

REF page

JL- Attached to this is an extra copy of a page that took my eye as I was beginning a check of the contents of what came today and is provided to you along with this. I suppose Lardner checked it with you. I tried it out on him to see if we can use it in the suit for the remission of fees. We have again forced something new out, significantly new is subject to varying interpretations. I'll read the entire file by or on Wednesday. The reverse of this is an imperfect copy of another page.

For all my whacking away at Jerry he is friendly, for him respectful in the tape I received today. It may have significance from these facts:

He did it on Monday the 13th. He did not mail it until Friday the 16th, from Petros.

My hunch is that he checked with the seer of Brushy Mountain before mailing it.

Most of the tape is clowning, a bit of caterwauling of Apartment No. 9 and the pretense of a press conference, intended as a joke and clearly not a real one. However, he begins it by saying he had flown to L.A. for one.

He was on his way down to Stoner's. I guess JB, who hates to drive and indulges other laziness, has himself an experienced gofer/chauffeur.

At this time I do not regard that as bad. Right now Stoner may be a saving influence on the incredibly stupid and self-important Jerry.

On the tape Jerry compares me favorably with Stoner. From him that is high praise.

He was still strong for Lane on it, too. But as you'll see, he has had an abrupt shift on the assassins committee. He thinks it comes from Mark, not Jerry. On that hunch I've written him as I have.

Here you phoned.

HW 12/19/77



ASSISTANT ATTORNEY GENERAL

United States Department of Justice

WASHINGTON, D.C. 20530

DEC 15 1977

James H. Lesar, Esquire
c/o Mr. Harold Weisberg
Route 12
Frederick, Maryland 21701

Dear Mr. Lesar:

Pursuant to the decision of the Deputy Attorney General regarding your administrative appeal from the Civil Rights Division's partial denial of your February 7, 1977 Freedom of Information Act request, the previously withheld March 31 and April 9, 1976 memoranda are disclosed herewith, subject to certain excisions.

As you were advised by the Deputy Attorney General's letter of October 31, 1977, the Civil Rights Division has declassified most of the information in these documents. The remaining classified information has been found by the Federal Bureau of Investigation and the Department Classification Review Committee to warrant continued classification under Sections 5(B)(2) and (3) of Executive Order 11652. Therefore, the subject portions of these documents will continue to be withheld pursuant to 5 U.S.C. §552(b)(1) and are so indicated in your copies of the documents.

The declassified portions of the March 31 and April 9, 1976 memoranda are released subject only to excisions of names and other identifying data the disclosure of which would constitute a clearly unwarranted invasion of the personal privacy of Dr. King's family and/or certain third parties. This information is not known to be within the public domain and is exempt from disclosure pursuant to 5 U.S.C. §552(b)(7)(C). All excisions are clearly indicated in your copies of the documents.

Please find enclosed copies of the following intra-agency memoranda with excisions as described supra:

1. Intra-agency Memorandum for the Attorney General dated April 9, 1976, from J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division. (10 pages)

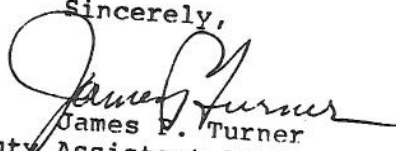
2. Intra-agency memorandum dated March 31, 1976, to J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, from Robert A. Murphy, Chief, Criminal Section. (51 pages)

3. Intra-agency memorandum dated March 31, 1976, to J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, from Robert A. Murphy, Chief, Criminal Section. (6 pages)

Pursuant to 28 C.F.R. §16.9(b)(1), a copying fee of \$0.10 per page, or \$6.70 for sixty-seven pages, may be charged for duplication of the documents responsive to this request. Since this copying fee is minimal, I have determined that the fee should be waived in this case.

As you know, judicial review of the action of the Deputy Attorney General and the Civil Rights Division on this administrative appeal is available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia.

Sincerely,



James F. Turner
Deputy Assistant Attorney General
Civil Rights Division

Department of Justice
Washington, D.C. 20530

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MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Martin Luther King Report

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In November, 1975, at your direction, we undertook to review and investigate various matters pertaining to Dr. Martin Luther King. Specifically, we sought to determine whether the FBI harassed or committed other illegal or improper acts against Dr. King during his life, and whether the FBI was implicated in his death. Implicit in this review was an effort to determine whether the FBI's investigation of King's death was thorough and honest, or whether it was tainted by the earlier efforts to discredit King as discussed below. (u)

In conducting our review, we relied primarily upon the Martin Luther King files at the FBI headquarters in Washington. These files are voluminous, and we were unable to review them all. 1/ We reviewed none of the files in Atlanta or Memphis, and we did not undertake a program of interviewing key witnesses. We did cooperate with the staff of the Senate Select Committee on Intelligence, and they with us, and we have recently had the benefit of seeing the findings and conclusions in their upcoming report. (In general, they confirm our own views independently arrived at.) (u)

Based upon this selective review, 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. (u)

We have not found a basis to believe that the FBI in any way caused the death of Martin Luther King. (u)

1/ See the attached memorandum, Murphy to Trottinger, March 31, 1976, pages 2 and 3, for description of files reviewed.

