

Memorandum

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

[Handwritten initials]
TO : Mr. Bassett *[Handwritten initials]*

DATE: 11/8/78

FROM : D. Ryan *[Handwritten initials]*

- 1 - Mr. Boynton
- 1 - Intelligence Division
(Attn: Mr. Steinbeck)
- 1 - Legal Counsel Division
(Attn: Mr. Heller)
- 1 - Mr. Bassett
- 1 - Mr. Ryan
- 1 - Mr. Foster

SUBJECT: HOUSE SELECT COMMITTEE ON
ASSASSINATIONS
U. S. HOUSE OF REPRESENTATIVES (HSCA)

PURPOSE: To furnish information concerning the documents the HSCA has indicated it may publicly disclose when the public hearings reconvene on 11/9/78, concerning the assassination of Dr. Martin Luther King, Jr.

SYNOPSIS: HSCA is scheduled to reconvene its public hearings on the assassination of Dr. King on 11/9/78. As the HSCA has done previously, copies of those documents which may be referred to or made public during those hearings were furnished to Mr. Robert L. Keuch, Deputy Assistant Attorney General, Criminal Division, by HSCA letter dated 10/30/78, with the request that the Department review them. Mr. Keuch, in turn, requested that the FBI ascertain whether there would be any objection to the public release of those documents. He requested that the FBI advise him of the results of that review by 11/6/78.

The material, as furnished, was broken down into five groups. The material contained in Groups 1 and 5, reflects various aspects of the criminal investigation into the King assassination, including photographs of various documents; FD-302's reflecting interviews of witnesses and relatives; and investigation into the financial records of those relatives. Group 2 contains documents from various security files pertaining to King which appear to cover the gamut of the security investigation of King. Because of the nature of these documents, they were reviewed for classification by the Projects Unit, Document Classification and Review Section (DCRS), Records Management Division (RMD). Group 3 contained FD-302's reflecting the interviews of several witnesses, a teletype reflecting the interview of James Earl Ray.

This letterhead memorandum was also reviewed for classification by the Projects Unit.

3- ENCLOSURE
Enc. (3)

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SEE ADDENDUM PAGE 7.
NOT COPIED ATTACHED

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Memorandum to Mr. Bassett
Re: House Select Committee on
Assassinations (HSCA)

Mr. Blakey has been previously briefed regarding Legats and the necessity to avoid public exposure of their operations. Group 4 contains material related to the administration of the MURKIN case, including cooperation between agencies, and those investigative techniques proposed and used. Those techniques mentioned were elsur and misur, and the interception of Ray's mail while incarcerated in Shelby County, Tennessee, jail.

A review of the material in the five groups reflects that, generally, no objection should be made to its disclosure.

[REDACTED] and an objection to possible disclosure of that information has been made to Mr. Keuch and Michael Eberhardt, HSCA Staff Member. This material is being returned to Mr. Keuch on 11/8/78, for transmittal to the HSCA. Mr. Keuch is being advised of our specific objections to public disclosure of some of the information as previously mentioned.

RECOMMENDATION: None, for information.

APPROVED:	Adm. Serv. _____	Legal Coun. _____
Director _____	Crim. Inv. _____	Plan. & Insp. _____
Assoc. Dir. _____	Ident. _____	Rec. Mgmt. _____
Dep. AD Adm. _____	Intell. _____	Tech. Servs. _____
Dep. AD Inv. _____	Laboratory _____	Training _____
		Public Affs. Off. _____

DETAILS: The HSCA is scheduled to reconvene its public hearings pertaining to the assassination of Dr. Martin Luther King, Jr., on 11/9/78. Previous HSCA public hearings were held in August and September, 1978, regarding the Martin Luther King, Jr., and John F. Kennedy assassinations. As expected, those hearings generated considerable media attention, particularly with the appearance of James Earl Ray as a Committee witness. Once again, Ray is expected to be called as a witness, and this, along with Mark Lane's (Ray's attorney) allegations of FBI participation in a conspiracy to kill Dr. King and expected HSCA inquiry into the Cointelpro program, is expected to rekindle media and public interest in these hearings.

Memorandum to Mr. Bassett
Re: House Select Committee on
Assassinations (HSCA)

Mr. Robert L. Keuch, Deputy Assistant Attorney General, Criminal Division, made available a letter to the Attorney General from G. Robert Blakey, Chief Counsel and Director, HSCA, dated 10/30/78, enclosing a number of documents that the HSCA may refer to in its public hearings. A copy of this material is attachment one to this memorandum. As was done prior to HSCA hearings in August, Mr. Keuch requested that the FBI review the material to determine any objections to its release during the hearings. The Committee requested that the Department relate the results of the review of the material by 11/6/78.

