

UNITED STATES GOVERNMENT

Memorandum

TO : The Attorney General

DATE: April 28, 1977

Smith
FROM : Director, FBI

SUBJECT: HOUSE SELECT COMMITTEE ON
ASSASSINATIONS (HSCA)

Reference is made to my letter dated March 11, 1977, with enclosure, under the caption "Assassination of President John F. Kennedy, November 22, 1963, Dallas, Texas," in which the assistance of the Department of Justice was requested in obtaining the test bullets from the National Archives for comparison purposes.

Reference is also made to my letter dated April 5, 1977, under the caption "Assassination of Martin Luther King, Jr.," in which the assistance of the Department of Justice again was requested in obtaining from the HSCA all information available pertaining to an allegation received by the HSCA from a former Louisville police officer who allegedly advised that he received an offer from FBI Agents and police officers to kill Martin Luther King, Jr., for \$500,000.

The HSCA did not bring this allegation pertaining to Dr. King to the attention of the FBI or to the Department, nor has the result of its investigation been furnished to the Department. At the request of the Bureau, the Attorney General authorized the FBI to attempt to interview the individual who made these allegations. He refused to be interviewed and terminated contact by stating, "I'll say it all to the House Committee."

In refusing to make available the information received by the HSCA pertaining to this allegation, as has been requested by the Criminal Division, Department of Justice, the HSCA has again attempted to affirm its "primary investigative responsibility" in these assassinations.

The FBI continues to cooperate with the HSCA in making the investigative results of both of these assassinations available, with necessary excisions, to the HSCA based on an agreement reached between the Department and the HSCA. Material available to the HSCA includes access to those volumes containing current investigation in both assassination investigations.



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The Attorney General

However, while the FBI continues to cooperate fully with the HSCA, both of these matters, as set out in the referenced letters, remain unresolved, continue to impinge upon our investigative responsibilities, and in essence, raise the question of this Bureau's continuing criminal jurisdiction in these investigations.

As you are aware, in November, 1963, the FBI initiated an immediate investigation into the assassination of President John F. Kennedy based upon a request from President Lyndon B. Johnson to former Director John Edgar Hoover. Prior to the assassination, no Federal statute existed concerning the killing of, or assault on the President. Mr. Hoover, in testimony before the President's Commission on the Assassination of President Kennedy (Warren Commission) stated that President Johnson communicated with him within 24 hours of the assassination and requested the FBI to investigate. (Hearings before the President's Commission on the Assassination of President Kennedy, Volume 5, Page 98.)

Although the Bureau's investigative responsibilities concerning the assassination of President Kennedy would have logically ended with the termination of the Warren Commission, Director Hoover, in his testimony before the Commission, agreed with a statement by a Commission Member, Representative Gerald R. Ford, that the responsibility to conduct the investigation is not an authority with a terminal point, but an authority that goes on indefinitely. (Hearings before the President's Commission on the Assassination of President Kennedy, Volume 5, Page 100.) The FBI has continued to investigate and report to the Department any new allegations or information received concerning the assassination.

In reference to this Bureau's criminal jurisdiction in the investigation of the assassination of Martin Luther King, by memorandum dated April 4, 1968, Assistant Attorney General Stephen J. Pollak, Civil Rights Division, requested that this Bureau conduct a full investigation into a possible violation of Title 18, Section 241, U. S. Code, in connection with the shooting of King in Memphis, on that date. (FBI jurisdiction was based on the possibility of a conspiracy to violate the civil rights of King, namely the right to travel interstate. King had traveled to Memphis, on April 3, 1968, from Atlanta, to take part in a demonstration scheduled for April 8, 1968.)

The Attorney General

On April 16, 1968, the Attorney General authorized the filing of a complaint charging Galt with violation of Title 18, Section 241, U. S. Code, for conspiring to interfere with the constitutional rights of King.

On April 17, 1968, Federal process was obtained and Galt was charged with conspiracy (Section 241) in that he and an individual whom he alleged to be his brother, entered into a conspiracy in Birmingham on March 29, 1968, by reason of their purchase of the rifle later used in the shooting of King.

On March 10, 1969, in State Court, Memphis, Tennessee, James Earl Ray entered a plea of guilty to charges of murder and received a 99-year sentence.

Federal process against Galt was dismissed on December 2, 1971, by U. S. Commissioner Macy Taylor, Northern District of Alabama, based upon a motion filed by Ray's Attorney, Bernard Fensterwald, Jr.

In December of 1975, the Civil Rights Division began a review of the FBI's investigation of the King assassination and this review was recently completed by the Office of Professional Responsibility (OPR), U. S. Department of Justice. The OPR issued a report of its review and reported, among other things, that ". . . the sum of all the evidence of Ray's guilt points to him so exclusively that it most effectively makes the point no one else was involved . . ." (Report of the Department of Justice Task Force to Review the FBI Martin Luther King, Jr., Security and Assassination Investigations, Page 109.)

Since the time of the Kennedy and King assassinations, the FBI has continued to investigate various allegations concerning these assassinations and has furnished the results to the Department. No viable information has been developed to negate the original findings of the FBI or the subsequent conclusions of the Warren Commission or the OPR.

During the HSCA review and investigation into these assassinations, additional allegations regarding these assassinations have been received. The FBI has continued to attempt to investigate all of these additional allegations; however, the FBI has found in several instances that the HSCA conducted independent and parallel investigations, the results of which are not available to the FBI.

The Attorney General

While this Bureau remains unaware that the FBI's criminal jurisdiction pertaining to these two investigations has been abrogated, the position taken by the Department of Justice, in not obtaining authority for the FBI either to gain access to the test bullets in the John F. Kennedy assassination investigation or to obtain from the HSCA the information pertaining to the alleged involvement of FBI personnel in a conspiracy to kill Martin Luther King, appears to support the position of the HSCA that "primary investigative responsibility" rests with that Committee.

Therefore, in order to avoid duplication of investigative effort and the attendant problems between the FBI and the HSCA that could arise in the future, and until the jurisdiction of this Bureau in these investigations is delineated by the Department, unless you advise to the contrary, the FBI will refer all allegations relating to these investigations to Mr. Robert L. Keuch, Special Counsel to The Attorney General, for departmental consideration as to whether any investigation is required of the FBI, or whether the Department desires to furnish these allegations directly to the HSCA. Copies of communications concerning allegations regarding the King assassination will also be furnished to the Civil Rights Division and the OPR.

- 1 - Deputy Attorney General
- 1 - Assistant Attorney General
Criminal Division
- 1 - Assistant Attorney General
Civil Rights Division
- 1 - Office of Professional Responsibility
- 1 - Office of Legislative Affairs