CLASSIFIED BY J.S. Potlusek
EXEMPT FROM G.O.P. DECLASSIFICATION
EXEMPTION CATEGORY 2, 3
RECLASSIFIED ON Indefinite

Typed on: 4/8/76
Classified on: 4/9/76
Authority: JSP

Pursuant to 28 C.F.R. §17.26, portions of this document are declassified. DATE OF RECLASSIFICATION: 7/11/77

RECLASSIFIED BY: [Signature]

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- 2 - **TOP SECRET**

We have also found no evidence that the FBI's investigation of the assassination of Martin Luther King was not thorough and honest. 2/(u)

Harassment of Dr. Martin Luther King

Our review confirms that from the late 1950's until Dr. King's death, the Director of the FBI and a group of his subordinates carried out a systematic campaign of harassment against Dr. King and, by indirection, several of his colleagues. The attached 51-page memorandum from Robert Murphy to me of March 31, 1976, documents in some detail the events which made up this campaign. A brief outline of our findings follows. (u)

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2/ Since the completion of the FBI's original investigation into King's death, there have been numerous allegations of the possible involvement of co-conspirators with James Earl Ray. Each of these has been promptly investigated by the FBI and the Civil Rights Division, including one which was completed only a few weeks ago, and another which is currently underway. In other words, the Martin Luther King file is still open, and has never been closed. In this sense, any further investigation, as recommended in this memorandum, should not be characterized as a "reopening" of the assassination case, but rather as an additional or continuing investigation into areas either already covered in some degree, or not covered at all. (u)

where records.

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In addition to this reason, however, the early files reveal that much of the King investigation was based upon a perception, real or imagined, that King was using his influence to discredit the FBI and cause Hoover to be replaced. To the extent that this was a cause for the FBI's investigation, plainly it was an extra-legal one which was not justified even by the somewhat different standards of operation and perceptions which prevailed in the Bureau at the time. (u)

Other reason clear that indicated may be behind a black action too.

The nature of the Bureau's investigation significantly changed when in 1964 Attorney General Kennedy authorized the wiretapping of Dr. King, and thereby gave official sanction to the Bureau to intensify its surveillance. Again, this authorization, when viewed by the law enforcement standards of the time, appears to have been within the authority of the Attorney General. While his judgment in authorizing it might now be questioned, one must conclude that at the time the authorization was technically legal. (u)

That the real goal from

The wiretaps soon led the FBI to add a new dimension to its investigation, the collecting of personal information about Dr. King through microphone surveillances (misurs) of his hotel rooms. The evidence of [... (b)(7)(C).....] stems to have confirmed Hoover's belief that King was a dangerous revolutionary who should be exposed and replaced as a leader in the civil rights movement. (u)

Does not say what Hoover did, replaced by FBI

It is in this ensuing long campaign to discredit King that the Bureau most clearly overstepped its investigative and law enforcement functions. This is not a judgment which rests upon the benefit of hindsight. As an investigative agency, the FBI had no legal authority to make such determinations nor to act upon them. For reasons beyond the scope of this analysis, the historical fact is that the Department did not control the FBI effectively in such matters. We have seen no records in the files that the Attorney General or other key department officials were advised of the actions taken to discredit King, although certainly the product of the microphone surveillances was known to Attorney General Kennedy and the White House. The Attorney General did retrieve the distribution of a "monograph" or memorandum outlining allegations of Communist connections and highly personal and derogatory information about King, but it is unclear whether this was done primarily to curb the Bureau's impropriety or to preserve the credibility of the Attorney General's earlier public conclusion that King was free from Communist Party influence. (u)

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Prosecution Potential

Based upon our present level of knowledge, most if not all of the FBI officials who participated in the King case at a decision-making level are as follows:

- 1) J. Edgar Hoover, Director (deceased)
- 2) Clyde Tolson, Associate Director (deceased)
- 3) Alan Belmont, Assistant to the Director (retired)
- 4) Cartha DeLoach, Assistant Director (retired)
- 5) Courtney Evans, Assistant Director (retired)
- 6) William Sullivan, Assistant Director (retired)
- 7) James Bland, Chief, Subversive Control Section (retired)
- 8) Joseph A. Sizoo, Assistant to the Assistant Director (retired)
- 9) Fred J. Baumgardner, Chief, Internal Security Section (retired)

written by file

(dead)

(u)

The exchanges of memoranda among these men and others could establish the existence of a concert of action in which each participated. Most of the briefings of Congressmen, Senators, White House aides, press, and others were handled by Cartha DeLoach. William Sullivan apparently conceived and executed the mailing of the composite tape to Dr. King, processed and approved the microphone surveillances to gather information to be used against King, and was active in other Cointelpro-type activities. Belmont, Bland, Sizoo, and Baumgardner participated regularly in producing the various internal memoranda. We would have to know more about these men's actual roles in the Bureau's effort in order to estimate their culpability. Courtney Evans appears more as an honest broker between Hoover and Attorney General Kennedy than as a principal, although his actual role would have to be examined further to be understood. *(u)*

