

Whiting
Dear Jim, re FBI/DJ Withholdings relating to surveillance and classifications 4/12/78

While resting from exertion and still wanting to get some work done on the consultancy I decided to check some sources, which did not require dictating, and to have these sources available for citation.

The source I used in this case is the Church Report Vol. III and in connection with what I recall telling John Harting and am sure I wrote him. The pages are attached.

What I was looking for and did find is not, however, the reason for my sending you these pages now. Rather is it for use in court cases, as with CRD withholdings. (It also relates to the unidentified Serial in the OFR appendix, I think 5654.)

You will find that classification was used improperly, that TOP SECRET classification was used on memoranda for the sole purpose of hiding FBI illegal activities against Dr. King. In this case buggings.

If they had by any chance become legal with the authorization of the AG, it is clear he did not authorize them.

It also is clear throughout this part of the report that there was no basis for the "national security" claim and that it was, rather, used for political purposes. These are spelled out by the FBI in terms of its concept of Dr. King's private life and its determination to destroy him and his leadership.

You heard me tell John that I knew the FBI used other than FBI agents for conducting some of its surveillances. Here that also is explicit, with descriptions of the people they used. And, of course, citations to FBI files, as is true of the entire Church report.

It thus becomes a simple matter for the FBI to bug and tap and not have the acts listed in its logs of its own "authorized" bugging and tapping.

The Church report is also explicit on the end of "authorization" long before the time reflected in Serial 5654 and the overheard conversation of Arbenathy and Coretta. Yet that record is explicit, the information, if it can be called that, was the result of a wire-tap. In fact authorization had been asked and refused at that time. But there is, nonetheless, the fruit of that tap.

These items are also useful in my PA requests, in 1996 in connection with the surveillance items, on classification and its legitimacy and as a general characterization of the attitude toward compliance and toward the court.

Hastily,

94th Congress }
2d Session }

SENATE

{ REPORT
No. 94-755

SUPPLEMENTARY DETAILED STAFF REPORTS
ON INTELLIGENCE ACTIVITIES AND THE
RIGHTS OF AMERICANS

BOOK III

FINAL REPORT
OF THE
SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO
INTELLIGENCE ACTIVITIES
UNITED STATES SENATE



APRIL 23 (under authority of the order of APRIL 14), 1976

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ordered its field offices to review their files for "subversive" information about Dr. King and to submit that information to FBI headquarters in reports "suitable for dissemination."²⁷

The Bureau had apparently also been engaged in an extensive surveillance of Dr. King's civil rights activities since the late 1950s under an FBI program called "Racial Matters." This program, which was unrelated to COMINFIL, required the collection of "all pertinent information" about the "proposed or actual activities" of individuals and organizations "in the racial field."²⁸ Surveillance of Dr. King's civil rights activities continued under the Racial Matters program after the COMINFIL case was opened. Indeed, the October 1962 memorandum which authorized the COMINFIL case specifically provided that "any information developed concerning the integration or racial activities of the SCLC must [also] be reported [under a] Racial Matters caption."²⁹

The first FBI allegations that the Communist Party was attempting to infiltrate the SCLC appeared in a report from the FBI to Attorney General Robert F. Kennedy, dated January 8, 1962.³⁰ The report stated that one of Dr. King's advisers—hereinafter referred to as "Adviser A"—was a "member of the Communist Party, USA."³¹ Within a few months FBI reports were describing another of Dr. King's associates—hereinafter referred to as "Adviser B"—as a "member of the National Committee of the Communist Party."³² The allegations concerning these two individuals formed the basis for opening the COMINFIL investigation in October 1962.

It is unclear why the FBI waited nine months to open the COMINFIL investigation.³³ The Bureau might have been hoping to acquire new information from microphone and wiretap surveillance of Adviser A's office, which was initiated in March 1962.³⁴ However, it does

²⁷ Memorandum from Director, FBI to SAC, Atlanta, 2/27/62. The instructions did not define what was meant by "subversive." Reports from field offices during the ensuing months considered as "subversive" such information as the fact that Dr. King had been one of 350 signers of a petition to abolish the House Committee on Un-American Activities. (FBI Report, New York, 4/13/62.) These instructions to the field were issued on the first day of Dr. King's trial in which he and seven hundred other civil rights demonstrators were charged in Albany, Georgia, with parading without a permit. (Atlanta Constitution, 2/28/62, p. 1.)

