

Memorandum to Mr. Adams
Re: INQUIRY RE ACCESS TO FILE MATERIAL
ON MARTIN LUTHER KING, JR.

DETAILS:

At approximately 11:45 a.m. on June 21, 1976, Mr. Peter Taft, Assistant Attorney General, Land and Natural Resources Division, called and in the absence of Assistant Director Mintz spoke to Inspector James C. Farrington. Mr. Taft identified himself as being one of the three members, along with Mr. Mintz, of the Special Review Committee which is overseeing the Cointelpro Notification Program. He advised that he had some questions that he would like to discuss with Mr. Mintz in another matter unrelated to the Cointelpro Notification Program which involved the Martin Luther King documents.

Mr. Taft wondered that in connection with the Department's inquiry concerning our investigation of Martin Luther King as to whether or not it might be beneficial to have our documents on Dr. King made available to lawyers representing the King family. In response to an inquiry as to why he was desiring to do this, Mr. Taft indicated that he felt they would probably be very knowledgeable concerning Dr. King's activities and could further assist the Department in their inquiry.

Mr. Farrington advised Mr. Taft that he did not think this would be the proper solution since we would be showing them preferential treatment over other requesters under the Freedom of Information Act. Mr. Taft responded by indicating that maybe this would be the better course of action since these attorneys are representing the King family's interests.

It was then explained to Mr. Taft that we have consistently advised Congress and also the courts in a number of affidavits that we are processing FOIA/Privacy Act requests in a chronological sequence, and that if we now attempted to give the King family attorneys' preferential treatment we could be subjected to undue criticism.

Mr. Taft then inquired as to the length of time before we get to a current FOIA request. It was pointed out to him that there is approximately a six month delay and then the time of processing of course would be dependent on the subject matter.

Memorandum to Mr. Adams
Re: Inquiry Re Access to file Material
on Martin Luther King, Jr.

He also brought up the situation involving the news correspondent, Joseph Kraft, in which an agreement had been reached between his attorney and the Attorney General relative to the destruction of certain files pertaining to him. He was advised that although the Attorney General had recommended to Archives that certain files regarding Mr. Kraft be destroyed, we have a clearer case of "historic significance" as pertains to Martin Luther King, Jr., documents and Archives might be more reluctant to agree with any recommendation by the Department for destruction of the King file.

Mr. Taft agreed with this observation and the conversation terminated with his observation that he will have to explore this matter further.

It is of interest to note that a similar inquiry was received from the Office of Michael E. Shaheen, Jr., Counselor, Office of Professional Responsibility, dated 6/3/76, which was responded to on 6/9/76 along the lines indicated above.

FBI

Date: 5/26/76

Assoc. Dir.	
Dep.-A.D.-Adm.	
Dep.-A.D.-Inv.	
Asst. Dir.:	
Adm. Serv.	
Ext. Affairs	
Fin. & Pers.	
Gen. Inv.	
Ident.	
Inspection	
Intell.	
Laboratory	
Legal Coun.	
Plan. & Eval.	
Rec. Mgmt.	
Spec. Inv.	
Training	
Telephone Rm.	
Director's Sec'y	

Transmit the following in _____
(Type in plaintext or code)

Via Airtel _____
(Precedence)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, SAN ANTONIO (44-1242) (RUC)

SUBJECT: MURKIN

Re Bureau telcall to San Antonio, 5/25/76 and San Antonio telcall to Bureau, 5/26/76.

Enclosed herewith for the Bureau are four copies of an LHM captioned "Assassination of Martin Luther King, Jr." and dated 5/26/76.

Enclosed for the information of the Atlanta Division is one copy of this LHM.

For the information of the Bureau and Atlanta, the data appearing in enclosed LHM regarding investigation conducted on 5/14 and 15/65 was set forth in San Antonio LHM dated 5/17/65 captioned "Alleged Threat to Life of Martin Luther King, Jr.", (Bufile: 100-10667); (SAfile: 100-9838).

ST 104

REC-8744-38861-6127X

ENCLOSURE

- ② - Bureau (Enc. 4)
 - 1 - Atlanta (44-2386) (Enc. 1) (Info)
 - 1 - San Antonio
- JMK/bgl
(4)

0-70(F)
1-APG-CAD
1-CAU
HAN/NCC
6/18/76

9 DEC 1 1976

Approved: Wise / me Special Agent in Charge Sent _____ M Per _____

84 DEC 17 1976

[Faint, mostly illegible text from the main body of the document]

F. B. I.
U. S. DEPT. OF JUSTICE

MAY 30 12 28 PM '76

RECEIVED
GENERAL INVESTIGATIVE
DIVISION 8030 J.E.H.

REC'D-CIV RIGHTS
F B I
JUN 1 7 05 AM 1976

5-30-76
lee



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
San Antonio, Texas

May 26, 1976

In Reply, Please Refer to
File No.

ASSASSINATION OF MARTIN LUTHER KING, JR.

The files of the San Antonio Federal Bureau of Investigation Office reflects the following information:

At 8:45 PM, May 14, 1965, Mr. OTIS H. MOORE, Army Serial Number RA 18328349, Company C, Second Battalion, 67th Armor, Second Armored Division, Fort Hood, Texas, who resides at 510 Louise, Copperas Cove, Texas, telephonically contacted the FBI Office, San Antonio, Texas, regarding alleged assassination plan of MARTIN LUTHER KING, JR., related to him by an unknown individual at the S. & S. Club, Temple, Texas, earlier that evening.

