

UNITED STATES GOVERNMENT

Memorandum

#161

Tolson	/
DeLoach	/
Mohr	/
Casper	/
Callahan	/
Conrad	/
Felt	/
Gale	/
Rosen	/
Sullivan	/
Tavel	/
Trotter	/
Tele. Room	/
Holmes	/
Gandy	/

McDonough

TO : Mr. DeLoach

FROM : A. Rosen *RDR*

SUBJECT: MURKIN

DATE: April 17, 1968

- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Mr. Malley
- 1 - Mr. McGowan
- 1 - Mr. McDonough
- 1 - Mr. Long
- 1 - Mr. Martindale
- 1 - Mr. Mohr
- 1 - Mr. Bishop
- 1 - Mr. Gale
- 1 - Mr. Conrad
- 1 - Mr. Sullivan

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/13/76 BY *SP/WAC/mfe*

PROPOSED PROSECUTIVE ACTION

This case concerns the murder of Martin Luther King, Jr.

On 4/16/68 the Attorney General authorized the filing of a complaint charging Galt with violation of Title 18, Section 241, U. S. Code, for conspiring to interfere with the constitutional rights of Martin Luther King, Jr. It was understood that no publicity would be given to the complaint unless some change in the situation indicated the complaint should be made public. A proposed complaint is set out below:

EX-116

REC-38 44-38861-1555

On or about March 29, 1968, at Birmingham, Alabama, in the Northern District of Alabama, Eric Starvo Galt and an individual whom he alleged to be his brother, entered into a conspiracy, which continued until on or about April 5, 1968, to injure, oppress, threaten, or intimidate Martin Luther King, Jr., a citizen of the United States, residing in Atlanta, Georgia, in the free exercise or enjoyment of a right secured to him by the Constitution or laws of the United States; namely, the right to freely travel from state to state. In furtherance of this conspiracy, Eric Starvo Galt did, on or about March 30, 1968, purchase a rifle at Birmingham, Alabama, all in violation of Section 241, Title 18, U. S. Code.

The above proposed complaint is considered to disclose the absolute minimum information that would be acceptable to a U. S. Commissioner or Federal Judge. To satisfy the judicial officer, it may be necessary to add some additional details such as the description of the gun and the fact it was abandoned at the crime scene. If necessary, such detail will be added but only to the extent necessary to obtain a warrant.

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Memorandum to Mr. DeLoach
RE: MURKIN

Under the statute being used the complaint can be filed in any District in which the conspiracy took place or an overt act occurred. On the basis of facts presently available, we are limited to filing the complaint at Memphis or Birmingham.

We understand that we cannot rely on the U. S. Attorney at Memphis. If we tried to file there, we would immediately lose control of the situation and the complaint would become public knowledge.

We have checked with Birmingham and we have no assurance we could keep a complaint filed there a secret. We would have to go through the U. S. Attorney's Office and Macon Weaver, the U. S. Attorney, is presently in Houston. The U. S. Commissioner is a woman who does not have too firm a grasp on her operations.

Investigation at the Canadian address given by Galt, 7/31/67, has not been productive and a Kansas City address as of 3/1/67, that we obtained in Canada is nonexistent. Galt is last known to have been in Atlanta, 4/5/68, and his present whereabouts are unknown. We are faced with the danger that he may leave the country before he is located.

In view of the above circumstances, it now appears charges should be immediately filed and Galt's fugitive status should be given the widest possible publicity.

ACTION:

1. We should openly file the proposed complaint at Birmingham.
2. We should issue a wanted flyer and a fugitive press release.
3. We should issue an Identification Order even though no fingerprints are available.

4. At the appropriate time, the Attorney General should be advised that circumstances have required the action being taken.

*Generally approved
by the Director
4/17/68 -*

R -2- N.M.

Memphis for letter

4-17