

Department of Justice

Washington, D.C. 20530

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MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Martin Luther King Report

In November, 1975, at your direction, we undertook to review and investigate various matters pertaining to Dr. Martin Luther King. Specifically, we sought to determine whether the FBI harassed or committed other illegal or improper acts against Dr. King during his life, and whether the FBI was implicated in his death. Implicit in this review was an effort to determine whether the FBI's investigation of King's death was thorough and honest, or whether it was tainted by the earlier efforts to discredit King as discussed below. (u)

In conducting our review, we relied primarily upon the Martin Luther King files at the FBI headquarters in Washington. These files are voluminous, and we were unable to review them all. 1/ We reviewed none of the files in Atlanta or Memphis, and we did not undertake a program of interviewing key witnesses. We did cooperate with the staff of the Senate Select Committee on Intelligence, and they with us, and we have recently had the benefit of seeing the findings and conclusions in their upcoming report. (In general, they confirm our own views independently arrived at.) (u)

Based upon this selective review, we have found that the FBI undertook a systematic program of harassment of Martin Luther King, by means both legal and illegal, in order to discredit him and harm both him and the movement he led. (u)

We have not found a basis to believe that the FBI in any way caused the death of Martin Luther King. (u)

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1/ See the attached memorandum, Murphy to Pottinger, March 31, 1976, pages 2 and 3, for description of files reviewed.

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No file #

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Prosecution Potential

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Based upon our present level of knowledge, most if not all of the FBI officials who participated in the King case at a decision-making level are as follows:

- 1) J. Edgar Hoover, Director (deceased)
- 2) Clyde Tolson, Associate Director (deceased)
- 3) Alan Belmont, Assistant to the Director (retired)
- 4) Cartha DeLoach, Assistant Director (retired)
- 5) Courtney Evans, Assistant Director (retired)
- 6) William Sullivan, Assistant Director (retired)
- 7) James Bland, Chief, Subversive Control Section (retired)
- 8) Joseph A. Sizoo, Assistant to the Assistant Director (retired)
- 9) Fred J. Baumgardner, Chief, Internal Security Section (retired) (u)

The exchanges of memoranda among these men and others could establish the existence of a concert of action in which each participated. Most of the briefings of Congressmen, Senators, White House aides, press, and others were handled by Cartha DeLoach. William Sullivan apparently conceived and executed the mailing of the composite tape to Dr. King, processed and approved the microphone surveillances to gather information to be used against King, and was active in other Cointelpro-type activities. Belmont, Bland, Sizoo, and Baumgardner participated regularly in producing the various internal memoranda. We would have to know more about these men's actual roles in the Bureau's effort in order to estimate their culpability. Courtney Evans appears more as an honest broker between Hoover and Attorney General Kennedy than as a principal, although his actual role would have to be examined further to be understood. (u)

The files reveal that Hoover and this relatively small group of Bureau officials made the critical decisions and authorized the critical actions which were then executed by a core of well-trained and disciplined agents. We have not attempted to identify each agent who participated at the direction of headquarters, nor to assess whether they also have died or retired, and if not, their culpability or exposure to formal discipline. (See Recommendations for further discussion on this point.) (u)

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question would be treated in a sensational fashion if "leaked" to the public, procedural safeguards would have to be carefully followed. Needless to say, it would be highly improper if this effort to cleanse the files resulted in a compromise of privacy which the effort was designed to insure. (u)

E) Disciplinary Action

Other than principals, we have not identified agents who took illegal or improper action against King, or the extent of their culpability. In my opinion, the FBI should be directed to undertake this assessment itself, and report to you its findings and any disciplinary action proposed or taken. The Task Force and Advisory Committee should refer any information it discovers indicating a potential for discipline to the FBI for appropriate follow-up. Your office and the Bureau would, of course, also be free to consult the Task Force and Committee concerning the discipline issue generally or on a case-by-case basis. (u)

