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BLACK PERSPECTIVE ON THE NEWS

Guest: Clarence Kelley

Journalists: Les Payne, Newsday
Claude Lewis, Phila. Evening & Sunday Bulletin
Roger Wilkins, New York Times

BRYANT: Good evening and welcome to Black Perspective on the News. Our guest on Black Perspective on the News this evening is the Director of the Federal Bureau of Investigation, Clarence M. Kelley. Mr. Kelley began duty with the FBI as a special agent in 1940 and while on leave -- without pay I might add -- he served in the United States Navy aboard a transport attack ship in the South Pacific. He returned from his war service to the Kansas City Office as a Field Supervisor eventually. Served a distinguished career with the FBI until he retired in 1961 I believe. After that he became Chief of Police in Kansas City, Missouri. And then on June 7, 1973 President Nixon nominated him to be the Director of the Federal Bureau of Investigation. He was confirmed and began service in 1973. He appeared here on Black Perspective on the News in his first national appearance on a program of this type. Since then he has appeared on one other which shall go nameless. And this is his third appearance on national television -- his second with Black Perspective. We're indeed pleased to have you with us sir.

KELLEY: Thank you. Glad to be here.

BRYANT: Asking the questions of the Director this evening will be first the Pulitzer Prize winning reporter from Newsday, Les Payne; the Associated Editor and columnist for the Philadelphia Evening & Sunday Bulletin, Mr. Claude Lewis; and asking the first question from the editorial board of the New York Times, Roger Wilkins.

WILKINS: Mr. Kelley, how can we be sure that the FBI was not implicated in the murder of Dr. Martin Luther King, Jr.?

KELLEY: Of course, whenever you say be positive or be sure, you encompass a great many things. I think, however, that you can be sure that the FBI is not implicated in any manner whatsoever. The case has been reviewed. It's still being reviewed. And there is no indication whatsoever that there's any implication of participation, stimulation or anything of that type by the FBI. And again, I very sincerely feel that as a result of my knowledge of the matter, that there is no complicity on the part of the FBI.

: Do you expect to make information available to the public so that the public can inspect it and make their own judgments?

KELLEY: This is a matter which of course comes under the purview of the Department of Justice. They're reviewing it now. I would imagine that under FOI there might be a possibility that this will be released. I can't say, however,

positively. But I can say that on the basis of the investigation that I would certainly have no trepidation about having been brought to the public's attention and reviewed carefully.

LEWIS: Mr. Kelley, I wonder what you personally think or what you thought of Dr. Martin Luther King, Jr. Did you feel that he might have been a trouble maker as some other people suggested?

KELLEY: I'm not going to seek sanctuary in the statement that I was not there. But it is a fact. I was not there. And I was not too aware of Mr. King's activities at the time. I was the Chief of Police in Kansas City. I would say that Mr. King was not a trouble maker. On the basis of my knowledge of his activities he was certainly a leader, he certainly was well respected, and the fact that there was interest in him was not based on anything that he was doing insofar as damage to the country or that type, but on the basis of the feeling that perhaps he was being influenced by those who may have had a background of an unusual type of philosophy. As a Chief of Police let me just say this. That certainly were Mr. King to come to my city I would have welcomed him and would have certainly felt that it was incumbent upon me both as a citizen and as a police official to do everything I could to make him welcome.

: Do you think you would have found a need to

tap his telephone or to bug his hotel room?

KELLEY: Would I have felt a need as the Chief of Police? Oh, no. I'd certainly have nothing in my knowledge that warranted that. However again, within the FBI and apart to the information that the Bureau had.

PAYNE: Sir, along that same line, I'd like to get back to your first answer on your denial of FBI complicity in the murder or assassination. You said also that there was no participation and no stimulation. I'd like to refer back to the FBI's ~~COINTELPRO~~ Program, specifically a memorandum dated March 7, 1968 which said that one of the aims of the program was to discredit Dr. King. Now it seemed to me that there is a possibility -- and I'd like to have your reaction on this -- if Dr. King had been discredited in such a way that some of his enemies felt that he was being cut off of some of his support, that it may have been time for him to be killed without bringing the wrath of the community against them. What I'm suggesting is that do you feel that ~~through~~ discrediting Dr. King the FBI could have encouraged someone who would want to kill him and who did in fact kill him?

