me most of the information."²¹

What Ray suspected from the first was true. His Sixth Amendment right to a trial by "an impartial jury" uninfluenced by pretrial publicity was grievously tampered with. In 1966 the U.S. Supreme Court expounded further on the right of the accused to a fair trial when it noted that it is "a requirement that the jury's verdict be based on evidence received in open court, not from outside sources." The Department of Justice's restrictions on pretrial publicity were couched in the same language and warned of the danger "of prejudice resulting from statements in the period approaching and during trial . . .," admonishing that they "ought strenuously be avoided. . . ." ²²

The FBI, of course, did not operate in the dark when it came to the law of the land. As America's premiere law enforcement agency most of the bureau's upper-echelon officials either had law

degrees or significant training in the law. But in the case of King's accused assassin, all that legal enterprise was marshalled to serve the bureau's image and interests and not to seek out the truth behind King's assassination, which should have been the FBI's only client.

On March 10, 1969, Ray waived his right to a trial by jury and entered a plea of guilty before Judge Battle in the Shelly County Court of Memphis, Tennessee.* The judge sentenced him to 99 years in the Tennessee State Prison at Nashville. As far as King's assassination is concerned, what is germane about this development was that the FBI's evidence in the case would not be questioned and tested under cross-examination. The adversary proceeding, not infallible but still the best legal mechanism devised so far to arrive at the truth in criminal cases, was rendered inoperative in the most important civil rights case in the nation's history. That this was allowed to happen was almost as great a tragedy as King's own cold-blooded murder.

*It is not the writer's intention to imply that Ray's guilty plea was solely the result of O'Leary's article, but it was a factor in convincing Ray that he could not get a fair trial. It was Ray's claim that he made the plea under coercion, fearing that his lawyer, Percy Foreman, would throw the case if it went before a jury and Ray would receive the death penalty. As soon as Ray was transferred to the state penitentiary he withdrew his guilty plea and filed the first of what would be many motions for a new trial. See Weisberg, Martin Luther King: The Assassination, pp. 72-92, passim.

The day after Ray's guilty plea, DeLoach started a campaign inside the bureau to get the FBI's story on the King assassination before the American public as soon as possible. He proposed that the bureau cooperate with either The Reader's Digest or a "friendly" author to write a book that would silence "Coretta King and Reverend Abernathy" who "are deliberately plotting to keep King's assassination in the news by pulling the ruse of maintaining that King's murder was definitely a conspiracy" DeLoach humbugged their conspiracy-peddling and accused them of rank trickery "in order to keep the money coming in . . . to the SCLC." One of DeLoach's choices was the author Gerold Frank, who had an "excellent relationship" with the bureau, had written six best-sellers, including The Boston Strangler, and was already at work on a King assassination book.

Other high-ranking FBI officials joined DeLoach on the public relations bandwagon, anxious to get the proper FBI version of the King assassination into the hands of the American public. John P. Mohr, assistant director for administration, wanted to move on the "proposed Ray write-up" before the "case gets muddied up by journalistic vultures and King supporters." Crime Records division head, Thomas Bishop, was concerned that "the longer we refuse cooperation with a good author the greater our loss is from a public relations standpoint." When officials at The Reader's Digest requested that popular author Jim Bishop do a book on the King assassination, DeLoach agreed.²³

While DeLoach thought Bishop was demanding and "somewhat pompous,"²⁴ the FBI had worked with Bishop before and found him "cooperative and friendly," an "exacting author" best qualified to write the book on the King assassination. But Hoover had to be persuaded and Crime Records was tasked with the job of promoting Bishop as the FBI's author of choice. Crime Records division researcher Jones went over the FBI's Bufiles (bureau files) on Bishop pointing out that in his book The Day Kennedy Was Shot, Bishop made "a number of favorable references to the FBI." Jones smartly added in the same memo that in a 1967 profile piece on the director, Bishop praised Hoover as "the greatest law enforcement office in all history." Since Bishop worked with the FBI on his Kennedy book he was already aware that any preferential treatment was tied to a reciprocal commitment. In return for the assistance and considerations the FBI provided for his The Day Kennedy Was Shot, Bishop had submitted the drafts of his manuscript to the Crime Records Division through DeLoach.²⁵

After agreeing with DeLoach and the others that a book celebrating the work of the FBI in the King case was needed, Hoover suddenly wavered and held back. The whole issue hung fire for the rest of the year. Strangely, since the issue of pretrial publicity did not deter Hoover from sanctioning the O'Leary article, he now dug in his heels, reluctant to expose the FBI to any possible future legal action if Ray were to succeed and gain a new trial.²⁶

