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Agency Information

AGENCY : FBI
RECORD NUMBER : 124-10188-10394
RECORD SERIES : NK
AGENCY FILE NUMBER : 100-57235-27, 28

Released under the John
F. Kennedy
Assassination Records
Collection Act of 1992
(44 USC 2107 Note).
Case#:NW 55509 Date:
12-07-2017

Document Information

ORIGINATOR :
FROM :
TO :

TITLE :

DATE : 00/00/0000
PAGES : 0

SUBJECTS :
NAR

DOCUMENT TYPE :
CLASSIFICATION : Unclassified
RESTRICTIONS : Not Assassination Related
CURRENT STATUS : Withhold
DATE OF LAST REVIEW : 08/01/1994

OPENING CRITERIA : INDEFINITE

COMMENTS :

(Mount Clipping in Space Below)

Justice Agency Upholds Inquiry By F.B.I. Into Murder of Dr. King

By ANTHONY MARRO
Special to The New York Times

WASHINGTON Feb. 18—A major review by the Justice Department has concluded that the Federal Bureau of Investigation's inquiry into the murder of the Rev. Dr. Martin Luther King Jr. was "thoroughly, honestly and successfully" conducted, and that the best available evidence suggests that James Earl Ray, the convicted murderer, acted alone.

Yet the report made no effort to offer conclusive evidence on that point. "Proof that others were not involved is here

Excerpts from the report, page 11.

as elusive and difficult as it has universally been in criminal law," it says.

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

The investigators said in a report released today that the bureau never developed evidence that Dr. King had any affiliation with the Communist Party, and that it was a personal feud between him and the late J. Edgar Hoover, Director of the F.B.I.—not legitimate national se-

curity concerns—that resulted in the bureau's "determination to discredit Dr. King."

The Justice Department investigation was ordered last April by then Attorney General Edward H. Levi after the Senate Select Committee on Intelligence disclosed that the bureau had engaged in a six-year surveillance of Dr. King that had included the use of wiretaps, electronic bugs and paid informants, and that it had attempted to discredit the civil rights leader by circulating stories about his personal life.

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

Although not specifically charged with seeking evidence of a conspiracy, the inquiry had to address the question whether the bureau had ignored such evidence in its investigation.

After sorting through more than 200,000 documents and interviewing about 40 witnesses, a group of lawyer-in-

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assigned officer, and date)

Night Supervisor

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PAGE 1

NY TIMES

LATE JERSEY EDITION

Date: 2/19/77

Edition:

Author:

Editor: A.M. ROSENTHAL

Title:

Character:

or

Classification:

Submitting Office: NEWARK, NJ

☐ Being Investigated

100-57235-28
SEARCHED INDEXED
SERIALIZED FILED

FEB 22 1977

FBI-NEWARK

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investigators headed by Michael E. Shaheen Jr., a Justice Department attorney, concluded that although the F.B.I.'s surveillance of Dr. King had become "twisted," the bureau's subsequent investigation of his murder had been a "credible and thorough job."

In a statement issued today after the release of the 201-page report, Clarence M. Kelley, the F.B.I. Director, said: "I noted with great satisfaction the conclusions of the task force that the F.B.I.'s assassination probe of the Dr. Martin Luther King slaying was 'credible and thorough'; that there was no evidence of a conspiracy, and that the report clearly indicates no complicity on the part of the F.B.I. in this assassination."

The report is not likely to end all speculation that Mr. Ray was only one figure in a broader conspiracy to kill Dr. King. For one thing, the Justice Department investigators concede that it is still not known where Mr. Ray obtained the money he needed to purchase the expensive equipment he bought and to do the extensive traveling he did before the assassination and in the months between the murder and his arrest.

Arrested 2 Months Later

Dr. King was shot on a motel balcony in Memphis on April 4, 1968. Mr. Ray, who escaped from the Missouri State Penitentiary in 1967 while serving a 20-year sentence for armed robbery, was arrested at London Airport on June 8, 1968, 65 days after the King assassination. He pleaded guilty to Dr. King's murder and is serving a 99-year sentence in Brushy Mountain Prison in Petros, Tenn.