Attempts to interview MOORE and details concerning the allegation made by him that same evening were conducted with negative results due to his intoxicated condition. It was decided to hold further interview in abeyance until the following morning.

MOORE's wife, LYDIA MOORE, confidentially advised that evening that her husband frequently becomes intoxicated at which time he misunderstands or misinterprets what people are saying to him. She was of opinion that due to his past behavior little credence should be given to his story.

On May 15, 1965, MOORE was recontacted at which time he advised that at approximately 4:00 PM he went to the S. & S. Club, Temple, Texas, and started drinking. After approximately fifteen or twenty minutes an unknown male, approximately 55 to 60 years old, 6' tall, short gray-black hair, 190 to 200 pounds, wearing an old flannel shirt and khaki pants, came into the bar and sat next to him. After a few minutes MOORE started talking to this individual about Texas and other topics. After a few minutes this man inquired if MOORE was in the Army at Fort Hood as a member of CID (Criminal Investigation Detachment). MOORE told him that he

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44-38861-6123
ENCLOSURE

ASSASSINATION OF
MARTIN LUTHER KING, JR.

was not and "never would be." The other man then began to talk about a "Mr. KING." He said Mr. KING was telling Mr. JOHNSON what to do and that KING would be running the United States next. MOORE then said "no, he'll be stopped before then." The man then asked MOORE if he was acquainted with military artillery and other military weapons and what MOORE's qualifications were on them. MOORE told him he could "split a match right down in half." The man then again asked if MOORE was in CID. MOORE replied "No, but I am in CIA." MOORE explained that he was not really in the CIA, but he just said this to string this man along. The man then said "You are from Panama." MOORE replied, "No, I am from Arkansas, but I have been in Panama." MOORE again explained that he was never really in Panama, but he was again stringing this man along. MOORE said he then got disgusted with this man and tried to terminate the conversation. After approximately ten or fifteen minutes the man again spoke to MOORE making some unrecalled remark about KING and KING's assassination. MOORE asked this man if he knew the movements of this "so called Mr. KING." The man replied that he knew every move KING made and the time and place. MOORE replied, "Well if you know all this, and I am the assassinator, what is my possibility of getting out of it after it's did, and how much money is involved." MOORE again explained that he was stringing this man along, but this time in an attempt to develop some information regarding a possible assassination of KING. The man replied that there was no money involved at the present time. MOORE told him, "Well I have to look after the security and welfare of my family. If I did it, I would have to have \$50,000 and a way out." The man said there was a way out, but no money.

MOORE advised that at this point the man went to the men's room, and he, MOORE, started to leave the club. As he was leaving he asked the man how he could get in touch with him and this man replied "I'm here all the time." MOORE said he then immediately went to his home in Copperas Cove and called the FBI in San Antonio requesting that an Agent contact him.

ASSASSINATION OF
MARTIN LUTHER KING, JR.

During the course of the above interview MOORE repeatedly changed his story and exhibited great difficulty in recalling what had taken place the evening before. He admitted to having at least five or six beers and to being prone to easy intoxication. MOORE further admitted that during the course of his discussion with the above individual, he steered the conversation toward the possible assassination of KING in an attempt to determine if any such assassination plan existed. He was unsuccessful in doing so.

On May 25, 1965, Otis H. Moore, telephoned the San Antonio Federal Bureau of Investigation Office via long distance. Moore stated that he had been beaten up by "a company group" and that he feared his life. Moore requested that the agents who spoke to him the previous week be contacted and advised that the "thing" is now in the open and that the agents would know what this meant. Moore stated that this was important, but would not explain what this matter was about. Moore stated that he resides at 510 Louise Street, Copperas Cove, Texas.

On May 26, 1965, Otis H. Moore was interviewed by SAs Matthew B. Boyhan and Bernard P. Flanigan at Fort Hood Criminal Investigations Detachment Office regarding his telephone call to the San Antonio Federal Bureau of Investigation Office during the evening of May 24, 1965.

Mr. Moore advised that during the evening of May 24, 1965, while at the Fort Hood NCO Club Annex, Belton Lake, at a company (military) party, he became extremely intoxicated and got into a fight with three or four other men over some unrecalled incident. He stated that due to his intoxicated condition he could not remember much of anything that happened, but so far as he knows the fight did not have anything to do with the incident at the S and S Club, Temple, Texas, with regard to the assassination threat of Martin Luther King which he previously reported to SA Boyhan. He does not know why he called the FBI in San Antonio and does not recall informing the FBI clerk that he had been beat up and did not have very long to live, or that he had additional information regarding the incident at the S and S Club.

ASSASSINATION OF
MARTIN LUTHER KING, JR.

Moore said after calling the FBI Office he believes he went straight to his residence in Copperas Cove and "fell into a pretty good sleep". He did not recall hearing the phone ring during the entire evening and he did not awake until the next morning. (SA Boyhan attempted to telephonically contact Moore at his residence on numerous occasions following his telephone call to the San Antonio Office. When no answer was received efforts were discontinued at approximately 10 p.m.)