Apparently nothing came of this campaign by FBI elites to

promote a trustworthy stand-in to write the FBI's book on the assassination of Dr. King. As late as May 1971, Jim Bishop notified the FBI that he was still very much interested in doing a book on King. Actually, Bishop was at work on a King manuscript that was published later in 1971. He let the Crime Records people know that he had shifted his writing plans from a book on the assassination to a biographical work ending with King's death and the movement to get the government to declare a national holiday in his honor. In light of this new proposal, Bishop requested that he be allowed to review FBI files revealing King's "immoral character [and] the influence over him by subversive elements, etc." DeLoach informed the author in no uncertain terms that the bureau had no intention of taking on any such cooperative enterprise while James Earl Ray was still filing motions for a new trial. Moreover, DeLoach made it clear that the bureau was only interested in cooperating with Bishop, when circumstances permitted, only if he was still committed to writing a book about the assassination and apprehension of Ray that would, of course, "be most favorable to the FBI and our work in this case."²⁷

Gerold Frank, the other name on DeLoach's stand-in list, did finish his book on the King case, An American Death (1972), but without FBI cooperation, although it was not for lack of trying. Frank importuned the FBI for a at least ten months, attempting to gain access to the bureau files on the case and promising, according to FBI records, to "work very closely with the FBI at

this time." The recommendation on each of his appeals was--"None. For information." Clearly, the director had the last word on this issue.²⁸

In September 1976 Eric "Rick" Carter, a Memphis resident and former regional director of the Vietnam Veterans Against the War (VVAW) requested that he be allowed to inspect his Memphis police file. Carter was prompted to take this action because he suspected that the Memphis VVAW had been penetrated by police informers. While Carter's suspicions would be born out, he probably never anticipated the stunning fallout from his action. It was as though the former Vietnam vet had set off a bomb inside City Hall. Getting wind of Carter's intentions to file for disclosure, Memphis Mayor Wyeth Chandler took preemptive action. He ordered the police chief to destroy all the Domestic Intelligence Unit (DIU) files and disband the "intelligence" or red squad. Police Chief W. O. Crumby was just a step-ahead of an American Civil Liberties Union (ACLU) restraining order to preserve the files and incinerated 180 boxes of DIU records in a police fire fueled by 110 gallons of motor oil.²⁹

In their haste to destroy incriminating files and dossiers proving a continuous and systematic policy of intrusive and lawless political intelligence-gathering, the MPD overlooked about 1,500 pages of DIU records stored in garbage bags* in the basement of a

*In a September 1995 phone conversation with Bruce Kramer, one of the attorneys for the plaintiffs in Kendrick v. Chandler, he mentioned that the salvaged DIU records were found in trash bags.

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building formerly used by the red squad. These surviving documents, the adverse publicity generated in the Memphis community by the mayor's destruction order and the pretrial depositions of high-ranking police officers brought to light a decade of chilling police abuse calculated to suppress dissent and legitimate political activities.³⁰

Since the creation of the DIU in 1967 and the sanitation strike a year later, the red squad had expanded its operations across a wide spectrum of political and human rights activities in Memphis. The MPD's "Intelligence" machine was as insatiable as it was amateurish. Police Captain Patrick Ryan, head of the DIU in 1976, remarked that "You tried to gather as much information . . . about whatever particular investigation you were involved in . . . to put it all together and see what you came out with." Police files on political organizations included the executive sessions of the Memphis City Council, the successful congressional campaign of Harold Ford, the NAACP, SCLC, Memphis Chamber of Commerce, Memphis Labor Council, VVAW, the Memphis and Shelby County Human Relations Commission, the War on Poverty Commission, White Citizens Council, the Afro-American Brotherhood of Le Moyne-Owen College, the Black Student Association and the Student Government Association at Memphis State University, the Newman Foundation, Students for a Democratic Society (SDS), AFSCME, the Communist Party, and the Black Panthers Party(which had no presence in Memphis).³¹

In addition, the DIU's surveillance targeting was openly

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racist. The red squad divided its files into two categories, "White" and "Black." To justify political surveillance of moderate groups like the SCLC and the NAACP, the DIU invented the rationale that these groups had a potential for criminal behavior. In one memo DIU's Lt. Arkin referred to the Memphis NAACP as "a fairly militant group."³²

