

Justice Dept. Clears FBI in King Probe

Washington

A major Justice Department inquiry has concluded that the FBI probe of the murder of Dr. Martin Luther King was "thoroughly, honestly and successfully" conducted, and that the best available evidence suggests that the convicted murderer, James Earl Ray, acted alone.

The Justice Department investigators, who made an eight-month review of the FBI's handling of the case, also concluded that the bureau may have had grounds for starting a security investigation of King, but that its six-year surveillance was clearly unwarranted.

The report, completed in De-

ember and released yesterday, said that the FBI never developed evidence that King had any affiliation with the Communist party, and that it was the personal feuding between him and the late FBI director, J. Edgar Hoover — not legitimate national security concerns — that resulted in the bureau's "determination to discredit Dr. King."

The Justice Department investigation was ordered by then-Attorney General Edward Levi, in April, 1976, after the Senate Intelligence Committee had disclosed that the bureau had engaged in a six-year surveillance of the civil rights

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leader that had included the use of wiretaps, electronic bugs, and paid informants, and that it had attempted to discredit him by circulating stories about his personal life.

In light of these disclosures, Levi ordered an investigation to determine whether the bureau might have been in any way involved in the assassination, whether its investigation of the murder had been "thorough and honest," and whether there was any new evidence that might warrant a reopening of the case.

After sorting through more than 200,000 documents and interviewing about 40 witnesses, a team of lawyer-investigators headed by Justice Department attorney Michael E. Shaheen Jr., concluded that although the FBI's surveillance of King had become "twisted," the bureau's subsequent investigation of his murder in 1968 had been a "credible and thorough job."

The report is not likely to end all speculation that Ray was only one figure in a broader conspiracy to kill King.

For one thing, the Justice Department investigators concede that it still is not known where Ray obtained the money for the expensive equipment he bought and for the extensive traveling he did both before the assassination and in the months between the murder and his arrest.

And Attorney General Griffin Bell himself said on a television news show last Sunday that the report left some questions unanswered. "I think that if you read the report, you could lean to either side of it," he said. "You could say that there's no evidence of a conspiracy; but you could still wonder . . . if there happened to be a conspiracy."

Even so, the release of the report at this time could further cloud the future of the Special House Committee established to investigate the deaths of President Kennedy and King, because opponents of that investigation are likely to argue that a further study of the King assassination is likely to be duplicative and unnecessary.

The investigation by Shaheen's group cost an estimated \$200,000, and involved a review not only of the so called "Murkin File" (Murkin being an acronym for "Murder of King"), but FBI records in 15 cities. It concluded that there were several weak spots in the bureau's investigation, but none serious enough to challenge its conclusions that Ray was the killer.

It said that the FBI should have worked harder to obtain information about Ray from members of his own family, who may have had contact with him after King was murdered, and it agrees with some critics of the investigation that the question of where Ray obtained his money is still not fully answered.

The FBI was able to show that he received checks totaling \$664 in 1967, when he was employed as a dishwasher and cook's helper in a Winnetka, Ill., restaurant. But the only explanation it has come up with for his having money for the travel and equipment is that he most likely committed several robberies or burglaries.

As for a motive, the report relies heavily on testimony from former prison inmates that Ray was strongly biased against blacks, and had suggested repeatedly that he would be willing to kill King, particularly if someone would pay him to do it.

The report's conclusion, however, is that the best available evidence is that he did it on his own, without the backing of or payment by others.

"We acknowledge that the proof of the negative, i.e., proof that others were not involved, is here as elusive and difficult as it has universally been in criminal law," the report said.

"But the sum of all of the evidence of Ray's guilt points to him so exclusively that it most effectively makes the point that no one else was involved. Of course, someone could conceivably have provided him with logistics, or even paid him to commit the crime. However, we have found no competent evidence upon which to base such a theory."

The task force concluded that, although FBI harassment of King was "very probably . . . felonious," no agents who took part should be punished. It said that the persons who ordered the activities were either dead or retired and that the few agents still in the bureau were underlings "far removed from direct responsibility."