

Intelligence Division

INFORMATIVE NOTE

Date 5/11/76

As you are aware, the Attorney General (AG) has instructed the Office of Professional Responsibility (OPR) of the Department to conduct a review of our past investigations relating to Martin Luther King, Jr. A Task Force from this Office began its review on 5/10/76 under direction of Fred G. Folsom.

The attached letter from Michael E. Shaheen, Counsel of the OPR, defines the areas of concern in the review which will include perusal of all King-related records in the Department, at FBIHQ and in Bureau field offices. The review must be completed "forthwith" and is to answer the following four questions: (1) Was the FBI's investigation of King's assassination thorough and honest? (2) Is there any evidence the FBI was involved in the assassination? (3) Is there any new evidence which has come to the attention of the Department concerning the assassination? (4) Does the relationship between the Bureau and King call for criminal prosecutions, disciplinary proceedings or other appropriate action?

Attached to the Shaheen letter is a letter from the AG describing the previous review of the King matter by the Civil Rights Division and the basis

1 - General Investigative Division

JTA:lfj

DOJ/FBI

6116

which the AG decided to order a more complete review. Also attached is the Department's press release dated 4/29/76, announcing the OPR review.

You will be advised of all significant developments regarding the review.

JCP JTA

APPROVED: *[Signature]* *[Signature]*

Assoc. Dir. _____	Comp. Syst. _____	Laboratory _____
Dep. AD Adm. _____	Ext. Affairs _____	Legal Coun. _____
Dep. AD Inv. _____	Gen. Inv. _____	Plan. & Eval. _____
Asst. Dir.: _____	Ident. _____	Rec. Mgmt. _____
Admin. _____	Inspection _____	Spec. Inv. _____
	Intell. _____	Training _____

[Handwritten initials]

- 1 - Mr. J.B. Adams
- 1 - Mr. J.A. Mintz
- 1 - Mr. T.W. Leavitt
- 1 - Mr. Ingram
- 1 - Mr. Deegan
- 1 - General Investigative Division
- 1 - Mr. Aldhizer

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF PROFESSIONAL RESPONSIBILITY
WASHINGTON, D.C. 20530

Dep. Dir.
Asst. Dir.
Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Rec. Mgnt.
Spec. Inv.
Telephone Rm.
Director Sec'y

MAY 10 1976

TO: James Ingram
Deputy Assistant Director
Intelligence Division
Federal Bureau of Investigation

FROM: Michael E. Shaheen, Jr., Counsel
Office of Professional Responsibility

SUBJECT: Martin Luther King Review

Michael E. Shaheen
[Signature]

Pursuant to our meeting on Wednesday, May 5, 1976, and your telephone call of today, May 10, 1976, I am forwarding this memorandum with attachments for your information and records.

As you know, the Attorney General has directed this Office to complete the review of all records in the Department, at Bureau headquarters, and in Bureau field offices in any way relating to Dr. Martin Luther King, Jr., his assassination, the Bureau's investigation of his death, in light of the Bureau's "systematic program of harrassment of Dr. King in order to discredit him and harm both him and the movement he led". (See Press Release Attached)

The Attorney General has directed that this review be completed "forthwith" and that my final report to him and Director Kelley provide answers to four specific questions:

- 1) "Whether the FBI investigation of Dr. King's assassination was thorough and honest;
- 2) Whether there is any evidence that the FBI was involved in the assassination of Dr. King;
- 3) Whether, in light of the first two matters, there is any new evidence which has come to the attention of the Department concerning the assassination of Dr. King;

Sta...
[Handwritten notes]

REC-52 41 4461-6116
20 MAY 13 1976

51 MAY 27 1976

6116

- 4) Whether the nature of the relationship between the Bureau and Dr. King calls for criminal prosecutions, disciplinary proceedings, or other appropriate action".

I know you share with me the urgent need to guarantee that these four questions be addressed by a searching, systematic, full, complete, and determined review of all documents that bear directly or even remotely on the Bureau's intense interest in and investigation of Dr. King in life as well as at death.

You have met the present members of the Task Force assigned to complete this review, and I have advised you that Fred G. Folsom is the Task Force Leader. You should understand that Mr. Folsom's requests for personnel interviews, access, review, or delivery of documents will be made at all times in my behalf and for the Attorney General. Should you have any difficulties I am always available to assist in their resolution.

As I have orally advised you, the Attorney General, Director Kelley, and I attach the highest priority to the successful completion of this review.

