

PAGE THREE ]00-]06670 CLEAR

NOTE: The Attorney General has ordered a review of our King investigations. It is being conducted by a task force of OPR and is a continuation of a previous review by the Civil Rights Division of the DOJ.

WFO has been telephonically furnished contents of teletype. Task force personnel have been advised concerning address of WFO and appropriate FBI personnel to contact. WFO has been instructed to refer any questions concerning the review to Deputy Assistant Director J. O. Ingram or SA V. R. Thornton.

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. ASH

DATE: 2-2-77

FROM : L. K. York *LY*

SUBJECT: INVENTORY OF FINGERPRINT RECORDS - ○  
JOHN F. KENNEDY AND MARTIN LUTHER KING, JR.  
ASSASSINATION CASES

*Redman*

### PURPOSE:

The purpose of this memorandum is to set forth information regarding inventory of fingerprint records of principal individuals in the John F. Kennedy and Martin Luther King, Jr., assassination cases. *AK*

### SYNOPSIS:

Inventory of fingerprint records of principal individuals involved in John F. Kennedy and Martin Luther King, Jr., assassination cases conducted Identification Division. Complete records of James Earl Ray, Lee Harvey Oswald, and Marina N. Oswald, located. Fingerprint jackets of Jack Leon Ruby and Martin Luther King, Jr., located Latent Fingerprint Section Special Dead File. Master fingerprint cards and master index cards for Ruby and King not located. Established procedures indicate these cards destroyed in routine purge, 1975, of deceased masters, since both records had been deceased seven years. No records found to indicate any disposition of these two master fingerprint cards other than routine purge. Former Special Agents assigned to Identification Division when death notices received indicate cards in all probability would have been purged during routine dead purge.

ORIGINAL FILED IN 62-109060-7639

### RECOMMENDATION:

For information.

*44-38861-*  
NOT RECORDED  
170 FEB 10 1977

FEB 8 1977

*PKA*

*MLKY:mjk*  
(4)  
7 FEB 16 1977

(CONTINUED - OVER)

*SH*



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Memorandum to MR. ASH  
RE: INVENTORY OF FINGERPRINT RECORDS

DETAILS:

In accordance with your request, there follows an inventory of available fingerprint records concerning principal individuals involved in the John F. Kennedy and Martin Luther King, Jr., assassination matters, as well as an explanation of the probable disposition of any part of these records which cannot now be located.

JAMES EARL RAY, FBI # [REDACTED] The fingerprint jacket was found filed in its proper location in the Assembly Section, 1-7-77. The master fingerprint card was found filed in the proper location in the Technical Section on the same date and the master index card was located in its proper place in the Card Index Section on that date. All have been charged out in the respective sections to the Assistant Director, Identification Division.

LEE HARVEY OSWALD, FBI # [REDACTED]. The fingerprint jacket, master fingerprint card and master index card were located 1-7-77 in the office of Assistant Director, Identification Division, where it has been filed since 1-6-65. This record, which is stamped Dead, has been re-charged to the Assistant Director.

MARINA NIKOLAEVNA OSWALD, DOB [REDACTED] IN U.S.S.R. A single alien fingerprint card, submitted by Immigration and Naturalization Service, U. S. Department of Justice, 7-21-62, was found misfiled in the male Civil File, Technical Section, on 1-7-77. The civil index card was found in its proper location in Card Index. The address of the person fingerprinted is indicated as 7313 Davanport, Fort Worth, Texas, Alien Registration number [REDACTED]. This record may be identical to Marina Oswald, wife of Lee Harvey Oswald. This fingerprint card has been researched and no additional record found. Both the fingerprint card and master civil index card have been charged to Assistant Director, Identification Division.

JACK LEON RUBY, FBI # [REDACTED] The fingerprint jacket (deceased) was found 1-7-77, in the Latent Fingerprint Section Special Dead File. The master fingerprint card and master index card were not with the jacket and after an extensive search, neither could be located in the Identification Division files. The missing master fingerprint card is for an arrest by Police Department, Dallas, Texas, of Jack Leon Ruby, #36398, on 12-5-54, charged with Investigation Violation State Liquor Law. The disposition on the docket sheet shows complaint dismissed.

Memorandum to MR. ASH  
RE: INVENTORY OF FINGERPRINT RECORDS

Ruby died 1-3-67, of cancer, as indicated on the official death notice submitted by Sheriff's Office, Dallas, Texas. This notice was executed 1-9-67 and was received by the Identification Division on 1-16-67. On that date the Identification Division processed this death notice. The processing would have required the retrieval of appropriate index cards from the Card Index Section, the master fingerprint card from the Technical Section, and the fingerprint jacket from the Assembly Section. The master index card would have been charged out in the Dead Files of the Card Index Section. The records should have then been forwarded to the Dead Desk, Assembly Section, to be handled. The master fingerprint card should have then been charged out in the reference file of the Technical Section, indicating on the charge card that subject was deceased. This charge card should have been destroyed after 60 days. The fingerprint jacket would have then been charged out in Assembly as a dead jacket, 1-17-67. The record would have been ready to be microfilmed at that point.

Prior to August, 1969, the master fingerprint cards were not microfilmed with the fingerprint jackets as is now done. The master print should have been stamped Dead, and information obtained from the death notice would have been written on the back of the print. The master fingerprint card should then have been routed to the Technical Section to be filed in the Dead File. All documents in the fingerprint jacket were microfilmed and, according to procedure, after insuring that the entire jacket had been captured on film, the jacket would have been destroyed under normal circumstances. In this particular case, the jacket was not destroyed, probably due to the possibility that the original jacket might be needed for some reason, since latent fingerprint examinations had been conducted using the fingerprint cards in this jacket.

At that time, 1-19-69, a decision was made to retain this jacket in the Special Dead File in the Latent Fingerprint Section. The master fingerprint card, which had been stamped Dead, had already been routed to the Technical Section Dead File and the master index card likewise should have been routed and filed in the Dead File in the Card Index Section.

In January, 1975, a Dead File purge began in the Technical Section. All master prints in the Dead File were reviewed and when it was determined by examining the stamp and information on the back of the master that the individual had been dead for seven years or more, the master

Memorandum to MR. ASH  
RE: INVENTORY OF FINGERPRINT RECORDS

print would have been pulled, routed to Card Index to have all index cards pulled, and thereafter destroyed. No definite proof can be given that this is the procedure followed in this particular case; however, it is a fact that a purge of the Dead File in the Technical Section began in January, 1975, and subjects deceased seven years or more were removed from the file and destroyed. Since index cards are only taken from file when dead masters are pulled by the Technical Section, it is reasonable to assume that since neither master print nor index card for Ruby can be found, then they were purged during a routine dead purge. There is no indication in the fingerprint jacket for Ruby that any other disposition was made of the master print. Ruby's fingerprint jacket has been charged to Assistant Director, Identification Division.

MARTIN LUTHER KING, JR., FBI [REDACTED] On 1-7-77, the deceased fingerprint jacket of King was also located in the Latent Fingerprint Section Special Dead File. The master fingerprint card and master index card were not with the jacket and after extensive search cannot be located in Identification Division files. The missing master fingerprint card is for an arrest by Police Department, Montgomery, Alabama, of Martin Luther King, Jr., #80161, on 1-26-56, charged with Speeding. The disposition on the docket sheet shows "\$10 & cost appealed."

King died 4-4-68, according to information received 4-5-68, from SAC, Memphis. This jacket was processed and microfilmed 5-6-68, and bears a notation that it is to be retained in Special Dead File for a period of 60 days, pending additional instructions. The record, including the master fingerprint card and master index card, should have been handled as a deceased record in a manner identical to that described above for Jack Leon Ruby. There are no notations in the record which would indicate any other disposition of the master fingerprint card and master index card other than a routine Dead File purge. A copy card or charge card using alias M. L. King, Jr., was found filed in the Card Index Dead File. This would indicate that the alias card was not pulled when the deceased master fingerprint card was handled. Alias cards are destroyed on deceased individuals provided that no more than five cards separate the master card or other alias cards on subject. If more than five cards separate the alias card from master, the alias card is not purged.

Memorandum to MR. ASH  
RE: INVENTORY OF FINGERPRINT RECORDS

The investigative files in both the King and Kennedy matters contain no original fingerprint cards. Former Inspector Beverly E. Ponder and former Supervisory Special Agent Eugene W. Whitwam, former Section Chief of Latent Fingerprint Section, who were assigned to the Identification Division when the death notices on both Ruby and King were received were contacted and indicated that in all probability the master fingerprint cards and index cards in both cases were purged during routine Dead File purge in the Technical Section. The fingerprint jacket for King has also been charged to Assistant Director, Identification Division.

This document is a copy from the FOIA file. The original document was not in the file.

4-787 (5-27-80)

NOTICE OF  
CLASSIFICATION ACTION

File # 100-106670 Serial 4619

Classified And  
Extended by SP4 JRM/ta

Reason For Extension  
FCIM, II, 1-2.4.2 2

Date of Review For  
Declassification 1-19-97

6076

FBI/DOJ



UNITED STATES GOVERNMENT

# Memorandum

File (44-1740)

DATE: 4-18-68

SAC, Birmingham

RE: MURKIN

U. S. Attorney MACON WEAVER telephonically contacted SAC this date and indicated that he had received a telephone call from EARL MORGAN, District Attorney, who had been in conference with Commissioner COPPER GREEN. MORGAN stated that he wished to know why Birmingham was chosen as the place in which the complaint was filed charging GALT with violation of the Civil Rights Statute.

WEAVER advised him that he did not know the answer to the question, but he would call Attorney General RAMSAY CLARK in Washington and attempt to get an answer for him. WEAVER said he spoke to the Attorney General, and the Attorney General indicated that he did authorize prosecution of GALT; however, he was not aware where the process was to be filed since that was the decision for FBI officials. He further advised WEAVER that he assumed that Birmingham was chosen because it was a place where the first overt act of conspiracy occurred.

WEAVER conveyed this information to Mr. MORGAN, and WEAVER stated that MORGAN appeared to be satisfied. Mr. WEAVER indicated that MORGAN's prime concern was that the filing of the process in Birmingham would result in Birmingham obtaining a bad reputation.