? most of top officials

The files reveal that Hoover and this relatively small group of Bureau officials made the critical decisions and authorized the critical actions which were then executed by a core of well-trained and disciplined agents. We have not attempted to identify each agent who participated at the direction of headquarters, nor to assess whether they also have died or retired, and if not, their culpability or exposure to formal discipline. (See Recommendations for further discussion on this point.) *(u)*

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The major statutory violations to consider in this matter would be 18 U.S.C. §241 and §242. 3/ As a citizen, Dr. King had federally-protected rights to freedom of speech and association, to privacy, to interstate travel without interference, and from unreasonable searches and seizures. The FBI's program to discredit and neutralize King included deprivations of each of these rights, and perhaps others. (u)

An examination of the law reveals that any prosecution contemplated under these acts is now barred by the five-year statute of limitations (18 U.S.C. §3282). The only possible exception would be proof of a continuing conspiracy to violate rights which has continued into the statutory period. We do not know of any such proof at this time, although one can speculate that it is possible that more intensive investigation would disclose it. (u)

In conclusion, it is our opinion that there are identifiable violations of law against Dr. King that cannot now be prosecuted because of the statute of limitations and, in some cases, because of the death of the subjects. (u)

Death of Martin Luther King

As the Murphy memorandum indicates, we were unable to find any indication that the FBI actually caused Dr. King's assassination. On the contrary, if one can rely upon logic as helpful, indications are that the FBI probably did not want King's death because it would bring him the martyrdom and favorable image which the entire Bureau campaign was designed to prevent. Nevertheless, the long campaign of harassment fairly gives rise to the question whether it culminated in some action which caused his death, and logically raises the question whether the investigation by the Bureau into his death was tainted by its institutional dislike for King. (u)

Recommendation

While we have been able to ascertain a great deal about the relationship between the FBI and Dr. King through our review, and

3/ Section 241 is violated when "two or more persons conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the constitutional laws of the United States. . ." Section 242 prohibits essentially the same conduct by an individual acting under color of law, as the principals involved were. (u)

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can therefore make the qualified findings set forth here, we have not been able to complete this investigation in the time and with the resources we have had to date. Because of the extraordinary nature of this inquiry, I am therefore recommending that the Department complete this task by reviewing all materials and witnesses bearing on the questions posed in November, 1975. While it would be both legitimate and supportable for you to conclude that our four-month review and the Senate Committee's similar review are adequate to answer these questions, in my opinion we cannot allay concerns which tend to discredit the FBI and the Justice Department until we have examined all available information bearing on the questions posed in November. I would therefore recommend the following steps: (u)

not done

1) Legal Task Force

A Department Task Force should be created for the purpose of completing the review which we have begun. The Task Force would consist of an attorney director, approximately four staff attorneys, and an appropriate number of research analysts and clerical assistants. The attorneys chosen ought not to have worked on the Martin Luther King case before. The Task Force should report its findings and conclusions to you on or about January 1, 1977. (u)

had, through?

2) Advisory Committee

In addition, I would recommend the appointment of an Advisory Committee of between five and nine distinguished citizens whose primary task would be to review the work of the Task Force, to have total and unfettered access to all files, witnesses, and other information available to the Department and the Task Force, to advise you and the Task Force about the conduct and progress of the review and to make a final report of their findings and conclusions, either in conjunction with the Task Force or independent of it, also on or about January 1, 1977. The purpose of the Advisory Committee would be to have an outside, fresh perspective on the state of our present information and the conduct of the investigation as it proceeds to its conclusion. Although I regard the Justice Department as serving the public interest as much as a citizens' committee serves it, having non-governmental persons monitoring a government review of governmental actions would provide an important additional dimension of public review and would add credibility to the findings, whatever they may be. (u)

pre conception. Suppose they disagreed?

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Task Force and Advisory Committee Charter

The general charter of both the Task Force and the Advisory Committee would, as indicated, be to complete an investigation of the file and witnesses as they bear upon the questions posed by your November, 1975, directive. The Task Force and Advisory Committee would have complete and total access to all files, information, data, memoranda, personnel, witnesses, and any other information, both in and out of government, relevant to their tasks. The Task Force would also have ordinary litigating Division access to current FBI assistance and other normal resources of the Department. (u)

In completing the King review, there are several specific tasks which the Task Force and Advisory Committee ought to address: (u)

A) Field Office Reviews

We have not read any of the files in the field. Although we have no basis to believe that these files will disclose new or significant additional information, the recent disclosures of the 92 surreptitious entries against the Socialist Workers Party in New York, which were apparently discovered only by a careful review of field office files, suggest that a review of such files concerning Dr. King is also in order. It is possible that these files would contain records of actions against Dr. King which had not been sanctioned by headquarters, although this is purely speculative. A complete review would require the Task Force to read the field office files on at least Dr. King, the SCLC, and other related subjects as they appear from those files. (u)