²⁸ FBI Manual Section 122, p. 5. This policy was later interpreted as requiring "coverage" of demonstrations, meetings, "or any other pertinent information concerning racial activity." (Memorandum from Director, FBI to SAC, Atlanta, 6/27/63.)

²⁹ Memorandum from Director, FBI to SAC, Atlanta, 10/23/62, p. 2.

³⁰ On the same day the Southern Regional Council—a respected civil rights study group—issued a report criticizing the Bureau's inaction during civil rights demonstration that were then occurring in Albany, Georgia. This report is discussed at pp. 89-90.

³¹ Memorandum from Director, FBI to Attorney General, 1/5/62.

³² Memorandum from Frederick Baumgardner to William Sullivan, 10/22/62. FBI headquarters first requested the field offices for recommendations concerning whether a COMINFIL investigation should be opened on July 20, 1962. This was the same day on which officials in Albany, Georgia, sought a judicial ban against demonstrations led by Dr. King, alleging that Negroes had been endangering the lives of police officers "and agents of the Federal Bureau of Investigation." (New York Times, 7/22/62.)

³³ A microphone was installed in Adviser A's office on March 16, 1962. (Airtel from SAC, New York to Director, FBI, 3/16/62) and a wiretap was installed on his office telephone on 3/20/62. (Airtel from SAC, New York to Director, FBI, 3/20/62). The wiretap was authorized by the Attorney General. (Memorandum from Director, FBI to Attorney General, 3/8/62). The microphone was approved

not appear that these surveillances collected any additional information bearing on the FBI's characterization of Adviser A as a "communist."

Despite the goals and procedures outlined in the COMINFIL section of the FBI Manual, the Bureau's investigation of Dr. King did not focus on whether any of his advisers were acting under Communist Party discipline and control or were working to enable the Communist Party to influence or control the SCLC.³⁵ The microphone which had been installed in Adviser A's office in March 1962 was discontinued before the COMINFIL investigation began,³⁶ and, although wiretap coverage of Adviser A continued—and even intensified³⁷—the information obtained appears to have related solely to his advice to Dr. King concerning the civil rights movement and not at all to the alleged Communist Party origins of that advice.³⁸ Two FBI reports prepared in succeeding years which summarize the FBI's information about Adviser A do not contain evidence substantiating his purported relationship with the Communist Party.³⁹

Without full access to the Bureau's files, the Committee cannot determine whether the FBI's decision to initiate a COMINFIL investigation was motivated solely by sincere concerns about alleged communist infiltration, or whether it was in part influenced by Director Hoover's animosity toward Dr. King. The FBI Director's sensitivity to criticism and his attitude toward Dr. King are documented in several events which occurred during the period when the FBI was considering initiating the COMINFIL investigation.

As early as February 1962, Director Hoover wrote on a memorandum that Dr. King was "no good."⁴⁰

In January 1962 an organization called the Southern Regional Council issued a report criticizing the Bureau's inaction during civil rights demonstrations in Albany, Georgia.⁴¹ An updated version of that report was released in November 1962. A section entitled "Where was the Federal Government" made the following observations about the FBI:

only at the FBI division level (Memorandum from James Bland to William Sullivan, 3/2/62).

³⁵ FBI Manual Section 87, pp. 12-13, 83-85. Former Assistant Director Sullivan testified: "If a man is not under the discipline and control of the Communist Party, I see no way to get him out of the Communist Party. The Party demands the man's complete discipline, the right of complete discipline over a Party member. That is why they have the graduations, you see, the fellow traveler, not a Party member, because he would not accept the entire discipline of the Party. The sympathizer, another gradation of it, what we call the dupe, the victim of Communist fronts and so forth. The key—I am glad you raised this question—the key to membership is does this man accept completely the Party discipline. If he does not, he is not regarded as a genuine member." (Sullivan, 11/17/5, p. 18.)