This information telephonically given to Supervisor MCGOWAN at the Bureau.

WJG:rlg  
(7)

*44-38-111*  
*WJG*

44-1740-1005

SEARCHED	INDEXED
SERIALIZED	FILED
APR 19 1968	
FBI - BIRMINGHAM	

*gag*

ENCLOSURE

16

Mr. Gallagher

~~SECRET~~

.. 2/2/77

J. S. Peelman

~~SECRET~~

- 1 - Mr. Held
- 1 - Mr. Adams
- 1 - Mr. Gallagher
- 1 - Mr. Ingram
- 1 - Mr. Peelman
- 1 - Mr. Deegan
- 1 - Mr. Lawn
- 1 - Mr. Moore
- 1 - Mr. Leavitt
- 1 - Mr. Decker
- 1 - Mr. Mintz
- 1 - Mr. Ryan

336  
 DECLASSIFIED AND EXTENDED REASON FOR FCIM, II DATE OF REVIEW FOR DECLASSIFICATION 2-2-89 6076

REPORT OF THE DEPARTMENT OF JUSTICE TASK FORCE TO REVIEW THE FBI - MARTIN LUTHER KING, JR. SECURITY AND ASSASSINATION INVESTIGATIONS

CLASSIFIED DECISIONS FINALIZED BY DEPARTMENT REVIEW COMMITTEE (DRC)  
 DATE: 7-11-90 6972-EP/BJ  
 ON 80,513 April 84-0451 (9/2/90)

Unless otherwise indicated all information in this memorandum is unclassified.

PURPOSE: To advise of receipt of Office of Professional Responsibility (OPR) completed, publicly releasable report and to provide the effect our observations, as submitted to the Attorney General (AG) by letter 1/21/77, had on this report.

SYNOPSIS: The attached memorandum dated 1/19/77, provided background information regarding the Department's review of our investigation of Martin Luther King, Jr., and his assassination and that a report on this review was furnished the Director on 1/12/77. In this memorandum the OPR report was summarized and by letter to the AG dated 1/21/77, (copy also attached) our observations regarding the report were furnished to the Department. On 1/31/77, the OPR furnished its completed, publicly releasable report, which contained changes for classification and privacy reasons as well as some revisions based on observations in our letter to the AG of 1/21/77. Since the Department has already been furnished our observations on its report and our concerns as to privacy, informant protection and classification, it is believed no further correspondence to the Department is necessary and no additional action is required on our part concerning the report.

DECLASSIFIED BY SP-1 CLK/gj  
 ON 10/24/01

The changes in OPR's report believed to result from our observations are outlined as follows. With respect to "The Assassination Investigation," in its initial report, the Task Force states the Bureau's preparation and filing of a criminal

Enclosures - 2 44-38861-

CONTINUED

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

NOT RECORDED

167 MAR 3 1977

Classified by 3002 PWT/GAT  
 Exempt from GDS Categories 2, 3 & 4  
 Date of Classification Indefinite

Classified by JTA/HVH/eas/giw  
 Declassify on: OADR 3/29/89

OPR report (84-0451)

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SECRET FILE COPY

44-38861

84 MAR 3 1977

Memorandum to Mr. Gallagher  
Re: Report of the Department of Justice Task Force

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complaint without first clearing with Department represents "Bureau's disdain for Department supervision." In recommendation number 3, Task Force initially recommended that no criminal action in sensitive cases should be instituted by FBI without Departmental approval which would include, in appropriate cases, approval of U. S. Attorneys Offices. We furnished our observations pointing out file documentation reporting authorization received from both Attorney General and U. S. Attorney's Office. In final report Task Force states Bureau had disdain for the supervisory responsibilities of Department, however, changed information regarding complaint. In final report it states the AG authorized the prosecutive action, "but then, apparently without further consultation" with Department the Bureau prepared and filed a complaint. The report states the Bureau filed the complaint in Birmingham because it "could not rely on the U. S. Attorney at Memphis" and "would lose control of the situation." "The Bureau Scenario called for then advising the AG 'that circumstances have required the action taken.'" As another example of "disdain" it states an Assistant to the Director "hung up the phone" on the AG and a Legat was ordered to be "diplomatic but firm with Vinson (an Assistant Attorney General) and that under no circumstances should Vinson be allowed to push our personnel around." In discussing Departmental control, final report states, "In fairness to the Bureau it has to be observed that it is the obligation of the Department to insist on these prerogatives. We do not think it effectively did so in the King murder case." In the final report Task Force changes recommendation number 3 and recommends in sensitive cases no criminal action be instituted without the closest coordination and consultation with the supervising division of Department; and, this supervision should be as tight as the Bureau had with its field offices in the assassination investigation.

Although making no changes in its critical evaluation of King's security investigation or in its recommendations in its final report, the OPR (1) corrected its identification of the Bureau official who ordered removal of the January, 1966, microphone surveillance of King, (2) added a statement that Bureau indices contained no record of any surreptitious entries against King or Southern Christian Leadership Conference (SCLC), (3) deleted information which tended to identify an informant, (4) deleted four informant

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Memorandum to Mr. Gallagher

Re: Report of the Department of Justice Task Force

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symbol numbers, (5) added to its explanation of "The Deegan File," (a term incorrectly used to describe location of King surveillance tapes and transcripts) (6) deleted information concerning a proposed counterintelligence action against King, and (7) deleted certain information concerning King's association with communists to effect declassification and avoid compromise of sensitive Bureau sources.

OPR took no action on our observations, other than outlined above. A number of minor discrepancies and typographical errors in the final report were brought to the attention of OPR on 2/1/77.

RECOMMENDATION: None. For information.

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Peelman to Mr. Gallagher Memorandum  
Re: REPORT OF THE DEPARTMENT OF JUSTICE TASK FORCE

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DETAILS: By memorandum dated 1/19/77, (copy attached) you were furnished background information regarding the Department's review of our investigation concerning Martin Luther King, Jr., and his assassination, and that a report of this review was furnished the Director on 1/12/77, by Michael E. Shaheen, Counsel, OPR. In this memorandum the OPR report was summarized and approval was obtained to furnish the AG our observations as to the report. These observations were set forth in letter to the AG dated 1/21/77, (copy attached).

On 1/31/77, Mr. Shaheen delivered one copy of OPR's revised report, which he described as publicly releasable, to SA V. R. Thornton, who has been conducting liaison with OPR's Task Force. Mr. Shaheen stated the report was for information of the Bureau, but requested to be advised if it presents any problems.

Following review of the revised report by personnel of the General Investigative Division, it is noted that, in addition to changes for classification and privacy reasons, OPR made some alterations based upon observation in our letter of 1/21/77, (these changes are outlined below). However, since the revised publicly releasable report is essentially unchanged from its original form and our observations have already been furnished to the Department, it is believed that no further correspondence need be directed to the Department relative to the OPR review and report.

From the standpoint of classification, privacy, and protection of informants, all of our concerns have been brought to the attention of the Department. There is no further action required on our part concerning the OPR report.

CHANGES IN OPR REPORT BELIEVED TO  
RESULT FROM OBSERVATIONS BY  
THE FBI IN LETTER TO AG

With respect to our letter to the AG, 1/21/77, the OPR took no action on our comments and observation except in the following instances:

A. The Assassination Investigation

In the initial report, Page 110, the Task Force states, "The Bureau's preparation and filing of the criminal complaint against 'Galt' on April 17, 1968, before a U. S. Commissioner at Birmingham without first clearing with the

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Peelman to Mr. Gallagher Memorandum  
Re: REPORT OF THE DEPARTMENT OF JUSTICE TASK FORCE

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Department, and the after-the-fact submission to the Attorney General of a draft press release about the complaint are illustrative of the Bureau's disdain for Department supervision (HQ 44-38861-1555, 1565)."

Also in the initial report in the "RECOMMENDATIONS, A. As to the Murder Investigation," the Task Force states on Page 144, "(3) The Task Force recommends that no criminal action in sensitive cases should be instituted by the FBI without Departmental approval which would include, in appropriate cases, the approval of the United States Attorneys Offices."

In our letter to the Attorney General dated January 21, 1977, we provided observations that the FBI file on the civil rights assassination investigation (serial 44-38861-1555 - a FBI memorandum) reflects the Attorney General authorized the filing of the complaint and serial 44-38861-2323 (a Birmingham FBI report) reflects the United States Attorney's Office authorized the filing of the complaint. We further noted that in 1968 and up to and including the present time, it was Departmental policy in civil rights matters to obtain authorization from the Department prior to instituting "criminal action" (instituting Federal process such as filing a complaint or seeking an indictment, etc.). Also it was the policy of the FBI in 1968 and up to and including the present time to obtain the authorization of the Department and/or the appropriate U. S. Attorney's Office prior to the institution of any Federal process. Additionally on January 25, 1977, Task Force Attorneys requested a conference with representatives of the General Investigative Division and asked whether any further documentation could be obtained showing that the FBI did have authorization from the Attorney General prior to filing this complaint. Based on a FBI Headquarters inquiry, the Birmingham Office furnished by facsimile on January 25, 1977, a copy of a memorandum dated April 18, 1968, from the SAC, Birmingham to the Birmingham civil rights file reporting that United States Attorney Weaver said, "he spoke to the Attorney General, and the Attorney General indicated that he did authorize prosecution of Galt; however, he was not aware where the process was to be filed since that was the decision for FBI Officials. He further advised Weaver that he assumed that Birmingham was chosen because it was a place where the first overt act of conspiracy occurred." A copy of this Birmingham memorandum (Birmingham serial 44-1740-1005) was furnished to the Task Force on January 26, 1977, and it stated it would take this matter under review.