Moore apologized for calling the FBI Office and advised that he only did so due to his drunken condition. He indicated that there would be no similar incidents in the future.



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
San Antonio, Texas

May 26, 1976

In Reply, Please Refer to
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FBI

Date: 4/20/76

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIR MAIL
(Precedence)

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, MEMPHIS (44-1987-SUB B) (C) *Markin*

SUBJECT: ~~HAROLD WEISBERG~~ *Teas*
 U. S. Department of Justice,
 USDC, D.C.
 CIVIL ACTION NO. 75-1996
44-38861-612X

Re Memphis airtel to Bureau dated 4/9/76, and telephone conversation from SA THOMAS L. WISEMAN of FOIPA Section to SA BURL F. JOHNSON of Memphis Field Office 4/20/76

On 4/20/76, Chief of Police W. O. CRUMBY, Memphis Police Department (MPD), Memphis, Tenn., furnished the following information:

JAMES EARL RAY currently has an appeal before the U. S. Sixth Circuit Court of Appeals, Cincinnati, Ohio, seeking a new trial. Chief CRUMBY feels that should a new trial be granted to RAY some, possibly all, of the photographs taken by personnel of the MPD on 4/5/68 at the scene of MARTIN LUTHER KING's death and other pertinent locations would be utilized in the trial. He believes that making these photographs available for public publication at this time would prejudice any new trial granted JAMES EARL RAY. He is of the opinion these photographs should be maintained in a confidential status. Chief CRUMBY pointed out that all photographs and negatives relating to this case which came into possession of the MPD were taken from the general files of the MPD and placed in a secure vault in order to prevent the disclosure or display of them to unauthorized persons or organizations. Negatives of the 47 photographs are maintained by the MPD and prints of the photographs have been furnished to the State Attorney General's Office, Memphis.

REC-93

EX-101

*W. JOHNSON
RA. 6248*

APR 23 1976

- ② - Bureau
- 1 - Memphis
- BFJ:cjs
- (3)

Approved: *[Signature]*
Special Agent in Charge

Sent _____ M Per _____

[Handwritten notes and stamp]
THREE

JUN 22 3 14 PM '76

RECEIVED
ASSISTANT DIRECTOR
FINANCE AND PERSONNEL
DIVISION

DEPT OF JUSTICE

JUN 21 12 41 PM '76

RECEIVED
GENERAL INVESTIGATIVE

JUN 24 1976
JUN 24 7/8/76

ME 44-1987-SUB B

The following is a survey of time utilized by personnel of the Memphis Office in reviewing files and preparing photographs submitted to Bureau as enclosures to referenced airtel:

1 Special Agent (Grade 13)	-	6 hours
1 Clerk-Stenographer (Grade 5)	-	4 hours
1 - Clerk (Grade 5)	-	1 hour

44
15
4

63

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	✓
Asst. Dir.:	
Adm. Serv.	_____
Ext. Affairs	_____
Fin. & Pers.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Legal Coun.	_____
Plan. & Eval.	_____
Rec. Mgnt.	_____
Spec. Inv.	_____
Training	_____
Telephone Rm.	_____
Director Sec'y	_____

TO : Mr. J. B. Adams

DATE: 7/2/76

FROM : Legal Counsel *[Signature]*

SUBJECT: MARTIN LUTHER KING, JR.

MEETING WITH ATTORNEY GENERAL, 7/2/76

PURPOSE:

To set forth the results of a meeting 7/2/76 with Attorney General and other Departmental officials regarding access of King's attorneys to material in FBI files.

SYNOPSIS:

On 7/2/76, meeting held in Department with Attorney General and others regarding access to file material maintained by FBI on the part of King's attorneys. Attorney General expressed strong desire that as many documents as possible should be made available in the King case and on an expeditious basis. Bureau's objections to this position set forth. In view of two pending suits by representatives of the Southern Christian Leadership Conference, the meeting terminated without any final decision as to releasability of documents.

RECOMMENDATION:

For information.

- 1 - Mr. Leavitt (Attn: Mr. *ALDhizer* Phillips)
- 1 - Mr. Decker (Attn: Mr. Powers)
- 1 - Mr. Bassett
- 1 - Mr. Mogen
- 1 - Mr. Mintz
- 1 - Mr. Farrington

APPROVED: <i>[Signature]</i>	Ext. Affairs.....	Laboratory.....
Assoc. Dir. <i>[Signature]</i>	Fin. & Pers.....	Legal Coun. <i>[Signature]</i>
Dep. AD Adm. <i>[Signature]</i>	Gen. Inv.....	Plan. & Eval.....
Dep. AD Inv. <i>[Signature]</i>	Ident.....	Rec. Mgnt.....
Asst. Dir.:	Inspection.....	Spec. Inv.....
Adm. Serv.....	Intell.....	Training.....

JUL 20 1976

LEGAL COUNSEL *POWERS*

JCF:mfd
(7)
Discussed with Section Chief POWERS 7/15
and will work toward a negotiable solution consistent with pending civil suits by SCLC. Director will be kept informed. JCF 7/16/76

On 7-6-76 the AG told me of his desire to release as much material as possible - Keep me informed as to progress - I hope we perhaps can work out a negotiable solution - Keep this in mind

CONTINUED - OVER

Bonds Regularly on the Payroll Savings Plan



5010-108

FBI/DOJ

ASSOCIATE DIRECTOR

JUL 9 9 48 AM '76

RECEIVED

JUL 6 1 39 PM 1976

RECEIVED-DIRECTOR
F. B. I.

