

UNITED STATES GOVERNMENT

Memorandum

- 1 - DeLoach
- 1 - Rosen
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Tolson
 DeLoach
 Mohr
 Bishop
 Casper
 Callahan
 Conrad
 Felt
 Gale
 Rosen
 Sullivan
 Tavel
 Trotter
 Tele. Room
 Holmes
 Gandy

TO : MR. TOLSON

DATE: July 2, 1968

FROM : C. D. DeLOACH

SUBJECT: MURKIN

Mr. Rosen, very properly, advised me this afternoon that SAC Jensen, Memphis, had called the Civil Rights Section, General Investigative Division, relative to a call he, Jensen, had received from Shelby County Prosecutor Canale, as well as a later call received from Assistant Attorney General Stephen Pollak.

Prosecutor Canale called Jensen to say there appeared to be somewhat of a problem involving Stephens, the important witness who saw James Earl Ray leaving the flophouse, 420 South Main Street, immediately following the assassination of King. Stephens is a drunk, is disreputable, and of course there can be no assurance as to his whereabouts unless he is closely followed. Canale called Jensen to indicate a desire that the FBI take Stephens into protective custody and hold him until the trial of James Earl Ray. Jensen, very properly, told Canale that the FBI could not do this. Canale replied that if Jensen didn't mind he would call Assistant Attorney General Pollak about the matter. Jensen told Canale that it was entirely up to him as to whether or not he called Pollak.

Apparently Canale did call Pollak and immediately thereafter Pollak placed a long distance call to our SAC, Jensen in Memphis. Jensen called FBI Headquarters before answering Pollak's call.

I told Rosen to call SAC Jensen back and tell him that he should answer Assistant Attorney General Pollak's call but to flatly inform Pollak that he should deal with FBI Headquarters rather than attempting to deal directly with our SACs in the field.

In the meantime, I attempted to call Pollak. In his absence, I talked with Bob Owen, Pollak's first assistant. I told Owen that Pollak nor any other Assistant Attorney General should attempt to deal directly with our SACs inasmuch as such attempts merely lead to confusion and inefficiency. I stated also that our SACs, of necessity, would clear with FBI Headquarters prior to putting into effect any instructions issued by the Department of Justice. Owen replied that he agreed and he did not know why

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MEMO TO: MR. TOLSON
RE: MURKIN

Pollak had called Jensen directly. He stated that Pollak probably desired to discuss the Canale call. I interrupted Owen and told him I was well aware of Canale's request, that the FBI had no intentions whatsoever of acting as a "baby sitter" for the Shelby County Prosecutor's Office. I stated this is a problem strictly for the Prosecutor and not one for the FBI. Owen stated that he also agreed with this statement and that in his opinion Canale should attempt to get a capable detective to "sit with" Stephens until the James Earl Ray trial took place.

Assistant Attorney General Pollak returned my call at 5:35 p.m. He told me he regretted getting in wrong channels and that perhaps he should have called Rosen or me prior to attempting to reach SAC Jensen. I told him this was absolutely right and that he should realize better efficiency would be accomplished by going through proper channels. He stated he would be guided accordingly in the future.

We then thoroughly discussed the Canale request and Pollak told me Canale had made no such request of him. He said Canale apparently told our SAC one thing and then when he called Pollak he merely asked advice. I told Pollak nevertheless Canale should realize that the FBI would not be his "baby sitter." Pollak agreed. He stated he had made a record of Canale's call to him and that while he had refused to offer Canale any advice, he had ventured the thought that protective custody of Stephens might ruin him as a witness. He stated that the proposition had been discussed that some detective might take Stephens fishing until the James Earl Ray case took place. I told him this, of course, was entirely up to the Shelby County Prosecutor's Office and not the FBI.

ACTION:

For record purposes.

Very properly handled.