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Peelman to Mr. Gallagher Memorandum  
Re: REPORT OF THE DEPARTMENT OF JUSTICE TASK FORCE

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In its final report, the Task Force changed the information regarding the filing of the complaint. On pages 110 and 111, the Task Force now states that "The Bureau files reflect a significant degree of disdain for the supervisory responsibilities of the Attorney General and the operating Divisions of the Department. For example, the Attorney General authorized the institution of prosecutive action against the suspect 'Galt' (Birmingham 44-1740-1005). But then, apparently without further consultation with the Attorney General or the Civil Rights Division, the Bureau prepared and filed a criminal complaint. The Bureau selected Birmingham as the venue in which to file the complaint in preference to Memphis because the Bureau 'could not rely on the U. S. Attorney at Memphis' and 'would lose control of the situation' (HQ 44-38861-1555). The Bureau scenario called for then advising the Attorney General 'that circumstances have required the action taken' (HQ 44-38861-1555)."

In its initial report in further discussing "The Bureau's disdain for Department supervision," (Page 110) the Task Force noted that "the FBI 'Legat' in London was instructed not to take orders from Vinson (HQ 44-38861-4507)." (Assistant Attorney General Fred Vinson). We orally pointed out to the Task Force on January 17, 1977, that this citation regarding Vinson was incorrect.

In its final report the Task Force deletes this reference to Vinson on Page 110, however, on Page 111, the Task Force states, "As another example, at the extradition stage of the case, marked discourtesy was exhibited to the Attorney General and to Assistant Attorney General Fred Vinson. In a telephone discussion with the Attorney General who complained of being 'kept in the dark', an Assistant to the Director\* accused the Attorney General of falsifications and 'hung up the phone'. Again, when Assistant Attorney General Vinson was detailed to England to arrange for the extradition of James Earl Ray, the Legal Attache was ordered to be 'diplomatic but firm with Vinson and that under no circumstances should Vinson be allowed to push our personnel around' (HQ 44-38861-4447)."

In both its initial and final report, the Task Force stated "The Task Force views this lack of coordination and cooperation as highly improper. The Attorney General and the Division of the Department having prosecutorial responsibility for an offense being investigated should be kept fully abreast of developments. The responsible Division, moreover, should have sufficient control of the Bureau's investigations to insure that the legal necessities of pleading and proof are met."

\*Mr. C. D. DeLoach - retired

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In its final report, however, the Task Force added, "In fairness to the Bureau it has to be observed that it is the obligation of the Department to insist on these prerogatives. We do not think it effectively did so in the King murder case." (Page 112).

In its final report the Task Force changed the recommendation in item number 3 to read as follows:  
"3. The task force recommends that in sensitive cases no criminal action be instituted by the Bureau without the closest coordination and consultation with the supervising Division of the Department. This supervision by the Department should be as tight as the control and consultation the Bureau had with its Field Offices as exhibited in our review of the assassination investigation."

B. The Security Investigation

OPR made no changes in its critical evaluation of of the security investigation or in its recommendations. Changes made in "The Security Investigation" section are as follows:

(1) Page 128 - in discussing microphone surveillance of King at the Americana Hotel, New York City, in January, 1966, the revised report identified Tolson, rather than DeLoach, as the Bureau official ordering the surveillance removed. Location in Bureau files regarding this microphone surveillance was corrected to serial 100-106670-2224X.

(2) In our letter of 1/21/77, it was pointed out to the Department that the initial OPR report implied that the Bureau conducted surreptitious entries against King, when none were conducted, other than to install microphone surveillances. In its revised report OPR adds that Bureau indices were unable to locate a record of any entries against King or the SCLC. (Pages 137 and 138). (~~SECRET~~) (U)

(3) Page 139 - OPR deleted the words "in Atlanta" from its original report to avoid possible compromise of our SCLC informant who conceded to Agents that he embezzled some SCLC funds. (~~CONFIDENTIAL~~) (U)

(4) Page 127 - OPR deleted four informant symbol numbers appearing in the initial report as a list of microphone surveillances against King in New York City.

(5) In our letter of 1/21/77, it was pointed out that OPR use of the term "The Deegan File" in referring to the location of King surveillance tapes and transcripts was incorrect. While the amended OPR report continues to use this term, the statement "in order to provide more than

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Peelman to Mr. Gallagher Memorandum  
Re: REPORT OF THE DEPARTMENT OF JUSTICE TASK FORCE

normal protection" was added to the footnote explaining "The Deegan File," (Page 130). ~~SECRET~~

(6) The initial OPR report (Page 134) contained a discussion regarding a proposed counterintelligence action against King. This entire page was deleted in the revised report, apparently for privacy reasons. This proposal concerned a woman with whom King was involved and a child born to her in 1965, reportedly fathered by King.

(7) To effect declassification of the report the names of Levison and Hunter O'dell, two key advisors of King, were deleted since their association was reported by sensitive Bureau informants. Also to avoid compromise of these sources, in a number of places in the report, its table of contents and Appendix A, information was deleted regarding King's connection with Levison, Levison's high-level position in the CPUSA and a description of King as a "wholehearted marxist." ~~SECRET~~ (S)(u) 89

MINOR CHANGES IN REVISED REPORT

There were, however, a number of minor discrepancies and typographical errors in the revised report. These items, brought to the attention of Steven Blackhurst of Mr. Shaheen's Office, on 2/1/77, are as follows:

(1) Page 24 - the name of Special Agent Joe Hester should be deleted for reasons of privacy.

(2) Page 25 - informant file numbers in paragraph one should be deleted.

(3) Page 84 - in the last paragraph the word "in" appears reduntantly.

(4) Page 92 - in line one the date March, 1969, should be March, 1968.

(5) Page 134 - the name of Atlanta Chief of Police Jenkins should be deleted for privacy reasons.

(6) Pages 163-164 - the name Lester B. Sullivan should be deleted for privacy reasons.

(7) Pages 166-168 - contains two memoranda, page two of each memorandum is incorrectly assembled and should be reversed.

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UNITED STATES GOVERNMENT

# Memorandum

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- Assoc. Dir. \_\_\_\_\_
- Dep. AD Adm. \_\_\_\_\_
- Dep. AD Inv. \_\_\_\_\_
- Asst. Dir.:
- Adm. Serv. \_\_\_\_\_
- Ext. Affairs \_\_\_\_\_
- Fin. & Pers. \_\_\_\_\_
- Gen. Inv. \_\_\_\_\_
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- Rec. Mgnt. \_\_\_\_\_
- Spec. Inv. \_\_\_\_\_
- Training \_\_\_\_\_
- Telephone Rm. \_\_\_\_\_
- Director Sec'y \_\_\_\_\_

TO : Mr. Gallagher

DATE: 2/2/77

FROM : J. S. Peelman

- 1 - Mr. Held
- 1 - Mr. Adams
- 1 - Mr. Gallagher
- 1 - Mr. Ingram
- 1 - Mr. Peelman
- 1 - Mr. Deegan
- 1 - Mr. Lawn
- 1 - Mr. Moore
- 1 - Mr. Leavitt
- 1 - Mr. Decker
- 1 - Mr. Mintz
- 1 - Mr. Ryan

SUBJECT: REPORT OF THE DEPARTMENT OF JUSTICE TASK FORCE TO REVIEW THE FBI - MARTIN LUTHER KING, JR. SECURITY AND ASSASSINATION INVESTIGATIONS

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

Unless otherwise indicated all information in this memorandum is unclassified.

DECLASSIFIED BY SP-1 CLK/jt  
ON 10/24/01

PURPOSE: To advise of receipt of Office of Professional Responsibility (OPR) completed, publicly releasable report and to provide the effect our observations, as submitted to the Attorney General (AG) by letter 1/21/77, had on this report.

SYNOPSIS: The attached memorandum dated 1/19/77, provided background information regarding the Department's review of our investigation of Martin Luther King, Jr., and his assassination and that a report on this review was furnished the Director on 1/12/77. In this memorandum the OPR report was summarized and by letter to the AG dated 1/21/77, (copy also attached) our observations regarding the report were furnished to the Department. On 1/31/77, the OPR furnished its completed publicly releasable report, which contained changes for classification and privacy reasons as well as some revisions based on observations in our letter to the AG of 1/21/77. Since the Department has already been furnished our observations on its report and our concerns as to privacy, informant protection and classification, it is believed no further correspondence to the Department is necessary and no additional action is required on our part concerning the report.

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Enclosures - 2 ~~ENCLOSURE~~ NOT RECORDED CONTINUED - OVER

JTA/HNH/sas/gjw

Classified by 197702

Exempt from GDS Categories 2, 3 & 4

Date of Classification Indefinite

Classified by 30A/PWIGAT

Declassify on: OADR 3/27/79

(84-0451)

~~SECRET~~

CLASSIFIED DECISIONS FINALIZED BY  
DEPARTMENT REVIEW COMMITTEE (DRC)  
DATE: 7-11-90 6922 SEP/ES

84 2 2 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

~~SECRET~~

Memorandum to Mr. Gallagher  
Re: Report of the Department of Justice Task Force

complaint without first clearing with Department represents "Bureau's disdain for Department supervision." In recommendation number 3, Task Force initially recommended that no criminal action in sensitive cases should be instituted by FBI without Departmental approval which would include, in appropriate cases, approval of U. S. Attorneys Offices. We furnished our observations pointing out file documentation reporting authorization received from both Attorney General and U. S. Attorney's Office. In final report Task Force states Bureau had disdain for the supervisory responsibilities of Department, however, changed information regarding complaint. In final report it states the AG authorized the prosecutive action, "but then, apparently without further consultation" with Department the Bureau prepared and filed a complaint. The report states the Bureau filed the complaint in Birmingham because it "could not rely on the U. S. Attorney at Memphis" and "would lose control of the situation." "The Bureau Scenario called for then advising the AG 'that circumstances have required the action taken.'" As another example of "disdain" it states an Assistant to the Director "hung up the phone" on the AG and a Legat was ordered to be "diplomatic but firm with Vinson (an Assistant Attorney General) and that under no circumstances should Vinson be allowed to push our personnel around." In discussing Departmental control, final report states, "In fairness to the Bureau it has to be observed that it is the obligation of the Department to insist on these prerogatives. We do not think it effectively did so in the King murder case." In the final report Task Force changes recommendation number 3 and recommends in sensitive cases no criminal action be instituted without the closest coordination and consultation with the supervising division of Department; and, this supervision should be as tight as the Bureau had with its field offices in the assassination investigation.