U.S. DEPT OF JUSTICE

JUL 16 9 23 AM '76

RECEIVED
RECORDS MANAGEMENT

Memorandum to Mr. Adams
Re: MARTIN LUTHER KING, JR.

DETAILS:

By memorandum dated June 9, 1976, from Legal Counsel to Michael E. Shaheen, Jr., Counsel, Office of Professional Responsibility, captioned 'Request for Access to Materials Relating to Martin Luther King, Jr.,' the Bureau furnished its views in response to three requests made by attorneys representing both Mrs. Coretta King and the estate of the late Dr. King. Their request asked the Department to permit them:

1) access to all materials provided to the Senate Select Committee on Intelligence relating to Dr. King, and/or 2) access to all Department and FBI files relating to Dr. King and 3) the right to participate in the full Department and Bureau review of Dr. King's assassination, the Bureau's investigation of that assassination, and the Bureau's program of harassment against Dr. King presently being undertaken by this Office at the express order of the Attorney General.

Pursuant to prior arrangements, a meeting was held in the Attorney General's office on July 2, 1976, for the purpose of discussing these requests. This meeting was attended by the Attorney General, Jack Fuller, Special Assistant to the Attorney General; Peter Taft, Assistant Attorney General, Land and Natural Resources Division; Michael E. Shaheen, Jr. and Steven Blackhurst of the Office of Professional Responsibility; Mary Lawton, Deputy Assistant Attorney General, Office of Legal Counsel; and James C. Farrington, Deputy Assistant Director, Legal Counsel Division.

The meeting opened with an observation by the Attorney General that he was very desirous of making as much material available to the King family attorneys as was possible and on an expeditious basis. It was his contention that this was a matter of national scope in which the FBI and the Department has been criticized in the past for not releasing documents and he was extremely concerned over the Department's present posture of possibly being interpreted as a cover-up of the findings resulting from the current inquiry being conducted by the Civil Rights Division.

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The Attorney General noted that his position as to releasing these documents would be based on the Attorney General's discretionary power as distinguished from releases being made under the Freedom of Information Act (FOIA) and of the Privacy Act. His contention is that in this way we would eliminate the potential for adverse criticism from already outstanding requesters for King material under the FOIA. He then turned to Mr. Farrington and asked if he agreed.

I advised Mr. Levi that I respectfully disagreed with this position and pointed out to him that although the nicety of this distinction between a discretionary release by the Attorney General as distinguished from a release under the FOIA would be readily discernible to those of us present, it would not be to the general public and I felt he would be subjecting himself and the Department to adverse criticism. In addition, it was pointed out to him that this would merely create another extremely burdensome condition on our FOIA employees who were already overly burdened as a result of a tremendous influx of requests for information as well as outstanding court orders in a number of cases to produce records in an expeditious manner.

He responded by recognizing that there is a potential for adverse criticism but in his judgment, it would be minimal as compared to the type of criticism which would be directed toward the Department concerning a possible "cover-up." He also stated he recognized and sympathized with the current FOIA workload being handled by the Bureau, particularly since Congress has not allocated funds for additional staffing. However, he felt that there would be minimal processing of those documents already made available to the Senate Select Committee (SSC).

At this point, Mr. Blackhurst indicated the possibility that the same people who scrutinized the original documents made available to the SSC and who made pertinent deletions, could be utilized in this particular project. It was explained to them that a great deal of the material that was made available to the SSC would not necessarily be made available to these requesters because that material contained classified documents which would not necessarily be releasable and also contained third party information which would necessitate the protection of third parties under provisions of the Privacy Act. He was also advised that the same people who processed the SSC documents are not assigned to our FOIA Section and would not handle the processing of this material.

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Further, argument was made that the preferential treatment being afforded the King attorneys could be misinterpreted not only by the general public, but by the courts and could possibly have an adverse effect of watering down the decision recently handed down in the Eldridge Cleaver case (U.S. District Court, D. D. C.), which supported the FBI practice of serving all FOIA - Privacy Act requests equitably by responding in chronological order. Mr. Levi then went back to his original argument that this would be a discretionary release and would involve a calculated risk of criticism, but felt it would not effect the court's decision in the Cleaver case.

Mr. Farrington also advised them that immediately prior to coming to this meeting this morning, he was advised that there are two suits just initiated by representatives of the Southern Christian Leadership Conference (SCLC) against Mr. Kelley and other individuals and the FBI. It was the Bureau's contention no decision regarding release of any documents in the King case should be made prior to the Department reviewing the summons and complaints in these two suits. The Attorney General readily agreed and advised that this put another element into their decision which they had not contemplated since every indication they had in their meetings with Dr. King's attorneys was that they did not intend to initiate suit prior to the completion of their current negotiations with the Department for access to the King records.

The Attorney General requested that Mr. Farrington obtain a copy of the summons and complaints in these two suits and furnish them as expeditiously as possible to Mr. Fuller in order that he in turn could make them available to the Civil Rights Division to determine what effect, if any, these suits will have on their determination to grant King's attorneys access to our files. (This has already been handled.)