During the course of these punitive investigations the DIU relied on undercover police agents, sources, informers paid and unpaid, and FBI information, to pry into the associations, activities, reading material, bank accounts, and student university and college records of targeted individuals. At the time of the sanitation strike the DIU, according to Lt. Arkin, was running only three undercover agents, the unit's superstar was Marrell McCullough. By 1976 the red squad had planted undercover police spies and informers in most of the targeted groups. McCullough's duties as an undercover cop ended about a year after the King assassination when a black clerk picked his name off the MPD payroll. After his exposure, McCullough left the MPD for a position with the federal government. According to his superior in the DIU, Lt, Arkin, he found employment with the Central Intelligence Agency.³³

These revelations of police power run amok received front page coverage in the Memphis press. Memphians were exposed to the dark side of police lawlessness and they were not pleased. City Councilman Mike Cody, a member of the city government's law

enforcement committee, was shocked and berated the mayor, calling his decision to destroy the files "an absolute tragedy." Cody predicted that distrust and speculation would run rampant and "go through the roof." Learning about the DIU's vast political files from news of the ACLU's restraining order, black councilman John Ford managed somehow to retrieve his dossier before it was destroyed. Ford branded the red squad a "Gestapo-like thing."³⁴

The bad publicity and the likelihood of an adverse court ruling stemming from the pretrial depositions of MPD officials coupled with Mayor Chandler's destruction order forced the mayor and Police Chief Crumby to waive a hearing. In September 1978, Judge Robert M. McRae issued a wide-ranging injunction against the collection of political intelligence that threatened to curb or deny activities protected under the First Amendment. This was a historic decision in that it marked the first time in a century that controls, other than self-imposed guidelines, were placed upon a local or state police agency. Once again Memphis was forced into the national limelight by an errant officialdom unwilling to correct a course of action first set in motion with the 1968 sanitation strike, phase one of the Poor People's Campaign.³⁵

What was disclosed in Memphis about the practices of the police department was just a glimmer of the scope of almost a decade of the red squad's activities. However, the sheer magnitude of these activities is reflected by the volume of MPD records--choked with dossiers and files on Memphis citizens engaged in non-

criminal activities--destroyed to prevent exposure of these lawless acts in court. The Memphis situation was not atypical. By the mid-1970s lawsuits against federal, state, and local red squads filled the dockets of courts across the country.

Beginning in the 1960s many local law enforcement agencies, like the MPD, gave priority to "intelligence" over the more traditional police responsibility for public order. The Hoover Bureau and the FBI's National Academy which recruited local police officers was a major, if not the only, instrument of influence in this reorientation of priorities. FBI field office SACs routinely cooperated with local police departments like the MPD in liaison arrangements, operational assistance, and exchange of data. In Memphis, these strong and influential ties with the FBI were reinforced under the leadership of Public Safety Director Frank Holloman, a former bureau agent and a close professional associate of J. Edgar Hoover. During Holloman's tenure with the MPD, the FBI was deeply involved in providing operational assistance to the Memphis police in creating a red squad to counter elements in society that Hoover and his bureau elites had branded with the rose tattoo of subversive activists and therefore fair game for punitive and unrestrained police surveillance and disruption campaigns.³⁶ The MPD's red squad was largely a copy in miniature, albeit somewhat rough around the edges, of the FBI, its inspirational prototype.

Endnotes

Afterword

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Because King's assassination was given top priority, the FBI neither stinted on manpower (the bureau claimed it assigned over 3,000 agents to the case) nor ignored any possible leads, no matter how bizarre some of these may appear in hindsight. For example, before the FBI identified James Earl Ray as its prime suspect, all it had to work with was the name "Eric Starvo Gault," lifted off the registration card in the suspected getaway car. Alerted by some public spirited citizens that the authors Ayn Rand and Ian Fleming created characters in their novels named "John Galt" and "Ernest Starvo Blofeld," the bureau assigned a team of agents to index all of their works for other names the fugitive might use to buy forged documents to avoid capture by falsifying his identity. See Murkin, Memphis FO files, (44-1574-273 and 44-1574-284); (Washington) The Evening Star, April 17, 1968; DeLoach, Hoover's FBI, p. 256.

2

Jack Anderson & Les Whitten, "Hoover Floated Hoax Story on King," Washington Post, December 17, 1975), C-18.

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DeLoach, Hoover's FBI, pp. 102-104; O'Reilly, "Racial Matters", p. 200.

