



United States Department of Justice

OFFICE OF THE ASSOCIATE ATTORNEY GENERAL

WASHINGTON, D.C. 20530

JAN 3 1979

James H. Lesar, Esquire
Suite 600
910 Sixteenth Street, N. W.
Washington, D. C. 20006

Dear Mr. Lesar:

This letter both releases and adjudicates at the administrative appeal level one document which originated with and has been reviewed by the Federal Bureau of Investigation. A copy of this document was first discovered in the files of the Office of the Deputy Associate Attorney General in the course of processing the requests of your client, Mr. Harold Weisberg, for access to records pertaining to the assassination of Dr. Martin Luther King, Jr.

As the result of its review of the document, the F.B.I. determined that it should be released, except for four excisions on pages 7, 8 and 9. The excision on page 7 was made to avoid an unwarranted invasion of the personal privacy of a Special Agent of the F.B.I. 5 U.S.C. 552(b)(7)(C). This is the same Agent whose identity was protected by the Bureau when it released to your client certain materials originating in 1975, but pertaining to the 1964 transporting to Tampa and sending by mail to Mrs. Martin Luther King, Jr., of a certain tape recording. In my opinion, the potential for a serious invasion of the personal privacy of this Special Agent, were his involvement in this episode to become known, is clear. Accordingly, I am affirming this excision on the same ground that it was made by the F.B.I. The three paragraphs excised from pages 8 and 9 were determined by the Bureau to warrant continued classification. At this time, therefore, I am affirming the Bureau's decision on the basis of 5 U.S.C. 552(b)(1). These paragraphs will be reviewed by the Department Review Committee, however, to ascertain whether they do warrant continued classification under the provisions of Executive Order 12065. You will be notified of the results of this process.

Mr. Weisberg (w/enclosures)

It is my judgment at this time that none of the material excised from this document is appropriate for release as a matter of agency discretion.

Judicial review of my action concerning this document is available to Mr. Weisberg in the United States District Court for the judicial district in which he resides or has his principal place of business, or in the District of Columbia, which is also where the record he seeks is located.

Sincerely,

Michael J. Egan
Associate Attorney General

By: Quinlan J. Shea, Jr., Director
Office of Privacy and Information Appeals

Enclosure

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FEDERAL GOVERNMENT
The Attorney General

- 1 - Mr. Held
 - 1 - Mr. Adams
 - 1 - Mr. Sallagher
 - 1 - Mr. Ingram
 - 1 - Mr. Peelman
- January 22, 1977

Director, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

- 1 - Mr. Deegan
- 1 - Mr. Lawn
- 1 - Mr. Moore
- 1 - Mr. Leavitt
- 1 - Mr. Decker
- 1 - Mr. Ryan

REPORT OF THE DEPARTMENT OF JUSTICE TASK FORCE TO
REVIEW THE FBI-MARTIN LUTHER KING JR., SECURITY
AND ASSASSINATION INVESTIGATIONS

All information contained in this letter is
unclassified unless otherwise indicated.

By my memorandum dated January 17, 1977, I
confirmed to Mr. Michael E. Shaheen, Jr., Counsel, Office
of Professional Responsibility, the receipt of captioned
report and its appendices.

On January 17, 1977, a conference was held with
Mr. Shaheen, Task Force Leader Fred G. Polson, Jr., and
members of his Task Force and Inspector, Deputy Assistant
Director James O. Ingram; Section Chiefs Joseph G. Deegan
and James S. Peelman; and members of their respective staffs
in the General Investigative Division and representatives of
our Intelligence Division; and our Records Management Division
(Document Classification Officer and Privacy Act Representa-
tives).

Mr. Shaheen advised that corrections of patent
errors in the report could be made during this conference
and any additional observations could be submitted to the
Department in writing.