B) Headquarters Files

We have not read all headquarters files on Dr. King [(b)(7)(C)...] We have only spot-checked and followed cross-references to files on SCLC, CPUSA, Communist Influence on Racial Matters, Mrs. King, [...(b)(7)(C).....] and a few other related files. There has been no undertaking as yet to review files in order to determine whether similar counterintelligence campaigns were directed at other civil rights activists such as Dr. Ralph Abernathy, Dr. James Farmer, or others. The likelihood that a review of all such materials would lead to prosecutive or disciplinary actions seems to be remote in light of the passage of time and the adoption of the Attorney General's new guidelines. Nevertheless, few of us suspected the scope of the FBI's (u)

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activities as they have now been revealed in related matters, so a complete evaluation would necessarily require a total review of headquarters files. (u)

Findings of wrongdoing which may be the subject of possible criminal prosecution and are not time barred should be referred to the Criminal or Civil Rights Division as their interest may appear (u)

C) SECRET-(b)(1)(S)

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(S)

D) Disposition of Martin Luther King Tapes

The FBI acquired tapes, produced transcripts, and placed information in the files through improper and illegal investigative activities. The question therefore arises as to the proper and legal disposition of those materials which were improperly obtained and which are scurrilous and immaterial to any proper law enforcement function or historic purpose. As you know, OLC has researched this issue in connection with the destruction of improperly acquired materials relating to (...(b)(7)(C)..) I would suggest that OLC, the Task Force, and the Advisory Committee jointly work out a procedure for reviewing these tapes and related materials for purposes of recommending which might be destroyed, taking into account the requirements of the Privacy Act, the Freedom of Information Act, and the Federal Records Act. 4/ It may also be appropriate to consult the King family concerning the destruction of some or all of these materials. (We have been informed that family representatives may have indicated such a preference during contacts with the staff of the Senate Select Committee.) In addition, because some of the information in

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Stanley J. Levinson?

4/ Deputy Assistant Attorney General Mary Lawton indicates preliminarily that this approach is plausible although there may be some requirements or information calling for consultation with the Archivist. (u)

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question would be treated in a sensational fashion if "leaked" to the public, procedural safeguards would have to be carefully followed. Needless to say, it would be highly improper if this effort to cleanse the files resulted in a compromise of privacy which the effort was designed to insure. (u)

E) Disciplinary Action

Other than principals, we have not identified agents who took illegal or improper action against King, or the extent of their culpability. In my opinion, the FBI should be directed to undertake this assessment itself, and report to you its findings and any disciplinary action proposed or taken. The Task Force and Advisory Committee should refer any information it discovers indicating a potential for discipline to the FBI for appropriate follow-up. Your office and the Bureau would, of course, also be free to consult the Task Force and Committee concerning the discipline issue generally or on a case-by-case basis. (u)

F) Potential Remedial Action

Assuming the validity of our conclusion that the FBI repeatedly violated Dr. King's federally-protected rights; that prosecutive action is time barred; that death and retirement prevent effective disciplinary action; and that the new guidelines preclude any recurrence of this kind of activity, the question arises whether the Department has an obligation to make any further effort to do justice in this matter. The question is especially relevant here because the King family will be unlikely to seek civil redress in damages for fear of further publicizing the scurrilous nature of the information acquired, and because the full extent of the violations are known only to the government. Moreover, the FBI files show that the campaign against King did succeed to the point of causing him serious and prolonged mental anguish. The files reflect that the Bureau's action, especially the mailing of the tape, occasioned [.....(b) (7) (C)... ..] and professional discord--all injuries that could be compensable in a private damage action under 42 U.S.C. §1983. (u)

On the other hand, one can argue that in spite of the attempts to discredit Dr. King, his reputation in the community has not been damaged in any measurable way by these actions. On the contrary, it might be argued that damage will occur only by publicly raising the King file through a continuation of this investigation. 5/ (u)

5/ Primarily for this reason, the Chief of the Criminal Section, Robert A. Murphy, recommends against further inquiry by Task Force or Advisory Committee. (u)

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Under these circumstances, I suggest that it is proper for the Task Force and Advisory Committee to consider the feasibility and propriety of compensating King's survivors or, perhaps with their concurrence, the King Foundation. This could be accomplished either by direct payment or a private bill. Precedent for such compensation exists in the settlement of the CIA's case involving the LSD experiments, and in cases involving unauthorized dissemination of information by the Bureau. Contrary debate is also occurring with regard to a private bill to compensate victims of the Wounded Knee Massacre. If this issue is made a part of the Task Force's and Advisory Committee's charter, they should consider all factors, for and against, and recommend accordingly. (u)

JL
note

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

Attachment

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In April, the Atlanta office of the FBI submitted a 37 page monograph on Dr. King which included a statement that information obtained during a three year period ending in September 1961 indicated no communist influence on King or SCLC. On May 10, FBI Headquarters advised the SAC in Atlanta that his conclusion was not consistent with facts mentioned elsewhere in the monograph and instructed him to delete that conclusion from the monograph. The next day, Hoover placed King in Section A of the Reserve Index, labeled Communist. (u)

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EXEMPT PURSUANT TO 5 USC §552(b)(1)

(TS)

