

Memorandum

TO : Michael Shaheen

DATE: April 26, 1976

FROM : Attorney General *JS*

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.



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 clues 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.

FEB 23 1977

James H. Lesar
Attorney at Law
1231 Fourth Street, S.W.
Washington, D. C. 20024

Dear Mr. Lesar:

This is in response to Freedom of Information Act requests 4-6 of your letter to the Deputy Attorney General dated February 7, 1977.

In response to item 4, enclosed is a memorandum from Attorney General Levi dated April 26, 1976, instructing this Office to complete the review of the FBI's investigation of the assassination of Dr. King.

In response to item 5, no written orders, memoranda or directives were given to the Project Team, except for the memorandum from the Attorney General referred to in item 4.

In response to item 6, enclosed is the report prepared by this Office on the FBI's investigation of the assassination of Dr. King.

Sincerely,

MICHAEL E. SHAHEEN, JR.
Counsel

One of the OPR duties
was in investigating
The FBI is that the
FBI gave the AG
lawyers what aspires
the alleged case. If
was silent & with OPR
was investigated myself

OPR

Dear Jim, Re; Levi to Shaheen 4/26/76

I have marked the copy you got from Shaheen so that I can use it in writing and discuss it with you when you want to. I've started an OPR file in the new file I am creating for writing and have it filed there.

Let us be grateful for bureaucrats who create phoney records and write them self-servingly!

The first three matters in his graf three we can address definitively and other than the OPR report does, opposite it. And best of all in giving us a handle from the same records. All the work I've done on them is appropriate to this.

I can see the bureaucrats' answer, but appropriate as a handle is the third "matter," "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;"

This has the traditional built-in conclusion that all was honest and thorough in the original investigation.

Limiting it to "new evidence" is the cop-out. This means in the files only and after the guilty-plea only.

This also explains what is other explanations, the absence of any reference to Frame-5 and the evidentiary bring and the civil suits. Among the latter there is "new evidence" in C.A. 75-199 and with the AUSA there and DJ the defendant it is safe to assume that it "has come to the attention of the Department."

There is the Harris matter never referred to. In their lingo it is "new."

There is the ~~Bliss~~ "newness" in terms of the Department's pretense, that there are pictures of the crime and whether suspects. The FBI told the lawyers and swore in court that it had neither, how both are "new" to the Department.

Etc.

Also new is what I have stated that I have filed under "hot paper." You know I have always had that in mind, from very first. They had cause to look into it. This one has no serial, naturally. I also not recall - and could have missed - the basis for Rosen writing DeLoach about it and other matters which bury it 4/22/68, p.3.

- We've got for Bell what I pretended to want.

"astily,