In addition to the errors noted, the following
observations are being set forth concerning this Task Force
report for your consideration and evaluation:

The Assassination Investigation

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- Assoc. Dir.
- Dep. AD Adm.
- Dep. AD Inv.
- Asst. Dir.:
- Adm. Serv.
- Ext. Affairs
- Ident. & Pers.
- Intell.
- Inspection
- Lab.
- Legal Coun.
- Plan. & Eval.
- Rec. Mgnt.
- Spec. Inv.
- Telephone Rm.
- Director Sec'y

On page 101 the Task Force states that, "The Bureau
apparently discounted the significance of any contact between
Ray and his family . . . the Bureau should have pursued
this line of investigation more thoroughly." On page 105
the Task Force states, "Thus, at least one family member,
Gerry, had lied to the FBI and had become subject to federal
criminal charges for aiding a fugitive. He was never con-

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF Classification
DATE 1-18-77

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Classified by V080
DS, Category 2,3
Date of Declaration Indefinite
Receipt from Director, FBI
S. Category 2,3, & 4
Date of Declaration Indefinite

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fronted with these facts by the Bureau." On page 106 the Task Force states that, "We concluded that the FBI abandoned a significant opportunity to obtain answers from family members concerning some of the important questions about James Earl Ray which still remain."

On page 109, the Task Force states, "Fourth, it is true that the Task Force unearthed some new data - data which answers some persistent questions and which the FBI did not seek. But the Bureau concentrated on the principal in the case and much was not considered important to his discovery and apprehension; we find no dishonesty in this." "By hindsight the Task Force believes Jerry and John Ray (Ray's brothers) could have been effectively interrogated further to learn their knowledge, if any, of James Earl Ray's plans, his finances and whether they helped him after King's death." (page 110).

Our observations concerning the above statements by the Task Force are that family members were interviewed by the FBI approximately 50 times from April to June of 1968. Additionally, toll records were reviewed and contacts identified in the case of Carol Pepper, (Ray's sister), and the Grapevine Tavern, owned by Pepper and run by John Larry Ray. Bank records were also checked regarding Carol Pepper, John Larry Ray and Jerry Ryans (Ray's father). Neighborhood sources had also been developed and credit records were checked. These family members were interviewed for any information concerning Ray's background and location.

Jerry Ray was interviewed, for example, at least 10 times between April 19, 1968 and May 1, 1968. He was interviewed for all background concerning the Ray family, his contact with Ray and his source of money, was confronted about certain false information he had furnished, and was advised of the provisions of the Harboring Statute.

John Ray was interviewed, for example, at least four times between April 22, 1968, and May 4, 1968, for background information, whereabouts of Ray and his source of money, and was advised of the provisions of the Harboring Statute.

While Ray was a fugitive the FBI requested the Department by memorandum dated May 13, 1968, to approve a technical surveillance at the residence of Pepper and Grapevine Tavern. The Department took no action on this request and the FBI withdrew this request by memorandum dated June 11, 1968, after Ray was apprehended.

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The Task Force itself notes our previous investigation concerning Ray's family on page 59 wherein it states, "In connection with this search, Ray's family was identified, located, physically surveilled and periodically interviewed for information."

Our observations concerning our extensive previous investigation concerning Ray's family were brought to the attention of Mr. Shaheen and the Task Force on January 17, 1977, for their consideration and evaluation. It is further noted that all of our investigative results, including those involving Ray's family, were promptly furnished to the Civil Rights Division for its consideration as to whether any additional Federal action was warranted.

On page 110 of this report the Task Force states, "Finally, the Task Force observed instances of FBI Headquarter's reluctance to provide the Civil Rights Division and the Attorney General with timely reports on the course of the murder investigation. For example, early in the investigation in a reaction to a press report of Attorney General Clark's expectation of making a progress report to the nation, FBI Director Hoover wrote: 'We are not going to make any progress reports.'"

In its "Recommendations" - "As To The Murder Investigation" the Task Force states:

(1) "The progress of such sensitive cases as the King murder investigation and the development of legally sufficient evidence to sustain prosecution are properly the ultimate responsibility of the Division of the Department having supervision of the kind of criminal prosecution involved. The Division head should delineate what progress reports he wishes. The Bureau should not be permitted to manipulate its submission of reports to serve its purposes, such as the protection of its public relation efforts, or the prevention of the responsible Division of the Department from causing the Bureau to pursue a line of inquiry which the Bureau does not approve. The Attorney General and his assistants are the officers most accountable to the electorate and they, not the police agency, must maintain effective supervision." (page 143).