In order that all present would have the same understanding regarding the processing procedures, Mr. Farrington indicated that although the Attorney General may make a discretionary release of these documents, they actually would be processed under the provisions of the FOIA and Privacy Act. The Attorney General indicated that he was interested in respecting other people's privacy and he, of course, did not intend that they should have access to documents properly classified, but he was most interested in having

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the King attorneys furnished with all the documents that they could legally be furnished and on an expeditious basis. In response to that statement, Mr. Farrington inquired as to whether or not October of this year would fall within the Attorney General's definition of "expeditious," it being pointed out that this was the estimate Mr. Farrington had received as to when we would begin to process current outstanding FOIA requests for King material. The Attorney General responded by indicating that he did not feel this would be sufficiently expeditious since King's attorneys indicated that any delay they might receive from the Department under these negotiations would prompt them to initiate a suit which the Attorney General claims he strongly desires to avoid.

The Attorney General did agree with the Bureau's position that the King attorneys should not have the right to participate in the full Department and Bureau review of Dr. King's assassination and no position opposing that was made by any of the Department representatives.

The meeting concluded by the Attorney General stating that no firm decisions in this matter can be made prior to the Civil Rights Division reviewing the summons and complaints referred to above.

1 - Mr. J. B. Adams

CODE

TELETYPE

URGENT

TO SACS KANSAS CITY
LOS ANGELES
MEMPHIS
SAN FRANCISCO

JUNE 30, 1976

DIRECTOR FBI (100-106670)

- 1 - Mr. R. J. Gallagher
(Attn: J. S. Peelman)
- 1 - Mr. T. W. Leavitt
- 1 - Mr. J. O. Ingram
- 1 - Mr. J. G. Deegan
- 1 - Mr. J. T. Aldhizer

MARTIN LUTHER KING, JR. *Markin*

FOR INFORMATION OF KANSAS CITY, LOS ANGELES AND

SAN FRANCISCO, THE ATTORNEY GENERAL HAS ORDERED A REVIEW OF THE FBI'S INVESTIGATION OF MARTIN LUTHER KING. ASSIGNED TO CONDUCT THIS REVIEW IS A TASK FORCE WORKING UNDER DIRECTION OF THE OFFICE OF PROFESSIONAL RESPONSIBILITY (OPR) OF THE DEPARTMENT OF JUSTICE. THE ATTORNEY GENERAL HAS INDICATED THE REVIEW IS TO RESOLVE THE FOLLOWING FOUR QUESTIONS.

(1.) WAS THE FBI INVESTIGATION OF KING'S ASSASSINATION THOROUGH AND HONEST?

(2.) IS THERE ANY EVIDENCE THE FBI WAS INVOLVED IN THE ASSASSINATION?

(3.) IS THERE ANY NEW EVIDENCE WHICH HAS COME TO THE ATTENTION OF THE DEPARTMENT CONCERNING THE ASSASSINATION?

① - 44-38861

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(9)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6-26-80 BY SP-3 DBJ/dke
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SEE NOTE PAGE 4

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PAGE TWO 100-106670

(4.) DOES THE RELATIONSHIP BETWEEN THE BUREAU AND KING CALL FOR CRIMINAL PROSECUTIONS, DISCIPLINARY PROCEEDINGS OR OTHER APPROPRIATE ACTION?

THIS REVIEW IS A CONTINUATION OF A "PARTIAL REVIEW" RECENTLY CONDUCTED BY THE CIVIL RIGHTS DIVISION OF THE DEPARTMENT UNDER DIRECTION OF ASSISTANT ATTORNEY GENERAL J. STANLEY POTTINGER. AFTER THE TASK FORCE COMPLETES STUDY OF ASSASSINATION FILES IN SELECTED FIELD OFFICES, IT WILL CONDUCT EXAMINATION OF OUR INTELLIGENCE INVESTIGATION OF KING AND ANY SECURITY FILES RELATING TO BASIS FOR THE INVESTIGATION. ALL PERSONNEL ON THE TASK FORCE ARE AUTHORIZED TOTAL ACCESS TO PERTINENT FILES AT FBIHQ AND IN THE FIELD. THIS WILL INCLUDE COVER PAGES OF COMMUNICATIONS CONTAINING IDENTITIES OF SOME FBI SOURCES, INFORMANTS WHO WERE NOT AFFORDED SYMBOL NUMBERS AT THAT TIME AND INDIVIDUALS WHO EXPRESSED OR IMPLIED CONFIDENTIALITY. INFORMANT FILES ARE NOT TO BE MADE AVAILABLE TO THE TASK FORCE WITHOUT PRIOR FBIHQ AUTHORITY.

THE OPR REVIEW BEGAN AT FBIHQ ON MAY 10, 1976, WITH REVIEW OF ASSASSINATION FILES OF FBIHQ AND WASHINGTON FIELD OFFICE.

DURING THE PERIOD JUNE 14-24, 1976, THE TASK FORCE REVIEWED KING ASSASSINATION AND SECURITY FILES IN THE MILWAUKEE AND MEMPHIS OFFICES.