F) Potential Remedial Action

Assuming the validity of our conclusion that the FBI repeatedly violated Dr. King's federally-protected rights; that prosecutive action is time barred; that death and retirement prevent effective disciplinary action; and that the new guidelines preclude any recurrence of this kind of activity, the question arises whether the Department has an obligation to make any further effort to do justice in this matter. The question is especially relevant here because the King family will be unlikely to seek civil redress in damages for fear of further publicizing the scurrilous nature of the information acquired, and because the full extent of the violations are known only to the government. Moreover, the FBI files show that the campaign against King did succeed to the point of causing him serious and prolonged mental anguish. The files reflect that the Bureau's action, especially the mailing of the tape, occasioned [..... (b) (7) (C) ...] and professional discord--all injuries that could be compensable in a private damage action under 42 U.S.C. §1983. (u)

On the other hand, one can argue that in spite of the attempts to discredit Dr. King, his reputation in the community has not been damaged in any measurable way by these actions. On the contrary, it might be argued that damage will occur only by publicly raising the King file through a continuation of this investigation. 5/ (u)

5/ Primarily for this reason, the Chief of the Criminal Section, Robert A. Murphy, recommends against further inquiry by Task Force or Advisory Committee. (u)

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Under these circumstances, I suggest that it is proper for the Task Force and Advisory Committee to consider the feasibility and propriety of compensating King's survivors or, perhaps with their concurrence, the King Foundation. This could be accomplished either by direct payment or a private bill. Precedent for such compensation exists in the settlement of the CIA's case involving the LSD experiments, and in cases involving unauthorized dissemination of information by the Bureau. Contrary debate is also occurring with regard to a private bill to compensate victims of the Wounded Knee Massacre. If this issue is made a part of the Task Force's and Advisory Committee's charter, they should consider all factors, for and against, and recommend accordingly. (u)



J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

Attachment

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(Cont page)

Memorandum

TOP SECRET

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

DATE: March 31, 1976

TO : Robert A. Murphy
Chief
Criminal Section

RAM:vap

FROM : Martin Luther King, Jr.

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I. INTRODUCTION

Pursuant to the direction of November 24, 1975 of the Attorney General, a review was undertaken of the files of the Department and the FBI that pertain to Martin Luther King, Jr. The purpose of the review was to make a recommendation as to whether the investigation of the assassination of Dr. King should be reopened. On December 1, you elaborated on the Attorney General's direction and set as goals for the review the answering of two questions: (u)

- 1) What action, if any, was undertaken by the FBI which had or may have had an effect, direct or indirect, on the assassination of Martin Luther King? (u)
- 2) What action, if any, was undertaken by the FBI which had or may have had any other adverse effect, direct or indirect, on Martin Luther King? (u)

At various times you, Mr. Turner and I participated in the review. I saw nothing in the files that I read that indicates any involvement of the FBI in the assassination of Dr. King. However, there was a campaign by the FBI to discredit and to neutralize Dr. King and to remove him from a leadership role in the civil rights movement. There are many examples of improper FBI activity that were directed against Dr. King, his associates and the Southern Christian Leadership Conference (SCLC). (u)

FORWARDED BY J.S. Pottinger
 BY MAIL ROOM
 BY TELETYPE UNIT
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(c) On October 10, 1963 Attorney General Kennedy approved the request on a trial basis (he also approved a tesur on SCLC in New York City at the same time; on October 21, he approved one on SCLC in Atlanta) saying to continue it if productive results and asking to be advised if pertinent information developed on communist connections. Attorney General Kennedy had expressed concern about a tap on King's home from a security standpoint. He told Evans, "the last thing we could afford to have would be a discovery of a wiretap on King's residence". After receiving Evans' assurance of security, Kennedy said that he recognized the importance of coverage if substantial information was to be developed about the relationship between King and the Communist Party. Although the file reflects the coverage was to be evaluated after 30 days because of Kennedy's uncertainty about it, there is no record that the Bureau ever went back to the Attorney General for approval or that Kennedy inquired about the results. However his brother was assassinated soon after the 30 day evaluation was completed. The evaluation was internal and it resulted in a 90 day extension, largely because of information obtained that had nothing to do with communist influence, for example, [deleted- (b)(7)(C)...] SCLC finances and King's travel plans. (u)

Bureau records indicate that seven wiretaps and sixteen microphones were used against King or SCLC over a two year period. (u)