Although making no changes in its critical evaluation of King's security investigation or in its recommendations in its final report, the OPR (1) corrected its identification of the Bureau official who ordered removal of the January, 1966, microphone surveillance of King, (2) added a statement that Bureau indices contained no record of any surreptitious entries against King or Southern Christian Leadership Conference (SCLC), (3) deleted information which tended to identify an informant, (4) deleted four informant

CONTINUED - OVER

- 2 -

~~SECRET~~

Memorandum to Mr. Gallagher  
Re: Report of the Department of Justice Task Force

symbol numbers, (5) added to its explanation of "The Deegan File," (a term incorrectly used to describe location of King surveillance tapes and transcripts) (6) deleted information concerning a proposed counterintelligence action against King, and (7) deleted certain information concerning King's association with communists to effect declassification and avoid compromise of sensitive Bureau sources.

OPR took no action on our observations, other than outlined above. A number of minor discrepancies and typographical errors in the final report were brought to the attention of OPR on 2/1/77.

RECOMMENDATION: None. For information.

HA  
gta

APPROVED:

Director \_\_\_\_\_  
Ascc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_

Adm. Serv. \_\_\_\_\_  
Ext. Affairs \_\_\_\_\_  
Fin. & Pers. \_\_\_\_\_  
Gen. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgt. \_\_\_\_\_  
S. & T. Serv. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Training \_\_\_\_\_

CONTINUED - OVER

Peelman to Mr. Gallagher Memorandum  
Re: REPORT OF DEPARTMENT OF JUSTICE TASK FORCE

DETAILS: By memorandum dated 1/19/77, (copy attached) you were furnished background information regarding the Department's review of our investigation concerning Martin Luther King, Jr., and his assassination, and that a report of this review was furnished the Director on 1/12/77, by Michael E. Shaheen, Counsel, OPR. In this memorandum the OPR report was summarized and approval was obtained to furnish the AG our observations as to the report. These observations were set forth in letter to the AG dated 1/21/77, (copy attached).

On 1/31/77, Mr. Shaheen delivered one copy of OPR's revised report, which he described as publicly releasable, to SA V. R. Thornton, who has been conducting liaison with OPR's Task Force. Mr. Shaheen stated the report was for information of the Bureau, but requested to be advised if it presents any problems.

Following review of the revised report by personnel of the General Investigative Division, it is noted that, in addition to changes for classification and privacy reasons, OPR made some alterations based upon observation in our letter of 1/21/77, (these changes are outlined below). However, since the revised publicly releasable report is essentially unchanged from its original form and our observations have already been furnished to the Department, it is believed that no further correspondence need be directed to the Department relative to the OPR review and report.

From the standpoint of classification, privacy, and protection of informants, all of our concerns have been brought to the attention of the Department. There is no further action required on our part concerning the OPR report.

CHANGES IN OPR REPORT BELIEVED TO  
RESULT FROM OBSERVATIONS BY  
THE FBI IN LETTER TO AG

With respect to our letter to the AG, 1/21/77, the OPR took no action on our comments and observation except in the following instances:

A. The Assassination Investigation

In the initial report, Page 110, the Task Force states, "The Bureau's preparation and filing of the criminal complaint against 'Galt' on April 17, 1968, before a U. S. Commissioner at Birmingham without first clearing with the

Peelman to Mr. O'Connell Memorandum  
Re: REPORT OF THE DEPARTMENT OF JUSTICE TASK FORCE

Department, and the after-the-fact submission to the Attorney General of a draft press release about the complaint are illustrative of the Bureau's disdain for Department supervision (HQ 44-38861-1555, 1565)."

Also in the initial report in the "RECOMMENDATIONS, A. As to the Murder Investigation," the Task Force states on Page 144, "(3) The Task Force recommends that no criminal action in sensitive cases should be instituted by the FBI without Departmental approval which would include, in appropriate cases, the approval of the United States Attorneys Offices."

In our letter to the Attorney General dated January 21, 1977, we provided observations that the FBI file on the civil rights assassination investigation (serial 44-38861-1555 - a FBI memorandum) reflects the Attorney General authorized the filing of the complaint and serial 44-38861-2323 (a Birmingham FBI report) reflects the United States Attorney's Office authorized the filing of the complaint. We further noted that in 1968 and up to and including the present time, it was Departmental policy in civil rights matters to obtain authorization from the Department prior to instituting "criminal action" (instituting Federal process such as filing a complaint or seeking an indictment, etc.). Also it was the policy of the FBI in 1968 and up to and including the present time to obtain the authorization of the Department and/or the appropriate U. S. Attorney's Office prior to the institution of any Federal process. Additionally on January 25, 1977, Task Force Attorneys requested a conference with representatives of the General Investigative Division and asked whether any further documentation could be obtained showing that the FBI did have authorization from the Attorney General prior to filing this complaint. Based on a FBI Headquarters inquiry, the Birmingham Office furnished by facsimile on January 25, 1977, a copy of a memorandum dated April 18, 1968, from the SAC, Birmingham to the Birmingham civil rights file reporting that United States Attorney Weaver said, "he spoke to the Attorney General, and the Attorney General indicated that he did authorize prosecution of Galt; however, he was not aware where the process was to be filed since that was the decision for FBI Officials. He further advised Weaver that he assumed that Birmingham was chosen because it was a place where the first overt act of conspiracy occurred." A copy of this Birmingham memorandum (Birmingham serial 44-1740-1005) was furnished to the Task Force on January 26, 1977, and it stated it would take this matter under review.

~~SECRET~~

Peelman to Mr. Callaghan Memorandum  
Re: REPORT OF THE DEPARTMENT OF JUSTICE TASK FORCE

In its final report, the Task Force changed the information regarding the filing of the complaint. On pages 110 and 111, the Task Force now states that "The Bureau files reflect a significant degree of disdain for the supervisory responsibilities of the Attorney General and the operating Divisions of the Department. For example, the Attorney General authorized the institution of prosecutive action against the suspect 'Galt' (Birmingham 44-1740-1005). But then, apparently without further consultation with the Attorney General or the Civil Rights Division, the Bureau prepared and filed a criminal complaint. The Bureau selected Birmingham as the venue in which to file the complaint in preference to Memphis because the Bureau 'could not rely on the U. S. Attorney at Memphis' and 'would lose control of the situation' (HQ 44-38861-1555). The Bureau scenario called for then advising the Attorney General 'that circumstances have required the action taken' (HQ 44-38861-1555)."

In its initial report in further discussing "The Bureau's disdain for Department supervision," (Page 110) the Task Force noted that "the FBI 'Legat' in London was instructed not to take orders from Vinson (HQ 44-38861-4507)." (Assistant Attorney General Fred Vinson). We orally pointed out to the Task Force on January 17, 1977, that this citation regarding Vinson was incorrect.

In its final report the Task Force deletes this reference to Vinson on Page 110, however, on Page 111, the Task Force states, "As another example, at the extradition stage of the case, marked discourtesy was exhibited to the Attorney General and to Assistant Attorney General Fred Vinson. In a telephone discussion with the Attorney General who complained of being 'kept in the dark', an Assistant to the Director\* accused the Attorney General of falsifications and 'hung up the phone'. Again, when Assistant Attorney General Vinson was detailed to England to arrange for the extradition of James Earl Ray, the Legal Attache was ordered to be 'diplomatic but firm with Vinson and that under no circumstances should Vinson be allowed to push our personnel around' (HQ 44-38861-4447)."

In both its initial and final report, the Task Force stated "The Task Force views this lack of coordination and cooperation as highly improper. The Attorney General and the Division of the Department having prosecutorial responsibility for an offense being investigated should be kept fully abreast of developments. The responsible Division, moreover, should have sufficient control of the Bureau's investigations to insure that the legal necessities of pleading and proof are met."

\*Mr. C. D. DeLoach - retired

CONTINUED - OVER

~~SECRET~~



Peelman to Mr. Callaghan Memorandum  
Re: REPORT OF THE DEPARTMENT OF JUSTICE TASK FORCE

In its final report, however, the Task Force added, "In fairness to the Bureau it has to be observed that it is the obligation of the Department to insist on these prerogatives. We do not think it effectively did so in the King murder case." (Page 112).

In its final report the Task Force changed the recommendation in item number 3 to read as follows:  
"3. The task force recommends that in sensitive cases no criminal action be instituted by the Bureau without the closest coordination and consultation with the supervising Division of the Department. This supervision by the Department should be as tight as the control and consultation the Bureau had with its Field Offices as exhibited in our review of the assassination investigation."

B. The Security Investigation

OPR made no changes in its critical evaluation of of the security investigation or in its recommendations. Changes made in "The Security Investigation" section are as follows:

(1) Page 128 - in discussing microphone surveillance of King at the Americana Hotel, New York City, in January, 1966, the revised report identified Tolson, rather than DeLoach, as the Bureau official ordering the surveillance removed. Location in Bureau files regarding this microphone surveillance was corrected to serial 100-106670-2224X.

(2) In our letter of 1/21/77, it was pointed out to the Department that the initial OPR report implied that the Bureau conducted surreptitious entries against King, when none were conducted, other than to install microphone surveillances. In its revised report OPR adds that Bureau indices were unable to locate a record of any entries against King or the SCLC. (Pages 137 and 138). (~~SECRET~~) (u)

(3) Page 139 - OPR deleted the words "in Atlanta" from its original report to avoid possible compromise of our SCLC informant who conceded to Agents that he embezzled some SCLC funds. (~~CONFIDENTIAL~~) (u)

(4) Page 127 - OPR deleted four informant symbol numbers appearing in the initial report as a list of microphone surveillances against King in New York City.

(5) In our letter of 1/21/77, it was pointed out that OPR use of the term "The Deegan File" in referring to the location of King surveillance tapes and transcripts was incorrect. While the amended OPR report continues to use this term, the statement "in order to provide more than

*MR. SHAWEN  
ADVISED 2/3/77 THAT  
ALL REFERENCES  
REPORT TO DEEGAN IN OPR  
WILL BE DELETED  
STA 2/9/77*

~~SECRET~~

Peelman to Mr. ~~Mc~~llagher Memorandum  
Re: REPORT OF THE DEPARTMENT OF JUSTICE TASK FORCE

normal protection" was added to the footnote explaining "The Deegan File," (Page 130).