Observations were made to Mr. Shaheen and the Task Force on January 17, 1977, for their consideration and evaluation, that timely reports were submitted to the Department even though they may have not been labeled "progress reports." It is further noted, as an example, that between April 5, 1968 and April 17, 1968, (the date the complaint

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was filed in Birmingham, Alabama, discussed hereafter) at least nine memoranda were furnished by the Director of the FBI to the Department concerning the developments of this investigation. Additional pertinent memoranda, of course, continued thereafter on a timely basis. Our Field Offices also submitted timely reports which were furnished to the Department and the following are several examples: A Memphis report dated April 17, 1968, consisting of 185 pages was furnished to the Civil Rights Division (CRD) on May 6, 1968; an Atlanta report dated April 18, 1968, consisting of 123 pages was furnished to the CRD on May 6, 1968; a Birmingham report dated April 17, 1968, consisting of 176 pages was furnished to the CRD on May 6, 1968. Additional reports from our Field Offices continued to be furnished to the Department on a timely basis. It is further noted that it appears "progress reports" to the nation would have been inadvisable and the Task Force in effect answers this issue on page 106 where it cites Departmental rules against disclosure of raw investigative files. The FBI was investigating a criminal matter and reports were submitted on a timely basis to the Department for its consideration as to whether any Federal action was warranted. The Department could have issued its own "progress reports" based upon the timely reports submitted by the FBI.

In its "recommendations" on page 144, the Task Force states:

(2) "As a corollary of our espousal of tighter Department authority over the FBI, we recommend that the Bureau's public relations activities and press relations be controlled by the Attorney General's Office of Public Information. Clear directives to prevent the development of personality cults around particular Bureau Directors and officials should be drawn. Bureau press releases should be cleared through the Office of Public Information."

It is noted that in the assassination investigation the Director instructed that "no comment" be made during this investigation. When it was necessary to make a major press release in the assassination investigation, it was made with the approval of the Attorney General and was made jointly with the Attorney General.

Departmental Order #24-60 issued September 8, 1933, and periodically restated instructs that "All publicity, whether relating to cases pending or to administrative, business or policy, must be authorized and given to the press through the Office of the Attorney General." The implementation of these instructions is carried out through

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the Public Information Office of the Department of Justice. Continuous liaison is maintained with the Public Information Office by the External Affairs Division of the FBI and there have been no problems with this arrangement. All press releases, issued by FBI Headquarters, are cleared through the Department's Office of Public Information, as provided for under Departmental Orders.

On page 110, the Task Force states, "The Bureau's preparation and filing of the criminal complaint against "Galt" on April 17, 1968, before a U.S. Commissioner at Birmingham without first clearing with the Department, and the after-the-fact submission to the Attorney General of a draft press release about the complaint are illustrative of the Bureau's disdain for Department supervision (HQ 44-38861-1555, 1565)."

Also in its "recommendations", the Task Force states on page 144:

(3) "The Task Force recommends that no criminal action in sensitive cases should be instituted by the FBI without Departmental approval which would include, in appropriate cases, the approval of the United States Attorneys Offices."

Observations were made to the Task Force on January 17, 1977, that the FBI file on the civil rights assassination investigation (serial 44-38861-1555) reflects the Attorney General authorized the filing of the complaint, and serial 44-38861-2323 reflects the United States Attorney's Office, Birmingham, authorized the filing of the complaint. Mr. Folsom stated the Task Force would take this under review. It is further noted that although the name of the Special Agent(s) of the FBI who contacted the Department is not set forth, serial 44-38861-1555 (a FBI memorandum) reports that on April 16, 1968, the Attorney General authorized the filing of a complaint charging Eric Starvo Galt (an alias for Ray) with violation of Title 18, U. S. Code, Section 241 (Civil Rights Conspiracy Statute). Serial 44-38861-2323, (a Birmingham FBI report) reports that on April 17, 1968, the facts of this matter were discussed by the FBI with Assistant United States Attorney R. Macey Taylor, Birmingham, Alabama, who authorized the filing of a complaint charging Eric Starvo Galt for violation of Title 18, U. S. Code, Section 241. Serial 44-38861-2323 further reports that a complaint was thereafter filed before United States Commissioner Mildred F. Sprague, Birmingham,

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on April 17, 1968. It is further noted that in 1968 and up to and including the present time, it was Departmental policy in civil rights matters to obtain authorization from the Department prior to instituting "criminal action" (instituting Federal process such as filing a complaint or seeking an indictment, etc.). Also it was the policy of the FBI in 1968 and up to and including the present time to obtain the authorization of the Department and/or the appropriate U. S. Attorney's Office prior to the institution of any Federal process.

