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From the Desk of Paul F. Morris
40508

NOTE FOR: Alan C. Wade@DA
FROM: Paul F. Morris @ DA
OFFICE: CCS LEGAL ADVISOR
DATE: 02/17/99 04:25:08 PM
SUBJECT: DOJ Review of King Assassination

Alan,

(C) As you requested, this note is intended to recap the status of the Department of Justice's review of the assassination of Martin Luther King, Jr. CCS employee Marrell "Mac" McCollough EOD'ed with the Agency in 1974. Prior to his EOD, he was a police officer with the Memphis Police Department and was the first officer to arrive on the scene of the King assassination in 1968. In connection with a prior DOJ review of the King assassination, Mr. McCollough was interviewed by DOJ in July 1976. In November 1978, he testified before Congress in connection with a congressional review of the King assassination. In connection with DOJ's current review of the assassination, Mr. McCollough was interviewed again by DOJ. In addition, DOJ asked him to take a polygraph examination to be administered by the Secret Service. The Agency was told that the polygraph would only cover questions related to what Mr. McCollough had told DOJ about the assassination. CCS interposed no objections to the test since none of the questions were related to Agency activities or information and because CCS did not want to be accused of interfering in DOJ's review. This test was monitored by a CIA attorney. As we discussed, Mr. McCollough did not "pass" the Secret Service polygraph exam which led to a DOJ request to review his Agency security, polygraph, and personnel files. The file review confirmed that Mr. McCollough had no affiliation with the Agency prior to his EOD in 1974 and that he passed his CIA administered EOD polygraph examination which included questions on major crime. CIA is continuing to double check its records to confirm yet again that Mr. McCollough had no Agency affiliation prior to 1974. At this time, Mr. McCollough is not aware that DOJ has reviewed his Agency files.

(C) DOJ has asked for the Agency's assistance on the following matters. First, DOJ would like to interview the examiner that conducted Mr. McCollough's EOD polygraph exam for CIA. This individual, Hans G. Bialasik, retired from CIA in October 1996 as an overt Agency employee. His last known address is 1809 Sycamore Valley Drive #302, Reston, VA 22090 (tel: 703-787-9178). DOJ would also like to interview the contract investigator, Richard O'Brien, who conducted Mr. McCollough's 1989 CIA background investigation to clarify a statement in the report that, if taken out of context, could be misconstrued. To assist with this effort, DOJ would like a copy of the '89 BI report to refresh the investigator's recollection of the interview in question, if possible. DOJ has also requested the Agency's assistance in securing the FBI's permission to provide DOJ with two BI reports completed by the FBI in

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1973 when Mr. McCollough was under consideration for FBI employment. I've placed a call to FBI/OGC to coordinate the request for the FBI reports. Finally, DOJ has asked CIA to consider granting Mr. McCollough "administrative immunity" if Mr. McCollough subsequently tells DOJ anything derogatory about his past activities in order to explain the difficulties he encountered during the Secret Service polygraph examination. DOJ would include the offer as part of an overall offer of immunity. I've been told that DOJ is considering offering other individuals immunity, too, in connection with the assassination review. The immunity offer does not mean DOJ believes anyone it's interviewed has done anything wrong.

(C) DOJ has advised CIA that it will only use information the Agency provides "for lead purposes only." If DOJ decides later that it would like to use CIA information in a public DOJ report, DOJ has agreed that it will ensure CIA has no objections to the use of the information prior to releasing it publicly. DOJ has also agreed to treat its notes of CIA file reviews as classified unless told otherwise by CIA. Please let me know if you have any problems with assisting on DOJ's requests.

Thanks!

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Sent on 17 February 1999 at 04:25:08 PM

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