KELLEY: I would say Mr. Payne that that would be far-fetched as a possible result of any program that may have been launched. In the first place the memorandum itself would not have been available to anyone. And I would seriously

question whether or not the activity would have been known to anyone other than to Mr. King and his immediate followers. Again, I don't feel that there was any stimulation certainly that brought about his death.

PAYNE : Again specifically, there was a group in Memphis called the Invaders which played a central role in the riots which happened on March 28, a week before Dr. King was killed. These riots served to discredit him as a leader of nonviolence. Violence broke out. He had to flee swearing that he would come back to Memphis to lead a nonviolent march. Now, it turns out that the FBI had informers in that group and some of them, according to information that I've gathered, were fairly provocative. Have you looked at FBI involvement in the Invader group and any role their informers may have played in the riots which served to discredit King in Memphis in 1968?

KELLEY: So far as having personally reviewed all of the material which might bear on this -- no. I have not reviewed it. I have been informed, however, that there was no indication of any provocateur activities. Now that's something that's rather easy to say and perhaps difficult to back up. However, there are constant reminders to any informants that they should not engage in any provocateur type of activities. This is something that by no means is countenanced by us. I would say that on occasion you will have an informant perhaps who

will independently do something which is not proper, in which case we get rid of him. But I certainly know of no activity that is in this category that is the provocateur type of activity on the part of these people or anyone else.

: Mr. Kelley, there were in the ~~Cointel~~ Pro days provocateurs who caused the death of some Black Panthers on the West Coast. It has recently been revealed that the FBI engaged in a series of systematic burglaries of the Socialist Workers Party. Do you or does the Department of Justice intend to take action against the people who committed those illegal acts?

KELLEY: The various surreptitious entries or burglaries, whatever you want to call them, are being checked by the Department of Justice. And based on that review, I cannot now make any type of appraisal of it. I do know that there has been a statement made to the effect that there is now contemplated -- and I know that my personal feeling is that certainly you should wait until you have a good review of it. It is, however, under review now.

: But would it be wise to have a policy that's very clear that says people who act under the color of law, who break the law of the United States are going to be punished no matter who they are?

KELLEY: That is true. People who act under the color

of law should be disciplined or prosecuted or whatever it might be the way to handle it. And that's the way it is now. And I certainly will insist that this be followed very carefully.

LEWIS: Mr. Kelley, how politically involved is the FBI today as compared to when Mr. Hoover was head of the Bureau?

KELLEY: Mr. Lewis, I can only answer you by saying there is no political involvement.

LEWIS: None whatsoever?

KELLEY: None whatsoever. I have not been contacted in such a manner at any time to indicate this as an approach for political advantage and I will not countenance it if it's tried.

LEWIS: Would you resign if someone attempted to force certain things on you and on the people under your command?

KELLEY: Absolutely.

PAYNE : Sir, specifically on the Dr. King assassination again, we have been led to believe -- the public -- that James Earl Ray, firing a 30-0-6 Remington rifle from the flop house windowsill across the street from the Lorraine Hotel, killed Dr. King. And that there is, we've been led to believe, conclusive proof to this. Now it turns out that your Bureau's lab report, one dated April 17, 1968, says essentially that the lab findings cannot link the bullet that killed Dr. King

to that rifle that was found with Ray's fingerprints on it. Not only that, but there are very strong questions in your own report about whether or not that rifle was fired from the windowsill. Now I'd like to know is the FBI, is the Bureau convinced that it has the proof that places James Earl Ray at that windowsill with that rifle firing at Dr. King?

KELLEY: I think that there has been very conclusive proof that has been developed and that the basis for the prosecution is that proof. So that I don't think there is any question about it at this point. Again, this is being reviewed. And if there be any holes in our prosecutive effort, it will I'm sure by virtue of the Department of Justice scrutiny of it be reopened.

FRYNE: But one question I'd like to raise specifically on that issue. And that is that there never really was a trial in which this was really aired. The District Attorney, you know, told various assemblies that he had the proof -- and I'm referring again to your document which says that the bullet that killed Dr. King was too mutilated to be identified with the weapon. Now we for a long time were told by the Bureau and by the prosecutors in Memphis that that bullet could be linked to that rifle which in your document is Q-64. Q-64 was the bullet. So it turns out that Q-64 which was a bullet that killed Dr. King cannot be linked to Q-2, which

was the rifle which killed him. Now if you cannot link the bullet to the rifle, and it turns out that if you cannot link the windowsill to the rifle, you know, the place from which it was fired, is there not very serious questions about whether or not Ray actually fired it? The shot?