³⁶ It was discontinued on August 16, 1962. See Airtels from SAC, New York to Director, FBI, 8/16/62 and 11/15/62, and Memorandum from Director, FBI to SAC, New York, 11/23/62.

³⁷ The Attorney General authorized a wiretap on Adviser A's home telephone in November 1962. (Memorandum from Director, FBI to Attorney General, 11/20/62.)

³⁸ E.g., Memorandum from Director, FBI to Attorney General Kennedy.

³⁹ Indeed, in April 1964 a field office reported that Adviser A was not under the influence of the Communist Party. (Memorandum from SAC, New York to Director, FBI, 4/14/64.)

⁴⁰ Memorandum from James Bland to William Sullivan, 2/3/62.

⁴¹ Special Report, Southern Regional Council, 1/8/62.

III. CONCERN INCREASES IN THE FBI AND THE KENNEDY ADMINISTRATION
OVER ALLEGATIONS OF COMMUNIST INFLUENCE IN THE CIVIL RIGHTS
MOVEMENT, AND THE FBI INTENSIFIES THE INVESTIGATION: JANUARY
1962-OCTOBER 1963

Introduction and Summary

This chapter explores developments in the Martin Luther King case from the period preceding the FBI's opening of the COMINFIL investigation in October 1962 through the FBI's decision to intensify its investigation of suspected communist influence in the civil rights movement in October 1963. Particular emphasis is placed on the internal reasons for the FBI's intensification of its investigation of Dr. King and on the interplay between the Justice Department and the FBI during this period.

In summary, the evidence described in this chapter establishes that the FBI barraged the Justice Department with a stream of memoranda concerning the Communist Party's interest in the civil rights movement and Dr. King's association with two individuals, referred to in this report as Advisers A and B, who were alleged to have strong ties to the Party.⁶⁰ In response to the Bureau's warnings, the Justice Department endeavored to convince Dr. King to sever his relations with those individuals, but met with only mixed success. Dr. King continued to turn to Adviser A for advice; Adviser B, whose association with Dr. King and allegedly with the Communist Party had been picked up by the press in late 1962, publicly announced his resignation from the SCLC in early July 1963, although he apparently continued to associate with Dr. King on an informal basis.

During hearings over the administration's proposed public accommodations bill in July 1963, critics of the bill charged that the civil rights movement, and Dr. King in particular, were influenced by Communists. Dr. King's plans for a civil rights march on Washington in August were receiving increasing publicity. On July 16, the Attorney General raised with the FBI's Justice Department liaison, Courtney Evans, the possibility of a wiretap on Dr. King and one of his legal advisers.

The following day the FBI sent an analysis of its COMINFIL information to the Justice Department. The administration decided to continue its public support of Dr. King. During the ensuing week, the President informed the press that there was no evidence that civil rights demonstrations were Communist-inspired; the Attorney General announced that the FBI had no evidence that any civil rights leaders were controlled by Communists; and the Attorney General rejected the FBI's request for authority to wiretap Dr. King.

In August 1963, the Justice Department received a report from the FBI which apparently contained allegations extremely unfavorable to Dr. King. The Attorney General told Courtney Evans that he faced impeachment if the report was "leaked," and demanded that it be resubmitted with a cover memorandum detailing the factual basis for the allegation. The memorandum submitted in response to that request contained no information concerning Dr. King that had not already been known to the Attorney General in July, but the Attorney General permitted the investigation to proceed.

⁶⁰ The memoranda also contained information about the civil rights movement of considerable political value to the administration.

In late July 1963, the FBI opened a file entitled "Communist Influence in Racial Matters," and closely monitored preparations for the August 28 Civil Rights March on Washington. The FBI's Domestic Intelligence Division informed Director Hoover shortly before the March that Communist influence in the civil rights movement was negligible. The Director disagreed. The head of the Domestic Intelligence Division, William Sullivan, responded by recommending more intense FBI surveillance of the civil rights movement.