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TO CONTINUE ITS REVIEW MEMBERS OF THE TASK FORCE IDENTIFIED AS JAMES KIECKHEFER, WILLIAM WHITE AND JOSEPH GROSS TENTATIVELY PLAN THE FOLLOWING TRAVEL: DEPART WASHINGTON, D. C., JULY 6, 1976, FOR KANSAS CITY, REMAINING THERE JULY 7-8, 1976; DEPART KANSAS CITY JULY 8, 1976, TO ARRIVE AT SAN FRANCISCO OFFICE ON THE MORNING OF JULY 9, 1976; PROBABLY DEPART SAN FRANCISCO JULY 11, 1976, TO ARRIVE AT LOS ANGELES OFFICE ON THE MORNING OF JULY 12, 1976, FOR AN APPROXIMATE FIVE DAY PERIOD BEFORE RETURNING TO WASHINGTON, D. C.

TASK FORCE HAS INDICATED THAT TRAVEL TO KANSAS CITY IS BASED ON LOCATION OF PRISON FROM WHICH JAMES EARL RAY ESCAPED. IN ADDITION TO KING RELATED FILES TASK FORCE DESIRES TO REVIEW KANSAS CITY 157-472, WHICH INVOLVES AN ALLEGATION THAT A KLAN ORGANIZATION OFFERED TO KILL KING.

TRAVEL TO SAN FRANCISCO AND LOS ANGELES IS BASED ON AMOUNT OF TIME KING IS KNOWN TO HAVE SPENT ON THE WEST COAST, ACCORDING TO TASK FORCE PERSONNEL. IN ADDITION TO KING RELATED FILES, TASK FORCE DESIRES TO REVIEW LOS ANGELES 157-869, REGARDING A PLOT TO ASSASSINATE KING AND LOS ANGELES 157-691, WHICH CONCERNS A KLAN THREAT ON THE LIFE OF KING. ALSO OF INTEREST IS LOS ANGELES FILE 100-24345, SECTION C, CAPTIONED "COMMUNIST PARTY, USA - NEGRO QUESTION," CONCERNING ELECTRONIC SURVEILLANCE OF KING. IN SAN FRANCISCO, OF PARTICULAR INTEREST IS 100-51914, CAPTIONED "COMMUNIST PARTY, USA - NEGRO QUESTION," WHICH PERTAINS TO THE ELECTRONIC SURVEILLANCE OF KING IN HAWAII AND SACRAMENTO.

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SACS, KANSAS CITY, SAN FRANCISCO AND LOS ANGELES ASSIGN COORDINATOR TO HANDLE LIAISON WITH TASK FORCE PERSONNEL AND PROVIDE OFFICE SPACE IN WHICH TO CONDUCT REVIEW. CONFIRM ARRIVAL AND DEPARTURE OF TASK FORCE PERSONNEL AND KEEP FBIHQ ADVISED OF SIGNIFICANT DEVELOPMENTS.

FOR INFORMATION OF MEMPHIS, TASK FORCE LEADER FRED G. FOLSOM AND JAMES WALKER PLAN TO RETURN TO MEMPHIS ON JULY 6, 1976. THEIR PLANS ARE TO REVIEW EVIDENCE IN THE ASSASSINATION CASE AND POSSIBLY CONDUCT INTERVIEWS WHICH MAY INCLUDE BOB JENSEN, FORMER SAC OF THE MEMPHIS OFFICE, TWO FORMER ASSISTANT UNITED STATES ATTORNEYS AND JAMES EARL RAY. THERE IS NO INDICATION AT THIS TIME FBI EMPLOYEES ARE TO BE INTERVIEWED. MEMPHIS CONFIRM ARRIVAL AND DEPARTURE OF TASK FORCE PERSONNEL AND KEEP FBIHQ ADVISED OF ALL SIGNIFICANT DEVELOPMENTS.

NOTE:

Recipients have been telephonically furnished contents of teletype on 6/30/76. Task Force personnel have been advised of Bureau Office addresses in cities to be visited and appropriate FBI personnel to contact. Recipients have been instructed to refer any questions concerning the review to Deputy Assistant Director J. O. Ingram, who is coordinating the review for the Intelligence Division, or SA J. T. Aldhizer.

June 23, 1976

114-82061-

Mr. Les Payne
Newsday
550 Stewart Avenue
Garden City, New York 11530

Dear Mr. Payne:

I have received your letter of June 10, 1976, and appreciate the continued interest in the murder of Dr. Martin Luther King, Jr., which prompted you to write.

You undoubtedly will be pleased to know that data concerning evidence recovered in Memphis, Tennessee, and sent to the FBI Laboratory for examination have been released in response to requests received by us under the Freedom of Information Act. If you will write or telephone him at (202) 324-5350, Assistant Director Donald W. Moore, Jr., of our External Affairs Division will make arrangements for you to review this material.

Presumably your desire to discuss the Invaders group which existed in Memphis at the time of Dr. King's murder stems from the article you wrote for the February 1, 1976, issue of Newsday. At my instruction, a thorough search was made of pertinent files at our Headquarters, as well as in our Memphis Field Office, immediately after that article was published. It resulted in no substantiation being found for the allegations which served as the basis for your article: namely, that "Several FBI informants...were among the most active members" of the Invaders and that "FBI informants actively participated in the rioting" that erupted in Memphis on March 28, 1968.