KELLEY: Well . . . of evidence, there may be ^a break in the evidence somewhere along the line. And I'm not in any position to be able to give you a detailed outline of what the evidence was. But it appears to me from my knowledge of the case that it was very well prepared and as good a chain of evidence as could be developed. Now, you're going to find some holes in almost every case. You'll have the need for some circumstantial evidence, which sometimes is very strong, but nonetheless it takes an accumulation of it. And certainly in this matter there was, in addition to the fact that you had the fingerprint on the gun and you have the circumstantial evidence and all the other things drawn together, to bring about a good case. It's very seldom that you have an iron-clad case. You will many times have a bullet which is mutilated. But you still have to build a case on the basis of what you have. You don't have in a mutilated bullet any direct evidence.

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RAYNE : But we have a very strong smell of a conspiracy here. And do you feel in light of that, in light of some of the holes in the DA's case, that James Earl Ray should be

given a trial, an open trial so that we can examine under that kind of courtroom scrutiny some of the evidence that we believe had been accumulated, we now find out was not as strong as we had been told? Should Ray get a trial ~~interview~~ sir?

KELLEY: I'm of the opinion that if you start opening up cases based on just speculation, you're going to open up many cases which have seemingly been tried or have been at least disposed of through a guilty plea or some other matter, and that this is something which is a most unusual type of thing. Under the circumstances of it being such a notorious case and involving such a widely known man, it might be that the Department of Justice would feel in the way of justice it should be opened up. But I don't know of anything in the way of evidence or procedure which would warrant this type of thing. That's the only answer I can give you. I don't know of anything that would on the basis of investigation warrant it.

BRYANT: Mr. Director, if you'll permit me two questions that are perhaps at once dispirit, but yet related. The first has to do with the very strong position that you've taken with regard to complicity on the part of American citizenry harboring or protecting criminals. You have expressed very strong opinions about that and I would like to have you if you would articulate that briefly. And the second being one

that I find perhaps some contradiction in in that there's a great deal of concern now in the country about the extent to which individuals have privacy and the Freedom of Information Act is somewhat helpful in that. Yet we've had circumstances, for example, with Sarah Jane Moore in which an individual seemingly made contact with some members of your agency of some say an attempt to be stopped, others say for whatever reasons, and it was disregarded. Is there some disparity in keeping an eye on people and giving them special attention, and yet permitting individuals to have some privacy? If you follow that. It may be a little complex.

KELLEY: The first question involves something that is very near and dear to my heart. That is the involvement of the citizenry and aid to law enforcement. We've launched a program, for example, that we title Crime Resistance. And we feel that at this point law enforcement has just about reached the peak of its professional efficiency. The next step is to involve the public, to involve them insofar as the old type of cliches we have used; that is, the service on the jury, the testimony that can be given by a witness. Now we're trying to involve them insofar as protecting themselves by avoiding situations wherein they may be victims. And to include in that protection that they lock doors and all of the other things that make them less likely to be vulnerable.

Insofar as the other matter, privacy is a deep concern of law enforcement today. I think that there is a real sincere effort to try to establish the right of privacy. This takes a pretty sensitive and a delicate balance in order to achieve.

You spoke of the Sarah Moore matter where she at one time had been talking with the FBI. And she was interviewed the night before her attempt on President Ford. And seemingly there was a feeling that her statements were not seriously considered and that she was ignored. We did pass the information on to Secret Service. We have no way of knowing just what seriousness should be attached to this as well as other matters. I don't think that the reason for not considering it as a serious threat was on privacy. Again, you've got to achieve that balance where when information comes to your attention you're supposed to act if it means the protection of life. And it is easy to be critical and difficult sometimes to perform under these conditions.

BRYANT: Sir, do you believe that the American public has a trust or confidence in, for example, the Federal Bureau of Investigation and feels comfortable, for example, in aiding law officers, or if there is some concern that they themselves may become victimized by invasion of privacy? You know, the scent that you have in the country at this time.

KELLEY: About 80% of our work is in the criminal field.

The remainder in the domestic and foreign intelligence field. In that 80% of our efforts I think that we have great credibility. Unfortunately however, again, that 20% taints our credibility to some extent. I think there is a failure to recognize that we have been candid. Hopefully we have been open. I have said many times that we're trying to do the best job we can insofar as cleansing, purging, putting ourselves in the position where we can be restored to full credibility.

: How much of a surveillance is going on at this time of Americans and particular of political Americans by the FBI?