The last "recommendation" concerning the assassination investigation on pages 144-145 states:

(4) "It was observed that almost no blacks were in the FBI Special Agent's corp in the 1960's and none in the Bureau's hierarchy. This undoubtedly had the effect of limiting not only the outlook and understanding of the problems of race relations, but also must have hindered the ability of investigators to communicate fully with blacks during the murder investigation. By way of illustration had there been black Agents in the Memphis field office participating fully in the investigation of Dr. King's murder, it is unlikely that the interviews with at least three black members of the Memphis Police and Fire Department would have been overlooked. It is also very probable that black citizen 'lead' input would have been greater." This appears to be more of an opinion or observation rather than a "recommendation."

This recommendation makes reference to three black members of the Memphis Police and Fire Department whose removal from assignment at a fire station, a surveillance lookout of the motel where Dr. King was staying, was reported as a basis for the House Select Committee to investigate the assassination of Dr. King. (pages 26 and 33). This Task Force report examines the basis for the removal of the black detective concerning a reported threat on his life and also states on page 37 that, "Our investigation has not disclosed any evidence that the detail of Wallace and Newsom (the two black firemen) was in any way connected with the assassination of Dr. King." It is further noted that based upon a request of the Civil Rights Division in September of 1968, we conducted certain investigation concerning the information regarding the removal of this detective and firemen. Although we did not interview these three individuals, we did furnish results of our investigation regarding their removal to the Civil Rights Division by memorandum dated November 21, 1968, and no additional investigation was requested.

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The Security Investigation

The following observations concerning the section of OPR's report which deals with the FBI's security investigation of King were brought to the attention of Department representatives at the above mentioned meeting on January 17, 1977, at FBIHQ.

General Observations

(1) In a number of instances the Task Force report refers to "The Deegan File," a cabinet which contained sensitive documents and tapes in the King security investigation. The Bureau uses no such terminology to describe this material. Documents and tapes in this cabinet are properly charged out of official Bureau files and are merely stored in a cabinet located in the office of Mr. Deegan, Chief of the Domestic Security Section, General Investigative Division.

(2) The Task Force report fails to show that the personal life and character of King were significant in making an intelligence assessment of King. This factor [redacted] by OPR, is also omitted in the recorded interview which is contained in Appendix B. (b)(7)(c)

(3) The OPR report makes no recognition of the "tenor of the times" during which King was investigated. Those were the years of considerable racial strife throughout the nation, when subversive and other disruptive elements were attempting to capitalize for their own advantage on the social awakening in our country and on the civil rights issue.

Specific Observations

(1) Page 127 - Concerns installation by the New York Field Office on January 21-24, 1966, of a microphone surveillance against King at the Americana Hotel. It should be noted that documentation for this information is in FBIHQ file 100-106670-2224X rather than 2224 as indicated in the OPR report. The Task Force report states that Assistant to the Director DeLoach ordered the microphone removed at once and advised the Director that "no one here" approved the coverage. A review of this serial indicates these instructions were written by Mr. Tolson and not DeLoach. The OPR report indicates Mr. Sullivan authorized this coverage, but a review of the serial fails to indicate clearly who

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actually made the authorization. On page 128 the report implies that coverage continued after the microphone was ordered removed. There is no such indication in the Bureau files as to the amount of time that lapsed following instructions to remove the surveillance to when actually removed. Therefore, there is no way to determine if surveillance continued in violation of instructions.