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Wiretap Surveillance of Dr. King and the SCLC

<u>Location</u>	<u>Installed</u>	<u>Discontinued</u>
King's home	11/8/63	4/30/65
New York City apartment	8/14/64	9/8/64
Hyatt House, Los Angeles	4/24/64	4/26/64
Hyatt House, Los Angeles	7/7/64	7/9/64
Claridge Hotel, Atlantic City	8/22/64	8/27/64
SCLC, Atlanta	11/8/63	6/21/65
SCLC, New York	10/24/63	1/24/64
	7/31/64	7/31/64 (u)

Microphone Surveillance of Dr. King: Jan. 64-Nov. 65

<u>Location</u>	<u>Installed</u>
Willard Hotel, Washington, D.C.	1/5/64
Shroeder Hotel, Milwaukee	1/27/64
Hilton Hawaiian Village, Honolulu	2/18/64
Ambassador Hotel, Los Angeles	2/20/64
Hyatt House, Los Angeles	2/22/64
Statler Hotel, Detroit	3/19/64
Senator Motel, Sacramento	4/23/64
Hyatt House Motel, Los Angeles	7/7/64
Monger Hotel, Savannah	9/28/64
Park Sheraton, New York	1/3/65
Americana Hotel, New York	1/28/65
Park Sheraton, New York	3/29/65
Sheraton Atlantic, New York	5/12/65
Astor Hotel, New York	10/14/65
New York Hilton, New York	10/28/65
Americana Hotel, New York	11/29/65 (u)

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Returning to December 1963 the Bureau learned through one of the taps that King was going to meet with President Johnson. Hoover approved sending to the White House the monograph about King that had been previously disseminated but recalled by Attorney General Kennedy. Hoover did not advise the Attorney General of his intention. In fact, for some time after President Kennedy's assassination, Hoover communicated directly with the White House and did not always inform the Attorney General of what he was doing. (u)

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On April 23, 1964 Sullivan authorized a misur on King in Los Angeles and one in Sacramento. Also in April Hoover approved permitting the State Department's Bureau of Intelligence and Research to read the "recalled" monograph about King. The White House and Attorney General were told that King, in a near intoxicated state, said he was going to go on a hunger strike in D.C. and die unless the Civil Rights Bill was passed. Attorney General Kennedy was advised that King had refused to debate Malcolm X. King confused the Director when, for unknown reasons, he had his secretary advise the FBI he was going to give a speech in the Philadelphia area. Apparently this was the first time King had told the Bureau of his plans and the Director wanted to know why. In later months and years, King usually told the Bureau of his travel plans (u)

The pace of Bureau activity concerning King then seems to have slackened for a few months. In fact, in May 1964 the Atlanta office was told to leave personal material about King only in intra-Bureau communications and not in anything that might be disseminated. However, the New York office was directed to canvass New York banks to find any accounts of King. An updated profile of King was prepared in May and served as the justification for keeping King in Section A of the Reserve Index because of "subject's position as President of SCLC and he continues to be controlled by Communists." The summary of the profile originally contained a statement that King "...

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(s)

In May 1964 King repeated an earlier criticism of the FBI's concern with communist influence on him and the racial

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him he had no controversy with Hoover; that he did not want to become involved in any controversy with Hoover; that he would be a "fool" to become so involved; and that he would, therefore, avoid press conferences. (u)

On December 4, 1964 Wachtel told King that Nelson Rockefeller might contribute \$250,00 to King and that Rockefeller had invited King to lunch. On December 11, Headquarters sent material to Albany for former SAC Cornelius to brief Rockefeller about King's background. This action revealed that the Bureau had not changed its attitude about King as a result of King's meeting Hoover. (u)

Also on December 4, 1964, Moyers called DeLoach and said that he and the President felt that an updated 13 page monograph on King should be disseminated to appropriate government officials if it was in the interest of internal security. It had been sent to the White House about two weeks previously with a request that Moyers advise whether it should be disseminated. It was sent to Justice, State and Defense Departments, CIA, USIA, and military intelligence officers on December 7. On December 10, after Hoover approved it, DeLoach briefed two members of the Baptist World Alliance about King's background in an effort to forestall an invitation for King to speak to the group. DeLoach had given a similar briefing six months earlier to the Associate General Secretary of the Alliance. Hoover had disapproved a proposal to permit the Associate General Secretary and another to listen to tapes of King. (u)