The material, contained in the attachment to the letter of 10/30/78, was arranged in five groups. The following is a synopsis of the subject matter found in each group with particular emphasis on Group 2 and part of Group 3, both of which contain material of a sensitive nature.

Group 1: Contains photographs of documents which James Earl Ray signed with his true name or aliases, including Alabama automobile registration; Provincial Motel registration card (Q 141); contract from dance studio (Q 259); receipt from Aeromarine Supply (Q 74); contract from Birmingham National Bank for safe deposit box (K 6); check from Indian Trails restaurant (Q 405); bank robbery note from London, England (Q 389); and two FD-302's of Grace Hayes Stevens, resident of the Memphis boarding house from which Ray shot King. Grace Stevens has become part of Mark Lane's entourage and is expected to give testimony refuting the information in those FD-302's.

Group 2: Documents in Group 2 are copies of material furnished to the HSCA from various security files pertaining to King, Southern Christian Leadership Conference (SCLC), Communist Influence and Racial Matters (CIRM), Sanitation Workers' Strike, Cointelpro, and others. Some of the documents are the same ones furnished the Senate Select Committee (SSC) during its review of the King case in 1975. At the HSCA's request, copies of these documents were retrieved from the SSC and processed for delivery to the HSCA.

In general, Group 2 consists of 138 serials relating to the following aspects of our security investigation of King and the SCLC: initiation of investigation of King and the SCLC; King's association with Communist Party officials; authorization and installation of telephone and microphone surveillances against King and SCLC; criticism of the FBI by King; documents showing internal debate between Mr. Hoover

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and the Intelligence Division over the extent of communist influence in the Civil Rights Movement during 1963-1964; counterintelligence and discrediting actions taken against those carried out in the Black Extremist and Communist Party-USA Cointelpro files; meeting between Mr. Hoover and King in 1964; 1968 monograph concerning King disseminated throughout the Executive Branch of Government; and Sanitation Workers' Strike, Invaders and Poor People's Campaign documents, all of which relate to activities of King in the latter months of his life and his trip to Memphis where he was killed.

Based on a review of documents in Group 2, it appears obvious the Committee in its public hearings and its final report plans to cover the entire King security investigation and related cases, including events which eventually brought him to Memphis in 1968. It is not clear at this point if or how the HSCA plans to connect these documents with the actual assassination. However, one aspect of the HSCA's investigation has been to determine if the FBI was in any way responsible for or involved in King's death.

On 10/29/78, HSCA Staff Member Michael Eberhardt was advised that a number of documents in Group 2 contain classified information. These documents were not reviewed for classification at time of delivery to the HSCA. Mr. Eberhardt was advised that these documents would now be reviewed for classification and returned to the HSCA prior to public hearings so the Committee will know which data in the documents is classified and should not be publicly disclosed.

Documents in Group 2 were reviewed for classification by personnel of Projects Unit, DCRS, and are being returned to Mr. Keuch on 11/8/78, for delivery to the HSCA. Regarding the sensitive information surrounding the initiation of the King security investigation, mentioned in several documents referred to above, the possible use of this material by the HSCA was discussed and coordinated with SA Michael J. Steinbeck, Intelligence Division.

Group 3: Documents contained herein are a teletype from Memphis, dated 3/13/68, reflecting the interview of James Earl Ray by SAC Robert Jensen; several FD-302's of bartenders in Los Angeles, California, who were acquainted with Ray; [REDACTED] b1

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Memorandum to Mr. Bassett
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[REDACTED]

b1

See Legal Counsel memorandum to the Director, 4/4/78 (copy attached), and Mr. Blakey is receptive to the Bureau's position in this area. Additionally, this letterhead memorandum was reviewed for classification by personnel of the Projects Unit, and is being returned with the other documents to Mr. Keuch on 11/8/78.

Group 4: Documents contained herein concern a variety of topics related to the MURKIN investigation. These documents pertain to the following: the initial FBI interview of James Earl Ray (see Group 3); FBI memoranda concerning cooperation between Department of Justice and the FBI; the initial Department of Justice request to the FBI to investigate the assassination; four documents related to possible elsur and misur coverage of Ray's relatives, the Peppers, and his brother, John Larry Ray; intra-Bureau communications regarding obtaining of Ray's mail while incarcerated in the Shelby County, Tennessee, jail; Bureau instructions to all field offices to pursue all leads; several memoranda pertaining to dissemination policy of information to the Department of Justice; several documents concerning Louis Emanuel Lomax, a writer associated with Charles Stein; a DeLoach memorandum regarding a meeting with the U. S. Marshal; several documents setting forth NCIC and computer application in solving MURKIN; a memorandum of Mr. Hoover reflecting a meeting with the Attorney General; and a teletype to appropriate field offices directing "full coverage" be given to Ray's relatives.