A. The Justice Department Warns Dr. King About Advisers A and B: January 1962-June 1963

The Kennedy administration's concern over FBI allegations that Communists were influencing the civil rights movement led the Justice Department to make several attempts to persuade Dr. King to sever his relations with Advisers A and B. In January 1962, Hoover first warned Attorney General Kennedy that Adviser A, a member of the Communist Party, U.S.A., "is allegedly a close adviser to the Reverend Martin Luther King."⁶¹ Shortly afterwards, Assistant Attorney General Burke Marshall of the Justice Department's Civil Rights Division told Dr. King that the Bureau claimed Adviser A was a Communist and advised that they break off relations.⁶² According to an FBI memorandum, Deputy Attorney General Byron R. White also considered speaking with Dr. King about Adviser A, but decided against doing so when told by the FBI that revealing too much of the FBI's information might tip off Dr. King or Adviser A to the identity of certain FBI informants.⁶³

Dr. King gave no indication of breaking off relations with Adviser A, who was a close friend and trusted advisor. He did, however, apparently consider the adverse effects on the civil rights movement that his association with Adviser B might cause.⁶⁴ In June 1962 the FBI intercepted a conversation⁶⁵ in which Adviser A recommended that Dr. King informally use Adviser B as his executive assistant, noting that "as long as Adviser B did not have the title of Executive Director, there would not be as much lightning flashing around him." Dr. King was reported to have agreed, remarking that "no matter what a man was, if he could stand up now and say he is not connected, then as far as I am concerned, he is eligible to work for me."⁶⁶

On October 8, 1962, the FBI's Domestic Intelligence Division prepared a memorandum summarizing accounts that had previously appeared in newspapers concerning Adviser B's alleged Communist background and his association with Dr. King. The Division forwarded the memorandum to Cartha D. DeLoach, head of the Crime Records Division, the FBI's public relations arm, for "possible use by his contacts in the news media field in such Southern states as Alabama where Dr. King has announced that the next targets for

⁶¹ Memorandum from Director, FBI to Attorney General 1/8/62.

⁶² Burke Marshall testimony, 3/31/76, p. 10.

⁶³ Memorandum from Courtney Evans to Alan Belmont, 2/6/62.

⁶⁴ Allegations concerning Adviser B's membership in the Communist Party had received wide publicity in the newspapers. There were no such press allegations about Adviser A.

⁶⁵ Adviser A's phones were covered by FBI wiretaps. See p. 88.

⁶⁶ Memorandum from New York Field Office to FBI Headquarters, 8/21/62, p. 6.

integration of universities are located." DeLoach's signature and the notation, "handled, Augusta (illegible), Atlanta, 1-19" appear on the recommendation.⁶⁵

The article was apparently disseminated, because an October 25, 1962, article in the Augusta Chronicle described Adviser B as a member of the CPUSA's National Committee who was serving as Dr. King's "Acting Executive Director." Dr. King publicly responded, on October 30, that "no person of known Communist affiliation could serve on the staff of the SCLC and denied any knowledge that Adviser B had Communist affiliations. Dr. King also announced Adviser B's temporary resignation from the SCLC pending an SCLC investigation of the allegations.

A stream of memoranda from the FBI, however, warned the Justice Department that Adviser B continued as an associate of Dr. King despite his apparent resignation from the SCLC. In December, Director Hoover was cautioning the Attorney General that Adviser B continued to "represent himself as being affiliated with the New York Office of the SCLC and, during late November and early December 1962, was actively engaged in the work of this organization."⁶⁶ A few days later, the Attorney General was informed that Advisers A and B were planning a "closed . . . critical review" with Dr. King concerning the direction of the civil rights movement. Kennedy penned on the memorandum: "Burke--this is not getting any better."⁶⁷