On December 10, 1964 Wachtel advised King that Attorney General Katzenbach had called Jack Greenberg of the NAACP Legal Defense Fund to discuss "clearing" some one for the Fifth Circuit. King said he would back whomever Greenberg wanted. Hoover wrote on the memo: "This is shocking". The information was forwarded to the White House and the Acting Attorney General. (u)

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E. Early 1965

On January 5, 1965, Atlanta advised Headquarters that King was becoming more and more upset, that he blamed the FBI and felt his phone was tapped. On the same day a report was made on the previously ordered review of King's writings and books in an effort to detect possible communist influence. The conclusion was that there were certain parallels but no casual link. On January 6, New York was directed to discreetly cover King in New York by physical and electronic surveillance because he might meet a woman there. The memo indicated, "security is paramount". Also on the sixth the SAC in Atlanta called the Bureau and reported that the wire-taps indicated that King was very nervous and upset and was not sleeping well. He believed the Bureau had his phone tapped. King said a tape and letter which referred to the

..... (b)(7)(C) had been sent to his home and his wife had read the letter. King said: "They are out to break me". The SAC knew nothing of the tape. King said in a tapped conversation that he needed to talk with Hoover or DeLoach. (u)

The so-called-(b)(7)(C)..... had actually been mailed in late November 1964 by Lish Whitson, a former agent who flew to Florida at Sullivan's instructions. Sullivan had previously told [..... (b)(7)(C).....] to keep the microphone tapes together. Phillips was told to give some of the tapes to John Matter of the Lab. He now thinks he (b)(7)(C)

..... When Matter returned the tapes, there was a composite added. Sullivan had [(b)(7)(C)] get him non-watermarked stationery. Sullivan took the tapes and the stationery and later gave [(b)(7)(C)] a package to deliver to Whitson. The tape was accompanied by a letter advising King that

..... (b)(7)(C) Apparently King did not listen to the tape until he returned from Oslo. His wife is supposed to have listened to it also. (u)

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On January 6, 1965, Atlanta advised Headquarters and New York that King had been resting at a house and only about two people knew about it. While he was sleeping [..(b)(7)(C)..] fire trucks arrived but there was no fire. King believed the FBI sent the trucks. He believed that either the FBI or the Georgia Bureau of Investigation was tapping his phone. He said that Abernathy had received anonymous calls. He talked about the tape that had been mailed and wanted Young and Abernathy to see Hoover. "They are out to get me, harass me, break my spirit." He said that they must go to Hoover as there just wasn't any privacy. "What I do is only between me and my God." (u)

On January 7, 1965, an internal FBI memo proposed that letters be sent to the White House and the Acting Attorney General about King's condition. The memo referred to the taps, harassment and a forthcoming meeting between King and the Director. The letters were sent to the White House and the Acting Attorney General on the eighth but they mentioned only King's becoming emotionally upset, his use of medication, [..... (b)(7)(C).....] There was no mention of the taps and harassment. (u)

At about this time, an aide of King's called Congressman Diggs and asked for advice about how to deal with Hoover. Diggs suggested seeing Hoover with ministers and telling him that the Bureau's harassment of King was immoral. The Bureau noted that Diggs referred to Hoover as "old man" and "Big Daddy", and mentioned the existence of Hoover's files. Hoover wrote: "And I thought DeLoach had commitment from Wilkins and Farmer that King would cease any further attacks on FBI. Yet King is spear heading this present agitation against FBI" (u)

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*King's self-defense against FBI attacks on him called attacks on FBI by it
Diggs later indicted*

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January 8, 1965, Young called DeLoach and requested a meeting with Hoover or DeLoach. It was set for January 11. DeLoach told Mohr that Young would be told on the eleventh that the Director was out. He suggested that he and Leinbaugh meet with Young. Hoover approved. Leinbaugh was the originator of the Lorraine Hotel COINTELPRO activity. (u)