[REDACTED]

(b)(1)

(Secret)

[REDACTED]

(b)(1)

(Confidential)

(4) Page 146 - The report identifies four Bureau officials who ordered and directed counterintelligence activity and "illicit" dissemination of investigative data to discredit King. It was pointed out to Department officials that identification of present or former Bureau officials responsible for actions against King could jeopardize their personal safety.

The below additional observations, not made during the conference on January 17, 1977, are submitted for consideration of the Department:

(1) Page 112 - The report indicates that Mr. Alex Rosen, Assistant Director of the General Investigative Division, advised Mr. Hoover of information concerning King, as reported in a memorandum from Scatterday to Rosen dated May 22, 1961. A review of this document reveals that Rosen's initials are not on it or is there any indication Rosen was aware of the memorandum. Therefore, there is no indication that Mr. Rosen advised the Director of such information, although it is acknowledged that Mr. Hoover was made aware of the information.

(2) Pages 120 and 124 - In these two instances the OPR report indicates that investigation of King and SCLC was predicated on belief they were under influence

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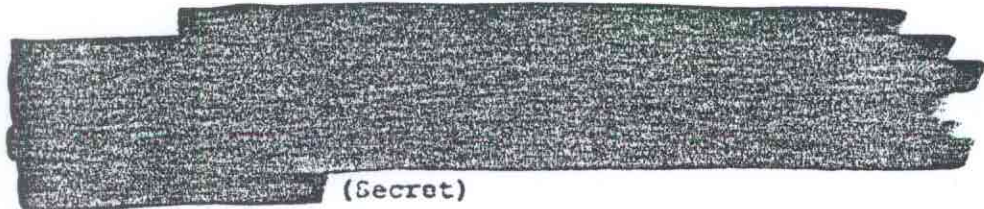
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of the Communist Party, United States of America (CPUSA). It should be noted that King and SCLC were investigated for communist influence and not just for influence of the CPUSA.

(3) Page 126 - The report refers to informant symbol numbers assigned to microphone surveillances of King. The Department should note that informant symbol numbers are used internally to control and administer informant operation and are not disseminated outside of the FBI.

(4) Page 126 - The report states that the persistent controversy between King and Mr. Hoover was a major factor in the Bureau's determination to discredit King and ultimately destroy his leadership role in the civil rights movement. The report fails to acknowledge that the primary factor in investigating King was the national interest and not the Hoover - King controversy.

(5) Page 134 - With respect to a recommended counterintelligence proposal by the Atlanta Office, the report states the Task Force was unable to determine whether such actions were undertaken since they were neither approved nor disapproved by the Director. It should be noted that the Bureau communication acknowledging receipt of the proposal from Atlanta further instructed that Atlanta would be advised if such a counterintelligence tactic was to be utilized in the future. This additional information is omitted from the OPR report and there is nothing in the files to reveal any approval of the tactic.



(b)(1)

(Secret)

(7) The OPR report fails to recognize one other important factor in the Bureau's recognition of King as a security risk. This concerns the fact that King was warned at the highest levels of Government (President and Attorney General) that he should discontinue his association with communists to prevent harm to his movement. His continued association with communists indicates King chose to ignore this responsible advice.

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While this Bureau's Document Classification Officer (Security Officer) has carefully reviewed and classified on a paragraph-by-paragraph basis the Task Force's "Top Secret" report, he has noted the information in this report is extremely sensitive and if compromised could cause exceptionally grave damage to the national security. Additionally, while the Document Classification Officer has invoked what in his opinion are all available standards relating to areas of classification, in assisting the Task Force in preparing sanitized version of the report, nonetheless because of previously-released information there is concern through logical speculation and processes of elimination that disclosure of the sanitized report could jeopardize this Bureau's sources and methods of intelligence.

- 1 - Deputy Attorney General
- 1 - Mr. Michael E. Shaheen, Jr.
Counsel, Office of
Professional Responsibility

APPROVED.

Director	Adm. Serv.	Leg. Coun.
Assoc. Dir.	Ext. Affairs	Plan. & Insp.
AD Adm.	Fin. & Pers.	Rec. Mgmt.
Exp. Serv.	Comp. Inv.	S. & T. Serv.
	Int. Aff.	Spec. Inv.
	Lab.	Training

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