In early February 1963, Dr. King asked the Justice Department for a briefing on Adviser B's background, apparently in response to newspaper articles about Adviser B resulting from the Bureau's campaign to publicize Adviser B's relationship with Dr. King. Assistant Attorney General Marshall noted in a memorandum that he had "been in touch with the Attorney General on this matter and is anxious to have it handled as soon as possible."⁶⁸ Sometime later, in February, Marshall spoke with Dr. King about severing his association with Advisers A and B. Memoranda from Director Hoover to the Justice Department during the ensuing months, however, emphasized that Dr. King was maintaining a close relationship with both men. Those memoranda to the Justice Department contained no new information substantiating the charges that either was a member of the Communist Party, or that either was carrying out the Party's policies.⁶⁹

⁶⁵ Memorandum from F. J. Baumgardner to William Sullivan, 10/8/62, p. 2. This is the first indication of a counterintelligence program directed against Adviser B. Adviser A became the subject of such a program in 1968. For a discussion of the FBI's COINTELPRO effort, see staff report on COINTELPRO.

⁶⁶ Memorandum from Director, FBI to Attorney General, 1/23/63, p. 1. Attorney General was subsequently told that Adviser B, Dr. King, and Adviser A transferred with other members of the SCLC on January 10 and 11. (Memorandum from Director, FBI to Burke Marshall, 1/31/63.)

⁶⁷ On March 10 the Attorney General was informed that Adviser A and Dr. King had engaged in a lengthy conversation concerning an article that Dr. King was preparing for *The Nation*. (Memorandum from Director, FBI to Attorney General, 3/12/63.) On June 3, the Director sent the Attorney General a nine-page "concise summary" of information about Adviser A, emphasizing his role as Dr. King's adviser. (Memorandum from Director, FBI to Attorney General, 6/3/63.) An FBI memorandum in early June reported a discussion between

The Attorney General's concern over Dr. King's association with the two advisers continued. A memorandum by Hoover states that on June 17, 1963:

The Attorney General called and advised he would like to have Assistant Attorney General Burke Marshall talk to Martin Luther King and tell Dr. King he has to get rid of [Advisers A and B], that he should not have any contact with them directly or indirectly.

I pointed out that if Dr. King continues this association, he is going to hurt his own cause as there are more and more Communists trying to take advantage of [the] movement and to charge Dr. King is tied in with Communists. I stated I thought Marshall could very definitely say this association is rather widely known and, with things crystallizing for them now, nothing could be worse than for Dr. King to be associated with it.⁷²

Marshall subsequently spoke with Dr. King about Advisers A and B.⁷³ In a follow-up memorandum written several months later Marshall stated:

. . . I brought the matter to the attention of Dr. King very explicitly in my office on the morning of June 22 prior to a scheduled meeting which Dr. King had with the President. This was done at the direction of the Attorney General, and the President separately [and] strongly urged Dr. King that there should be no further connection between Adviser B and the Southern Christian Leadership Conference. Dr. King stated that the connection would be ended.⁷⁴

Dr. King later told one of his associates that the President had told him "there was an attempt (by the FBI) to smear the movement on the basis of Communist influence. The President also said, 'I assume you know you're under very close surveillance.'⁷⁵

Adviser A and Dr. King concerning whether Dr. King would appear on a television program in connection with a projected article in the *Saturday Evening Post*. Dr. King accepted Adviser A's recommendation that he read the article before committing himself because the reporter "raised a lot of questions about [Adviser B] and that kind of thing." (Memorandum from Director, FBI to Attorney General, 6/7/63.)

⁷² Memorandum from J. Edgar Hoover to Clyde Tolson, Alan Belmont, Cartha DeLoach, Alex Rosen, William Sullivan, 6/17/63. During this period the Attorney General requested a report from the Internal Security Division concerning Dr. King. The reply, dated June 28, cited Advisers A and B as the chief sources of alleged Communist influence on Dr. King. (Memorandum from J. Walter Yeager to the Attorney General, 6/28/63.)