(6) The initial OPR report (Page 134) contained a discussion regarding a proposed counterintelligence action against King. This entire page was deleted in the revised report, apparently for privacy reasons. This proposal concerned a woman with whom King was involved and a child born to her in 1965, reportedly fathered by King.

(7) To effect declassification of the report the names of Levison and Hunter O'dell, two key advisors of King, were deleted since their association was reported by sensitive Bureau informants. Also to avoid compromise of these sources, in a number of places in the report, its table of contents and Appendix A, information was deleted regarding King's connection with Levison, Levison's high-level position in the CPUSA and a description of King as a "wholehearted marxist." (SECRET) (u)

MINOR CHANGES IN REVISED REPORT

There were, however, a number of minor discrepancies and typographical errors in the revised report. These items, brought to the attention of Steven Blackhurst of Mr. Shaheen's Office, on 2/1/77, are as follows:

(1) Page 24 - the name of Special Agent Joe Hester should be deleted for reasons of privacy.

(2) Page 25 - informant file numbers in paragraph one should be deleted.

(3) Page 84 - in the last paragraph the word "in" appears reduntantly.

(4) Page 92 - in line one the date "March, 1969," should be March, 1968.

(5) Page 134 - the name of Atlanta Chief of Police Jenkins should be deleted for privacy reasons.

(6) Pages 163-164 - the name Lester B. Sullivan should be deleted for privacy reasons.

(7) Pages 166-168 - contains two memoranda, page two of each memorandum is incorrectly assembled and should be reversed.

-8-

~~SECRET~~

~~SECRET~~

~~SECRET~~

UNITED STATES GOVERNMENT

# Memorandum

TO : See Distribution

DATE: FEB 3 1977

FEDERAL GOVERNMENT

FROM: *MESF* Michael E. Shaheen, Jr., Counsel  
Office of Professional Responsibility

SUBJECT:

*Reedman*  
*h...*  
*140*

*ETA*  
*C*  
*encl*

Attached is a letter from the United States Attorney for the Middle District of Louisiana and an investigator for the Louisiana Department of Justice to the Deputy Director of the Executive Office for United States Attorneys. The letter says that a previously reliable informant in jail in Louisiana alleges to have information about the following matters: the murder of Dr. Martin Luther King, Jr., the murder of Sam Giancana, the murder of a man named Murphy in Chicago, and the theft of plutonium and mercury in Oklahoma.

We think the Civil Rights Division, Criminal Division and Federal Bureau of Investigation should take whatever action is appropriate in light of this information.

*34*  
*Feb 4 1977*  
**EXP. PROC.**  
*1613*  
*26*

DISTRIBUTION

- Civil Rights Division, AAG
- Criminal Division, AAG
- ✓ Director, FBI

cc: William B. Gray, Director, EOUSA *1113*

*1-25*  
**DE-39**  
**REC-31** 44-38861-6182

**ENCLOSURE**

AAG, Civil Rights Div  
HNH/95'0  
2/17/77  
17 FEB 4 1977

*Galagher*  
**SEX**

UNRECORDED COPY FILED IN



55 0 1977

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FRONT OFFICE

FEB 4 12 49 PM '77 FEB 4 1 42 PM 1977

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

REC'D-CIV RIGHTS  
FBI  
FEB 4 2 23 PM 1977

United States Department of Justice

ADDRESS REPLY TO  
UNITED STATES ATTORNEY  
AND REFER TO INITIALS

CCJ, Jr:rh

UNITED STATES ATTORNEY  
MIDDLE DISTRICT OF LOUISIANA  
BATON ROUGE, LOUISIANA 70801

RECEIVED  
OFFICE OF THE  
DEPUTY ATTORNEY GENERAL

JAN 24 2 00 PM '77

DEPUTY  
ATTORNEY GENERAL

January 20, 1977

Mr. William P. Tyson  
Deputy Director  
Executive Office for  
United States Attorneys  
Department of Justice  
Washington, D. C. 20530

Dear Bill:

As you recall, during a recent telephone conversation, you were advised that Ben D. Gibbens, Investigator, Criminal Division, Louisiana Department of Justice, informed the United States Attorney that a previously reliable informant of his claims to have been present during a meeting at which several men discussed the murder of Martin Luther King. The informant advised Gibbens that he can identify two of the men who were present at the meeting and that one of those "put up a considerable amount of money" to have King murdered. The informant said he saw the money change hands. He can identify the man who gave the money but not the man to whom the money was given. The meeting in question, according to the informant, occurred in Memphis, Tennessee, prior to King's death. The informant was himself in jail in Memphis, Tennessee, when King was murdered.

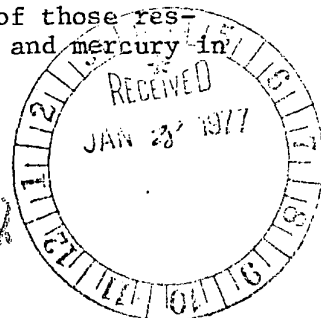
The informant also advised Gibbens that while in Chicago he worked for a "gangster" who offered him money to kill a Chicago man named "Giacanno". That individual was in fact later killed by persons unknown to the informant. The informant surmised that the "gangster" hired others to complete the assassination plot when the informant refused.

The informant also advised Gibbens that he knows who was responsible for the death of a man named "Murphy" whose body was found in the trunk of an automobile on Cicero Avenue in the Chicago area. The informant told Gibbens that Murphy's head looked like it had been mashed in a vise.

The informant also claims to have knowledge of those responsible for the theft of varying amounts of plutonium and mercury in the Oklahoma area.

JAN 23 1977

44-38861-6182



ENCLOSURE

Mr. William P. Tyson  
Page 2  
January 20, 1977

Following the United States Attorney's telephone conversation with you, Gibbens met with the informant who advised that he would not be interviewed locally but would only discuss these matters with Justice Department investigators from Washington. Gibbens did not seek to obtain more detailed information from the informant, but advises that the informant asserts that he can supply more detailed information to Justice Department investigators.

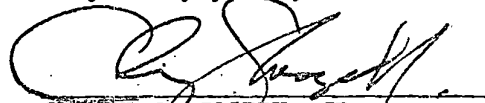
The informant is an inmate in a Louisiana jail who is presently facing a sentence of life imprisonment. He claims to have been convicted at a trial where perjury was suborned by state law enforcement officials. Gibbens advises that the informant, in exchange for his cooperation, only requests that the matter be looked into by Justice officials. The informant specifically requests that two witnesses, whose testimony he claims was perjured, be interviewed.

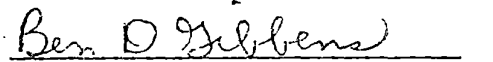
Whether this information is valuable or accurate is something that neither Gibbens nor the United States Attorney can assess. Gibbens does not feel that he is in a position to evaluate the accuracy or reliability of the information. He simply requests that the United States Attorney relate these sketchy details to you in the event that someone in the Justice Department might be interested in interviewing his informant. Gibbens would be willing to be present during an interview between Justice investigators and his informant. The informant has indicated that he will discuss the matter with Justice investigators only in Gibbens' presence.

Should anyone decide to pursue this matter further, they can contact Gibbens or the United States Attorney. As indicated on the telephone, the United States Attorney has no idea who the informant is or where he is presently located. The United States Attorney's and Mr. Gibbens' interest in this matter is in seeing that this report is conveyed to the U. S. Department of Justice.

If we can provide further information, please advise.

Very truly yours,

  
CHENEY C. JOSEPH, JR.  
UNITED STATES ATTORNEY

  
BEN D. GIBBENS, Investigator  
Criminal Division  
Louisiana Department of Justice

Copy to: Elmer Litchfield  
Resident Agent in Charge  
Federal Bureau of Investigation ✓

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Gallagher

DATE: 2/18/77

FROM : J. S. Peelman

- 1 - Mr. Held
- 1 - Mr. Adams
- 1 - Mr. Gallagher
- 1 - Mr. Ingram
- 1 - Mr. Peelman
- 1 - Mr. Deegan
- 1 - Mr. Lawn
- 1 - Mr. Moore
- 1 - Mr. Leavitt
- 1 - Mr. Decker
- 1 - Mr. Mintz
- 1 - Mr. Ryan

SUBJECT: REPORT OF THE DEPARTMENT OF JUSTICE TASK FORCE TO REVIEW THE FBI - MARTIN LUTHER KING, JR. SECURITY ASSASSINATION INVESTIGATIONS

- 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 \_\_\_\_\_

PURPOSE: To advise of receipt on 2/18/77 of final Office of Professional Responsibility (OPR) publicly releasable report re captioned matter and to advise of changes made in final report.

RECOMMENDATION: For information.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 3-3-81 BY SP4 JAM/ik

6076

APPROVED:

Director \_\_\_\_\_  
 Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_

Adm. Serv. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
 Fin. & Pers. \_\_\_\_\_  
 Gen. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Intell. \_\_\_\_\_

Legal Coun. \_\_\_\_\_  
 Plan. & Insp. \_\_\_\_\_  
 Rec. Mgnt. \_\_\_\_\_  
 S. & T. Serv. \_\_\_\_\_  
 Spec. Inv. \_\_\_\_\_  
 Training \_\_\_\_\_

DETAILS: By memorandum dated 1/19/77, you were advised of background information regarding the review and report by the OPR, U. S. Department of Justice (USDJ), of the FBI's investigation of Martin Luther King, Jr. By letter dated 1/21/77, we furnished our observations concerning this report to the Attorney General. By memorandum dated 2/2/77, you were advised of the receipt of a revised OPR report and what action the Department took concerning our observations. Other

HNH:JTA:bam (13)

CONTINUED - OVER

NOT RECORDED  
167 FEB 28 1977

44-38861-44-38861

100-126675



34 MAY 1977

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

ORIGINAL FILED IN 100-126675-44



Memorandum to Mr. Gallagher  
RE: REPORT OF THE DEPARTMENT OF  
JUSTICE TASK FORCE

minor discrepancies and typographical errors in the revised report were brought to the attention of the OPR on 2/1/77.