If I can be of further assistance, please advise. I wish to thank you for your help.

cc: Edward H. Levi,
Harold R. Tyler, Jr.
Clarence M. Kelley
Fred G. Folsom

Memorandum

Michael Shaheen

DATE: April 26, 1976

FROM : Attorney General *MS*

SUBJECT:

I am forwarding to you the memorandum prepared by Assistant Attorney General Pottinger and by Robert A. Murphy, Chief of the Criminal Section of the Civil Rights Division, on the partial review which has been made of the relationships to Martin Luther King, Jr. In addition, I include the commenting memoranda from the Deputy Attorney General, from Robert Bork, from Richard Thornburgh and the members of his staff, and from Antonin Scalia.

I note that Mr. Pottinger concludes that "we have not found a basis to believe that the FBI in any way caused the death of Martin Luther King" and that "we have also found no evidence that the FBI's investigation of the assassination of Martin Luther King was not thorough and honest."

My request for the review involved four matters. First, whether the FBI investigation of the Dr. Martin Luther King's assassination was thorough and honest; second, whether there was any evidence that the FBI was involved in the assassination of Dr. King; third, in light of the first two questions, whether there is any new evidence which has come to the attention of the Department concerning the assassination of Dr. King which should be dealt with by the appropriate authorities; fourth, whether the nature of the relationship between the Bureau and Dr. King calls for criminal prosecution, disciplinary proceedings, or other appropriate action.

As to the fourth point, I again note that from the partial review which has been made, Mr. Pottinger concludes "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." Assuming that the major statutory violations relevant to this conduct would be 18 U.S.C. § 241 and § 242, Mr. Pottinger's memorandum concludes that any prosecution contemplated under those acts would now be barred by the five-year statute of limitations with the possible exception which would exist if there were proof of a continuing conspiracy.



5010-110

ENCLOSURE 144 3786-1-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

- 4 -

As to the matter of new evidence with respect to the assassination, my understanding is that the Department has never closed the Martin Luther King file and that numerous allegations of the possible involvement of co-conspirators are promptly investigated. The thrust of the review which I requested, however, was to determine whether a new look at what was done by the Bureau in investigating the assassination or in the relationship between the Bureau and Dr. King might give a different emphasis or new clue in any way to the question of involvement in that crime. At this point in the review, as I read the memoranda, nothing has turned up relevant on this latter point.

The review is not complete. Mr. Pottinger and all those who have commented upon his memorandum recommend that the review be completed. Mr. Pottinger also has made other recommendations upon which there is some difference of opinion. In my view, it is essential that the review be completed as soon as possible and in as thorough a manner as is required to answer the basic questions. In view of what has already been done, and the tentative conclusions reached, special emphasis should be given to the fourth question. In conducting this review you should call upon the Department to furnish to you the staff you need.

My conclusion as to the review conducted by the Civil Rights Division is that it has now shown that this complete review is necessary, particularly in view of the conclusion as to the systematic program of harassment. If your review turns up matters for specific action, we should discuss the best way to proceed on each such case.

Department of Justice

FOR IMMEDIATE RELEASE
THURSDAY, APRIL 29, 1976

AG

In response to inquiries from the news media regarding the Civil Rights Division's review of the Martin Luther King files, Attorney General Edward H. Levi today issued the following statement:

I have directed the Office of Professional Responsibility, headed by Michael Shaheen, to complete a review of all records in the Department of Justice concerning the Reverend Dr. Martin Luther King, Jr. The Civil Rights Division, under the personal direction of Assistant Attorney General J. Stanley Pottinger, completed on April 9 a five-month preliminary review of files at FBI headquarters. As a result of this preliminary review, the Civil Rights Division has recommended that the review be carried forward to completion with an additional examination of records at FBI headquarters and field offices. It is believed that more than 200,000 documents may be involved.

On the basis of this preliminary review, Assistant Attorney General Pottinger stated that his tentative conclusions were (1) there was no basis to believe that the FBI in any way caused the death of Dr. King, (2) no evidence was discovered that the FBI investigation of the assassination of Dr. King was not thorough and honest, and (3) instances were found indicating that the FBI undertook a systematic program of harassment of Dr. King in order to discredit him and harm both him and the movement he led.

ENCLOSURE

- 4 -

In continuing on April 26 the complete review by Mr. Shaheen, I directed that the investigation be completed forthwith and that answers to four specific questions be furnished to me and FBI Director Clarence M. Kelley on the basis of the review of all documents:

- Whether the FBI investigation of Dr. King's assassination was thorough and honest;
- Whether there is any evidence that the FBI was involved in the assassination of Dr. King;
- Whether, in light of the first two matters, there is any new evidence which has come to the attention of the Department concerning the assassination of Dr. King;
- Whether the nature of the relationship between the Bureau and Dr. King calls for criminal prosecutions, disciplinary proceedings, or other appropriate action.

Mr. Pottinger pointed out that the Civil Rights Division has been continuously investigating allegations concerning the assassination of Dr. King as these allegations come to the attention of the Department.