⁷³ Andrew Young, who was present at the meeting with Burke Marshall, testified that Marshall had said that the Bureau had informed the Justice Department that there was in fact Communist influence in the civil rights movement and had explicitly mentioned Adviser A. When Young asked Marshall for proof, he said that he had none, and that he "couldn't get anything out of the Bureau." Young recalled that Marshall had said, "We ask (the Bureau) for things and we get these big memos, but they don't ever really say anything." Young testified that Marshall "was asking us to disassociate ourselves from [Adviser A] altogether." (Andrew Young testimony, 2/19/76, pp. 40-44.)

⁷⁴ Memorandum from Burke Marshall to J. Edgar Hoover, 9/12/63.

⁷⁵ Young, 2/19/76, p. 40.

told him the Director had this in mind, however, he also believed we should obtain additional information prior to discussing it with certain friends.¹⁷²

The FBI was apparently encouraged by the intelligence afforded by "bugs" and by the White House's receptiveness to that type of information. A microphone was installed at the Shroeder Hotel in Milwaukee two weeks later, but was declared "unproductive" because there were no activities of interest developed.¹⁷⁴ Dr. King's visit to Honolulu in mid-February 1964 was covered by a squad of surveillance experts brought in for the occasion from San Francisco. One of these experts was described in a Bureau memorandum as the "most experienced, most ingenious, most unruffled, most competent sound man for this type of operation in the San Francisco Office;" another was chosen because he had "shown unusual ingenuity, persistence, and determination in making microphone installations;" and a third had "been absolutely fearless in these types of operations for over twelve years."¹⁷⁵ More than twenty reels of tape were obtained during Dr. King's stay in Honolulu and his sojourn in Los Angeles immediately afterward.¹⁷⁶ Director Hoover agreed to send a copy of a memorandum describing the contents of the tapes to Jenkins and Attorney General Kennedy in order to:

remove all doubt from the Attorney General's mind as to the type of person King is. It will probably also eliminate King from any participation in [a memorial for President Kennedy which the Attorney General was helping to arrange].¹⁷⁷

Dr. King's stay in Los Angeles in July 1964 was covered by both wiretaps and microphones in his hotel room. The wiretap was intended to gain intelligence about Dr. King's plans at the Republican National Convention. Microphone surveillance was requested to attempt to obtain information useful in the campaigns to discredit him.¹⁷⁸ Sullivan's memorandum describing the coverage was sent to Hoover with a recommendation against dissemination to the White House or the Attorney General:

as in this instance it is merely repetitious and does not have nearly the impact as prior such memoranda. We are continuing to follow closely King's activities and giving consideration to every possibility for future similar coverage that will add to our record on King so that in the end he might be discredited and thus be removed from his position of great stature in the Negro community.¹⁷⁹

¹⁷² Memorandum from Cartha D. DeLoach to J. Edgar Hoover, 1/14/64. Jenkins told members of Committee staff in an informal interview that he had never suggested disseminating derogatory material about Dr. King to the press. (Staff summary of interview with Walter Jenkins, 12/1/75, p. 2.) The Committee did not take Jenkins testimony because Jenkins informed the Committee that he was ill.

¹⁷³ Memorandum from William Sullivan to Alan Belmont, 1/28/64.

¹⁷⁴ Airtel, Special Agent in charge, San Francisco, 2/25/64.

¹⁷⁵ The FBI also covered Dr. King's activities with photographic surveillance. Memorandum from Frederick Baumgardner to William Sullivan, 3/4/64.

¹⁷⁶ Memorandum did not show how the information had been obtained.

¹⁷⁷ Memorandum from Frederick Baumgardner to William Sullivan, 7/2/64.

¹⁷⁸ Memorandum from Frederick Baumgardner to William Sullivan, 7/15/64.