On 2/18/77 the OPR furnished a copy of its final report, which reportedly will be made public on 2/18/77. A review of this final report received 2/18/77 was made and the following changes made by OPR are set forth:

The Assassination Investigation

The previous OPR report contained the following statement on page 90, "Ray's stipulated judicial confession comports in detail with the facts disclosed by the investigation and the failure of the self-serving stories persuasively undermines the likelihood of any conspiracy. An actual conspiracy could be described with some verifiable corroborative details and a conspiracy to kill Dr. King, in our view, clearly had to have Ray as its 'hit man.' We conclude on the basis of the evidence examined that there was no such conspiracy."

The final report amends the above on page 90 as follows: "Ray's stipulated judicial confession comports in detail with the facts disclosed by the investigation and the failure of the self-serving stories persuasively undermines the likelihood of any conspiracy." (The remainder of the material previously set forth was deleted.)

On page 91 of the final report, a footnote was added to read, "FBI files disclosed that James Earl Ray has an IQ of 105." On page 95 of the previous report, a sentence stated, in part, "Dr. Freeman believes that Ray was very capable of assassination ..." The final report changed this to read, "Dr. Freeman believes that Ray was potentially capable of assassination..."

Memorandum to Mr. Gallagher  
RE: REPORT OF THE DEPARTMENT OF  
JUSTICE TASK FORCE

### The Security Investigation

On page 130 the previous OPR report referred to the "Deegan File" as FBI Headquarters location of some King material. A footnote in this report explained the "Deegan File" as a file cabinet in the Office of Section Chief Joseph G. Deegan containing documents and tapes removed from the regular filing system to provide more than normal protection. The final OPR report deletes reference to the "Deegan File" and the footnote.

On page 135 OPR deletes the following information pertaining to Coretta King: "... and attempting to verify rumors concerning various relationships which she might be having after the death of Dr. King (HQ 62-108052-64, 67, 71). These rumors were never substantiated. Yet, they were forwarded to the White House by the Bureau (HQ 62-108052-67)."

### Miscellaneous

Following receipt of the previous OPR report, a number of minor discrepancies and typographical errors were brought to the attention of OPR on 2/1/77. In compliance, OPR's final report corrected typographical errors on pages 84 and 92, deleted the name Lester B. Sullivan from the title in a memorandum appearing in Appendix A, and assembled correctly two pages in Appendix A that were out of order. OPR took no action on our suggestion to delete, for privacy reasons, the names of SA Joe Hester on page 24 and Atlanta Chief of Police Jenkins on page 134, and, for security reasons, informant file numbers on page 25.

UNITED STATES GOVERNMENT

# Memorandum

~~SECRET~~

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

TO : Mr. Gallagher

DATE: 1/19/77

- 1 - Mr. Held
- 1 - Mr. Adams
- 1 - Mr. Gallagher
- 1 - Mr. Ingram
- 1 - Mr. Peelman
- 1 - Mr. Deegan
- 1 - Mr. Lawn
- 1 - Mr. Moore
- 1 - Mr. Leavitt
- 1 - Mr. Decker
- 1 - Mr. Mintz
- 1 - Mr. Ryan

FROM : J. S. Peelman

SUBJECT: REPORT OF THE DEPARTMENT OF JUSTICE TASK FORCE TO REVIEW THE FBI - MARTIN LUTHER KING, JR. SECURITY AND ASSASSINATION INVESTIGATIONS

**PURPOSE:** To advise of contents and observations concerning captioned report, and to furnish our observations to the Attorney General (AG) in attached letter.

**SYNOPSIS:** Department of Justice Task Force, Office of Professional Responsibility (OPR) has furnished a copy of its report of review of the FBI's investigation of Dr. Martin Luther King, Jr. Task Force reported the following re "The Assassination Investigation:" It is satisfied the FBI did a credible job in attempting to identify any conspiracy; James Earl Ray judicially confessed that he intended to and did kill Dr. King; the investigation was thoroughly, honestly and successfully conducted; the evidence pointing to guilt of Ray was conclusive; found no evidence of any complicity on part of Memphis Police Department or FBI; the sum of all evidence of Ray's guilt points to him so exclusively that it makes the point no one else involved; it unearthed some new data which answers some persistent questions the FBI did not seek; but FBI concentrated on principal in case and found no dishonesty in this; by "hindsight" task force believes Ray's brothers could have been interrogated further; discusses "Bureau disdain for Department supervision;" and it found no new evidence which calls for action by state or Federal authorities. Task Force makes "Recommendations - As to the Murder Investigation," and our observations concerning these recommendations and report set forth in attached letter to AG.

DECLASSIFIED BY SP-1 CLK/STJ  
7/24/01

Enclosure

HNH/JTA/sas (12)

ALL INFORMATION CONTAINED  
HEREIN IS CLASSIFIED  
EXCEPT WHERE SHOWN  
OTHERWISE.

CLASSIFIED DECISIONS FINALIZED BY  
DEPARTMENT REVIEW COMMITTEE (DRC)  
DATE: 7-11-90 BY 972 EEP/SL  
CN 80, 513 App'd 84-0451 (9/1/90)

CONTINUED OVER

Classified by 3042 PUT/GAT  
Declassify on: OADR 3/27/89  
(84-0451)

Classified by 4915  
Exempt from GDS, Categories 2, 3 &  
Date of Declassification Indefinite



100-106670  
100-44-38861

Enclosure

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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

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Memorandum to Mr. Gallagher  
Re: Report of the Department of Justice Task Force

With respect to "The Security Investigation" of King, the OPR Task Force was to determine if the relationship between the FBI and King called for criminal prosecution or disciplinary action against Bureau personnel and if the FBI was involved in King's assassination. Task Force reviewed security files of King, the SCLC and our files relating to communist influence in the Civil Rights movement. The Task Force concluded that opening of King investigation in 1962 was justified, but its continuance was unwarranted since there was no evidence that King was a communist or affiliated with the CPUSA. Report states that the dispute between King and Mr. Hoover was a major factor in the Bureau's determination to discredit King and documents "an extensive program within the FBI" to discredit him. Report discloses surreptitious entries against Levison, and that an FBI informant in the SCLC conceded to contacting Agent that he embezzled SCLC funds. In its critical evaluation the Task Force believed investigation of King should have terminated when Levison disassociated himself from the CPUSA in 1963 and our discrediting actions were unwarranted and very probably in violation of Civil Rights Statutes. Report states the AG and Department of Justice failed in supervision of FBI internal security activities. \$ U

Briefly, Task Force recommendations as to the security investigation are as follows: (1) no criminal prosecution of Bureau personnel because five-year Statute of Limitations has expired; (2) no disciplinary action against personnel in active Bureau service; (3) tapes and transcripts of microphone surveillance in King case be sealed, sent to Archives and that Congress authorize and direct destruction of that material including reports derived thereof; (4) endorsed intradepartmental supervision of FBI by Department of Justice (OPR) and legislative oversight by the Senate Select Committee on Intelligence; (5) That the unauthorized malicious dissemination of investigative data from FBI files be made a felony rather than the presently described misdemeanor; (6) that the FBI have no authority to engage in COINTELPRO-type activities.

Our observations concerning the OPR report on the security investigation of King are set forth in attached letter to the AG.

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Memorandum to Mr. Gallagher  
Re: Report of the Department of Justice Task Force

Per request of OPR, we have been assisting Task Force in its preparation of a report it intends to make public which is protective of privacy rights sensitive sources and classification concerns.

OPR instructed original version of the Task Force's report was to be classified "Top Secret" and requested Bureau designate individuals to assist Task Force in classifying the original report and in preparing a publicly-releasable report. Document Classification Officer (Security Officer) of FBI was designated to assist Task Force representatives in classification matters and on 1/17/77, the report, Appendix A and Appendix B were classified on a paragraph-by-paragraph basis. Document Classification Officer (DCO) on 1/18/77 assisted Task Force in preparation of sanitized version invoking where possible approved classification standards. In spite of paraphrasing, sanitized report could be detrimental to this Bureau's counterintelligence interests in that sources and methods may, through logical speculation, be identified.

All information in this memorandum is unclassified unless otherwise indicated.

RECOMMENDATION: Attached for approval is a letter to the AG setting forth our observations concerning this Task Force report.

*HK JTC*

*[Handwritten signature]*

APPROVED:	.....	.....
Director.....	.....	.....
Assoc. Dir.....	.....	.....
Dep. AD Adm.....	.....	.....
Dep. AD Inv.....	.....	.....

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Memorandum to Mr. Gallagher  
Re: Report of the Department of Justice Task Force

DETAILS:

BACKGROUND: In 1975, the United States Senate and the United States House of Representatives Select Committees on Intelligence Activities conducted inquiries and held public hearings concerning the FBI. Following disclosures made during these hearings, the AG directed, in November, 1975, the Civil Rights and the Criminal Divisions of the United States Department of Justice to review the files relating to Dr. Martin Luther King, Jr., and make a recommendation as to whether the assassination case should be reopened.

In April, 1976, the AG announced that, based on the preliminary review by the Civil Rights Division, the tentative conclusions were: (1) there was no basis to believe that the FBI in any way caused the death of Dr. King; (2) no evidence was discovered that the FBI investigation of the assassination of Dr. King was not thorough and honest; (3) instances were found indicating that the FBI undertook a systematic program of harassment of Dr. King in order to discredit him and harm both him and the movement he led.

The AG then ordered that the OPR of the Department complete this review, and that answers to the following questions be furnished to the AG and to FBI Director Clarence M. Kelley: (1) whether the FBI investigation of Dr. King's assassination was thorough and honest; (2) whether there is any evidence that the FBI was involved in the assassination of Dr. King; (3) whether, in light of the first two matters, there is any new evidence which has come to the attention of the Department concerning the assassination of Dr. King; and (4) whether the nature of the relationship between the Bureau and Dr. King calls for criminal prosecutions, disciplinary proceedings, or other appropriate actions.