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For a copy of the cab driver's letter see Murkin, HQ file (44-38861-3197).

5

Director, FBI to SAC, New York, April 23, 1968, Murkin, HQ file, (44-38861-3197); SAC, New York to Director, April 30, 1968, Murkin, HQ file, (44-38861-3506).

6

Garrow, The FBI and Martin Luther King, Jr., Chapter 4; William C. Sullivan to A. H. Belmont, January 27, 1964, FBI Docs. to HSCA, (100-106670-792). DeLoach contends that the package was Sullivan's idea and had neither Hoover's sanction nor his approval after the fact. See DeLoach, Hoover's FBI, p. 212. DeLoach's contention is unpersuasive. Aside from the strong feelings between Sullivan and DeLoach, none of them complimentary, it is highly unlikely that the assistant director of the bureau's crime lab and the agents working under him would engage in this project or any COINTELPRO initiative in Hoover's FBI merely on the strength of Sullivan's word or instructions without the director's approval.

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J. D. Deegan to W. R. Wannall, December 19, 1975, Murkin, HQ file (44-38861-NR).

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Moore to Sullivan, April 24, 1968, OPR Records, Vol. X, p. 183.

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DeLoach, Hoover's FBI, p. 407

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For a sample of this popular sentiment see citations in the New York Times Index, 1969, pp. 846-847; G. C. Moore to W. S. Sullivan, January 17, 1969, King Main file, (100-106670-3359); O'Reilly, "Racial Matters," p. 332.

11

M. A. Jones to Bishop, March 18, 1969, King Main file, (100-106670-3586).

12

O'Reilly, "Racial Matters," pp. 333-334; Washington Daily News, p. 31; M. A. Jones to Bishop, May 22, 1968, King Main file, (100-106670-NR). For excerpts of the 1983 Senate debate see Robert Rothman, "Congress Clears King Holiday After Heated Debate," Congressional Quarterly Weekly Report, Vol. 41 (October-December, 1983), pp. 2175-2179.

13

Ray letter to Judge Battle, September 12, 1968. I want to thank James Lesar for making this letter available to me. The letter was obtained from the files of the Shelby County Sheriff's Office on discovery when Lesar was Ray's lawyer.

14

Jeremiah O'Leary, "The Greatest Manhunt in Law-Enforcement History," The Reader's Digest (August, 1968), pp. 63-69; Bishop to DeLoach, May 9, 1968, Murkin, HQ file, (44-38861-3266).

15

For "Policy Statement # 11" see Billy Smith's testimony, October 22, 1974, Evidentiary Hearings, James Earl Ray v. James H. Rose, civil action No. C-74-166, The District Court for U.S., for Western District of Tennessee, W. D.; ASAC C.O. Halter to File (44-1987), June 11, 1968, Murkin, MFO file (44-1987-20); Director to Attorney General, July 15, 1968, Murkin, HQ file (44-38861-48)

16

A. Rosen to DeLoach, October 4, 1968, Murkin, HQ file (44-

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(44-1987), June 11, 1968, Murkin, MFO file (44-1987-20); Director to Attorney General, July 15, 1968, Murkin, HQ file (44-38861-48).

16

A. Rosen to DeLoach, October 4, 1968, Murkin, HQ file (44-38861-5228); SAC, Memphis (44-1987) to Director, FBI, October 11, 1968, Murkin, HQ file, (44-38861-5235); Memphis to Director, August 8, 1968, Murkin, HQ file, (44-38861-5022); Director, FBI to SAC, Memphis, October 31, 1968, Murkin, HQ file, (44-38861-5310).

17

Walter Pincus, "How the FBI Used Reporters," Washington Post, June 1, 1976; DeLoach to Mohr, March 4, 1964, Main Oswald file, (105-82555-NR), for Hoover's marginalia on the O'Leary scoop; DeLoach, Hoover's FBI, p. 250

18

M. A. Jones to Bishop, May 3, 1968, Murkin, HQ file, (44-38861-illegible but right after serial 3524); DeLoach, Hoover's FBI, p. 181; M. A. Jones to Bishop, May 21, 1968, Murkin, HQ file, (44-38861-3877).

19

M. A. Jones to Bishop, May 21, 1968, Murkin, HQ file (44-38861-3877).

20

M. A. Jones to Bishop, May 21, 1968, Murkin, HQ file, (44-38861-45-illegible); for Hoover's approval see OPR for summary of section 47, Murkin, HQ file, OPR Records, p. 235.