Hoover wrote on the memorandum, "Send to Jenkins." The summary memorandum and a cover letter were sent to Jenkins on July 17.¹⁸⁰

It should also be noted that Dr. King's activities at the Democratic National Convention in Atlantic City, New Jersey in August 1964 were closely monitored by the FBI. Microphones were not installed on that occasion, although wiretaps were placed on Dr. King's hotel room phone. The stated justification for the wiretap was the investigation of possible communist influence and the fact that Dr. King may indulge in a hunger fast as a means of protest.¹⁸¹ A great deal of potentially useful political information was obtained from this wiretap and disseminated to the White House.¹⁸²

The memorandum authorizing microphone coverage of Dr. King's room in Savannah, Georgia during the annual SCLC conference in September and October 1964 described surveillance as necessary because it was "expected that attempts will again be made to exert influence upon the SCLC and in particular on King by communists."¹⁸³

The seven "bugs" in Dr. King's rooms during visits to New York from January to November 1965 were justified in contemporaneous internal FBI memoranda by anticipated meetings of Dr. King with several people whom the FBI claimed had affiliations with the Communist Party.¹⁸⁴ No mention was made of the possibility of obtaining private life material in memoranda concerning these "bugs."¹⁸⁵

2. Evidence Bearing on Whether the Attorneys General Authorized or Knew About the Microphone Surveillance of Dr. King

In summary, it is clear that the FBI never requested permission for installing microphones to cover Dr. King from Attorney General Kennedy, and there is no evidence that it ever directly informed him that it was using microphones. There is some question, however, concerning whether the Attorney General ultimately realized that the FBI was using "bugs" because of the nature of the information that he was being sent.

Evidence concerning Attorney General Katzenbach's knowledge of microphone surveillance of Dr. King is contradictory. In March 1965, Katzenbach required the FBI for the first time to seek the Justice Department's approval for all microphone installations. The FBI has given the Committee documents which indicate that Katzenbach was

¹⁸⁰ Letter from J. Edgar Hoover to Walter Jenkins, 7/17/64.

¹⁸¹ Memorandum from William Sullivan to Alan Belmont, 8/21/64.

¹⁸² The FBI's surveillance of Dr. King and other civil rights leaders at the Atlantic City Democratic National Convention is discussed at length in a separate staff report dealing with electronic surveillance.

¹⁸³ Memorandum from Frederick Baumgardner to William Sullivan, 9/28/64.

¹⁸⁴ Memoranda from Joseph Sizoo to William Sullivan, 1/8/65, 1/29/65, and 5/13/65; memorandum from William Sullivan to Alan Belmont, 10/14/65; memorandum from Frederick Baumgardner to William Sullivan, 10/29/65 and 11/29/65.

¹⁸⁵ Possible reasons that the mention of the collection of private life material was dropped from FBI memoranda during this period include (1) the "truce" between Dr. King and the FBI after December 1964 (see, pp. 163 et seq.) and (2) the fact that after May 1965 the FBI was required to inform the Attorney General of microphone surveillance and did not want to leave a "paper record" referring to the FBI's program to discredit Dr. King.

informed shortly after the fact of three microphone installations on Dr. King, that he did not object to those installations, and that he urged the FBI to use caution in its surveillance activities. Katzenbach does not now recall having been informed about the FBI's microphone surveillance of Dr. King.

(a) *Attorney General Robert F. Kennedy.*—The FBI makes no claim that Attorney General Kennedy was expressly informed about the microphones placed in Dr. King's hotel rooms. The only FBI claim that Attorney General Kennedy might have been aware of the microphones is a Domestic Intelligence Division memorandum written in December 1966, which states:

concerning microphone coverage of King, Attorney General Robert F. Kennedy was furnished the pertinent information obtained, perusal of which would indicate that a microphone was the source of this information.¹⁵⁸

Next to this entry, Hoover wrote: "When?" A memorandum from the Domestic Intelligence Division a few days later explained:

Attorney General Robert F. Kennedy was furnished an eight page "Top Secret" memorandum . . . dated March 4, 1964. This memorandum is a summary of microphone coverage . . . in the Willard Hotel, Washington, D.C.; Hilton Hawaiian Village, Honolulu, Hawaii; Ambassador Hotel, Los Angeles, California; and the Hyatt House Hotel, Los Angeles, California. The wording of the memorandum is couched in such a manner that it is obvious that a microphone was the source.¹⁵⁹

The question of whether Attorney General Kennedy suspected that the FBI was using microphones to gather information about Dr. King must also be viewed in light of the Attorney General's express authorization of wiretaps in the King case on national security grounds, and of the FBI's practice—known to officials in the Justice Department—of installing microphones in national security cases without notifying the Department. We have examined the Bureau's claim with respect to Attorney General Kennedy's possible knowledge about the microphones and have found the following evidence.

