

Memorandum

TO : DAG, R. Bork, R. Lee, A. Scalia,
R. Thornburgh

DATE: April 15, 1976

FROM : Attorney General

SUBJECT:

I attach a document which is the recommendation of Stan Pottinger and the report of Robert Murphy on the review of the Bureau's activities with respect to Martin Luther King and recommendations as to what further actions the Department should take.

I would like to have in writing as soon as possible your reaction to these recommendations; that is either your approval of them or if you do not approve, your statement of the course of action you think should be followed.

It may help if I indicate certain concerns or questions which I have with respect to the report and recommendations as they now stand.

1. The review which has been conducted is incomplete and has stopped midway or somewhere along the lines of a complete review. Obviously the review needs to be completed, and I should think this is the first order of business. The recommendation is that a new team come in to complete this review. I do not see how this will work, since it would seem strange to have a new group start all over again (which I don't think is the recommendation). But if the new group is to continue the investigation, then in some way what has already been done has to be fully understood and taken into account as further material is looked at. Moreover, apparently one cannot divide what has been done and what needs to be done on a strictly chronological basis, because the point has been made that the field office material will have to be looked at. While I can understand why the present group may not wish to continue, I believe that some means must be found to connect the work of that group with any successor group. Normally, this would suggest that some members would hold over.



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2. No recommendation is made as to how the new group is to be assembled. Reading the report suggests that the members of any new group must be extremely knowledgeable and expert.

3. Various recommendations are made which either have to be decided now or deferred, but if they are deferred, I believe we ought to consider deciding now at least how they are to be decided--that is by what group. For example, there is the suggestion of possible redress payments. The report also discusses the possible disposition of the King materials.

4. The report suggests that an advisory committee from outside the Department be appointed, but it is not clear to me what this advisory committee will be asked to advise upon. That is, is this the group which is to decide whether there should be redress, or whether the review has been thorough, whether there are any matters for criminal investigation, whether there are any matters to be looked at for disciplinary purposes, or whether there should be notification to various parties.

Moreover, since we have not completed the review, is it desirable to now announce an advisory committee or is it the intention that the advisory committee is supposed to supervise what is essentially a new review either starting from the beginning or starting in the middle?

I would suppose the main function of an advisory group would be either to give assurance of the authenticity of the review or to write a report which can be made public. If it is the latter, then this really means that the review group would either have to write the report for the advisory group or write its own report which the advisory group will then review. I am not sure that this complicated framework at this point will serve any purpose. Moreover, I am concerned about the invasion of privacy and the justification for it if at this point the Department of Justice, not having finished its own review, now appoints an advisory group which inevitably will be the target for

inquiries from the press as to what circumstances have been found to exist.

I note that Mr. Murphy is not in favor of the advisory group, and I don't know whether I am or not, since I don't know what the advisory group is supposed to do. At the present time, I am inclined to the view that the best thing for the Department of Justice to do is to finish the review and to have it be as thorough as possible. Moreover, I should suppose that the Department of Justice itself has to have some recommendations of its own, deciding the questions left open, such as notice, redress, etc. And conceivably the Department of Justice itself ought to have two reports--one which is quite complete but which would not be made public, because it would be damaging to right of privacy, and another report which would make the difficult determinations as to what is appropriate in view of these rights to make public. I think a public statement is required in view of the fact that there have been so many public statements already in the course of the incomplete review. Indeed, I am quite sure that an interim public statement will have to be made now. In any event, this seems to me to be a difficult set of problems which we must answer very quickly.

cc: Stan Pottinger

Attachment