Since May, 1976, a Task Force of Departmental Attorneys under the OPR has been reviewing our investigative results, both at FBIHQ and in the field, of both the assassination investigation (civil rights investigation) and our security investigation of Dr. King.

REPORT OF DEPARTMENT OF JUSTICE TASK FORCE - OPR:

By memorandum 1/12/77, Michael E. Shaheen, Jr., Counsel, OPR, United States Department of Justice furnished to the Director of the FBI a "Report of the Department of Justice Task Force to Review the FBI - Martin Luther King, Jr.,

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Memorandum to Mr. Gallagher  
Re: Report of the Department of Justice Task Force

Security and Assassination Investigations." Mr. Shaheen also requested to know the names of those Bureau employees the Director intended to designate to classify these materials and to assist the Task Force in preparing a publicly releasable report that is protective of privacy rights, sensitive sources and methods and classification concerns. (Response made to Mr. Shaheen in this regard by letter 1/17/77).

This report consists of 149 pages plus the appendices. After the "Introduction" this report consists of "The Assassination Investigation," "The Security Investigation," "Recommendations," and the "Appendices," which consist of "Documents Cited in Report," "Interview Memoranda," and "Notes from FBI Files and Records from Other Sources." The Task Force advises this report is based upon review of FBI files (at FBIHQ and in the field), witness interviews (as conducted by the Task Force) public source material including newspaper accounts and books, review of the AG's file, files of other Government agencies and the Memphis Police Department as well as an on-the-spot inspection of the crime scene by the Task Force and a review of the local court records (where James Earl Ray was prosecuted).

THE ASSASSINATION INVESTIGATION: Dr. Martin Luther King, Jr., was assassinated on 4/4/68, in Memphis, Tennessee. The FBI, based upon the request of the United States Department of Justice, instituted an immediate civil rights investigation into this assassination. Based upon our extensive investigation, James Earl Ray was identified as the assassin and subsequently pled guilty to this murder in State Court in Tennessee. He presently is in local confinement.

The Task Force report states that "based on our review of the files, the task force is satisfied that the FBI did a credible and thorough job in attempting to identify any possible conspiracy or persons who could have been involved in the murder," (Page 63). The Task Force states it hoped to have an opportunity to go over the facts with James Earl Ray, (Pages 85 and 86). (It is noted Ray never consented to a FBI interview.) Ray agreed with the advice of his attorney and did not consent to an interview by the Task Force (Page 86). In reviewing the local guilty plea of Ray the Task Force states, "Thus, Ray has judicially confessed that he intended to and did kill Dr. King," (Page 87).

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Memorandum to Mr. Gallagher  
Re: Report of the Department of Justice Task Force

The Task Force addresses the claim of Ray to author William Bradford Huie that he "drove 'Raoul' away from the crime scene after the murder wholly unaware of the killing of Dr. King. In this version 'Raoul,' or 'Roual,' is the mysterious killer who Ray thought to be an international 'gun-runner," (Page 88). (Our investigation never identified the existence of "Raoul" or "Roual.") The Task Force also examined the allegation that Ray was "set up as a 'patsy' for 'Raoul.'" The Task Force states "The task force views the exculpatory content of these varying and patently self-serving tales to be unbelievable. The varying details are materially self refuting. Ray first admits full guilt," (Pages 88 and 89). The Task Force also states "We conclude on the basis of the evidence examined that there was no such conspiracy," (Page 90).

In examining Ray's "Sources Of Funds" the Task Force states "Therefore, the Bureau was particularly interested in determining his sources of income," (Page 98). In discussing the "Critical Evaluation Of The Assassination Investigation," the Task Force states "First, the task force has concluded that the investigation by the FBI to ascertain and capture the murderer of Dr. Martin Luther King, Jr., was thoroughly, honestly and successfully conducted," (Pages 106 and 107). "Second, the task force views the evidence pointing to the guilt of James Earl Ray as the man who purchased the murder gun and who fired the fatal shot to be conclusive," (Page 108). "Third, we found that conspiracy leads (aliunde Ray's versions) had been consciently run down by the FBI even though they had no possible relation to Ray's stories or to the known facts. The results were negative. We found no evidence of any complicity on the part of the Memphis Police Department or the FBI;" (Pages 108 and 109). "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," (Page 109). "Fourth, it is true that the task force unearthed some new data--data which answers some persistent questions and which the FBI did not seek. But the Bureau concentrated on the principal in the case and much was not considered important to his discovery and apprehension. We find no dishonesty in this," (Page 109). "By hindsight the task force believes Jerry and John Ray (Ray's brothers) could have been effectively interrogated further to learn their knowledge, if any, of James Earl Ray's plans, his finances and whether they helped him after King's death," (Page 110).

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Memorandum to Mr. Gallagher  
Re: Report of the Department of Justice Task Force

In discussing the "Bureau's disdain for Department supervision," the report states that "the FBI "Legat" in London was instructed not to take orders from Vinson (HQ 44-38861-4507)," (Assistant Attorney General Fred Vinson) (Page 110). Although this citation is incorrect as pointed out to the task force on 1/17/77, it is noted in this regard that the Legat in London had liaison with the London authorities regarding Ray's extradition to the United States, and it was then and still is established policy in civil rights cases for the Department to make any requests to FBIHQ.

Also on Page 143, the task force states, "The task force does not fault the technical competence of the investigation conducted into the death of Dr. King." We found no new evidence which calls for action by state or Federal authorities. Our concern has developed over administrative detection tactics.

TASK FORCE RECOMMENDATIONS AS TO THE MURDER INVESTIGATION AND OUR OBSERVATIONS: In the attached letter to the AG our observations are set forth concerning the Task Force recommendations and the report. Therefore, the Task Force recommendations as to the murder investigation are not summarized in this memorandum.

SECURITY INVESTIGATION: As stated above, the OPR Task Force was specifically requested by the AG to determine if the relationship between the FBI and King called for criminal prosecutions, disciplinary proceedings, or other appropriate action. In addition, examination of King and related security files was to determine if the FBI was in any way involved in the assassination of King.

In its review the primary security files of interest to the Task Force, in addition to the King security file, were as follows: Communist Infiltration of the Southern Christian Leadership Conference (SCLC); Communist Influence in Racial Matters; Communist Party USA (CPUSA) - Negro Question and Stanley David Levison (~~Secret~~). ~~(S)~~(u)

In its final report, the Task Force devotes pages 112-139 to a discussion of our King security investigation, utilizing subheadings entitled, "FBI Surveillance and Harassment of Dr. King," and "Critical Evaluation of the Security Investigation." The Task Force issues six recommendations as to the security investigation of King.

In its report, the Task Force traces the FBI's

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Memorandum to Mr. Gallagher  
Re: Report of the Department of Justice Task Force

relationship with King to include initiation of investigation in 1962, which was based on his association with Levison, and Communist Influence in the Civil Rights movement, the degree of which was debated in internal memoranda between Mr. Hoover and the Domestic Intelligence Division. The Task Force concluded opening King's investigation in 1962 was justified, (Page 122); that its continuation was unwarranted, (Page 123); the Bureau to date has no evidence whatsoever that King was ever a Communist or affiliated with CPUSA, (Page 123); and that, the SCLC, under King, was anything other than a legitimate organization devoted to the Civil Rights movement, (Page 124). Further, the Task Force reported that Bureau files examined lacked any information that Levison's advice was dictated by the CPUSA or contrary to the interests of the United States (Page 124) (~~Secret~~). X(u)

The Task Force discussed the public dispute between King and Mr. Hoover concluding that this persistent controversy was a major factor in the Bureau's determination to discredit King and ultimately destroy his leadership role in the Civil Rights movement, (Page 126).

With respect to electronic surveillance of King, the Task Force report alludes to findings of the Senate Select Committee On Intelligence (SSC), which compiled a list of telephone and microphone surveillances against King. The OPR report names five additional installations not previously reported by the SSC since, according to OPR, they appeared to have been unproductive either because King did not reside at the hotel as planned or that the recordings made did not pick up any significant information, (Pages 126-127). The Task Force reviewed selected portions of transcripts of electronic surveillances of King and reviewed several tapes to check accuracy of transcripts with the original tapes. The Task Force concluded the transcripts were basically accurate, although some material was not put on the transcripts because that portion of the recording was garbled or unclear or it was considered unimportant, (Page 130).

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Memorandum to Mr. Gallagher  
Re: Report of the Department of Justice Task Force

Utilizing several examples of specific FBI action directed against King, his wife and associates, the Task Force report documents an "extensive program within the FBI" to discredit King during the years 1964-68. In this section it is disclosed approximately 30 surreptitious entries against Levison from 1954-1965, some of which retrieved information concerning King. These entries were cited as a serious breach of the attorney - client relationship between King and Levison, aside from violating Levison's Fourth Amendment rights. (Page 139) ~~(Secret)~~ u (S)(u)

In passing, the Task Force noted that the FBI continued to employ an informant in SCLC despite the fact that the informant conceded to Agents in Atlanta that he embezzled some SCLC funds. The report continued that the Bureau voiced strong disapproval of these activities, but no legal or disciplinary action was taken with respect to the informant, (Page 139) ~~(Confidential)~~ u

In its critical evaluation, the Task Force believed the security investigation of King should have terminated upon Levison's disassociation with the CPUSA in 1963 and its intensification, to include COINTELPRO activities, was unwarranted and very probably in violation of Civil Rights Statutes. (Page 141) ~~(Secret)~~ u (u)

The Task Force report notes that the continuing security investigation of King also reflects that the AG and Justice Department Division charged with responsibility for internal security matters, failed badly in what should have been firm supervision of the FBI's internal security activities, (Page 142).

RECOMMENDATIONS AS TO THE SECURITY INVESTIGATION OF KING: Charged to address itself to whether the nature of the relationship between the Bureau and King called for criminal prosecution of disciplinary action the Task Force issued six recommendations, (Pages 145-149), which are summarized as follows:

(1) Criminal prosecution of Bureau personnel, past or present, responsible for possible criminal harassment of King was not recommended because the five-year Statute of Limitations has expired. No evidence of a continuing conspiracy was found.