As noted above, on January 13, 1964, William Sullivan recommended to Hoover that President Johnson's assistant, Walter Jenkins, be given a copy of a memorandum detailing information discovered through the Willard Hotel bug.¹⁶⁰ Sullivan expressed doubts, however, about whether the Attorney General should be given the information:

The attached document is classified "Top Secret" to minimize the likelihood that this material will be read by someone who will leak it to King. However, it is possible despite its classification, the Attorney General himself may reprint King on the basis of this material. If he does, it is not likely

¹⁵⁸ Memorandum from Charles Brennan to William Sullivan, 12/15/66, p. 2.

¹⁵⁹ Memorandum from Charles Brennan to William Sullivan, 12/19/66.
¹⁶⁰ Memorandum from William Sullivan to Alan Belmont, 1/13/64. This incident is discussed, at p. 121.

we will develop any more such information through the means employed. It is highly important that we do develop further information of this type in order that we may completely discredit King as the leader of the Negro people.

Next to Sullivan's recommendation that Courtney Evans hand-deliver a copy of the memorandum to the Attorney General, Director Hoover wrote: "No. A copy need *not* be given the A.G."¹⁶¹

Jenkins was subsequently shown a copy of the report, but was not told the source of the information.

Shortly after the Honolulu bug, Sullivan changed his mind and recommended that the Attorney General be informed of information gathered by both the Willard and Honolulu bugs to "remove all doubt from the Attorney General's mind about the type of person King is."¹⁶² Sullivan suggested:

Mr. Evans personally deliver to the Attorney General a copy of the attached "Top Secret" memorandum. It is also believed that Mr. Evans should indicate to the Attorney General that if King was to become aware of our coverage of him it is highly probable that we will no longer be able to develop such information through the means employed to date and that we, of course, are still desirous of continuing to develop such information.

Director Hoover wrote next to this recommendation "O.K.": A notation in the margin states: "Done. 3/10/64. E[Evans]."¹⁶³ The memorandum sent to the Attorney General did not state the source of the information that it contained.

When shown Sullivan's memorandum by the Committee, Courtney Evans testified that he did not recall delivering the memorandum about Dr. King to the Attorney General, but that "I assume I must have in view of this record."¹⁶⁴ He doubted that he had spoken with the Attorney General about the substance of the memorandum, however, because "if I did have a conversation with him, I believe I would have written a memorandum as to that conversation."¹⁶⁵ When asked if he recalled ever telling the Attorney General that the memorandum contained information obtained through microphone coverage, Evans testified:

No, I do not. And considering the tenor of the times then, I would probably have been very circumspect and told him

¹⁶¹ Sullivan memorandum, 1/13/64. Sullivan's remarks in this passage underscore the tension generated by the mutually inconsistent policies of the FBI and the Justice Department toward Dr. King. Sullivan viewed the FBI's task as gathering information with which to discredit Dr. King. He perceived the Attorney General's goal was to prevent Dr. King from being discredited. Sullivan feared that if the Attorney General were told of the derogatory information about Dr. King, the Attorney General might reprimand Dr. King. Thus, the FBI would be thwarted in its goals if it gave the Attorney General information which he needed to ensure that Dr. King not be discredited.

¹⁶² Baumgardner memorandum, 3/4/64. See p. 122. The memorandum also stated: "We avoided mentioning specific dates as to when it took place or mention of when the information was received—thus to avoid, if possible, a question being raised by the Attorney General as to why he was not told earlier of the Willard incident."

¹⁶³ Baumgardner memorandum, 3/4/64, p. 2.

¹⁶⁴ Courtney Evans testimony, 12/1/75, p. 20. The FBI has told the Committee that no such memorandum exists in its files.