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

Moreover, the release of the report at this time could further cloud the future of the special House committee established to investigate the deaths of President Kennedy and Dr. King, since opponents of that investigation are likely to argue that a further study of the King assassination is likely to be duplicative and unnecessary.

According to a number of House members of both parties, the continued existence of the select committee has been seriously threatened in recent days by the outbreak of an open battle between its chairman, Representative Henry B. Gonzalez, Democrat of Texas, and its chief counsel, Richard A. Sprague.

Today, however, Andrew Young, the United States ~~delegate~~ to the United Nations, who is a former House member and aide to Dr. King and who was himself under surveillance by the F.B.I. at the same time as Dr. King, said that the report left some questions unanswered and hoped that it would not cause the House to abandon its investigation of the assassination.

The investigation by Mr. Shaheen's group followed an earlier, less extensive investigation by the Justice Department's civil rights division, which Mr. Levi ordered in November 1975.

The report released today says that one recommendation that resulted from the civil rights division's study was that some consideration should be given to a direct payment to Dr. King's family or to the King Foundation as compensation for the

violation of Dr. King's civil rights.

The reason for this, the report said, was that the statute of limitations probably barred any criminal prosecutions, and that for the King family to file a civil suit might "be more embarrassing than helpful," presumably because of the nature of the material in the F.B.I. files.

A Justice Department spokesman said today that he did not know what, if anything, might come of this recommendation. He also said he was not certain whether the department would follow a recommendation of the Shaheen group that Congress be asked to pass a bill ordering the destruction of the derogatory material on Dr. King still in F.B.I. files.

The investigation by Mr. Shaheen's group cost an estimated \$200,000 and involved a review not only of the so-called "Murkin file" ("Murkin" is an acronym for "murder of King"), but also of F.B.I. records in 15 cities. It concluded that there were several weak spots in the bureau's investigation, but none serious enough to challenge its conclusions that Mr. Ray killed Dr. King.

The report said that the F.B.I. should have worked harder to obtain information about Mr. Ray from members of his family who may have been in touch with him after Dr. King's murder. And it agrees with some critics of the investigation that the question of where Mr. Ray obtained the money he needed to travel to Europe after the killing is still not fully answered.

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

No Backing or Payment

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

The report's conclusion, however, is that the best available evidence is that Mr.

Ray killed Dr. King on his own, without the backing of or payment by others.

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

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

Although the report concluded that some of the F.B.I. surveillance of Dr. King—which included illegal break-ins, unauthorized buggings and the leaking of derogatory information about his sex life—was "very probably...felonious," it said no agents who took part should be punished.

The report said that the persons who ordered the activities were either dead or retired from the bureau, and that the few agents still in the bureau who played a role in Dr. King's surveillance were un-

derlings "far removed from decision responsibility."

The report released today is a rewritten, condensed version of the report given to Mr. Levi before he left office last month. John Wilson, a Justice Department spokesman, said, however, that no changes had been made in the group's findings, and that it simply had been edited to delete what he termed "salacious personal material" and certain classified information from the F.B.I.'s files.

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Excerpts From Justice Department Report on Dr. King Assassination

WASHINGTON, Feb. 18—The following are excerpts from the report of the Justice Department Task Force that reviewed the assassination of the Rev. Dr. Martin Luther King Jr.

Critical Evaluation of the Assassination Investigation

First, the task force has concluded that the investigation by the F.B.I. to ascertain and capture the murderer of Dr. Martin Luther King Jr., was thoroughly, honestly and successfully conducted. We submit that the minute details compacted in this report amply support this conclusion.

At the very outset of the investigation, telegrams went to all field offices of the Bureau instructing the Special Agents in Charge to take personal supervision of the investigation, to check out all leads in 24 hours, and noting that they would be held personally responsible. (HQ-44-38861-153).

The files we reviewed show that this directive was conscientiously followed. The Bureau sought first to identify and locate the murderer using the obvious leads. They checked out aliases, tracked the traces left under the Galt alias and used the known fingerprints from the murder weapon and the contents of the blue zipper bag left on South Main Street [in Memphis] to eliminate suspects.

