

United States District Court

FOR THE

DISTRICT OF COLUMBIA

76-1185

CIVIL ACTION FILE NO. \_\_\_\_\_

BERNARD S. LEE,

Plaintiff

v.

CLARENCE M. KELLEY, CARTEA DeLOACH,  
WILLIAM C. SULLIVAN, JOHN DOE, Executor  
of the Estate of Clyde A. Tolson,  
deceased, and TWO UNKNOWN AGENTS,  
individually and as agents of the Federal  
Bureau of Investigation,

Defendants

SUMMONS

To the above named Defendant:

*(2) Unknown Agent, F.B.I.*

You are hereby summoned and required to serve upon

Chauncey Eskridge

PATRICIA WORTHY

plaintiff's attorney, whose address

110 South Dearborn Street  
Suite 1500  
Chicago, Illinois 60603

*666 11th St, N.W.  
Suite 500  
Washington, D.C. 20001  
202/737-5432*

an answer to the complaint which is herewith served upon you, within ~~27~~<sup>60</sup> days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

*Ernest W. Ashbaugh*  
Clerk of Court.  
Deputy Clerk.

Date:

[Seal of Court]

*June 10 1976*

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

BERNARD S. LEE,  
334 Auburn Avenue N.E.  
Atlanta, Georgia 30303

Plaintiff,

vs.

CLARENCE M. KELLEY, CARTHA  
DeLOACH, WILLIAM C. SULLIVAN,  
JOHN DOE, Executor of the Estate  
of Clyde A. Tolson, deceased, and  
TWO UNKNOWN AGENTS, individually  
and as agents of the Federal Bureau  
of Investigation,

Defendants.

76-1185

Civil Action No. \_\_\_\_\_

Jury Requested

C O M P L A I N T

The plaintiff alleges that:

1. This action arises under the First, Fourth, and Fourteenth Amendments to the Constitution of the United States; and 47 U.S.C., Section 605. Jurisdiction is predicated upon 28 U.S.C., Sections 1331, and 1343(4). The matter in controversy exceeds, exclusive of interest and costs, the sum of Ten Thousand Dollars.

2. Plaintiff, a Black American Minister of the Gospel, is a resident of the City of Atlanta, State of Georgia; and at all times material, plaintiff was the Executive Assistant to the Rev. Dr. Martin Luther King, Jr., deceased, who was the president of the Southern Christian Leadership Conference, at all relevant times, until he was killed on April 4, 1968.

3. Defendant, CLARENCE M. KELLEY, is presently the Director of the Federal Bureau of Investigation, (F.B.I.), an agency of the U.S. Government, with offices in the District of Columbia.

Defendant, CARtha DeLOACH, WILLIAM C. SULLIVAN and TWO UNKNOWN AGENTS, are or were agents of the F.B.I. Defendant JOHN DOE, is the Executor (or Administrator w/will annexed) of the Estate of Clyde A. Tolson, deceased, who was Assistant Director of the F.B.I., at all times material. The TWO UNKNOWN AGENTS, are F.B.I. agents whose names are not now known.

4. In the Spring of 1963, plaintiff, and several other persons, met in a private room which had been rented by the late Dr. King, at the Willard Hotel, in Washington, D.C., for the purpose of assembling to petition their government for redress of the civil rights of minorities. On information and belief, said session, in said private room, was bugged and tape recorded by defendants, or some of them, and they mailed anonymously a copy of said tape to the spouse of the late Dr. Martin Luther King, Jr., about November 1, 1964, thereby disclosing the content of said tape recording.

5. From 1964 until recent date, plaintiff had no knowledge of the source of said tape recording, so that he might seek its suppression because he has been further informed since said date that said tape has been exposed to newsmen and women, members of Congress, among others, which therein held up the plaintiff, and his said conferrers, to ridicule and contempt. Furthermore, plaintiff has lived in constant fear for himself, and others, of the resulting harm from further publication of said tape recording, or its transcription.

6. As aforesaid, it was by way of recent news stories that plaintiff was informed for the first time that the source of said tape recordings was occasioned by one or more of the

defendants, or their decedents; and that defendants, or some of them, or their decedents, caused said oral communications of the plaintiff, and his conferrers, to be surreptitiously intercepted and recorded by a hidden electronic listening device, without warrant or other authorization by any court.

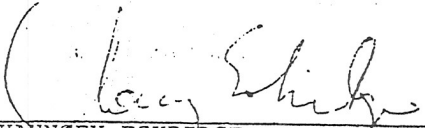
7. Plaintiff is informed and believes that said tape recording was but one of many illegal interceptions, and recordings, of plaintiff's oral and wire conversations by defendants, or some of them, and that said other tape recording have been made available, and disclosed to others outside the F.B.I.; as a result, plaintiff has suffered great emotional stress, embarrassment and mental discomfort, and plaintiff has been greatly injured and damaged in his right to assemble in private and to discuss the different methods about which he might petition his government for redress of the rights of minorities.

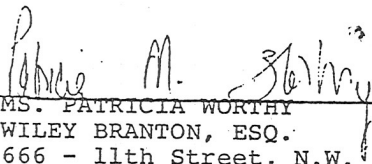
8. Because of the past leaks, plaintiff believes that said tape recording, and other tape recordings of plaintiff's private oral and wire conversations, may again in the future be leaked; and that plaintiff, and other innocent persons who may have been parties to, or spoken about, in such conversations will be irreparably harmed and injured if this Court does not immediately take possession and impound all tapes, memoranda, transcripts and other materials arising out of said illegal activities of the defendants, their agents, and others operating in concert with them.

WHEREFORE, plaintiff prays the Court to order, adjudge, declare, and decree that:

1. The defendants, or one or all of them, be mandatorily enjoined, and required, under a protective order of the Court, to produce all of said tape recordings of and concerning the plaintiff, his friends and associates who communicated with him orally and by wire, upon a special finding that said recordings or oral and wire conversations were beyond the outer perimeter of defendants' line of duty, and without good faith.

2. That plaintiff have recompense in sum of One Million Dollars, his costs, and that plaintiff have such other and further relief as Equity deems meet.

  
CHAUNCEY ESKRIDGE  
110 South Dearborn Street  
Suite 1500  
Chicago, Illinois 60603  
312/372-1106

  
MS. PATRICIA WORTHY  
WILEY BRANTON, ESQ.  
666 - 11th Street, N.W.  
Washington, D.C. 20001  
202/737-5432

Local Counsel

STATE OF GEORGIA )  
 ) SS.  
COUNTY OF FULTON )

BERNARD S. LEE, being first duly sworn on oath, deposes and states that he is the plaintiff in the above entitled cause; that he has read the above and foregoing Complaint by him subscribed; that the matters and things therein set forth are true, except matters stated upon information and belief, which he believes to be true.

Bernard S. Lee

SUBSCRIBED and SWORN to before  
me this 24<sup>th</sup> day of Aug,  
1976.

Blair Hunter  
NOTARY PUBLIC