In June 1962 the SAC in New York sent memoranda to the Bureau reporting that King and [(b)(7)(c)] had met and that [(b)(7)(c)]] He speculated about whether the Attorney General might be able to [(b)(7)(c)]] This points up an inconsistency in the attitude of the Bureau concerning [(b)(7)(c)]. On one hand, [(b)(7)(c)] was referred to in some Bureau memos as [(b)(7)(c)]] In others he was cited as part of the proof of [(b)(7)(c)]] The Bureau also reported King's reaction to stories that [(b)(7)(c)]]

*Reference has to be to the largely if entirely non-secret
Have they checked any books? Compared with all
those sections of clippings?*

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In July Attorney General Kennedy received a memo from the Director reporting a request from Senator Monroney (D-Okla.) for information concerning racial agitation and communist influence in racial matters. (Senator Magnuson (D-Wash.) made a similar inquiry a few days later). The Senator's request was apparently prompted by testimony by Gov. Ross Barnett of Mississippi against an administration public accommodations bill. Barnett had raised the question of communist influence. Two days later Gov. Wallace of Alabama testified in similar fashion.

TOP SECRET

If what is written says how it throws whom not secret. but I've forgot in detail

The Director's memo to the Attorney General stated that the Communist Party was not able to assume a leadership role in racial unrest at that time but hoped to exploit the situation [deleted pursuant to (b)(7)(C).....](u)

On July 16, 1963, Attorney General Kennedy apparently initiated a discussion with his FBI liaison, Courtney Evans, concerning the feasibility of electronic surveillance on Dr. King because of possible communist influence on King. Evans discouraged the Attorney General, weighing the risk of public disclosure against the difficulty of electronically surveilling King who moved about the country so much but stating that a feasibility study could be done. After the Atlanta office reported that electronic surveillance was feasible and secure, the Bureau prepared the necessary authorization papers for a tesur on King's resident or at any future address to which he may move, and for a tesur on SCLC or any future address to which it may move, and sent them to the Attorney General on July 23. On July 25, the Attorney General declined, believing it to be ill advised. (u)

Source? Inconsistent?

On July 17, 1963, President Kennedy answered a question at a press conference to the effect that there was no evidence that civil rights demonstrations were communist inspired. It was in this same month that the FBI opened an investigative file called "Communist Influence in Racial Matters". On July 18, the Director sent a memo to all SACs instructing them to be alert to any information concerning such influence. The Attorney General said in July that the FBI had no evidence that any civil rights leaders were controlled by Communists. Letters similar in tone were sent to Senators Magnuson and Monroney on July 23. On July 29, Hoover sent the Attorney General an 18 page memorandum captioned: "Martin Luther King: Affiliation with the Communist Movement". [deleted pursuant to (b)(1),.....CLASSIFIED: TOP SECRET.....] The Attorney General was upset, particularly in view of his recent public statements. He

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RFK

I think this also is false, that it was based on the alleged communist connections of those with whom King associated. See next page.

See p. 17

RFK

believed that certain people would feel he was protecting King. He sent the memo back to the FBI demanding documentation of the allegations about King. [CLASSIFIED: TOP SECRET..... EXEMPT- 5 USC (b)(1).....] (TS)

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(TS)

Also in August 1963, the [deleted pursuant to (b)(7)(C).....] A conversation between King and an employee of SCLC was overheard as a result of a tesor on ... (b)(7)(C) ... home which Attorney General Kennedy had authorized in July at the same time he had refused authorizing on King; [deleted pursuant to (b)(7)(C).....] These conversations were reported to the Department. In the same month, the Bureau overheard a conversation between (b)(7)(C) and Gordon Haskell of the ACLU that the Attorney General or Edward R. Murrow, then head of the USIA, might give King an award on behalf of the ACLU. In an effort to prevent the presentation, Murrow was sent a SECRET letter advising him that Haskell had been elected chairman of the Independent Socialist League about six years previously. TU

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It was also in August 1963 that the Domestic Intelligence Division of the FBI, headed by William Sullivan prepared a memorandum analyzing the communist party's efforts to exploit Negroes. The memorandum concluded that the effort was largely unsuccessful but should be closely watched. It stated that the Communist Party regarded King as the most likely vehicle through which it could achieve its goals. It contained no new information about King and did not conclude that he was a communist. (u)

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Hoover rejected the memo with a sarcastic reminder that the same FBI personnel had once said the same thing about Castro. Sullivan apologized saying the Director was right and he and others were wrong. Sullivan called King the most dangerous Negro in the country from the standpoint of communism, the Negro and national security. The memo disclosed that five people were working full time at Headquarters on the Negro-communist influence question. (u)

no from the public. In fact I believe that FBI has released these records to others. All biographies

