

# Hearing Set on Helms' Request to Unseal

By George Lardner Jr. and Howard Kurtz  
Washington Post Staff Writers

Sen. Jesse Helms (R-N.C.) won an emergency court hearing yesterday in an effort to unseal controversial tapes and transcripts growing out of the FBI's bugging and wiretapping of slain civil rights leader Martin Luther King Jr.

Helms' lawyers contend that he needs access to the officially suppressed materials in order to cast an informed vote Wednesday when the Senate decides on a bill to make King's birthday a national holiday.

U.S. District Court Judge John Lewis Smith, who in 1977 ordered the tapes sealed at the National Archives for 50 years, set a hearing for 2 p.m. Monday on Helms' request for modification of the order.

The Rev. Joseph E. Lowery, head of the Southern Christian Leadership Conference, denounced Helms' move as "an act of frenetic desperation."

"Dr. King's leadership survived the vicious smears of J. Edgar Hoover's FBI and will survive the bigoted assault of Jesse Helms," Lowery said. He said the SCLC, which King

founded, has hired a lawyer to oppose the Helms litigation.

In addition to the court action, members of the Conservative Caucus, working with Helms, began poring over about 25,000 pages of other FBI documents on King, including a mammoth file labeled "Security Matter—Communist." It was compiled during the 1960s to document alleged communist influences on the civil rights leader.

The records have been gradually declassified under the Freedom of Information Act. But the tapes and other fruits of electronic eavesdropping on King's activities in hotel rooms from here to Honolulu, and in other locations, were impounded permanently by Smith's order.

In seeking access to them, Helms' lawyers, Lawrence J. Straw Jr. and William J. Olson, said the surveillance was conducted between 1963 and 1968 "pursuant to directives issued by Attorney General Robert F. Kennedy."

"Obviously, the attorney general had sufficient concern about the activities and associates of Dr. King to authorize the surveillance," they argued. "Now, legislation is pending which seeks to elevate Dr. King to

the status of a national hero, on a level above our founding fathers."

If the bill passes, the lawyers contended, "Dr. King would thereby become a role model for future generations. In extraordinary circumstances such as these, a senator must have access to all records which would relate to the character of the proposed hero. The constitutional duty of a member of the United States Senate is to thoroughly and dispassionately review all information which could influence his vote."

The FBI's electronic surveillance of King was part of a concerted undercover campaign to discredit him, according to a 1976 study by the staff of the Senate Intelligence Committee. The FBI secretly categorized him as a "communist" in May, 1962, months before it started investigating him, Senate investigators found.

The FBI investigation started in October, 1962, as a so-called "Cominfil" (communist infiltration) inquiry and stemmed from allegations that first appeared Jan. 8, 1962, in an FBI report to Attorney General Kennedy and called one of King's advisers "a member of the Communist Party." Within a few months, FBI reports were

# FBI's Files on King

describing another of King's associates as a "member of the National Committee of the Communist Party." The two men, whose names have been public knowledge for years, were Stanley Levison and Jack O'Dell.

In a 1975 interview, Levison, a civil rights activist from New York, protested that he was merely an FBI "scapegoat" whom Hoover had been using in order to "get" King.

Levison insisted that he was "never a member of the Communist Party" but the victim of "guilt by association," compounded by the accusations of a former business associate.

Among FBI documents obtained by the Conservative Caucus were repeated references to Levison as "a concealed communist" who advised King on such matters as his criticisms of the Vietnam war.

Other FBI records dealt with King's association with such persons as an attorney for the Gandhi Society for Human Rights, who was said to have "CPUSA [Communist Party U.S.A.] connections," and civil rights leader Bayard Rustin, who "in 1936 . . . was a member of the Young Communist League."