This backtracking ended in Atlanta. At this point the Bureau initiated a check of the crime site fingerprints against the white male "wanted fugitive" print file. This produced the almost "instant" discovery that the wanted man, Galt, was James Earl Ray, an escapee from Missouri State Prison.

In fact the "instant" discovery was a tedious hand search started in a file

of some 20,000 prints. That it took only two hours to make a match is said by the Bureau experts to be largely sheer luck; it could have taken days. We accept the explanation that the fingerprint search was a normal next resort after normal lead procedures were exhausted.

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.

It was possible for the task force to create a well-documented history of James Earl Ray from the moment of his escape to his capture in England, using the investigation reports in the F.B.I. files and to corroborate and fill in essential details with Ray's own statements (admissions) in his letters to author William Bradford Huie.

From this chronology, from the laboratory proof, and from Ray's judicial admissions it was concluded that he was the assassin, and that he acted alone. We saw no credible evidence probative of the possibility that Ray and any co-conspirator were together at the scene of the assassination. Ray's assertions that someone else pulled the trigger are so patently self-serving and so varied as to be wholly unbelievable. They become, in fact, a part of the evidence of his guilt by self-refutation.

Third, we found that conspiracy leads (aliunde Ray's versions) had been conscientiously run down by the F.B.I. 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 of the F.B.I.

We acknowledge that proof of the

negative, i.e., proof that others were not involved, is here as elusive and difficult as it has universally been in criminal law. But the sum of all of the evidence of Ray's guilt points to him so exclusively that it most effectively makes the point that no one else was involved.

Of course, someone could conceivably have provided him with logistics, or even paid him to commit the crime. However, we have found no competent evidence upon which to base such a theory.

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Night Supervisor

(Indicate page, name of newspaper, city and state.)

PAGE 11
NY TIMES

LATE JERSEY EDITION

Date: 2/19/77

Edition:

Author:

Editor: A.M. ROSENTHAL

Title:

Character:

or

Classification:

Submitting Office NEWARK, NJ

☐ Being Investigated

100-5723571

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 23 1977	
FBI-NEWARK	

Critical Evaluation of the Security Investigation

In the area of domestic intelligence, the mandate of the F.B.I. has been both broadly and vaguely defined.

Given this charter and the history of the sometimes overpowering influence of the views of the late Director J. Edgar Hoover on his subordinates and on successive Attorneys General, it was understandable that a security investigation should be initiated into the possible influence of the Communist Party, U.S.A., on Dr. Martin Luther King Jr. Two of King's close advisers, at the outset of the security matter, were reported to be Communist Party members by sources relied upon by the Bureau.

The security investigation continued for almost six years until Dr. King's death. It verified, in our view, that one alleged Communist was a very influential adviser to Dr. King (and hence the Southern Christian Leadership Conference) on the strategy and tactics of King's leadership of the black civil rights movement of the early and mid-sixties.

Another had no such weight although he seemed to be of use to King. But

this very lengthy investigative concentration on King and on the principal adviser established, in our opinion, that he did not "sell" Dr. King any course of conduct or of advocacy which can be identified as Communist or "party line."

King himself never varied publicly or privately from his commitment to nonviolence and did not advocate the overthrow of the government of the United States by violence or subversion. To the contrary, he advocated an end to the discrimination and disenfranchisement of minority groups which the Constitution and the courts denounced in terms as strong as his. We concluded that Dr. King was no threat to domestic security.

And the Bureau's continued intense surveillance and investigation of the adviser clearly developed that he had disassociated himself from the Communist Party in 1963, because he felt it failed adequately to serve the civil rights movement. Thus the linch pin of the security investigation of Dr. King had pulled himself out.

We think the security investigation, which included both physical and technical surveillance, should have been terminated on the basis of what was learned in 1963. That it was intensified and augmented by a COINTELPRO type campaign against Dr. King was unwarranted; the COINTELPRO type campaign, moreover, was ultra vires and very probably in violation of 18 U.S.C. 241 (and 242), i.e. Felonious.

The continuing security investigation reflects also that the Attorney General and the Division charged with responsibility for internal security matters failed badly in what should have been a firm supervision of the F.B.I.'s internal security activities.