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.: _____
- Admin. _____ 1 - Mr. Moore (detached)
- Comp. Syst. _____ 1 - Mr. Cochran (detached)
- Ext. Affairs _____ 1 - Mr. Gallagher (detached)
- Files & Com. _____ 1 - Mr. Leavitt (detached)
- Gen. Inv. _____ 1 - Mr. McDermott (detached)
- Ident. _____ 1 - Mr. Mintz (detached)
- Inspection _____ 1 - Mrs. Metcalf (detached)
- Laboratory _____ 1 - Telephone Room (detached)
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

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Mr. Les Payne

Enclosed is a copy of a news release which was issued by the Department of Justice on April 29, 1976, reflecting that Attorney General Edward H. Levi has directed that a review be made of all records in the Department concerning Dr. Martin Luther King, Jr. We are, of course, cooperating fully in that review; and I am sure you will agree that it would be improper for us to comment further prior to its completion.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

Enclosure

NOTE: See Monroe to Moore memo dated 6-21-76 and captioned "Martin Luther King Murder, Inquiry from Les Payne of 'Newsday'."

APPROVED: _____	Ext. Affairs. <i>MIP</i>	Laboratory.....
Assoc. Dir. <i>[Signature]</i>	Fin. & Pers.	Legal Coun.....
Dep. AD Adm. <i>[Signature]</i>	Gen. Inv.	Plan. & Eval. <i>[Signature]</i>
Dep. AD Inv. <i>[Signature]</i>	Ident.	Rec. Mgnt. <i>[Signature]</i>
Asst. Dir.:	Inspection.....	Spec. Inv.
Adm. Serv.	Intell. <i>[Signature]</i>	Training.....

-- 2 --

TSF
[Signature]

Mr. Clarence Kelly
Director, FBI
Washington, D.C.

June 10, 1976

Dear Mr. Kelly;

A few months ago, I had the privilege of appearing as a journalist when you were the guest on the television show, "Black Perspective on the News."

As you may recall, I had special interest in the FBI's investigation of the assassination of the Dr. Martin Luther King. I raised certain questions at that time about FBI laboratory reports which formed the basis for the prosecution's case, which, of course, has never been tested in the courtroom. Concerning this evidence and information about the FBI's penetration of the Invaders group in Memphis, you stated that you were not prepared at that time to give a "detailed outline of what the evidence was."

Sir, I realize that you are a busy man and thus I am requesting that Newsday be granted an interview with your agent or department most knowledgeable about the King case, specifically: 1. The Invaders group and 2. the Bureau's laboratory work concerning evidence at the scene of the crime.

I am sorry to have heard of your recent operation. I trust that you are enjoying full health.

Yours very truly,

Les Payne

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UNITED STATES GOVERNMENT

Memorandum

Asst. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.:
 Adm. Serv. _____
 Ext. Affairs _____
 Fin. & Pers. _____
 Gen. Inv. _____
 Ident. _____
 Inspection _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Eval. _____
 Rec. Mgnt. _____
 Spec. Inv. _____
 Training _____
 Telephone Rm. _____
 Director Sec'y _____

TO : Mr. Moore

DATE: 6-21-76

FROM : C. P. Monroe

first
 SUBJECT: MARTIN LUTHER KING MURDER,
 INQUIRY FROM LES PAYNE
 OF "NEWSDAY"

Monroe
Gunn

PURPOSE:

The purpose of this memorandum is to recommend that Les Payne of "Newsday" (who has written Mr. Kelley regarding the Martin Luther King murder investigation) be invited to view data regarding evidence examined by the FBI Laboratory that has been made available under the Freedom of Information Act--and that he be advised our files do not substantiate the involvement of FBI informants in rioting in Memphis, Tennessee, in March, 1968, as alleged in an article he wrote for "Newsday" this year.

SYNOPSIS:

By letter dated June 10th, Payne has advised he wants to interview a knowledgeable Bureau representative regarding the Invaders (militant group of blacks in Memphis at time of Martin Luther King murder) and work of FBI Laboratory in the King murder case. Data concerning evidence examined by Laboratory in King murder case has been made available under Freedom of Information Act and can be reviewed by Payne. Payne wrote article for February 1, 1976, issue of "Newsday" alleging that "Several FBI informants...were among the most active members of" the Invaders and that "FBI informants actively participated in the rioting in Memphis in 1968 which drew the Rev. Dr. King back to the city where he was killed." In a memorandum to the Attorney General on March 4, 1976, the Director pointed out that the Memphis Office had informant

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- 1- ENCLOSURES
- Enclosures (2) - Sent 6-25-76 44-38861
- 1 - Mr. Moore - Enclosures (2)
 - 1 - Mr. Cochran - Enclosures (2) **NOT RECORDED**
 - 1 - Mr. Gallagher - Enclosures (2) **46 JUL 13 1976**
 - 1 - Mr. Leavitt - Enclosures (2)
 - 1 - Mr. McDermott - Enclosures (2)
 - 1 - Mr. Mintz - Enclosures (2)
 - 1 - Mrs. Metcalf - Enclosures (2)
 - 1 - Telephone Room - Enclosures (2)

GWG:slr (12)

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RESEARCH SECTION



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FBI/DOJ

Monroe to Moore memo
RE: MARTIN LUTHER KING MURDER

coverage of the Invaders, but our files do not indicate that any FBI informants were involved in planning, inciting, or participating in the violence that erupted during a march in which Dr. King participated in Memphis on March 28, 1968.