KELLEY: Insofar as domestic security, I suppose you're speaking of electronic surveillance -- there is none, absolutely none.

: What about snooping on Congressmen and people on the Hill?

KELLEY: Snooping can be construed in several ways with our investigations from time to time of allegations, but no so-called snooping. And there is no electronic surveillance, nor has there been one on Congressmen. And the investigations are conducted just like any other.

: Mr. Kelley, you talk about cleansing and purging. Back in the sixties in St. Louis there was a white woman

involved in civil rights activities. The head of the FBI office there proposed to Washington that an effort be made to create marital discord to make her activities less effective. An okay was given. A letter was fabricated. And the head of that office reported with pride that the marriage had broken up. Is it appropriate for that man now to head the New York Office of the FBI?

KELLEY: I of course have heard about this matter and I'm very well acquainted with the man who now heads the FBI Office. And I say about that case as well as others that the responsibility should not rest on the person at the field level who engaged in this type of thing. He was following instructions. You can say very logically and reasonably, well he doesn't have to do that. Nonetheless, it was felt at that time as a result of the pressure of the times, everybody was saying do something about this thing, that things were done. These agents followed instructions. They were doing what they thought was right. And I think that the intent should certainly be taken into account.

: Well how will we know now that judgments like that will no longer be made and activities like that will no longer be followed?

KELLEY: Because we have a number of brakes on. We have the guidelines. We have the committee which would review the

operations of the FBI. And you have my assurance it will not be done. And it will not be done in the manner in which it was done before. I have reserved my opinion about this as to whether or not it might be needed on occasion. Or then, for example, there might be the loss of life concern or something of that type. I will not independently do it however. I'll present it to the United States -- rather I'll present it to the Attorney General, and it might even be conceivable it would be presented to the President. We're not going to do it. That's all I can say to you.

PAYNE : Sir, in response to Mr. Bryant's earlier question, you said that the FBI essentially had reached the peak of its professional efficiency. And I have a two part question. We find that just recently the FBI required something on the order of twenty months questioning 25,000 people I understand or more, spending millions of dollars of taxpayers' money trying to locate Patricia Hearst and the Harrises. That on efficiency. And the other part of my question is you also called for support for the FBI. Now in the black community, which I cover you know from time to time, there seemed to be a great decrease in respect for the FBI, save for the paid informers. How sir can you call upon say the black community to support the FBI when one of their most renowned and respected leaders, Dr. King, had his phone tapped, he was

eavesdropped on, they tried to blackmail him, they mailed scurrilous information to his wife, they gave his gossip file to the President of the United States for bedside reading. How, in light of that Bureau's performance, can you really reasonably ask for support among people who respected and followed Dr. King?

KELLEY: I would not equate the Patty Hearst search as any indication of the efficiency or lack of efficiency or professionalization of the FBI. This was a very difficult fugitive hunt and a very difficult case inasmuch as sanctuary was given to Miss Hearst in a manner whereby we just didn't have any openings, we had no evidence that might indicate her whereabouts. Nonetheless, finally we did locate her. And I think that should be taken into account. It was a difficult search, but we did make it. The other part disturbs me tremendously. About the possibility that we have lost credibility, particularly in the black community. The black community suffers many times from the ravages of time. It is absolutely necessary, if we're to do our job properly, that we get support from all communities. I can only say that the things that have transpired in the past are in the past. I can only say that our efforts to do a good job we're going to try to put all of our efforts in trying to make this country safe for everyone. We're trying to increase the number of

black agents. When I came aboard in July of '73 we had 81 black agents. Today we have 113, which is I think a sizable increase inasmuch as we have not had too many agents added due to restrictions of budget and so forth. We're going to continue with that. I only hope that my pleas will be heard to give us a chance to show that we're going to try to do this job the way it should be done.

BRYANT: Unless you have a five second question with a five second answer, I'm afraid we're out of time.

: In Kansas City as Police Chief you didn't hire many blacks on your force. What specifically can you do to really impress the black community of that?

KELLEY: I think we did fairly well insofar as hiring blacks. I had a lot of candidates and they helped us tremendously. We're going to continue our efforts to do everything we can.

BRYANT: Mr. Kelley, it's rare that I get a chance to stop the FBI, but I have to stop you now as we're out of time. Thank you very much for being our guest on Black Perspective. Thank you too to Les Payne, Claude Lewis, Roger Wilkins for being our journalists. Thank you for watching. We trust that you've enjoyed it, that you'll join us again and good evening.