On January 7, 1965, a report from two NAACP contacts in Memphis said King [.....(b) (7) (C).....] These contacts were being developed as part of an FBI program, "Liaison with Groups Sponsoring Integration". On the same day, Headquarters received a report of checks drawn on King's New York bank in November 1964. (u)

January 8, 1965, Milton Jones of the FBI gave DeLoach an Italian magazine article about King's trip to Europe. The article is very racist in tone; the editor of the magazine had been a Fascist. It was read by Hoover. Jones forwarded the article with a note: "It appears the article... contains excellent public source material for our contacts in this country who would be interested in the true background of Martin Luther King." (u)

Joseph Sizoo advised Sullivan on January 8 that he had authorized misurs in King's and Young's hotel rooms in New York. On the tenth a three page memorandum was prepared from the products of the microphones. "King, and perhaps Young and Bernard Lee, an SCLC aide, discuss phone taps and information the Bureau had and how DeLoach and Hoover should be approached. Some mention was made of Joe Rauh and the Bureau characterized him as being associated with communist causes and as being critical of the Bureau. The bugs also recorded King characterizing the mailing of the tape as, "God's out to get you", and as a warning from God that King had not been living up to his responsibilities in relation to the role in which history had cast him. [.....(b) (7) (C).....] (u)

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Harold Leinbaugh was supervisor under DeLoach

On January 11, 1965 DeLoach sent Mohr an extraordinary memo about his (and Leinbaugh's) meeting with Abernathy and Young. DeLoach said Abernathy could not "cope" and that Young had to take over the conversation. Both were said to be unable to bring themselves to talk directly about King's personal life but kept alluding to it. DeLoach took obvious delight in their discomfort. When Young asked what could be done to protect SCLC from communist infiltration, DeLoach told him to go to HUAC for information because FBI files were confidential. On at least two other points, DeLoach lied to them: he told Abernathy that SCLC's funds were of no concern to the FBI; and, he said the FBI had taken no action on rumors regarding King's personal life. (u)

On January 12, 1965,]..(7)(C) discussed a meeting.....had attended with King and others to talk about Mississippi. Also on the twelfth a proposal was made to attempt to stop St. Peter's College from giving King an honorary degree. The idea was scrapped because the FBI didn't know anyone at St. Peter's well enough. [.....(b)(7)(C).....
.....
.....] (u)

On January 19, 1965, Headquarters sent a memo to Denver instructing agents to cover King's actions while in the area to give a speech but not to embarrass the Bureau. King had been assaulted while in Selma and there were news photos of the attack. [.....(b)(7)(C).....
.....] On January 21, Headquarters told Atlanta to [..(b)(7)(C).....] Also on the twenty-first, Sullivan sent Belmont a memo of his meeting with Ralph McGill, Publisher of the Atlanta Constitution, who had been told by the Bureau about King's personal life. McGill said he was concerned and wanted to get King out of the Civil Rights movement. He said he had been talking with Adlai Stevenson, Bill Moyers, Ralph Bunche and Harry Ashmore about it. Hoover sent a letter forwarding McGill's views to President Johnson. (u)

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In December 1967, King was preparing a taped series of lectures for Canadian radio. The Director instructed the Legat in Ottawa to determine who made the arrangements, including financing, for the series. The justification was to find the source of funds to finance a "new program... of massive civil disobedience demonstrations which may result in riots". The Director was referring to the Spring Project in which King had threatened continuing demonstrations until Congress passed a program designed to help blacks. (u)

It also referred to King's statements about Viet Nam and the Spring Project. (c)

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The primary concerns of the Bureau relating to Dr. King at this time were his anti-Viet Nam statements and his planned Washington Spring Project which later became the Poor People's Campaign. On December 7, 1967 the Bureau alerted various field offices and told them to develop ghetto informants, if they had none, and to report weekly on plans for the project. On December 20, 1967 an updated monograph of King was prepared.