Based on the documents contained in Group 4, it appears that the Committee plans on covering several sensitive areas regarding the FBI's policy and handling of the following: the operation and dissemination of information between the FBI, Department of Justice, and other related agencies; possible illegal activities on the part of the FBI in the proposed electronic surveillance of Ray's relatives; and the obtaining of Ray's correspondence with his attorney and others while incarcerated. The other documents contained in this group appear to be of an innocuous nature.

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Memorandum to Mr. Bassett
Re: House Select Committee on
Assassinations (HSCA)

Group 5: Documents contained in this group are primarily FD-302's reflecting interviews and investigation conducted of James Earl Ray, Jerry William Ray, and his wife, and Albert and Carol Pepper. Additionally, there are several FD-302's reflecting investigation into the financial records of those relatives.

A review of the material contained in the five groups reveals the material does not involve any informants, classification, or sensitive investigative methods or operations, with the exception of previously mentioned material in Groups 2 and 3.

As was previously addressed in D. Ryan to Mr. Bassett memorandum dated 8/11/78 (copy attached), the consideration of the privacy of individuals mentioned in the material released to the HSCA under the auspices of the Freedom of Information-Privacy Acts (FOI-PA), is the responsibility of that Committee. That memorandum dealt with an analysis of the documents provided by the HSCA for review by the FBI prior to their public hearings in August, 1978.

For the most part, no objection should be made to the release of the information set out above, with the exception of that part of the material contained in Groups 2 which is classified [REDACTED] b1

[REDACTED] Mr. Keuch is being furnished with a copy of the material contained in Groups 1-5 for return to the HSCA. Our strenuous objection to the public disclosure of any information that is classified or which reveals sensitive investigative operations, as contained in Groups 2 and 3, has been pointed out to Mr. Keuch so that he can advise the Committee. Also, Mr. Keuch has been advised that much of this material is similar to that previously furnished by the HSCA for review prior to their public hearings in August, and, as such, though much of the material has been released under FOI-PA, only routine excisions have been made; therefore, the documents are not, in their entirety, in the public domain.

ADDENDUM: RECORDS MANAGEMENT DIVISION
JTA:jml 11-9-78

Subsequent to the submission of this memorandum, Mr. Keuch advised on 11-8-78 that the HSCA contacted him, complaining that extensive classification of documents in Group 2 and one document in Group 3 prevented desirable public disclosure and would adversely affect HSCA plans for public hearings scheduled to reconvene 11-9-78.

Following a discussion between Mr. Keuch and Mr. David Ryan, Bureau Security Officer, it was decided to send three classifiers to the HSCA offices during the evening of 11-8-78 and recheck the documents to determine if by removing certain words from the classified portions, the document could be declassified and thus publicly released. SAs J.W. Gerblich, K.I. Klossner, L.B. Strong and J.T. Aldhizer, Document Classification and Review Section, met with HSCA officials between 6:45 p.m. and 9:00 p.m. on 11-8-78 at the House Office Building.

No declassification could be accomplished, although the HSCA insisted the document is essential to its public hearings to be held 11-10-78. Mr. Keuch was telephonically contacted on this document and agreed that no declassification was possible and he will consult with Mr. Blakey on 11-9-78. b1

Regarding the remaining classified documents in Group 2, it was agreed that the FBI would retrieve the HSCA copies, effect, if feasible, a word-by-word review of the classified portions and excise words which could result in the declassification of the documents. The revised version of each document, along with copies that were classified originally, will be returned to the HSCA, which can compare the two versions to determine if the unclassified documents are adequate for use in public hearings. Hearings concerning the documents in Group 2 are scheduled to commence 11-17-78. Prior to that date, HSCA representatives will meet with FBIHQ classification personnel to discuss documents as to any issues the word-by-word review fails to resolve.

~~Copies of the revised documents will be retained in the records of the Congressional Inquiry Unit.~~ ENCLOSURE IS BEING RETAINED AS ENCLOSURE BEHIND FILE, 62-117290.

JK
ITEMS IN GROUP 2 WERE RE-EXAMINED BY OCS AND 2 REVISIONS RESULTED. 2ND REVISION RETURNED TO HSCA 11/4/78. 3RD REVISION RETURNED 11/5/78. COPIES OF BOTH REVISIONS ADDED TO ENCLOSURE FOR RECORD PURPOSES.
11/27/78 P²

ADD 2 DOCUMENTS SIMILAR TO THOSE ABOVE WERE DELIVERED TO FBIHQ AS ATTACHMENTS TO HSCA LETTERS DATED 11/30/78, 11/7, 11/9, 11/13/78. THESE DOCUMENTS WERE REVIEWED AS ABOVE AND RETURNED TO HSCA ON 11/15/78. COPIES ARE BEING RETAINED AS EDF TO THIS MEMO.
X *LWS*