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Memorandum to Mr. Gallagher

Re: Report of the Department of Justice Task Force

(2) It was recommended that no disciplinary action be taken against personnel still in active service in the Bureau. Responsibility for initiation and prolonging investigation of King rested with the deceased Director of the Bureau and his immediate lieutenants, who are either deceased or retired.

(3) It was recommended that tapes and transcripts in the King case be sealed and sent to the National Archives and that Congress be asked to pass legislation denying access to them and authorizing and directing their total destruction along with material in reports and memoranda derived thereof.

(4) Recognizing the potential for abuse by any Director of the FBI, the Task Force endorsed the Department of Justice (OPR) as an effective means for intradepartmental policing of the Bureau and the Senate Select Committee on Intelligence as the legislative arm to oversee performance of the Bureau.

(5) It was recommended that unauthorized malicious dissemination of investigative data from FBI files be made a felony rather than the presently prescribed misdemeanor.

(6) It was recommended that the FBI have no authority to engage in COINTELPRO-type activities, which are precluded by the present AG guidelines governing the FBI's domestic security investigations.

Our observations concerning the OPR report on our security investigation of King are set forth in the attached letter to the AG.

PUBLICLY RELEASABLE REPORT: Per the request of the OPR, we have been assisting the Task Force in its preparation of a report it intends to make public concerning the King investigation which is protective of privacy rights, sensitive sources and classification concerns.

PRIVACY ACT: The Freedom of Information - Privacy (FOIPA) Branch pointed out to the Task Force its chief suggestion was to delete all names of Agents mentioned in the report below the level of Assistant Director based on possible invasions of privacy or potential harm. Although the Task Force appeared to be sympathetic to our arguments, they pointed out that names of many of the Agents involved in the investigation were revealed in the news media and by the Senate Select Committee.

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Memorandum to Mr. Gallagher  
Re: Report of the Department of Justice Task Force

FOIPA Branch then raised on a page by page basis areas where it saw possible privacy consideration, including members of the Memphis Police Department and Fire Department, fellow inmates of Ray, and other individuals mentioned in the report. It was pointed out to the Task Force that we would be making releases in response to FOIA requests and would like to achieve some degree of consistency between their report and releases we were making.

In some instances they agreed with our observations. In others, they pointed out the particular individual and his involvement in the case was publicly known. In response to other points raised, they indicated they would take them under advisement.

CLASSIFICATION: By letter dated 1/12/77, the OPR instructed the Task Force's report and appendices were to be classified "Top Secret" and that the FBI designate persons to classify these materials and to assist the Task Force in preparing a publicly-releasable report.

The Bureau's Document Classification Officer (Security Officer), assisted by the former Martin Luther King security case supervisor and the current case supervisor of the sensitive sources who were involved in the King security investigation, were appointed for this purpose. It was agreed with Mr. Shaheen of the OPR that as the report represented a Department effort, it would be classified by the Attorney General based on the recommendations of the Document Classification Officer (DCO) and those assisting him. On 1/17/77, the DCO and his assistants furnished a representative of the Department Security Office paragraph-by-paragraph classifications for the report and its Appendices A and B. The DCO also assisted the Department Security Office in affixing proper classification markings to the report. Consultations by the DCO with the OPR on 1/17/77, determined that Mr. Shaheen at 4 o'clock on that date would furnish a copy of the "Top Secret" report to Senator James O. Eastland and Congressman Peter Rodino, both of whom chair committees with oversight responsibilities. Mr. Shaheen advised DCO it was his understanding the Senator and Congressman were being entrusted with this report, that it was for their perusal alone, and would be returned to the Department upon completion of their review. Shaheen also advised a copy of the report had been offered Senator Daniel Inouye, Chairman of the Senate Intelligence Committee, but he refused the invitation to immediately review the report based upon pending commitments.

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Memorandum to Mr. Gallagher  
Re: Report of the Department of Justice Task Force

On the morning of 1/18/77, the DCO and those assisting him met with the Task Force and considered paraphrasing all classified portions of the report to enable preparation of a releasable public report. Paraphrasing was necessary to protect extremely sensitive sources who have furnished information regarding King's communist associates. While all classification standards were invoked, the DCO has concern that public release of the report, even in its paraphrased form, could through logical speculation be detrimental to the security of our sources. The Task Force and the DCO differed on three pages of the sanitized report relating to a sensitive technique effected on a communist associate of King's. An impasse was reached and the DCO stated he would not declassify and if the Task Force objected, they could refer the matter to the Department Review Committee (DRC), which has overall responsibility for classifications within the Department. The DRC Chairman refused to call a special meeting but agreed to discuss the classification dispute at its regular meeting at 3 p.m. At the regular DRC meeting, the Criminal Division representative to the DRC challenged the Task Force as to its use of the work "illegal" in describing a national security surreptitious entry. The DRC indicated although it was not going to make a decision regarding the legality of such techniques, it believed the issue of illegality was debatable and had not been resolved as Department policy. The DRC concurred generally with the arguments relating to classification presented by the FBI DCO, and the Task Force agreed to attempt to further paraphrase and sanitize the three pages in question. This was done immediately and the DCO approved the sanitized paraphrased version prepared by the Task Force as unclassified. Chairman of the Task Force indicated he would clear final version of sanitized report through Bureau and desired concurrence in its release by Mr. Adams' office.

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FEDERAL GOVERNMENT  
The Attorney General

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1 - Mr. Held  
1 - Mr. Adams  
1 - Mr. Gallagher  
1 - Mr. Ingram  
1 - Mr. Peelman  
January 21, 1977

Director, FBI

CLASSIFIED DECISIONS FINALIZED BY  
DEPARTMENT REVIEW COMMITTEE (DRC)  
DATE: 7-11-90 6472 EEP/82  
CN 80,513 App'd 84-2451 (1/190)

1 - Mr. Deegan  
1 - Mr. Lawn  
1 - Mr. Moore  
1 - Mr. Leavitt  
1 - Mr. Decker  
1 - Mr. Ryan

REPORT OF THE DEPARTMENT OF JUSTICE TASK FORCE TO  
REVIEW THE FBI-MARTIN LUTHER KING JR., SECURITY  
AND ASSASSINATION INVESTIGATIONS

All information contained in this letter is  
unclassified unless otherwise indicated.

By my memorandum dated January 17, 1977, I  
confirmed to Mr. Michael E. Shaheen, Jr., Counsel, Office  
of Professional Responsibility, the receipt of captioned  
report and its appendices.

On January 17, 1977, a conference was held with  
Mr. Shaheen, Task Force Leader Fred G. Polson, Jr., and  
members of his Task Force and Inspector, Deputy Assistant  
Director James C. Ingram; Section Chiefs Joseph G. Deegan  
and James S. Peelman; and members of their respective staffs  
in the General Investigative Division and representatives of  
our Intelligence Division; and our Records Management Division  
(Document Classification Officer and Privacy Act Representa-  
tives).

Mr. Shaheen advised that corrections of patent  
errors in the report could be made during this conference  
and any additional observations could be submitted to the  
Department in writing. REC-13 100-106670-4613

In addition to the errors noted, the following  
observations are being set forth concerning this Task Force  
report for your consideration and evaluation:

The Assassination Investigation ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT 22 JAN 26 1977  
WHERE SHOWN OTHERWISE.

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir. \_\_\_\_\_  
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Ext. Affairs \_\_\_\_\_  
Fin. & Pers. \_\_\_\_\_  
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Spec. Inv. \_\_\_\_\_  
Training \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director Sec'y \_\_\_\_\_

On page 101 the Task Force states that, "The Bureau  
apparently discounted the significance of any contact between  
Ray and his family . . . the Bureau should have pursued  
this line of investigation more thoroughly." On page 105  
the Task Force states, "Thus, at least one family member,  
Harry, had lied to the FBI and had become subject to federal  
criminal charges for aiding a fugitive. He was never con-

Classified by 2042 PWT/GAT

Declassify on: OADR 3/27/89

HNH/JTA: gjw (84-445)

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Classified by Director, FBI  
Receipt from GDS, Category 2, 3, & 4  
Date of Declassification Indefinite

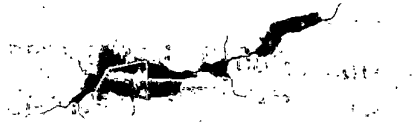
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The Attorney General

fronted with these facts by the Bureau." On page 106 the Task Force states that, "We concluded that the FBI abandoned a significant opportunity to obtain answers from family members concerning some of the important questions about James Earl Ray which still remain."

On page 109, the Task Force states, "Fourth, it is true that the Task Force unearthed some new data - data which answers some persistent questions and which the FBI did not seek. But the Bureau concentrated on the principal in the case and much was not considered important to his discovery and apprehension; we find no dishonesty in this." "By hindsight the Task Force believes Jerry and John Ray (Ray's brothers) could have been effectively interrogated further to learn their knowledge, if any, of James Earl Ray's plans, his finances and whether they helped him after King's death." (page 110).

Our observations concerning the above statements by the Task Force are that family members were interviewed by the FBI approximately 50 times from April to June of 1968. Additionally, toll records were reviewed and contacts identified in the case of Carol Pepper, (Ray's sister), and the Grapevine Tavern, owned by Pepper and run by John Larry Ray. Bank records were also checked regarding Carol Pepper, John Larry Ray and Jerry Ryans (Ray's father). Neighborhood sources had also been developed and credit records were checked. These family members were interviewed for any information concerning Ray's background and location.

Jerry Ray was interviewed, for example, at least 10 times between April 19, 1968 and May 1, 1968. He was interviewed for all background concerning the Ray family, his contact with Ray and his source of money, was confronted about certain false information he had furnished, and was advised of the provisions of the Harboring Statute.

John Ray was interviewed, for example, at least four times between April 22, 1968, and May 4, 1968, for background information, whereabouts of Ray and his source of money, and was advised of the provisions of the Harboring Statute.

While Ray was a fugitive the FBI requested the Department by memorandum dated May 13, 1968, to approve a technical surveillance at the residence of Pepper and Grapevine Tavern. The Department took no action on this request and the FBI withdrew this request by memorandum dated June 11, 1968, after Ray was apprehended.

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