In September the substance of more overheard conversations were reported to the Attorney General. It appears that at this time King had stopped talking directly with (b)(7)(C) because of the pressure from the Kennedy administration. However, indications are that King communicated with (b)(7)(C) ... (b)(7)(C) who had now become counsel to King. Indeed, King asked ... (b)(7)(C) this time if his "friend", ... (b)(7)(C) ... understood why King had not called him. King said he wanted to wait until the civil rights debate was over. The Attorney General was advised that (b)(7)(C) was overheard talking with King, (b)(7)(C) and [(b)(7)(C)] about various matters including the Birmingham bombing, a replacement for (b)(7)(C), making money from a record of King's speeches and a forthcoming book of King's. (u)

how

In September Bureau Headquarters instructed its field offices in Atlanta and New York to do a feasibility study on technical surveillance on King and SCLC in both cities, citing as their justification not only alleged communist influence [deleted pursuant to (b)(7)(C)....] On September 16, Sullivan proposed increased coverage of the Communist Party's efforts to influence Negroes. Hoover rejected the proposal sarcastically saying that it would be a waste of resources in view of the earlier memo of Sullivan's Division. On September 25, Sullivan apologized again and renewed his proposal for intensified coverage. Hoover approved the proposal on October 1, 1963 (u)

unindicated deletion here. I doubt very much if what is withheld is unknown if ~~it~~ indeed it actually has not then theoretically qualifies for (b)(7)(C). None of this - at least none - is unknown. all has been reported, in stories, books & Congressional hearings & reports

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(c) On October 10, 1963 Attorney General Kennedy approved the request on a trial basis (he also approved a tesur on SCLC in New York City at the same time; on October 21, he approved one on SCLC in Atlanta) saying to continue it if productive results and asking to be advised if pertinent information developed on communist connections. Attorney General Kennedy had expressed concern about a tap on King's home from a security standpoint. He told Evans, "the last thing we could afford to have would be a discovery of a wiretap on King's residence". After receiving Evans' assurance of security, Kennedy said that he recognized the importance of coverage if substantial information was to be developed about the relationship between King and the Communist Party. Although the file reflects the coverage was to be evaluated after 30 days because of Kennedy's uncertainty about it, there is no record that the Bureau ever went back to the Attorney General for approval or that Kennedy inquired about the results. However his brother was assassinated soon after the 30 day evaluation was completed. The evaluation was internal and it resulted in a 90 day extension, largely because of information obtained that had nothing to do with communist influence, for example, [deleted- (b)(7)(C)...] SCLC finances and King's travel plans. (u)

Bureau records indicate that seven wiretaps and sixteen microphones were used against King or SCLC over a two year period. (u)

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Wiretap Surveillance of Dr. King and the SCLC

<u>Location</u>	<u>Installed</u>	<u>Discontinued</u>
King's home	11/8/63	4/30/65
New York City apartment	8/14/64	9/8/64
Hyatt House, Los Angeles	4/24/64	4/26/64
Hyatt House, Los Angeles	7/7/64	7/9/64
Claridge Hotel, Atlantic City	8/22/64	8/27/64
SCLC, Atlanta	11/8/63	6/21/66
SCLC, New York	10/24/63	1/24/64
	7/31/64	7/31/64 (u)

Microphone Surveillance of Dr. King: Jan. 64-Nov. 65

<u>Location</u>	<u>Installed</u>
Willard Hotel, Washington, D.C.	1/5/64
Shroeder Hotel, Milwaukee	1/27/64
Hilton Hawaiian Village, Honolulu	2/18/64
Ambassador Hotel, Los Angeles	2/20/64
Hyatt House, Los Angeles	2/22/64
Statler Hotel, Detroit	3/19/64
Senator Motel, Sacramento	4/23/64
Hyatt House Motel, Los Angeles	7/7/64
Minger Hotel, Savannah	9/28/64
Park Sheraton, New York	1/3/65
Americana Hotel, New York	1/28/65
Park Sheraton, New York	3/29/65
Sheraton Atlantic, New York	5/12/65
Astor Hotel, New York	10/14/65
New York Hilton, New York	10/28/65
Americana Hotel, New York	11/29/65 (u)

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In October the Attorney General was advised that King and (b)(7)(C) again discussed a replacement for (b)(7)(C) and that (b)(7)(C) said he would discuss it with King's "friend". Kennedy was also advised that King had received a telegram from a Russian poet.

In October the Bureau sent to various government officials a monograph captioned: Communism and the Negro Movement - a Current Analysis. It concerned King primarily and contained unfavorable references to him, including personal conduct unrelated to any association with the Communist Party. The Bureau knew it would upset the Attorney General. It did. He ordered all copies recovered. They were. (u)

This be secret 2

In November the Bureau had the tesurs in place at King's home and at SCLC Headquarters and they began to overhear King talking [.....(b)(7)(C).....] and recounting past meetings. They also overheard conversations between King and (b)(7)(C) about a forthcoming book and a meeting in New York with ... (b)(7)(C) ... (photographs were taken showing King, ... (b)(7)(C) ... together in New York) and about a fund raising party for King. [CLASSIFIED: SECRET..... EXEMPT-(b)(1).....] (S)

All of this is what the informant the FBI was running in this case, against King + his movement. In effect a double informant was the case agent, despite -

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EXEMPT- (b)(1).....

his self-publicizing to the contrary + mark Lane's representation of him, as an example of what Murphy with holds in Turner now does, one of McIntaugh's inside spies had a criminal record which made him vulnerable for the above + for more like it I have no secret sources.