Senate investigators said in their 1976 study that they were "unable to reach a con-

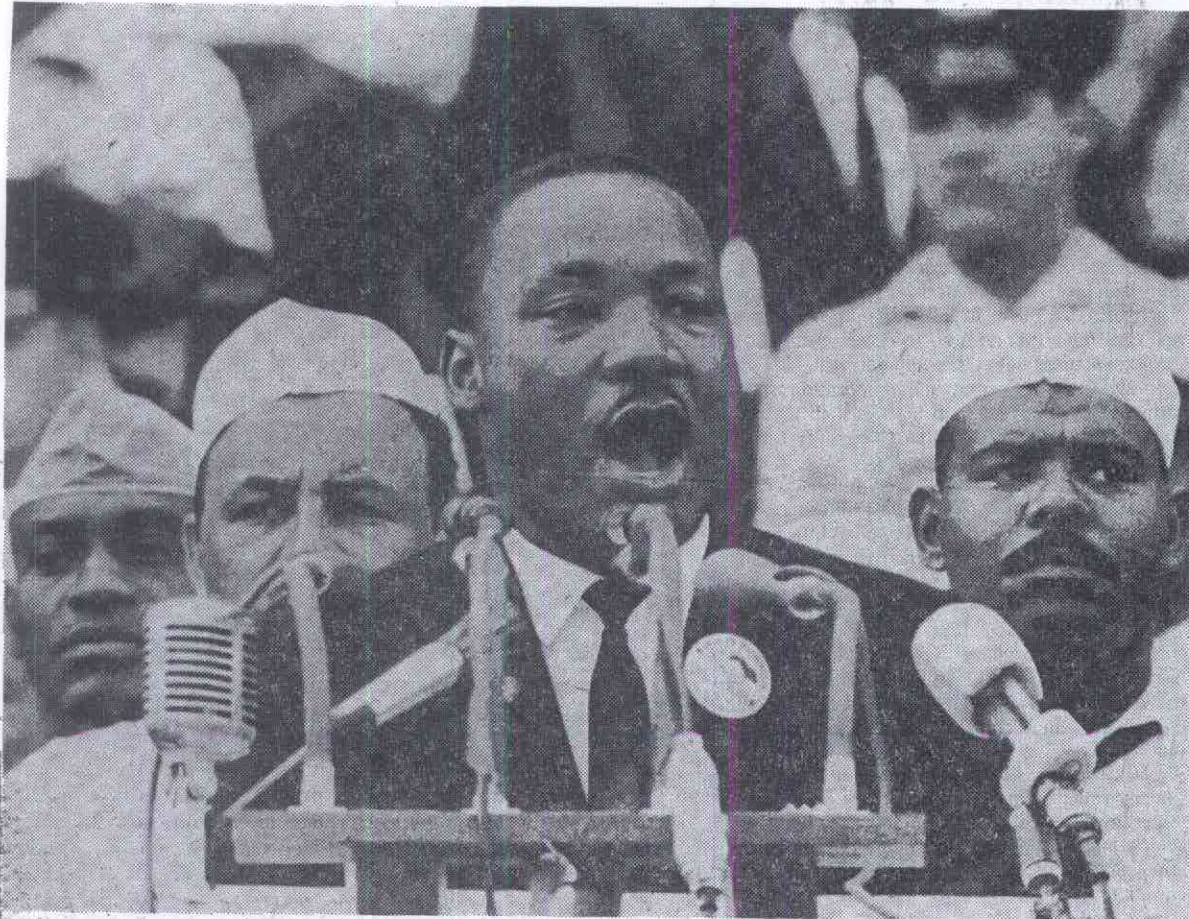
clusion concerning the accuracy of the FBI's charges" about Levison and O'Dell.

The secret tapes have always been presumed to deal principally with King's reputation as a womanizer. Conservative Caucus Chairman Howard E. Phillips told a reporter yesterday, however, that Helms and his allies would be satisfied if any such details were excluded as long as other information on the recordings and related documents was made available.

"It's not the private life we expect to shed light on," Phillips said. "What we want to see is the degree to which activities in which Dr. King was involved were directly influenced by people who were funded by the Soviet Union."

Ralph G. Neas, executive director of the Leadership Conference on Civil Rights, attacked the moves as "yet another unconscionable action to block the passage of the holiday bill" the House passed this summer.

Lowery charged that it is an effort to "de-lude the American people into believing that there is a relationship between the spying and lying of J. Edgar Hoover's FBI and the courageous and authentic patriotism of Martin Luther King Jr."



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A pending congressional bill to designate as a national holiday the birthday of slain civil rights leader Martin Luther King Jr., left, is being opposed



by Sen. Jesse Helms, right, who seeks access to FBI documents relating to King that are now sealed by court order. By James K.W. Atherton—The Washington Post