F. Early 1967-1968

Selected memoranda between February 1965 and December 1967 indicated that the Bureau continued its campaign to discredit and neutralize King. In February 1965 Atlanta was requested for not forwarding information about King quickly enough. In February the Bureau proposed to seek Cardinal Spellman's help in preventing the Davenport, Iowa Catholic Inter-racial Council from giving King an award. Hoover said no. But in March, Gov. Volpe of Massachusetts was briefed by the FBI about King's background in an effort to tone down "Martin Luther King Day" (u)

On January 25, 1965, Atlanta requested a 90 day extension of the misur on King's house. On the twenty-sixth, Sizoo advised Sullivan he had authorized misurs of King for two days at a hotel in New York because of the potential for developing intelligence information. (u)

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On March 28, 1968, Dr. King led a march in Memphis, in support of striking sanitation workers. The march turned violent and King was taken by his aides and the police from the area to a Holiday Inn. As a COINTELPRO activity, Hoover approved

On March 20, 1968, Hoover approved briefing Cardinal O'Boyle and Bishop Lord of Washington about the potential for violence in the Spring Project and asking them to call for non-violence. On March 21, the Director sent an "urgent" teletype to various field offices reminding them to carry out previous instructions concerning the Project. On March 25, the President was advised by the Bureau that Robert Kennedy (D-N.Y.) had attempted to contact King before he announced for the Presidency. The next day an updated 39 page monograph about King was disseminated and (b) (7) (C) was overheard, discussing plans and fund raising for the Project. (u)

Hoover approved another updating of King's monograph, to be completed by March 14, 1968 so that it could be disseminated to government officials before the Spring Project to remind them of "the wholly disreputable character of King". It was also recommended and approved to advise the White House and the Attorney General of the involvement of (b) (7) (C) in the Project to show "the communist help King is receiving in his proposed Washington Spring Project". (u)

In February 1968, the Bureau learned that King had met in Washington with H. Ralph Brown and Stokely Carmichael to discuss the Project. King was angry that the two might attempt to foment violence. On February 20, 1968, at the request of the White House, the Bureau interviewed a former baseball player. The ball player apparently had no respect for King; [redacted] (b) (7) (C) [redacted] (u)

On January 3, 1968 Attorney General Ramsey Clark turned down a Bureau request to tap SCLC. In January Senator Robert Byrd (D-W.Va.) attempted to enlist Deloach's assistance in preparing a speech for Byrd to deliver in Congress to help King meet his "Waterloo" before the Spring Project. Deloach refused. Other January memos dealt principally with the Project. (u)

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On March 29 and 30, 1968 King engaged in several overheard telephone conversations and meetings, some with [b)(7)(c)] to discuss the Memphis violence. He was extremely dejected and considered his image and the image of nonviolence to have been adversely affected. The press was critical. At first he considered abandoning Memphis and the Spring Project; he returned to a public fast. Aides feared for his safety if he returned to Memphis... (b)(7)(c) strongly urged him to go forward with his plans. He told King that he was not responsible for the violence of others. Finally, after a long meeting in Atlanta with his staff and (b)(7)(c) King decided to return to Memphis. (u)

Memphis may only be the prelude to the civil strife in our Nation's Capitol. (u)

* * *

Previously, King involved himself in this strike, called for a general strike, and called for a mass march. Today he led the mass march in an automobile at the head of the line. Negroes began shouting 'black power' and trouble began. King, apparently unable or unwilling to control the marchers, absented himself from the scene; window breaking and looting broke out. (u)

Martin Luther King injected himself into the strike in Memphis... and the result of King's famous espousal of nonviolence was vandalism, looting and riot. (u)

sending the following information to "friendly" news media: (u)

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King was assassinated in Memphis on April 4, 1968. [redacted] continued to give advice to Coretta King, Andrew Young and others. The Bureau continued their campaign against King by various periodic briefings designed to thwart declaring King's birthday a national holiday. (u)

The Bureau directed four specific COMINT/PRO activities against King in 1968. Most were clearly designed to have an adverse effect on the Spring Project, particularly with respect to fund raising. One, of course, concerned King's staying at the Holiday Inn in Memphis. (u)

On April 1, 1968, the Bureau advised the White House, but not Attorney General Clark, of a tapped discussion between Kennedy and McCarthy. On April 2, Attorney General Clark turned down a request to tap SCLC in Atlanta and Washington. (u)

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