RECOMMENDATION:

That the attached letter be sent Payne advising him that data pertaining to the Laboratory examinations in the King murder case has been made available under the Freedom of Information Act and that he should contact your (Mr. Moore's) office if he desires to arrange to see this data. With regard to his inquiry concerning the Invaders, the attached letter points out that our files do not support the allegations regarding FBI informants in his article which was published in the February 1, 1976, issue of "Newsday."

JCD

APPROVED:	Ext. Affairs.....	Laboratory.....
Assoc. Dir. <i>[Signature]</i>	Fin. & Pers.....	Legal Coun.....
Dep. AD Adm. <i>[Signature]</i>	Gen. Inv.....	Plan. & Eval.....
Dep. AD Inv. <i>[Signature]</i>	Ident.....	Rec. Mgmt. <i>[Signature]</i>
Asst. Dir.:	Inspection.....	Spec. Inv.....
Adm. Serv.....	Intell. <i>[Signature]</i>	Training.....

DETAILS:

TJF
[Signature]

By letter dated June 10, 1976, Les Payne of "Newsday" (a daily newspaper on New York's Long Island) has written to refresh Mr. Kelley's memory to the fact that he (Payne) participated with Mr. Kelley on the "Black Perspectives on the News" television program earlier this year. (The program to which he refers was filmed in Philadelphia, Pennsylvania, in April, 1976.) Payne notes that at the time he raised questions about the FBI Laboratory reports in the Martin Luther King murder case and that he also asked about FBI penetration of the Invader group in Memphis. According to Payne, Mr. Kelley's response to these questions was to the effect that he was not prepared at that time to give a detailed outline of what the evidence was.

In his June 10th letter, Payne now asks that he be granted an interview with an Agent or other official

Monroe to Moore memo
RE: MARTIN LUTHER KING MURDER

knowledgeable regarding the King murder case. Specifically, he wants to talk to someone familiar with (1) the Invaders group, and (2) the work of the FBI Laboratory with respect to evidence from the scene of the murder.

Regarding Evidence Examined by Laboratory:

This year, considerable data concerning evidence examined by the FBI Laboratory in the King murder case has been made available to author Harold Weisberg under the Freedom of Information Act. That material is, of course, available to Payne and to others who express an interest in it.

Regarding the Invaders:

The Invaders was a militant group composed of young blacks which was active in Memphis, Tennessee, at the time the Memphis sanitation workers began a strike in February, 1968. That strike, which became a black cause, was supported by Dr. King and his Southern Christian Leadership Conference. Dr. King participated in a march supportive of the sanitation workers on March 28, 1968, in Memphis. Shortly after the march began, young blacks toward the rear began breaking windows and looting--at which point Dr. King left the scene. Widespread violence and looting followed. Leaders of the Invaders had urged students to skip school on the day of the march; and the presence of uncontrolled youths, combined with agitation of leaders of the Invaders, was considered a primary cause of the violence.

Reportedly, the violence was particularly distressing to Dr. King and his associates because they felt it might be construed to indicate Dr. King could no longer lead mass demonstrations without violence. Early in April, 1968, Dr. King returned to Memphis and was murdered.

Monroe to Moore memo
RE: MARTIN LUTHER KING MURDER

Article by Payne About King Murder and the Invaders:

The February 1, 1976, issue of "Newsday" featured an article by Les Payne headlined "FBI Tied to King's Return to Memphis." Payne's article alleges that "Several FBI informants and at least one undercover agent for the Memphis police department were among the most active members of" the Invaders and that "FBI informants actively participated in the rioting in Memphis in 1968 which drew the Rev. Dr. King back to the city where he was killed." (A Xerox of Payne's article is attached.)

By memorandum dated March 4, 1976, the Director brought Payne's article to the attention of the Attorney General and advised him:

"The FBI did have informant coverage of the Invaders. There were five informants of the Memphis Office providing some degree of coverage of the Invaders or its leaders. One informant did become a member of the Invaders shortly after the March 28, 1968, violence. He was present during the demonstration and reported on the activities of the leaders of the Invaders before and during the demonstration. Another informant was well acquainted with the BOP*/Invaders leaders. He was also present during the demonstration and reported thereon."

* (Black Organizing Project)

"Our files do not indicate that any of the FBI informants were involved in planning, inciting or participating in the violence. None were in any level of policy or leadership in the BOP or the Invaders."

"The Memphis Police Department did have an undercover officer who had infiltrated the Invaders. He regularly reported on the activities of the Invaders. Information was exchanged

Monroe to Moore memo

RE: MARTIN LUTHER KING MURDER

between the Memphis Police Department and the FBI concerning the Invaders. There is no indication in our files that the Memphis police officer was involved in the planning, instigating or performance of violence. This man has been publicly disclosed and he is no longer a member of the Memphis Police Department."

Justice Department's Current Review of FBI Files on King:

In a news release issued April 29, 1976, Attorney General Levi announced (1) that Assistant Attorney General J. Stanley Pottinger had completed a preliminary review of files regarding Dr. King at FBI Headquarters and (2) that he has directed the Office of Professional Responsibility to review all records in the Justice Department regarding Dr. King, including additional records at FBI Headquarters and in our Field Offices.