TOP SECRET

TOP

- 23 -

TOP SECRET

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(TS)

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(TS)

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(TS)

Returning to December 1963 the Bureau learned through one of the taps that King was going to meet with President Johnson. Hoover approved sending to the White House the monograph about King that had been previously disseminated but recalled by Attorney General Kennedy. Hoover did not advise the Attorney General of his intention. In fact, for some time after President Kennedy's assassination, Hoover communicated directly with the White House and did not always inform the Attorney General of what he was doing. (u)

RFK

TOP SECRET

UNCLASSIFIED 25 -
(1963)

~~SECRET~~

Also in December, presumably sensing an opportunity because of a new President to become more aggressive in their effort to discredit King, the Bureau had a one day conference at Headquarters to explore the communist influence in racial matters and to "discuss avenues of approach to exposing King's unholy alliance with the CPUSA". A 21 item working paper was prepared in advance of the meeting. Sullivan characterized King as a "dupe of the communists but also a man of low character". Sullivan prepared a memorandum for his superiors reporting the results of the December 23 meeting. The meeting was attended by two agents from Atlanta, Sullivan and four other men from Headquarters. Sullivan reported that the meeting pointed up the need for further information on six points. Four dealt with SCLC, its money and its personnel. The other two dealt specifically with King and his personal life. Sullivan stated, "We will, at the proper time when it can be done without embarrassment to the Bureau, expose King as an immoral opportunist who is not a sincere person but is exploiting the racial situation for personal gain... [We] will expose King for the clerical fraud and Marxist he is at the first opportunity". It was agreed to continue the security investigation of King for ninety days and to give the case priority attention. (u)

writ my

D. 1964

In January 1964 King was named "Man of the Year" by Time Magazine. On a UPI press release announcing the selection, Hoover wrote: "They had to dig deep in the garbage to come up with this one". On January 8, 1964 a memo was prepared by Sullivan recommending getting King off of his pedestal and replacing him with another of the Bureau's choosing. The idea was endorsed by Hoover. Headquarters told its Atlanta office to start sending daily memos about King. In a follow up to the December 23, 1963 meeting the Bureau began a review of the tax returns for the previous 5 years of King, SCLC and the Gandhi Society; the Director instructed Atlanta to seek information of adverse views of King or SCLC from within the Negro movement, stating these would be good four counterintelligence; (u)

writing

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the Director instructed New York to stay alert for tax evasion information on King or his organizations and to provide information of any effort to utilize the media to enhance King's image. Obviously, these instructions pertained to information that might be obtained through tesurs and misurs. (u)

(u) Still no mention of issues

The first microphone surveillances of King occurred in January 1964 at the Willard Hotel. An eight page summary of the tape was prepared and delivered to Walter Jenkins of the White House staff. [deleted pursuant to (b)(7)(C).....]

Can there be a claim in official records?

.....] cover rejected a recommendation that the Attorney General get a copy. Sullivan pointed out that Kennedy might reprimand King, thereby foreclosing the possibility of developing similar information. Sullivan said it was important to have such information in order to completely discredit King as a leader of the Negro people. In briefing Jenkins, Cartha DeLoach acknowledged that the Director wanted additional information prior to discussing it with certain friends-meaning, among others, the media. (u)

On January 27, 1964 Sullivan approved another misur at a Milwaukee hotel. The recommending memo pointed out that because police would be nearby, [deleted pursuant to (b)(7)(C).....]

doubtful

.....] Hoover wrote: "I don't share the conjecture....." (u)

not in bio graph & other sources

The Attorney General was advised that King met in New York with ... (b)(7)(C) and others in January. Also in January, [(b)(7)(C)as overheard calling King a "sucker", "ignorant", "inexperienced", a "bad writer" and "without business sense". (u)

On January 17, 1964 Headquarters approved discontinuance of the coverage at SCLC in New York because of the office's inactivity. Coverage was to be reconsidered if the office became active. Hoover testified before the House Appropriations

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1964

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Committee in January and made some off-the-record remarks about King and the communist influence in the racial movement, which caused a public furor when they were discussed in a Joseph Alsop newspaper column in April. (u)

CLASSIFIED: SECRET.....EXEMPT- (b)(1)

What was that also is (s)(c)? Can it be?

..(s)

On February 12, 1964 the Director in a memo to the Atlanta office, referred to a conversation in which [deleted pursuant to (b)(7)(C).....] Hoover instructed Atlanta to be alert to [-(b)(7)(C)....] for counter-intelligence purposes. He indicated he wanted to capitalize on it and welcomed suggestions as to how it could be done. (u)

On February 13, 1964, Assistant Attorney General Burke Marshall sent files to the White House concerning King, [(b)(7)(C)]

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[...(b)(7)(C)...] He made particular reference to a September 1963 memo he sent to the Director concerning his, Marshall's, conversation with King in which he provided King with specific information about [...(b)(7)(C).....]. Marshall wanted President Johnson to know of King's background. He did not know that the Bureau had been providing the White House with such information. DeLoach sent Hoover a memorandum about Marshall's letter and a meeting DeLoach had with Bill Moyers and Walter Jenkins about the letter. He reported that the White House mistrusted Attorney General Kennedy's motives in providing the files. Personal marginalia written on the memo by Hoover indicates his dislike of Marshall and Deputy Attorney General Katzenbach. (u)

