

FOR THE
DISTRICT OF COLUMBIA

76-1188

CIVIL ACTION FILE NO. _____

SOUTHERN CHRISTIAN LEADERSHIP
CONFERENCE, (SCLC), a Georgia
non-profit corporation,

*Answer Due
August 30, 1976*

Plaintiff

v.

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

Defendant^s

SUMMONS

To the above named Defendant^s:

by attorney

You are hereby summoned and required to serve upon

CHAUNCEY BSKRIDGE

PATRICIA WORTHY

plaintiff's attorney, whose address

110 S. Dearborn Street
Suite 1500
Chicago, Illinois 60603

*666 - 11th St, N.W.
Suite 500
Washington, D.C. 20001
202 11737-5432*

an answer to the complaint which is herewith served upon you, within 30 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.

JAMES H. DAVIS, Clerk

SERVICE ACKNOWLEDGED DATE: *June 27, 1976*

BY: *Gayer P. Bueck*
BY: THE U.S. ATTORNEY WASH. D.C.

E. W. Galt
Clerk of Court.
Deputy Clerk.

Date: *July 1, 1976*

[Seal of Court]

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

SOUTHERN CHRISTIAN LEADERSHIP
CONFERENCE, (SCLC), a Georgia
non-profit corporation,
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
TEN UNKNOWN AGENTS, individually
and as agents of the Federal Bureau
of Investigation,

Defendants.

75 1183

Civil Action No. _____

Jury Requested

COMPLAINT

*Fourth and Fourteenth
Amendments - Production of
Tapes*

Plaintiff-corporation alleges that:

1. This action arises under the First, Fourth and Fourteenth Amendments to the Consitution of the United States; and 48 U.S.C., Section 605. Jurisdiction is predicated upon 28 U.S.C., Sections 1331, 1343(4). The matter in controversy exceeds, exclusive of interest and costs, the sum of Ten Thousand Dollars.

2. Plaintiff-corporation was incorporated in 1958 in the State of Georgia as a non-profit corporation for the purposes of promoting greater understanding in all efforts toward interracial development and good will; to work with other groups in the attainment of interracial unity, harmony and understanding; and to conduct public forums on the obligations of citizenship, among other purposes. Its president, the late Dr. Martin Luther King, Jr., was assassinated on April 4, 1968, and his successor is the Reverend Dr. Ralph David Abernathy.

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 TEN 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 TEN UNKNOWN AGENTS, are F.B.I. agents whose names are not now known.

4. Since its incorporation, plaintiff-corporation has been funded by foundation grants, and contributions solicited by mail and public forum. Its reputation for advancing its corporate purposes, by the use of said funds, was publically acclaimed when its past President was awarded the Nobel Peace Prize in 1964 for his efforts, along with plaintiff-corporation's officers, directors and servants, in promoting peace among the various advocates for and against the civil rights of minorities; since the death of Dr. King, those policies have been carried on by its successor officers, directors, and servants who are directly affected by any interruption or chilling of foundation grants and other monetary contributions.

5. On information and belief, in 1964, plaintiff-corporation's offices in New York and Atlanta were gugged, by electronic eavesdropping devices, and its telephones were tapped by the defendants, or some of them, for the purposes of adversely affecting its fund raising and the reputation of its officers, directors and servants, among other illegal purposes.

6. Said electronic surveillance and/or wiretapping were done surreptitiously, and without permission of the plaintiff-corporation, and without warrant or authorization by any court.

7. Over the years plaintiff-corporation, its officers, directors and servants were advised, but did not believe, that their offices were bugged and their telephones were tapped, but, however, they lived in constant fear of the resulting harm financial or otherwise that could arise from disclosure of overheard conversations; and they still fear disclosure of the contents of any such tape recordings, transcripts, or memoranda made therefrom.

8. Plaintiff-corporation is now informed and believes that the resulting tape recordings, transcripts, or memoranda, resulting from the many illegal interceptions, by defendants, or some of them, of oral and wire communications have been made available and disclosed to selected persons outside the F.B.I. for the aforesaid illegal purposes; as a result, plaintiff-corporation's officers, directors and servants, and others with whom they communicate, have suffered great financial loss and emotional stress, embarrassment and mental discomfort from the disclosures of said recordings, transcripts or memoranda. Moreover, plaintiff-corporation's officers, directors, friends and associates have been greatly chilled, injured and damaged in their right to raise funds, and to assemble and discuss the different methods by which they might redress their government for redress of the rights of minorities.

9. Because of past leaks, plaintiff-corporation, its officers, directors and servants, believe that tape recordings, transcripts and memoranda made from their oral and wire communications may in the future be leaked to its contributors, and to the public, and that other innocent persons who may have been parties to, or spoken about, in said oral or wire conversations will be

Irreparably harmed and injured if this Court does not immediately take possession and impound all tapes, transcripts and memoranda arising out of said illegal activities of the defendants, their agents and others operating in concert with them.

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

1. The defendants, or one or all of them, be mandatorily enjoined, and required to produce, under protective order of the Court, all of said tape recordings, transcripts and memoranda resulting from electronic eavesdropping and wiretaps of the offices of plaintiff-corporation in New York and Atlanta, upon a special finding that said recordings or oral and wire conversations were illegal and/or beyond the outer perimeters of defendants' line of duty, and without good faith.

2. That plaintiff-corporation have recompense in sum of Five Million Dollars and costs, and such further relief as Equity deems meet.

Chauncey Eskridge

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

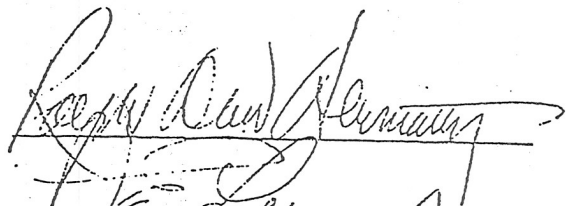
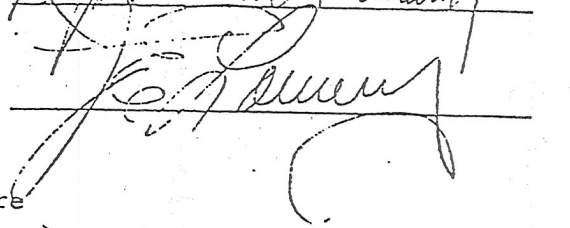
Patricia Worthy

MS. PATRICIA WORTHY
WILEY BRANTON, ESQ.
666 - 11th Street, N.W.
Washington, D.C. 20001
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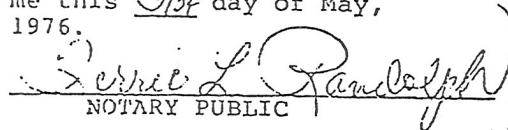
Local Counsel

STATE OF GEORGIA)
) SS.
COUNTY OF FULTON)

RALPH DAVID ABERNATHY and JOSEPH E. LOWERY, President and Chairman of the Board, respectively, of the SOUTHERN CHRISTIAN LEADERSHIP CONVERENCE, a Georgia Corporation, being first duly sworn on oath, depose and state that they are the executive officers of the plaintiff in the above entitled cause; that they have read the above and foregoing Complaint by them subscribed; that the matters and things therein set forth are true, except matters stated upon information and belief, which they believe to be true.

SUBSCRIBED and SWORN to before
me this 31st day of May,
1976.


NOTARY PUBLIC