

Agent Says F.B.I. Monitored Dr. King's

Phone Conversations

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HOUSTON, June 4—An agent of the Federal Bureau of Investigation testified today that the F.B.I. kept a telephone surveillance on the Rev. Dr. Martin Luther King Jr. for several years before his murder.

Robert Nicols said in Federal District Court that he, working out of the Atlanta office of the F.B.I., was in charge of this surveillance until May, 1965, "and it was my understanding that it went on after that." Dr. King was slain on April 4, 1968.

District Judge Joe Ingraham would not require Mr. Nicols to say why the F.B.I. would keep a watch on the civil rights leader. However, Mr. Nicols said, the surveillance occurred at a time when Dr. King was attacking the Bureau for assigning Southern agents rather than Northerners to protect civil rights workers.

F.B.I. surveillance of Dr. King has long been rumored. Today's testimony was elicited by attorneys for Cassius Clay, the former heavyweight boxing champion, who is asking the court to vacate a five-year prison sentence imposed for refusal to be inducted into the Army.

Mr. Clay's attorneys argue that the Black Muslim boxer was denied conscientious objector status or a ministerial deferment for "political" reasons.

Judge Ingraham is conducting a special hearing ordered by the Supreme Court after the Justice Department revealed the F.B.I. had monitored five conversations involving Clay, four of them illegally and one under an authorization from the Attorney General.

Justice Department lawyers urged Judge Ingraham not to allow records on any of the conversations to be made public, saying that it would "prejudice the national interest."

However, reports of four of the conversations were read into the record by Charles Morgan Jr., an American Civil Liberties Union attorney representing Clay.

In addition to a conversation that Clay had with Dr. King, the F.B.I. recorded conversations that the former champion had with three Black Muslim leaders. The reports were condensations. The Government attorneys said the original transcripts had been destroyed and that the condensations were all that remained.

The fifth monitored conversation, the Government attorneys said, was concerned with "foreign intelligence" and was authorized by former Attorney

General Nicholas deB. Katzenbach. Judge Ingraham upheld the Government's contention that neither Mr. Clay nor his attorneys were entitled to read the report on this fifth conversation because of the wiretap's "legal" status. The judge himself inspected it and apparently found that it had no bearing on Clay's draft status.

The condensation of the conversation between Clay and Dr. King read as follows:

"Chauncey to MLK, said he is in Miami with Cassius. MLK spoke to Cassius, they ex-

changed greetings. MLK wished him well on his recent marriage. C invited MLK to be his guest at his next championship fight, MLK said he would like to attend. C said that he is keeping up with MLK, that MLK is his brother and is with him 100 per cent but can't take any chances and that MLK should take care of himself, that MLK is known worldwide and should watch out for them whites, said that people in Nigeria, Egypt and Ghana asked about MLK."

Chauncey Eskridge, a lawyer

from Chicago, testified that he had placed this particular call from Clay's Miami home to Dr. King's home in Atlanta, and that Clay talked from an extension.

He said the conversation lasted about 45 minutes, and included a discussion about Clay's religious activities.

Mr. Eskridge said he was attorney for both Clay and Dr. King at the time.

In another conversation, with Elijah Muhammad, head of the Black Muslims, the latter told Clay that he would not be "a

good minister" until he gave up boxing.

John S. Martin, a Justice Department lawyer, said that none of the four telephone conversations made public today had been seen by officials of the Conscientious Objection Division of the Justice Department before a deferment for Clay was turned down in 1965.

Clay's conviction was remanded to the trial court in Houston by the Supreme Court for determination if illegal wiretap evidence had played any part in Clay's conviction.

See President Nixon's answer to question at press conference, filed 20 Jun 69.