RFR

In response to information about a rumored plot to assassinate King, Headquarters sent Atlanta a memo on the eighteenth stating that the Bureau was to be advised promptly of information concerning violence to be directed against King. Finally in February the Director advised the New York and Atlanta offices to gather all previous references to King's forthcoming book and put them in one memorandum so that the Bureau could take some action in counterintelligence or otherwise "to discredit King or otherwise neutralize his effectiveness because of communist influence on him." (u)

not public

King met on February 29 with [...(b)(7)(C)....] in New York City. (u)

When King went to Hawaii in February,, agents from San Francisco were sent to the island to install microphones in his hotel. Sullivan justified the installation as an attempt to obtain facts about King [..(b)(7)(C)..] so that might be used against him. (u)

In March 1964, conversations continued to be intercepted and reported. Also in March King was approached by two people in government: one was an invitation from Sargent Shriver to consult on a poverty study being done by OEO; the other was a

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RFR

discussion with a member of the State Department (friend of the Kennedy's) about King's participating in a civil rights memorial for President Kennedy. Among the comments on the Bureau memo about these contacts were that it was shocking, in view of Attorney General and White House knowledge of King's Communist Party connections, that it was disturbing, particularly because King was "...an individual so fraught with evil." (u)

On March 4, it was recommended to Sullivan and approved by Hoover that the Attorney General be given the results of the Willard Hotel misur and more recent misurs in Hawaii and Los Angeles. Evans was to tell the Attorney General that King shouldn't be told of the information. He was provided the information now because Berl Bernhard was scheduled to interview King in connection with a possible memorial to President Kennedy and it was thought that the Attorney General might cancel the interview. The White House was also provided with the more recent information. (u)

unknown? Secret?

On March 9, 1964 (b)(7)(C) met with King in Atlanta. In March, the Bureau proposed and carried out several significant actions against King. They installed a misur on Sullivan's authorization in a Detroit hotel where King was staying. After learning that Marquette University was going to award King an honorary degree, Hoover approved having the SAC in Milwaukee give the Chancellor of the University a monograph about King that cited his communist party connections and referred to his being a moral degenerate. Marquette had previously honored Hoover and the Bureau memo that recommended this action thought it was "shocking" that the University would also honor King. (u)

? ! !

(b)(7)(C), whom King was considering adding to his staff, attended a party in New York at the Soviet Mission. As a counterintelligence activity, the FBI provided the New York Daily News with this information for a news article which was published. The Director turned down a request of Representative Smith of Virginia for information about . . . (b)(7)(C)

These + what follows are deletions of the unit (u) to protect privacy! Seem improbable.

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with the notation, "not now". King was photographed by the FBI
in Los Angeles with an aide and

(u)

CLASSIFIED: SECRET....EXEMPT- 5 USC §552(b)(1)

(s)

In April 1964, DeLoach briefed Senator Saltonstall (Mass.)
and Springfield College President Glenn Olds (now President
of Kent State University) about King in an unsuccessful effort
to prevent the awarding of an honorary degree. Also in April
Joseph Alsop published the article concerning King, communist
connections, and Hoover's January testimony concerning communist
influence on racial matters. King responded by criticizing the
Bureau's concern with communism and not with racial problems. (u)

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CLASSIFIED: SECRET.....EXEMPT - 5 USC §552(b)(1)

On April 23, 1964 Sullivan authorized a misar on King in Los Angeles and one in Sacramento. Also in April Hoover approved permitting the State Department's Bureau of Intelligence and Research to read the "recalled" monograph about King. The White House and Attorney General were told that King, in a near intoxicated state, said he was going to go on a hunger strike in D.C. and die unless the Civil Rights Bill was passed. Attorney General Kennedy was advised that King had refused to debate Malcolm X. King confused the Director when, for unknown reasons, he had his secretary advise the FBI he was going to give a speech in the Philadelphia area. Apparently this was the first time King had told the Bureau of his plans and the Director wanted to know why. In later months and years, King usually told the Bureau of his travel plans (u)

you'd never know this from what I have received, which is decided by what individuals from Atlanta, GA

The pace of Bureau activity concerning King then seems to have slackened for a few months. In fact, in May 1964 the Atlanta office was told to leave personal material about King only in intra-Bureau communications and not in anything that might be disseminated. However, the New York office was directed to canvass New York banks to find any accounts of King. An updated profile of King was prepared in May and served as the justification for keeping King in Section A of the Reserve Index because of "subject's position as President of SCLC and he continues to be controlled by Communists." The summary of the profile originally contained a statement that King "...

(From context can this really be (b)(1)?)

CLASSIFIED: SECRET.....EXEMPT- 5 USC §552(b)(1)

(s)

In May 1964 King repeated an earlier criticism of the FBI's concern with communist influence on him and the racial

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