21

Washington Post, January 28, 1978.

22

See Sheppard v. Maxwell, 384 U.S. 333 (1966); 28 Code of Federal Regulations, Vol. 50, p. 2.

23

J. J. Caspar to Mohr, September 5, 1969, Murkin, HQ file, (44-38861-5817); C. L. Trotter to Mohr, September 2, 1969, Murkin, HQ file, (44-38861-5818)

24

When the FBI agreed in 1967 to help Bishop with his Kennedy book the bureau discovered that it had something of a prima donna on its hands. Bishop expected that the Dallas SAC would smooth the way for him by introducing him to people he would like to interview

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office as an escort. But the Dallas FBI, with DeLoach's approval, did use its contacts to make the Kennedy suite available to the Bishops on a complimentary basis without the mention of the FBI. SAC J. Gordon Shanklin to File (80-), November 15, 1967, Dallas Main Kennedy Assassination file, Dallas FO file, 89-43-7636.

25

M. A. Jones to [Thomas] Bishop. March 20, 1969, Murkin, HQ file, (44-38861-5653); J. Gordon Shanklin to file (80-879), November 28, 1967, Dallas Main Kennedy Assassination file, Dallas FO file, (89-43-7646).

26

DeLoach to Tolson, March 11, 1969, Murkin, HQ file, (44-38861-585-illegible); M. A. Jones to [Thomas Bishop], March 20, 1969, Murkin, HQ file, (44-38861-5653); J. J. Caspar to Mohr, September 5, 1969, Murkin, HQ file, (44-38861-5817); A. Rosen to DeLoach, January 16, 1970, Murkin, HQ file, (44-38861-5854).

27

Bishop's 1971 publication was biographical in nature. See Jim Bishop, The Days of Martin Luther King, Jr., (Putnam, 1971); [Thomas] E. Bishop to DeLoach, June 1, 1970, Tickler files, No. 166, Murkin memos, Vol. VIII.

28

For Frank's requests see the following dates all under 94-63917 (94 stands from Racial Matters in the FBI classification scheme), May 13, 1968, June 10, 1968, August 13, 1968, 1969, June 25, 1969, January 6, 1970, and March 10, 1970. The FBI's 94 classification is a catch-all file that the bureau resolutely refuses under FOIA requests to search on the grounds that it is outside the provisions of the law. The 94 file is where the FBI houses information on reporters, newspaper owners, writers, records related to bureau lobbying on Capitol Hill, records on bureau critics, the director's correspondence about his likes and dislikes, and records that can be used to embarrass people. The Frank records cited here came from duplications found in other FBI files.

29

Memphis Commercial Appeal, September 12, 1976; Memphis Commercial Appeal, September 13, 1976; Chevigny, "Politics and Law in the Control of Local Surveillance," pp. 751-752.

30

Memphis Commercial Appeal, September 14, 1976, p. 9; Donner, Protectors of Privilege, pp. 348-349; First Principles, "Domestic Intelligence Reform: A Court Order Against a Red Squad," Vol. 4, No. 2 (October, 1978), pp. 1-2.

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31

Captain Patrick Ryan deposition, Kendrick v. Chandler, November 17, 1976, p. 128; Memphis Commercial Appeal, September 14, 1976; Hutchinson deposition, November 15, 1976, Kendrick v. Chandler, pp. 60-61.

32

Arkin deposition, December 14, 1976, Kendrick v. Chandler, p. 561.

33

Hutchinson deposition, November 16, 1976, Kendrick v. Chandler, pp. 12, 25; Arkin deposition, November 15, 1976, Kendrick v. Chandler, pp. 110, 176, 191, 261-263; Ryan deposition, November 17, 1976, Kendrick v. Chandler, pp. 145, 178, 214, 328-331; Memorandum of Interview with Marrell McCullough, July 12, 1976, OPR Records, p. 3; Arkin deposition, December 15, 1976, Kendrick v. Chandler, pp. 132-133.

34

Memphis Commercial Appeal, September 13, 1976.

35

Donner, Protectors of Privilege, pp. 349-350; Cheigny, "Politics and Law in the Control of Local Surveillance," pp. 751-752; for Judge McRae's ruling with commentary see First Principles, Vol. 4, No. 2 (October, 1978), pp. 1-2.

36

First Principles, Vol. 2, No. 5 (January 1977), pp. 11-13; Donner, Protectors of Privilege, see chapter 3, passim.

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